CHAPTER cxciv.

An Act for making a Railway from the Great Western Railway at Swindon to the London and South-western Railway at Andover; and for other purposes. A.D. 1873.

[21st July 1873.]

WHEREAS the making and maintaining of railways from Swindon to Marlborough, and from the Berks and Hants Extension Railway to Andover in the counties of Wilts and Hants, would be of great public and local advantage:

And whereas the persons in this Act named, with others, are willing at their own expense to construct the railways, and are desirous of being incorporated into a Company for the purpose:

And whereas it is expedient that the Marlborough Railway Company should be authorised to contribute to the undertaking:

And whereas it is expedient that the Great Western, the London and South-western, the Berks and Hants Extension, and the Marlborough Railway Companies should be authorised to enter into and carry into effect the agreements with the Company by this Act authorised:

And whereas plans and sections of the said intended railways showing the lines and levels thereof, and also books of reference to the plans, containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the respective clerks of the peace for the counties of Wilts and Hants, and are hereinafter respectively referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

A.D. 1873.

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Swindon, Marlborough, and Andover Railway Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Railways Clauses Consolidation Act, 1845," "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and Part I. (relating to construction of a railway) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the railways" means the railways by this Act authorised; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. The Right Honourable Lord Ernest Bruce, Thomas Best, William Edward Nicolson Browne, Thomas Appleford Gale, John Henry Gale, Ambrose Lethbridge Goddard, Matthew Henry Marsh, David Pierce Maurice, Frederick Perkins, Richard Edmonds Price, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, or assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Swindon, Marlborough, and Andover Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railways according to

5. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways herein-after described,

with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are,— deposited plans.

A railway (No. 1) twelve miles and 9·40 chains in length, commencing in the parish of Swindon by a junction with the Great Western Railway near the Swindon Station, and terminating in the parish of Preshute in the Marlborough Station of the Marlborough Railway, at the termination of that railway:

A railway (No. 2) described on the deposited plans as railway No. 4, fourteen miles and 1·30 chains in length, commencing by a junction with the Berks and Hants Extension Railway in the parish of Great Bedwin in the county of Wilts, three hundred and fifty yards or thereabouts westwards of the bridge carrying the road leading from Wolfhall to Tottenham Park over that railway, and terminating by a junction with the London and South-western Railway to Salisbury and Exeter in the parish of Abbotts Ann, one hundred and forty-five yards or thereabouts, measuring in an easterly direction along that railway, from the mile or distance post on that railway indicating $67\frac{3}{4}$ miles from London.

Junction of railway No. 1 with the Great Western Railway to be formed according to agreed plan.

6. The junction of railway No. 1 with the Great Western Railway shall be formed only at the point shown on a plan signed by William George Owen, civil engineer, on behalf of the Great Western Railway Company (herein-after called "the Great Western Company"), and John Sewell, civil engineer, on behalf of the Company, and according to the said plan, one copy of which has been deposited with the secretary of the Great Western Company at his office at Paddington, and another copy with the secretary of the Company.

Costs to be borne by Swindon Company.

7. The Company shall pay to the Great Western Company all costs, charges, and expenses which may be incurred by them in consequence of or incident to the construction of the junction by this Act authorised with their railway, including the cost, charges, and expenses of the re-arrangement of their lines of railway and sidings, and of any additional works which may require to be constructed for the purposes or for the accommodation of the Company; or, if the Great Western Company so require, the Company shall pay them interest at the rate of six pounds per centum per annum on the moneys expended by them for and incident to the purposes aforesaid, and, failing agreement between the companies as to the

A.D. 1873.

amount to be so expended, or any of the matters herein-before referred to, the difference shall be determined and settled by Thomas Elliot Harrison, civil engineer, or, him failing, by an arbitrator to be appointed by the Board of Trade; and the decision of the said Thomas Elliot Harrison or of such arbitrator shall be binding and conclusive on the two companies, and the costs of the arbitration shall be defrayed as the said Thomas Elliot Harrison or the arbitrator shall direct.

Not to take lands of or interfere with the Great Western, Berks and Hants Extension, and Marlborough Railways except for the purposes of junctions.

8. Notwithstanding anything herein contained, it shall not be lawful for the Company, or for any person acting under or in the execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the lands, works, or property of the Great Western Company, the Berks and Hants Extension Railway Company, or the Marlborough Railway Company, or in any manner to alter, vary, or interfere with the Great Western Railway, the Berks and Hants Extension Railway, or the Marlborough Railway, or any of the works connected with those railways respectively, without the consent of the Great Western Company, under their common seal, and so far as respects the Berks and Hants Extension Railway and the Marlborough Railway, without also the consent of the owners of those railways respectively, save only for the purpose of effecting the junctions by this Act authorised with the aforesaid railways respectively.

Capital.

9. The capital of the Company shall be three hundred and seventy-five thousand pounds, in thirty-seven thousand five hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

10. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

11. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of persons not sui juris.

12. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to Marlborough Railway Company to subscribe.

13. The Marlborough Railway Company (herein-after called "the contributing company") may, with the authority of three fourths of the votes of their shareholders present in person or by

proxy at a general meeting specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking, not exceeding in the whole twenty-five thousand pounds, and the contributing company may, with the like authority, contribute and apply in or towards payment of the said subscription any moneys which they are already authorised to raise, and which may not be required by them for the purposes of their undertaking, and also any moneys which they are by this Act authorised to raise; and the contributing company shall, in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that the contributing company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

Power to borrow.

14. The Company may from time to time borrow on mortgage any sum not exceeding in the whole one hundred and twenty-five thousand pounds, but no part thereof shall be borrowed until the whole capital of three hundred and seventy-five thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

15. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than ten thousand pounds in the whole.

A.D. 1873.

Debenture stock.

16. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

17. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act and of the Company's undertaking only.

First ordinary meeting.

18. The first ordinary meeting of the Company shall be held within three months after the passing of this Act.

Number of directors.

19. The number of directors shall be ten, but the Company may from time to time reduce the number, provided that the number be not less than five.

Qualification of directors.

20. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum of directors.

21. The quorum of a meeting of directors shall be six, but if the number of directors be reduced to five the quorum shall be three.

First directors.

22. The Right Honourable Lord Ernest Bruce, Thomas Best, William Edward Nicolson Browne, Thomas Appleford Gale, John Henry Gale, Ambrose Lethbridge Goddard, and Matthew Henry Marsh, and three other persons to be nominated by them and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845;" and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors

until others are elected in their stead, in manner provided by the same Act.

Lands for extraordinary purposes.

23. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed seven acres.

Powers for compulsory purchases limited.

24. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the period of three years from the passing of this Act.

Inclination of roads.

25. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. of Railway.	No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
1	3	Ogbourn Saint Andrew.	Public road - -	1 in 12.
1	9	Ogbourn Saint Andrew.	Public road - -	1 in 15 on one side.
2	8	Wootton Rivers -	Public road - -	1 in 11 on one side.

Power to agree with Great Western Railway Company as to station at Swindon.

26. The Company and the Great Western Company may, with the authority of three fourths of the votes of their respective shareholders present in person or by proxy at a general meeting of the respective companies specially convened for the purpose, make and carry into effect all such agreements as they may think fit with regard to the use of that company's station at Swindon for the accommodation of the traffic, whether in passengers or in goods, animals, minerals, or other matters and things carried upon the railway of the Company; and the Great Western Company shall accommodate the traffic of the Company in their station at Swindon, and shall provide all necessary staff and afford all necessary facilities for the working of the said traffic to, from, and in the said station, all upon such terms and conditions as may from time to time be agreed on between the Company and the Great Western Company, or, in the event of difference, upon such terms and conditions as shall be from time to time determined and settled by the said Thomas Elliot Harrison, or, him failing, by an arbitrator to be appointed by the Board of Trade, and the decision of the said Thomas Elliot Harrison or of such arbitrator shall be binding and conclusive on the two companies, and the costs of the arbitration

A.D. 1873.

shall be defrayed as the said Thomas Elliot Harrison or the arbitrator shall direct.

Confirmation of agreement with the London and South-western Railway Company.

27. The agreement made between the London and South-western Railway Company (herein-after called "the South-western Company") and the promoters of the Company, which is set forth in the schedule to this Act, is hereby confirmed and made binding on that company and the Company respectively, and full effect may and shall be given thereto.

Power to agree further with London and South-western Railway Company as to station at Andover.

28. Subject to the provisions in that behalf contained in the agreement in the schedule to this Act annexed, the Company and the South-western Company may, with the authority of three fourths of the votes of their respective shareholders present in person or by proxy at a general meeting of the respective companies specially convened for the purpose, make and carry into effect all such further agreements as they may think fit with regard to the use of that company's Andover Junction Station for the accommodation of the traffic, whether in passengers or in goods, animals, minerals, or other matters and things carried upon the railway of the Company.

Power to enter into agreements with Marlborough and Great Western Railway Companies as to alteration of Marlborough Railway.

29. The Company on the one hand, and the Marlborough Railway Company and the Great Western Company on the other hand, may make and carry into effect agreements with respect to such alterations and deviations of the line and levels of the Marlborough Railway Company as may be necessary to admit of the same being worked continuously with and as part of the railways hereby authorised, and with respect to the cost of such alterations and deviations, and the proportions, if any, in which the same shall be borne and paid by the respective companies, or some or one of them, the interest or dividend to be paid on such cost, or the allowance from traffic receipts to be made in respect thereof, or otherwise in relation to the matters aforesaid, or some or one of them.

Providing for certain alterations of Berks and Hants Extension Railway.

30. If the Berks and Hants Extension Railway between the junction of the Marlborough Railway with that railway and the commencement of railway No. 2 by this Act authorised and the Marlborough Railway shall not previously be adapted for the passage of engines and carriages along the same, on the gauge of four feet eight and a half inches, the Berks and Hants Extension Railway Company and the Marlborough Railway Company, or the Great Western Company so far as respects the Marlborough Railway, shall, provided they receive from the Company six calendar months notice in writing previous to the opening of the railway

No. 1 by this Act authorised for public traffic, adapt the aforesaid portion of railway and railway so as to admit of the passage of engines and carriages along the same on the gauge of four feet eight and a half inches, and shall have the same open and ready for traffic by the time the railway No. 1 is completed and opened for traffic; and the terms and conditions on which such railway or portion of railway or any part thereof shall be adapted as aforesaid shall be determined and settled by the said Thomas Elliot Harrison, or, him failing, by an arbitrator to be appointed by the Board of Trade, and the decision of the said Thomas Elliot Harrison or of such arbitrator shall be binding and conclusive on all the parties in difference, and the costs of the arbitration shall be defrayed as the said Thomas Elliot Harrison or the arbitrator shall direct; and if at any time hereafter the Company shall convert their railway into a double line of railway, the Berks and Hants Extension Railway Company shall also convert the aforesaid portion of their railway into a double line of railway.

Power to enter into agreements with London and South-western Railway Company as to alteration of portion of London and South-western Railway.

31. Subject to the provisions in that behalf contained in the agreement in the schedule to this Act annexed, the Company on the one hand, and the South-western Company on the other hand, may make and carry into effect agreements with respect to such alterations and deviations of the line and levels of the London and South-western Railway as lies between the termination of the railway No. 2 hereby authorised and the Andover Station, and the widening of so much of that portion of the London and South-western Railway as may be necessary to admit of the same being worked continuously with and as part of the railways hereby authorised.

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

32. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, the sum of eighteen thousand nine hundred and thirty-three pounds six shillings and tenpence three pounds per centum consolidated Bank annuities, being equal in value to the sum of seventeen thousand four hundred and sixty-six pounds, being five per centum upon the amount of the estimate in respect of the railways, has been transferred to the Paymaster General on behalf of the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said stock so transferred as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the

A.D. 1873.

warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railways hereby authorised to be made, either open the railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the said railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said stock transferred as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Providing for application of deposit.

33. The said stock transferred as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or

to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said stock has been retransferred to the depositors or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

34. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

35. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed in carriages upon the railways or any part thereof, as follows:

Passengers.

For every person conveyed in or upon any such carriage, per mile twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny:

Animals.

Class I.—For every horse, mule, ass, or other beast of draught or burden conveyed in or upon such carriage, per mile threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny:

Class II.—For cattle conveyed in or upon any such carriage, per head per mile twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one penny:

Class III.—For every calf, pig, sheep, or other small animal conveyed in or upon any such carriage, per mile one penny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of one halfpenny.

Tolls for goods.

In respect of goods conveyed on the railways:

Class IV.—For all coal, dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads or highways, all stones for building, pitching, and paving, tiles, slates, clay, ironstone, iron ore, and pig iron,

A.D. 1873.

per ton per mile one penny halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

Class V.—For all coke, culm, charcoal, and cinders, sheet iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils, bricks, salt, sand, fireclay, and stone, per ton per mile twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

Class VI.—For sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves and deals, nails, anvils, vices, and chains, per ton per mile twopence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

Class VII.—For cotton and other wools, drugs, manufactured goods, and metals (except iron and tin), and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

Class VIII.—And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, per mile sixpence; and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Limiting charges for propelling power.

36. The toll which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

37. The following provisions and regulations shall apply to the fixing of the tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, minerals, or goods conveyed on the railways for a less distance than four miles, the Company may demand and receive the before-mentioned tolls as for four miles:

For a fraction of a mile beyond four miles or beyond any greater

number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

With respect to all articles except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weights.

38. With respect to small packages not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railways:

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, ninepence:

And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight, the Company may demand any sum they think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight:

For the carriage of any single article the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, the Company may demand any sum not exceeding sixpence per ton per mile:

A.D. 1873.

For the carriage of any single article the weight of which, including the carriage, exceeds eight tons, the Company may demand and take any sum they think fit.

Maximum rates for passengers.

39. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways, including the tolls for the use of the railways and of carriages and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, threepence per mile:

For every passenger conveyed in a second-class carriage, twopence per mile:

For every passenger conveyed in a third-class carriage, one penny per mile.

Maximum rates for animals and goods.

40. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways, including the tolls for the use of the railways and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where any such service is performed by the Company, shall not exceed the following sums; (that is to say,)

For every animal mentioned in Class I., per mile fourpence:

For every animal mentioned in Class II., per mile threepence:

For every animal mentioned in Class III., per mile one penny halfpenny:

For the articles and goods mentioned in Class IV., per ton per mile one penny halfpenny:

For the articles and goods mentioned in Class V., per ton per mile twopence:

For the articles and goods mentioned in Class VI., per ton per mile threepence:

For the articles and goods mentioned in Class VII., per ton per mile fourpence:

For any carriage mentioned under Class VIII., not weighing more than one ton, sixpence per mile; if weighing more than one ton, one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

Passengers luggage.

41. Every passenger travelling upon the railways may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

42. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

43. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

Company may take increased charges by agreement.

44. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description, by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Running powers over portions of London and South-western Railway and use of Andover Station.

Terms of such use.

45. Subject to the provisions contained in the agreement in the schedule to this Act annexed, the Company may run over and use with engines and carriages of every description, and for the purposes of their traffic, the additional line or lines of rails to be formed as in that agreement provided between the termination of railway No. 2 hereby authorised and the Andover Junction Station of the South-western Company, together with that station, and all sidings, watering places, booking offices, and other conveniences connected therewith respectively; and the terms, conditions, and regulations to which the Company shall be subject in respect of such running over and use, and the tolls or other consideration to be paid by them for the same, shall, if not otherwise from time to time agreed upon between them and the South-western Company, be the terms, conditions, and regulations and tolls or other consideration provided for in or under that agreement.

Running powers over the Marl-

46. The Company, when and so soon as their railway has been completed and opened for traffic from Swindon to Marlborough,

A.D. 1873.

borough Railway and a portion of the Berks and Hants Extension Railway.

may run over and use with their engines and carriages of every description, and for the purposes of their traffic, the Marlborough Railway, and also so much of the Berks and Hants Extension Railway as lies between the junction of the Marlborough Railway with that railway and the commencement of railway No. 2 by this Act authorised, and the stations, sidings, watering places, booking offices, and other conveniences connected with the said railway and portion of railway respectively.

Terms of such use.

47. The terms, conditions, and regulations to which the Company shall be subject in respect of running over and using the Marlborough Railway, and the stations, sidings, watering places, booking offices, and other conveniences as aforesaid, and the said portion of the Berks and Hants Extension Railway and the Savernake Station thereon, and the tolls or other consideration to be paid by them for the same, if not agreed upon between the Company and the Marlborough Railway Company and the Great Western Company, and between the Company and the Berks and Hants Extension Railway Company and the Great Western Company, as the case may be, shall from time to time be determined and settled by the said Thomas Elliot Harrison, or, him failing, by an arbitrator to be appointed by the Board of Trade, and the decision of the said Thomas Elliot Harrison or of such arbitrator shall be binding and conclusive on all the parties in difference, and the costs of the arbitration shall be defrayed as the said Thomas Elliot Harrison or the arbitrator shall direct: Provided always, that the Berks and Hants Extension Railway Company and the Great Western Company shall be paid, in respect of the user of the aforesaid portion of the Berks and Hants Extension Railway by the Company, not less than a minimum annual sum of three hundred pounds sterling over and above the sum or sums to be paid for the use of the Savernake Station and the works and conveniences connected therewith.

Running powers to the Great Western Railway Company over railway No. 1.

48. The Great Western Company may run over and use with their engines and carriages of every description, and for the purposes of their traffic, the railway No. 1 by this Act authorised or any part thereof, and the stations, sidings, watering places, booking offices, and other conveniences connected with the said railway or any part or parts thereof.

Terms of such use.

49. The terms, conditions, and regulations to which the Great Western Company shall be subject in respect of running over and using the said railway No. 1 or any part or parts thereof, and the

stations, sidings, watering places, booking offices, and other conveniences connected with the said railway or any part or parts thereof, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon between the Company and the Great Western Company, be from time to time determined and settled by the said Thomas Elliot Harrison, or, him failing, by an arbitrator to be appointed by the Board of Trade, and the decision of the said Thomas Elliot Harrison or of such arbitrator shall be binding and conclusive on the two companies, and the costs of the arbitration shall be defrayed as the said Thomas Elliot Harrison or the arbitrator shall direct.

Power to the Marlborough Railway Company to raise money by the creation of shares or stock.

50. The Marlborough Railway Company may from time to time raise, for the purposes of their subscription to the undertaking hereby authorised, any capital not exceeding in amount the whole amount which the said company may agree to subscribe, by the issue at their option of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively; and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters, namely,—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of the subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested; and

Part I. (relating to cancellation and surrender of shares) and

Part II. (relating to additional capital) of "The Companies Clauses Act, 1863,"

shall extend and apply to the contributing company, and to the additional capital which they are by this Act authorised to raise.

Shares of Marlborough Company not to be issued until

51. The contributing company shall not issue any share under the authority of this Act of any less nominal value than ten pounds,

A.D. 1873.

nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

one fifth part thereof shall have been paid up.

Application of moneys raised by the contributing company.

52. All moneys which the contributing company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

Votes of contributing company at general meetings.

53. The contributing company, whilst shareholders of the Company, may by writing under their common seal from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings, and may vote thereat in respect of the capital held by the contributing company.

Saving rights of Great Western Railway Company.

54. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, interests, privileges, or powers of the Great Western Company, otherwise than is by this Act expressly provided.

Interest not to be paid out of capital.

55. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of calls paid in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of Company's capital.

56. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or execute any other work or undertaking.

Railways not exempt from provisions of present and future general Acts.

57. Nothing in this Act contained shall exempt the railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

A.D. 1873.

Expenses of Act.

58. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

A.D. 1873.

SCHEDULE.

Heads of Agreement made this seventh day of July 1873, between William Edward Nicolson Browne, of Chesledon in the county of Wilts, Esquire, and John Henry Gale, of the Park in the parish of Ogbourne in the same county, Esquire, two of the promoters of the intended Swindon, Marlborough, and Andover Railway Company (herein-after called "the Swindon Company"), of the one part, and the London and South-western Railway Company (herein-after called "the South-western Company") of the other part.

1. In consideration of the Swindon Company having agreed with the South-western Company not to seek for running powers over that Company's railways (except so far as may be authorised by the passing of the Swindon Company's Bill), the South-western Company agree to concede to the Swindon Company full and complete facilities for the receiving and forwarding all traffic in transit to and from the Swindon Company's railways over the railways of the South-western Company, on terms and conditions to be arranged by mutual agreement, or, in case of difference, to be from time to time determined and settled by Thomas Elliot Harrison, Esquire, C.E., who is hereby appointed by both parties as sole arbitrator in that behalf, or, him failing, by an arbitrator to be from time to time appointed by the Board of Trade on the application of either party.

2. If at any future time the traffic of the Swindon Company shall require it, the South-western Company agree at their own expense to convert their Andover and Redbridge Railway into a double line and to remove all objectionable curves therefrom, and in the event of difference as to whether it be requisite for the due accommodation of the traffic that the line or any portion thereof should be doubled and the objectionable curves (or any of them) removed therefrom, such questions shall be determined and settled by the said Thomas Elliot Harrison, or, him failing, by an arbitrator to be appointed by the Board of Trade on the application of either party.

3. The new railways to be constructed and maintained exclusively on the narrow gauge of four feet eight and a half inches.

4. As regards the Abbott's Ann Junction and the land required for it, the same to be subject to the provisions of "The Railways Clauses Act, 1863."

5. No junction to be made with the South-western Railway at or near the point of junction at or in the parish of Abbots Ann shown on the deposited

plans, but a sufficient junction for the passing of carriages and waggons from the one railway to the other to be made between the additional or side lines of railway next mentioned and the existing lines of the South-western Company in or near the Andover Junction Station.

6. The Swindon Company to purchase any land necessary for the purposes of this and the eighth head, and to convey such land free of cost to the South-western Company; the South-western Company to widen their existing railway between the point of junction shown on the deposited plans and their Andover Junction Station, and to lay down a third or side line of railway, or in their option two such side lines for all or any portion of that distance, on the land so to be purchased between those points, and to maintain such line or lines at the expense of the Swindon Company. All land to be purchased by the Swindon Company for the purposes of this and the eighth head, unless with the consent of the South-western Company, to be to the northward of the present northern boundary of the land now belonging to the South-western Company.

7. These additional line or lines of rails to be the means by which the Swindon Company's traffic shall (unless the companies from time to time otherwise agree) approach and leave the South-western Company's Andover Junction Station, and for the purposes of toll or mileage apportionment are to be considered as of the length of two miles; and in any event a minimum perpetual annual rent or payment equal to six pounds per centum on the outlay in the construction of such additional line or lines, with the necessary sidings, junctions, signals, and other apparatus, to be paid to the South-western Company half-yearly for its use. A scale or rate of toll or remuneration for the use of the additional line or lines to be agreed on, or, failing agreement, to be settled by the said Thomas Elliot Harrison, or, him failing, by an arbitrator from time to time appointed by the Board of Trade; and if in any year the tolls or other remuneration are less than the minimum annual rent or payment for that year, then the minimum annual rent or payment to be paid for that year instead of that amount of tolls or other remuneration; and if the amount of tolls or other remuneration in any year exceed the amount of the minimum annual rent or payment, then in that year the excess to be paid in addition to the annual minimum.

8. The South-western Company to provide or afford reasonable station accommodation in and at their Andover Junction Station (including any necessary addition thereto, as the southern terminal station of the Swindon Company, on lands to be provided as mentioned in the sixth head,) for the Swindon Company's traffic, of whatsoever description, inclusive of that which may be necessary for that company's carriages and engines, and also to provide proper service of booking and goods clerks and other staff for booking, receiving, handling, and forwarding such traffic, upon terms to be agreed on, or, failing agreement, to be determined and settled by the said Thomas Elliot Harrison, or, him failing, by an arbitrator to be from time to time appointed by the Board of Trade.

9. There shall be paid to the South-western Company for the use by the Swindon Company of the South-western Company's Andover Junction Station,

A.D. 1873.

and the additional station accommodation in connexion therewith, an annual sum for the expense of the South-western Company in maintaining the additional station accommodation, and a minimum annual rent equal to six pounds per centum per annum on all outlay made by the South-western Company for providing such accommodation for the use of the Swindon Company, the same to be paid by the Swindon Company to the South-western Company half-yearly, and a scale of remuneration for the use of the Andover Junction Station, and of any additional station accommodation there to be agreed on, or, failing agreement, to be settled by the said Thomas Elliot Harrison, or, him failing, by an arbitrator from time to time appointed by the Board of Trade; and if in any year the remuneration according to the scale shall be less than the minimum annual rent or payment for that year, then the minimum annual rent or payment to be paid for that year instead of that amount of remuneration; and if the remuneration according to the scale in any year exceed the amount of the minimum annual rent or payment, then in that year the excess to be paid in addition to the annual minimum.

10. In settling the terms mentioned in the eighth head, and the scale of remuneration mentioned in the ninth head, the arbitrator shall have regard to the terminals received by the South-western Company at the Andover Junction Station in respect of traffic of the Swindon Company.

11. Before the South-western Company, with reference to the eighth head of this agreement, proceed to provide any additional station accommodation, the extent and nature thereof to be agreed on between them and the Swindon Company, or, failing agreement, to be settled by the said Thomas Elliot Harrison, or, him failing, by an arbitrator appointed by the Board of Trade; and if there shall be difference between the companies as to the expense actually incurred by the South-western Company in the provision of any such additional station accommodation, or under the sixth head, the same to be settled in like manner.

In witness whereof the South-western Company have caused their common seal to be affixed hereto, and the other parties to these presents have hereto set their hands, the day and year first above written.

W. E. N. Browne.
John H. Gale.

L.S. London and South-western Railway Company.

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