CHAP. lvi.

An Act for making a Railway from Yarmouth to Ventnor in the Isle of Wight, and a Tramway and Pier or Jetty at Yarmouth; and for other purposes. [16th June 1871.]

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WHEREAS the making of a railway from Yarmouth to Ventnor, and a tramway and a pier or jetty at Yarmouth, all in the Isle of Wight and county of Southampton, would be of great public and local advantage:

And whereas plans and sections of the intended railway, tramway, and pier or jetty showing the lines and levels thereof, together with a book of reference thereto containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands proposed to be taken for the purposes of the undertaking, have been deposited with the clerk of the peace for the county of Southampton:

And whereas the persons herein-after named, with others, are willing at their own expense to carry the said undertaking into execution if authorised by Parliament so to do, and are desirous of being incorporated into a company (in this Act called "the Company") for that purpose:

And whereas it is expedient that the Company and the Isle of Wight Railway Company should be empowered to enter into contracts and arrangements as herein-after provided:

And whereas the several 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, and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Short title.

1. In citing this Act for any purpose it shall be sufficient to use the expression "The Yarmouth and Ventnor Railway, Tramway, and Pier Act, 1871."

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Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to the cancellation and surrender of shares) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," and "The Harbours, Docks, and Piers Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to life-boats, and with respect to keeping a tide and weather gauge, shall not be in force under or for the purposes of this Act unless and until and except only so far as the Board of Trade, by notice in writing to the Company, require the Company to conform either wholly or in part to those provisions respectively.

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 expressions "the undertaking" and "the railway" in "The Railways Clauses Consolidation Act, 1845," mean respectively the railway and tramway by this Act authorised and the works connected therewith respectively, but not the pier or jetty nor the works connected therewith. In Part I. of "The Railways Clauses Act, 1863," the word "work" includes the pier or jetty by this Act authorised and the works connected therewith; in "The Harbours, Docks, and Piers Clauses Act, 1847," the expression "the undertakers" means the Company by this Act incorporated; and the expression "the pier," or "the harbour, dock, or pier," means the pier or jetty by this Act authorised; and the expression "superior courts" or "courts 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; and in this Act the expression "the undertaking" includes the railway, tramway, and pier or jetty by this Act authorised, and the works connected therewith, unless there be in the subject or context thereof something repugnant to or inconsistent with such construction.

Company incorporated.

4. George Wythes, Ulysses De Lungo, James Atkinson Longridge, and all other persons and corporations who have already sub-

scribed or who shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the railway, tramway, pier or jetty, and works hereby authorised, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Yarmouth and Ventnor Railway, Tramway, and Pier 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 railway, tramway, and pier.

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 railway, tramway, and pier or jetty herein-after described, with all proper stations, 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 railway, tramway, and pier or jetty herein-before referred to and authorised by this Act are,—

First. A railway nineteen miles eight chains and thirty links in length, commencing in the parish of Yarmouth in the Isle of Wight in the county of Southampton, on land adjoining the foreshore of the Solent, and terminating by a junction with the Isle of Wight Railway in the parish of Ventnor in the Isle of Wight aforesaid:

Second. A tramway three furlongs eight chains and forty links in length, commencing in the said parish of Yarmouth at or near the northern extremity of the quay adjoining the Castle at Yarmouth, and terminating in the parish of Thorley in the Isle of Wight in a field belonging or reputed to belong to Lord Heytesbury, and in the occupation of Lady Burrard:

Third. A pier or jetty one furlong four chains and twenty links in length, commencing at the commencement of the said railway, and extending thence in a northerly direction across the foreshore, and terminating in the Solent at a point three hundred yards, or thereabouts, from its commencement, and all necessary landing-stages and other works and conveniences connected therewith, the whole of which said pier or jetty and works will be situate in the said parish of Yarmouth and the bed of the sea adjoining the same.

Capital.

6. The capital of the Company shall be one hundred and thirty-five thousand pounds, in thirteen thousand five hundred shares of ten pounds each.

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Shares not to issue till one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, 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.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at the 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.

Power to divide shares.

9. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

10. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

11. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of the dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

12. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

13. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

14. The provisions of "The Companies Clauses Consolidation Act, 1845," (with respect to the forfeiture of shares for nonpayment of calls,) shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled, &c.

15. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

16. The second half shares under the Act shall be half shares in the capital of the Company, and every two preferred or deferred half shares held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow.

17. The Company may from time to time borrow on mortgage any sum not exceeding in the whole forty-five thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and thirty-five thousand pounds is subscribed for, 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 such capital has been

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subscribed for, 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 subscribers or their assigns, and that such subscribers or their 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.

For appointment of a receiver.

18. 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; and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than three thousand pounds in the whole.

Application of moneys.

19. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

20. The first ordinary meeting of the Company shall be held within six months after the passing of the Act.

Number of directors.

21. The number of directors shall be six, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

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

Quorum.

23. The quorum of a meeting of directors shall be four, but if the number of directors be reduced to three the quorum shall be two.

First directors.

24. George Wythes, Ulysses De Lungo, James Atkinson Longridge, and three other duly qualified directors to be appointed by them or the majority of them, 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 place of those not continued in office, the directors appointed by this Act 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

Election of directors.

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 in "The Companies Clauses Consolidation Act, 1845," contained; 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. A.D. 1871.

Lands for extraordinary purposes.

25. 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 twenty acres.

Period for compulsory purchase of lands.

26. The power of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to cross a certain road on the level.

27. Subject to the provisions of "The Railways Clauses Consolidation Act, 1845," and in Part 1 (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line of railway only, whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the road next herein-after mentioned; that is to say,

Number on deposited Plan.	Parish.	Description of Road.
10	Chale.	Public road.

Inclination of roads.

28. 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,)

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
36a	Freshwater - -	Public - - -	1 in 18
62	Chale - - -	Public - - -	1 in 16 } on one side, and level on the other.
1	Godshill - -	Public - - -	1 in 16
13	Whitwell - -	Public - - -	1 in 16
69	Whitwell - -	Public - - -	1 in 11

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Span of bridges.

29. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any spans not less than the spans herein-after mentioned in connexion with those roads respectively; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Span.
27	Freshwater - -	Turnpike - -	25 feet.

For the protection of the Ventnor Gas and Water Company.

30. Whereas the railway hereby authorised is intended to be constructed in the immediate neighbourhood of Ventnor in a tunnel or covered way and cutting through the high ground upon the north-west of the town from which the supply of water to the works of the Ventnor Gas and Water Company is mainly derived: And whereas the said gas and water company now, by virtue of "The Ventnor Gas and Water Act, 1866," supply, and their works had for many years previously supplied, the town of Ventnor and its neighbourhood with water: Be it therefore enacted as follows:

(*a.*) The Company shall lay a 9-inch glazed stoneware drain-pipe through the tunnel or covered way, and connect the same with the pipe or conduit which leads from the tunnel of the Isle of Wight Railway at Ventnor to the reservoir of the Ventnor Gas and Water Company, for the purpose of conveying all surplus water which shall flow into the said tunnel or covered way and cutting, between the eighteenth mile and sixth furlong (marked on the deposited sections) and the terminus of the railway, at its junction with the Isle of Wight Railway, which water shall not be required for the purposes of the Company as a railway company:

(*b.*) The Ventnor Gas and Water Company shall have reasonable access to the said tunnel and works during and after the construction thereof for the purpose of superintending the construction and maintenance of the conduit or channel and works whereby the water shall be conveyed to the said reservoir.

Animal power only to be used on tramway.

31. All carriages used on the tramway shall be moved by animal power only.

Houses of labouring classes.

32. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or

partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and they shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention to take the same. A.D. 1871.

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

33. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of six thousand two hundred and seventy-five pounds eight shillings and twopence, being five per centum upon the amount of the estimate in respect of the railway authorised by this Act, has been deposited with 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 recited Act, the said sum of six thousand two hundred and seventy-five pounds eight shillings and twopence so deposited 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 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 the completion of the railway hereby authorised to be made, either open the railway 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 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 railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner hereinafter 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.

Application of deposit.

34. The said sum of money deposited 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 abandon-

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ment of the said railway 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 sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall 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 survivor or survivors of them: Provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as hereinbefore 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.

35. The railway, tramway, and pier or jetty shall be completed within five years from the passing of this Act, and if the same shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railway, tramway, and pier or jetty, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls.

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

Tolls for passengers.

In respect of passengers and animals conveyed on the railway:

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

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

For every ox, cow, bull, or head of neat cattle, the sum of twopence per head per mile; and if conveyed in carriages

belonging to the Company an additional sum of one penny per mile :

For every calf, pig, sheep, lamb, and other small animal, one penny each per mile; and if conveyed in carriages belonging to the Company an additional sum of one halfpenny per mile.

Tolls for goods.

37. In respect of goods conveyed on the railway :

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, ashes, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny halfpenny; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny :

For all iron, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny :

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, iron hurdles, and for light iron castings, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny :

For cotton and other wools, drugs, rags, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding fourpence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny :

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, not exceeding sixpence per mile, and one penny halfpenny per mile for every additional quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

38. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of

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goods, in addition to the several other tolls or sums by this Act authorised to be taken; and the tolls which the Company may demand for the haulage of traffic on the tramway shall not exceed threepence for each passenger or animal, or for each ton of goods or other articles.

Regulations as to tolls.

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

For all passengers, animals, or goods conveyed on the railway for a less distance than four miles, the Company may demand tolls and charges 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 for passengers, animals, and goods as for one mile:

For a fraction of a ton the Company may demand tolls according to the numbers of the 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 weight.

40. With respect to small parcels 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 railway:

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

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

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, eightpence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, one shilling:

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which 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 on the railway:

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand any such sum as they think fit, not exceeding one shilling per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company shall demand such sum as they think fit.

Maximum rate for passengers.

41. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and 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, the sum of threepence per mile:

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

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

Maximum rates for animals and goods.

42. 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 railway, including the tolls for the use of the railway, 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 goods at any terminal station in respect of such goods, and for delivery and collection, and any other service 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 horse, mule, or other beast of draught or burden, fourpence per mile;

For cattle, threepence per head per mile;

For calves, pigs, sheep, and small animals, one penny halfpenny per mile;

For all coal, coke, and other articles herein-before classed therewith, twopence halfpenny per ton per mile;

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For all iron, and other articles herein-before classed therewith, threepence per ton per mile;

For all sugar, grain, and other articles herein-before classed therewith, fourpence per ton per mile;

For all cotton, and other articles herein-before classed therewith, fourpence per ton per mile;

And for every carriage of every description, not being a carriage adapted and used for travelling on a railroad, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile eightpence, and twopence for every additional quarter of a ton weight which such carriage may weigh.

Passengers luggage.

43. Every passenger travelling upon the railway 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.

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

Restrictions as to charges not to apply to special trains.

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

Company may take increased charges by agreement.

46. 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 on the railway 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.

Rates for use of pier.

47. It shall be lawful for the Company to demand and take for every person using the pier or jetty, or the approaches thereto, or landing or embarking in any boat or vessel at or from the pier or jetty, or lading or unlading thereat any goods, articles, animals, matters, or things, any sum or sums not exceeding the rates following; that is to say,

For every person, inclusive of his personal luggage, not exceeding one hundredweight, sixpence:

For every coach, chariot, phaeton, or other such like carriage drawn by two or more horses, one shilling and sixpence:
For every gig or carriage drawn by one horse, one shilling:
For every waggon, cart, van, or other such carriage, one shilling and sixpence:
For every horse or mule, ninepence:
For every ox, bull, cow, or bullock, sixpence:
For every ass or calf, threepence:
For every sheep or lamb, pig, or dog, one penny:
For meat and fish, fruit and vegetables, per hamper, sack, or basket, threepence:
For corn, flour, grain, seeds, or potatoes in sacks, per sack, threepence:
For corn, coal, flour, grain, seeds, potatoes, and other articles in bulk, and for goods, wares, or merchandise not before enumerated, per hundredweight, threepence:
For every boat or vessel of greater burthen than fifteen tons making fast to the pier or jetty, and remaining there for more than one quarter of an hour, one farthing per ton on the registered tonnage of such vessel for every quarter of an hour or fraction of a quarter of an hour during which the vessel was so made fast thereto; and for all other vessels such reasonable rate as to the Company may seem fit.

Exempting vessels belonging to Crown or customs, &c., and custom-house officers, &c.

48. Nothing in this Act contained shall extend to charge with rates or duties, or to regulate or subject to any control, any vessel or boat, officer or person, belonging to or employed in the service of Her Majesty, her heirs and successors, using the pier or jetty; but all such vessels, officers, or persons as aforesaid shall have the free use of the pier or jetty without any charge or rate being made for using the same: Provided always, that if any person claim and take the benefit of any such exemption as aforesaid without being entitled thereto, he shall for every such offence be liable to a penalty not exceeding ten pounds.

Cranes, weighing machines, &c.

49. It shall be lawful for the Company to erect or provide such cranes, weighing or other machines, conveniences, weights, and measures upon or near to the pier or jetty to be constructed or maintained by them under the provisions of this Act as they may think necessary for loading, unloading, measuring, and weighing any goods, articles, or things landed at or delivered from such pier or jetty, of which cranes, weighing and other machines, any person or persons shall, subject to the regulations established by the Company, be entitled to have the use and benefit who may have occasion to do so, and the Company (in addition to the other sums

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which they are by this Act empowered to demand) may demand, receive, and take for the use thereof such reasonable rates or charges as the Company may see fit.

Limits of pier.

50. The limits within which the powers of the pier-master may be exercised shall be the pier and a distance of one hundred yards measured in all directions from any part of the said pier or jetty.

Company to exhibit lights from sunset to sunrise.

51. The Company shall, at the outer extremity of the pier hereby authorised, exhibit from sunset to sunrise such lights (if any) as the Elder Brethren of the Trinity House of Deptford Strond shall from time to time direct.

Power to enter into traffic arrangements with Isle of Wight Railway Company.

52. The Company on the one hand, and the Isle of Wight Railway Company on the other hand, may from time to time enter into contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

The management, use, working, and maintenance of the railway, tramway, and pier or jetty, or either of them, or of any part or parts thereof:

The supply of any rolling or working stock, and of officers and servants for the conduct of the traffic on the railway, tramway, and pier or jetty, or either of them, or any part or parts thereof:

The payment to be made and the conditions to be performed with respect to the matters aforesaid:

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for the undertakings of the contracting Companies, and the fixing and division between the said Companies of the receipts arising from such traffic.

Terms of agreement.

53. The terms and conditions of any such contract or agreement shall, if not agreed upon between such two Companies, be from time to time determined by an arbitrator, to be appointed by the Board of Trade on the application of either party, and the decisions of any such arbitrator shall be binding and conclusive on the parties to the difference, and the cost and expenses of such arbitrator shall be defrayed as the arbitrator decides.

Tolls on traffic conveyed partly on the railway and partly on the railway of the Isle of Wight Railway Company.

54. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway by the Isle of Wight Railway Company, the railways of the Company and of the Isle of Wight Railway Company shall, for the purposes of tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the Isle of Wight

Railway Company for a less distance than four miles, tolls and charges may only be charged as for four miles, and for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the Isle of Wight Railway Company.

Power to enter into traffic arrangements with the London, Brighton, and South Coast Railway Company.

55. The Company on the one hand, and the London, Brighton, and South Coast Railway Company on the other hand, may from time to time enter into contracts and arrangements with respect to the interchange, accommodation, and conveyance of traffic arising on or coming from or destined for the undertakings of the two Companies, and with respect to the division and appropriation of the revenue arising from such traffic, and in order to afford all such accommodation to the public in reference to such traffic as the two Companies may deem practicable.

Interest not to be paid on calls paid up.

56. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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 capital.

57. 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.

Saving rights of the Crown in the foreshore.

58. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

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Saving of rights as to future accretions.

59. If any land to the seaward of the lands by this Act authorised to be embanked or reclaimed shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly, or otherwise, so as to be above instead of being, as all land to the seaward of the lands by this Act authorised to be reclaimed now is, below the line of ordinary high-water mark of the sea or of the River Yar, the Company shall not, by virtue of the ownership of any lands which they are by this Act empowered to reclaim, have any estate, right, or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the works by this Act authorised, or otherwise; but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty, or such other corporation, or person or persons, as is or are at the time of the passing of this Act entitled to the same, and as if the same had continued, as the same now is, subject to the flow and reflow of the ordinary tides.

Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

60. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the said River Yar, or of the sea beyond the mouth thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the water, the said Company shall not have or exercise any right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the land so inned, gained, or reclaimed for any purpose whatsoever, without the consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade are hereby authorised to give), but such inning, gaining, or reclamation shall enure absolutely for the benefit of the Queen's Majesty, her heirs and successors.

Saving rights of the Crown.

61. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the Company to take, use, or in any manner interfere with any land or hereditaments, or any rights, of whatsoever description, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities

vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Provision as to general Railway Acts.

62. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made 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.

Provision as to general Acts relating to piers, &c.

63. Nothing in this Act contained shall be deemed or taken to exempt the pier or jetty or the Company from the provisions of any general Act relating to piers or dues on shipping, or on goods carried in ships, now in force or which may be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the tolls, rates, dues, or duties by this Act authorised upon or in respect of the pier or jetty.

Agreement in schedule confirmed.

64. The agreement set forth in the schedule hereto is hereby confirmed as between the parties thereto.

Saving for Corporation of Yarmouth.

65. Nothing in this Act contained shall extend or be construed to extend to exempt the Company, or any other company, corporation, person or persons whomsoever, from payment of any tolls, rates, or duties which the Corporation of Yarmouth, under the provisions of the "Yar Bridge Act, 1858," or otherwise, are now entitled to demand and take in respect of goods, minerals, merchandise, cattle, and agricultural produce landed or embarked at their quay and harbour at Yarmouth; and the Company are hereby required, upon the corporation finding sufficient quay accommodation for the purpose, at all times to embark and disembark their goods, merchandise, minerals, cattle, and agricultural produce alone at such quay, or any substituted or extended quay from time to time provided by the corporation: Provided also, that the said Company shall not be called upon to pay to the said corporation a higher rate of tolls than is from time to time demanded and received from any other person or persons, company, or corporation using the quay for any of the purposes aforesaid; and in the event of any difference arising between the Company and the corporation in regard thereto, the same shall be determined by a person to be appointed by the Board of Trade.

Expenses of Act.

66. All 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.

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SCHEDULE.

Articles of an Agreement made this twentieth day of March one thousand eight hundred and seventy-one between Robert George Clutton, of Number 9, Whitehall Place, in the county of Middlesex, surveyor, acting on behalf of the Company, (to be hereafter incorporated, and intended to be called "The Yarmouth and Ventnor Railway, Tramway, and Pier Company,") and herein-after called "the said Company," of the one part, and the Right Honorable William Henry Ashe Baron Heytesbury, and Elizabeth Worsley Lady Heytesbury, his wife, of Heytesbury in the county of Wilts, of the other part.

Whereas a Bill for incorporating the said Company, and for authorising them to make "a railway from Yarmouth to Ventnor in the Isle of Wight, and a tramway and pier or jetty at Yarmouth, and for other purposes," is pending in Parliament: And whereas portions of the lands required for the said proposed railway are settled to the use of the said Lady Heytesbury and her assigns for her life, with remainder to the said Lord Heytesbury and his assigns for his life, with remainders over: And whereas at the request of the said Company, and in order to obviate all opposition by the said Lord and Lady Heytesbury to the passing of the said Bill, it has been determined that these presents shall be entered into and executed by way of agreement as herein-after appearing: Now, therefore, these presents witness, that, for the considerations herein appearing, it is hereby mutually agreed by and between the said Company, for themselves jointly and severally, on the one hand, and the said Lord Heytesbury, for himself and the said Lady Heytesbury, on the other hand, as follows; that is to say,

Article 1. That the said Company will not introduce or consent to there being introduced into the said Bill any clause or provisions which would prevent full effect being given to this agreement and the several clauses thereof.

Article 2. That two arches shall be built by the said Company for the purposes of forming roads under the said railway line (such roads to be properly metalled, so far as the level of the ground may be altered by the construction of the said line of railway, and approved drains to be laid and maintained by the said Company), of the sizes and dimensions following, namely, fifteen feet wide by fifteen feet high, and at the places herein-after mentioned; that is to say,

One near the boundary of the said Lord and Lady Heytesbury's property at or near the fourth furlong in the second mile, and

The other where the road leading from Compton Farm to the sea passes under the proposed line between the first and second furlongs in the fifth mile.

That proper occupation crossings shall be made at the following places, with gates so hung as to shut across the line, and of sufficient width for the passage of an ordinary field roller or seed drill; namely, Article 3.

(1.) One at the fourth furlong in the first mile on the road leading from Yarmouth Mill to the copse near.

(2.) Another near the first furlong in the second mile to admit of traffic from the farm to the shore.

(3.) One between the fifth and eighth furlongs in the fifth mile for the passage of stock to the lands on the south of the line, and for traffic with carts or carriages to and from the shore, the exact spot to be selected by the said Lord and Lady Heytesbury.

That in consideration of the said Lord Heytesbury agreeing to dispense with a siding at the second furlong of the fifth mile, the said Company shall and will carry, bring, take, and convey on their said railway the produce, manure, and other articles and merchandise of the said Lord and Lady Heytesbury, and of their tenants, to and from the station to be erected at Brook to the town of Yarmouth at the same charge as if the distance travelled had been only from the said siding and not from the said station at Brook, the intent being to give Lord and Lady Heytesbury and their tenants, as regards cost of carriage, the same advantage as if the said siding had been built as at first proposed. Article 4.

That the present public road at Compton shall be deviated as shown in the deposited plan, and from the point where, between the first and second furlongs in the fifth mile, it joins the public road leading from Compton Farm, it shall be continued eastward alongside the railway, of a full width, and on an even slope, or such slope as the nature of the ground will permit, through the cutting in Nos. 44 and 45, and so on until it joins the Military Road, which, at a point between the fourth and sixth furlongs, shall be brought on to the north side of the said railway line, the intent being to give Lord and Lady Heytesbury full and complete access, without level crossings, to all the lands lying on the north side of the Military Road, and further, to give themselves and their tenants free egress from Compton Farm, without having to cross the Military Road on the level between Compton Farm and the proposed station at Brook; and the said Company will use their best endeavours to connect the same public road with the Military Road at the seventh furlong of the third mile. Article 5.

That from the fourth furlong of the first mile to the first three chains in the second mile the Company shall and will, while the line is in progress, form a solid continuous roadway on the western side of the railway, twenty feet in width at the top and two feet above the level of high water, spring tide; but the Company shall not be required to pay for the land over which the said road is made or to metal the same. Article 6.

That from the fourth furlong in the first mile to the said three chains on the second mile the line shall not deviate eastward from the centre line, as shown in the said plan, except to such extent, if any be necessary, to construct the road embankment, to be made westward of the line, without injury to or necessitating the reconstruction of the existing sluice. Article 7.

That the main sluice at Bamfield Marsh, and the sluices above the Yarmouth Mill (excepting the old sluice near the fourth furlong on the first mile), shall be Article 8.

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taken by the said Company, and for ever hereafter be maintained in proper repair and condition.

Article 9. That the road embankment leading from Yarmouth Mill, and numbered 10 on the deposited plan of that parish, up to the point at the fourth furlong on the line, while the line is in progress, shall be widened by the said Company on the east side thereof, and shall be left wide enough to form a road twenty feet wide on the top at the present level; but the said Company shall not be required to metal the same or pay for the land over which the same passes.

Article 10. That in the event of the said Bill passing into law, all the reasonable engineering, surveying, and other charges and expenses which have been and may hereafter be incurred by the said Lord and Lady Heytesbury in relation to the preparation, perusal, engrossing, stamping, and execution of these presents, and the duplicate thereof, shall be paid by the said Company within three calendar months after the said Bill shall have received the Royal Assent.

Article 11. That an agreement embodying the terms herein-before set forth shall be prepared and entered into, and sealed with the common seal of the Company, within three months after the passing of the Act.

In witness whereof the parties aforesaid have hereto set their hands the day and year first above written.

Heytesbury.
Elizabeth Heytesbury.
R. G. Clutton.

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