



CHAPTER cxviii.

An Act to authorise the London and South-western Railway Company and the London, Brighton, and South Coast Railway Company to extend their Joint Line at Portsmouth, and for other purposes connected with the said extension.

A.D. 1873.

[7th July 1873.]

WHEREAS by virtue of "The Brighton and Chichester (Portsmouth Extension) and London and South-western Railways Act, 1847," (herein-after referred to as the Act of 1847,) the London and South-western Railway Company and the London, Brighton, and South Coast Railway Company (who are herein-after referred to as the two Companies) are now joint owners of a portion of railway in the county of Southampton extending from a point near Cosham to the joint station of the two Companies at Portsea, which portion of railway is in the said Act and herein-after called the joint line :

10 & 11 Vict.
c. ccxliv.

And whereas by virtue of the said Act the joint line is under the control and management of a committee composed of an equal number of the directors of each Company, and named in the said Act the joint committee :

And whereas the extension of the joint line into Portsmouth Harbour would be a work of public and local advantage, and it is expedient that the two Companies should be authorised to make such extension and the works herein-after mentioned in connexion therewith, and that the powers herein-after contained should be conferred upon the two Companies and the joint committee accordingly :

And whereas it is expedient that the powers herein-after contained should be conferred upon Her Majesty's Principal Secretary of State for War and the Lords Commissioners of the Admiralty with respect to the undertaking hereby authorised :

And whereas it is expedient that the two Companies should be empowered to purchase the undertaking of the Portsmouth

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A.D. 1873. Harbour Pier Company known as the Albert Pier, and that the provisions herein-after contained should be made with regard to such purchase :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and the lands in or through which the same are to be made and maintained, or which may be taken for the purposes and under the powers of this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the same lands, were duly deposited with the clerk of the peace for the county of Southampton, and are herein-after respectively referred to as the deposited plans, sections, and book of reference :

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

Short title.

1. This Act may be cited as "The Joint Portsmouth Railway Extension Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ;"

"The Railways Clauses Consolidation Act, 1845 ;"

Part I. of "The Railways Clauses Act, 1863," (relating to "construction of a railway"),
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 railways" means the railways by this Act authorised ; and the expression "superior courts" or "courts of competent jurisdiction," or other like expressions 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 simple contract debt, and not a debt or demand created by statute.

Power to execute works according to deposited plans.

4. Subject to the enactment next herein-after contained, and to the other provisions of this Act, the two Companies may make and maintain in the line and according to the levels shown on

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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 book of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are :

Railway No. 1. A railway one mile, six chains, and fifty links in length, commencing in the parish of Portsea by a junction with the joint line near the Portsmouth terminus thereof near the north end of Blackfriars Road, passing thence through or over the glacis and the old fortifications, and through or over the Old Gun Wharf of Her Majesty's War Department, and thence by means of a pier or viaduct over or upon the foreshore and across the Albert Pier, and terminating on the said foreshore at a point about five chains south of the Common Hard, near the western end thereof :

Railway No. 2. A railway about twenty-one chains and eighty links in length, commencing by a junction with railway No. 1 at the west side of the Royal Albert Pier, and terminating at the south-western corner of Watering Island Jetty.

The said railways will be situate wholly in Portsea and Portsmouth and the borough of Portsmouth, all in the county of Southampton.

5. Notwithstanding anything contained in the deposited plans and sections, the two Companies shall construct the railways and works westward of the fifth furlong marked on the deposited plans only in conformity with the amended plans agreed to by the War Department and the Admiralty; and the two Companies shall not enter upon, take, or use any lands for the purposes of this Act, or execute any works under the authority of this Act, until they shall have deposited a copy of the said plans with sections thereto, authenticated respectively by the seals of the two Companies, with the town clerk of the borough of Portsmouth, and with the clerk of the peace for the county of Southampton, and the plans and sections so to be deposited are herein-after referred to as the amended plans.

Providing for lines within Crown lands.

6. If in the execution of the powers of this Act the two Companies shall interfere with buildings belonging to the War Department, they shall, upon land to be provided by the same department, erect with all convenient speed, and to the reasonable satisfaction of the said department, other buildings in the stead of those so interfered with, and if the two Companies shall neglect to erect such buildings the same may be constructed by the said department, and

Providing for works for War Department.

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Providing
for branch
to Gun
Wharf.

7. The two Companies shall also construct and maintain upon land to be provided by the War Department, and in such direction as the said department shall prescribe, a siding or branch railway from the railway No. 1, shown on the amended plans, into the lands marked upon the said plans as "Old Gun Wharf."

For securing
completion of
railway
No. 2.

8. The two Companies shall not, except with the consent of the Lords Commissioners of the Admiralty, open for public traffic the railway No. 1 hereby authorised until they shall have completed to the satisfaction of the said Commissioners and of the War Department the railway No. 2. And the two Companies shall at all reasonable times when required by the Lords Commissioners convey over the railway No. 2, and over any tramways or railways belonging to the Lords Commissioners adapted to the engines and trains of the Company, into and from the dockyard or any part thereof, all traffic destined to or coming from the said dockyard, at such rates and fares as shall from time to time be agreed on between the said Lords Commissioners and the Company.

Providing
for landing
stages.

9. Subject to the provisions herein-after contained, the two Companies may construct and maintain in connexion with the railways all such landing-places, stages, pontoons, sheds, buildings, roadways, and other works as may be necessary for the comfort and security of passengers, and for the safe landing and delivery of goods, animals, and minerals.

Provision for
public land-
ing-place
and approach
thereto.

10. The two Companies shall construct, maintain, and keep lighted in connexion with their railway a public landing-place at the north end of and in a line with their landing-pier at Portsea, and also a convenient approach therefrom for the use of the public to the Companies main carriage road to their terminal station (which carriage road, including the pathway, is to be at least thirty feet wide), and from thence over that carriage road to the public street called "The Hard" at Portsea, and the said public landing-place shall have a frontage next the harbour of at least one hundred feet (with the same depth of water as at the Companies landing pier) and a width of thirty feet, and the said public approach therefrom to the Companies carriage road shall be constructed as follows, viz., by a hinged gangway of the width of fifteen feet extending from the floating pontoon which will form the said landing-place for a distance of about one hundred feet to a fixed gangway of the width of twenty feet, and from thence by that fixed gangway for a distance of about

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one hundred and eighty-five feet to the said Companies carriage road, provided that the two Companies shall be at full liberty to use the said public landing-place and approach for all purposes of their traffic, but not so as to prejudicially affect the public use thereof, and the two Companies shall also use their best endeavours to obtain the consent of the Lords Commissioners of the Admiralty, or other proper departments of the Government, for the removal of, and upon such consent being given shall remove, any logs lying on or near the site of the said proposed public landing-place and approach which may impede the access thereto from the harbour, and shall also provide two sets of steps for landing at the said fixed gangway, each to be not less than six feet wide, with landings nine feet long.

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11. In order to prevent injury to or obstruction in the said harbour, all works connected therewith shall be constructed by the two Companies under the superintendence and to the satisfaction of the Director of Works of the Navy for the time being.

For protection of Portsmouth harbour.

12. The bridges for carrying the railway over the roads numbered 11, 11a, and 15b on the deposited plans in the parish of Portsea shall each be constructed with three spans, the centre span to extend over the entire width of the carriageway, and the side spans to be supported by iron columns to be placed on the outer edge of the footways on each side of the carriageways, and the bridges for carrying the railway over all other existing or projected public roads shall be of the clear width of such roads respectively.

Provision as to bridges over roads.

13. The embankment of the railway across the portion of the glaciis intended to be devoted to a people's park, being number ten on the deposited plans in the parish of Portsea, shall be planted with ornamental shrubs and so kept up, and shall have two arched openings therein of at least twenty feet span each.

Provision as to planting embankment with shrubs, &c.

14. Except with the consent of the corporation of Portsmouth, signified in writing under their corporate seal, the railway shall be constructed across the Commercial Road, being number three on the deposited plans in the parish of Portsea, by means of a bridge not exceeding fifty feet in width, and the present level of that road shall not be lowered to any greater extent than three feet, and there shall be no erection on such bridge above the line of the parapets thereof, and the two Companies shall at their expense properly secure all existing sewers and drains which may be interfered with in constructing the railway across the same, and all alterations which may be made in such sewers or drains shall be done to the reasonable

Provision as to lowering Commercial Road, &c.

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Providing
for opening
bridge on
railway
No. 2.

15. The two Companies shall cause to be constructed and maintained upon railway No. 2, at such point as may be approved by or on behalf of the Lords Commissioners of the Admiralty, an opening bridge, which shall when open leave a passage through the said railway of the clear width of forty feet to provide a means of ingress and egress for vessels to and from the Watering Island, and the said bridge shall be under the control of the two Companies, and when required to be closed for Government purposes shall be so closed and worked by them at the expense of the Lords of the Admiralty, at a rate to be agreed upon between them and the two Companies.

Tolls to be
charged to
Admiralty
and War De-
partment.

16. The tolls which the two Companies shall charge to the Admiralty and War Department on the lines of railways hereby authorised shall not exceed the tolls authorised to be levied by the two Companies on their existing lines of railway respectively.

Lands for ex-
traordinary
purposes.

17. The quantity of land to be taken by the two Companies by agreement under the powers of this Act, for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed two acres.

Powers for
compulsory
purchases
limited.

18. The powers of the two Companies 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.

Penalties
imposed
unless the
lines are
opened
within the
time limited.

19. If the two Companies fail within the period limited by this Act to complete the railways, they shall be jointly liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per cent. on the estimated cost of the railways, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Paymaster General or of the Court of Chancery in England in the bank named in such warrant or order, and shall not be paid thereout except as herein-

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after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Companies were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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20. Every sum of money so recovered by way of penalty 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 Companies 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 sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall 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 Companies or either of them are insolvent and have 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 such Company, or be otherwise applied as part of the assets of that Company for the benefit of the creditors thereof.

Application of penalty.

21. If the railways are not completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the two Companies 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.

Period for completion of works.

22. Subject to the provisions of this Act the two Companies may enter upon, purchase, and take the lands delineated on the deposited plans and described in the deposited book of reference, which are

Additional land to be purchased by the two Companies.

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Charges for extra accommodation.

23. The two Companies may demand and take in respect of the use of any landing-places, stages, pontoons, sheds, and buildings which they may from time to time construct for the comfort and security of passengers, and for the safe landing and delivery of goods, animals, and minerals, such sum or sums of money as they may deem reasonable.

Providing for officers of Customs.

24. Sections 14 and 15 of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the construction of works for the accommodation of the officers of Customs, are incorporated with this Act, and, notwithstanding anything herein or hereby contained or implied, all Government officers being in the execution of their duty shall at all times have free ingress, passage, and egress into or along, through, and out of the property of the two Companies without payment.

Agreements between Companies and War Office and Admiralty.

25. The two Companies on the one hand, and Her Majesty's Principal Secretary of State for War and the Lords Commissioners of the Admiralty, severally, on the other hand, may from time to time enter into any contracts and agreements with respect to the construction, maintenance, working, and use of so much of the railways and works as may be constructed or maintained upon, across, or connecting lands, buildings, or other property which belong to or are vested in or are held by any person or persons in trust for Her Majesty, her heirs and successors, or which are under the control or supervision of the War Department or of the Admiralty respectively.

Provision as to purchase of Albert Pier.

26. The two Companies may purchase, and the Portsmouth Harbour Pier Company (herein-after called the Pier Company) may and shall sell and convey to them their undertaking authorised by the Portsmouth Harbour Pier Act, 1846, together with all buildings, property, and rights belonging or appertaining thereto; and upon such sale all the powers of the Pier Company with respect to levying of tolls, and otherwise in relation to their undertaking, shall vest in and belong to and be exercised by the two Companies, but subject to any conditions or restrictions to which the Pier Company are or may be legally subject, and the following conditions shall apply to such sale and transfer:

(a.) Such sale and transfer shall be carried into effect by a deed duly stamped truly stating the consideration thereof.

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- (b.) The receipt of three of the directors of the Pier Company for the purchase money shall be a sufficient discharge to the two Companies for the same, and the two Companies shall not, nor shall either of them, be required to look to or to be responsible for the application of the said purchase money.
- (c.) The purchase money shall be applied by the directors of the Pier Company in the first place in the discharge of all mortgages or other debts and liabilities affecting the said Company or their undertaking, and any balance remaining after the payment of such debts and liabilities shall be divided among the shareholders of the Pier Company in proportion to the amount of their several shares.
- (d.) In order to such distribution of the net assets of the Pier Company the directors of that company shall, as soon as may be after the discharge of the said debts and liabilities, give notice that they will on and after a day to be fixed in the notice make such distribution, and the said notice shall be advertised once in the London Gazette and once in each of three successive weeks in a London daily morning newspaper, and also in a newspaper published in Portsmouth, and a circular letter shall be sent to the shareholders of that company, either according to their addresses as they appear on the register of shareholders, or at their last known or usual place of abode, and the said notices and circulars shall specify the places and times at which such distribution will be made.
- (e.) Provided that when the directors of the Pier Company are, for twelve calendar months after the insertion in the London Gazette of the said advertisement, unable to ascertain the person to whom any part of the said moneys ought to be paid, and who can give an effectual receipt for the same, the directors of the Pier Company may at any time thereafter pay the same into the Court of Chancery under any Act from time to time in force for the relief of trustees.
- (f.) When the said moneys shall have been distributed in accordance with this Act, all the shares in the capital of the Pier Company shall immediately thereupon be by this Act cancelled, and all liabilities and rights with respect to those shares shall thenceforth be absolutely

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extinguished, and the Pier Company shall be dissolved, and all minute books, vouchers, deeds, and other instruments belonging to the same Company at the time of the said dissolution shall be deposited in such place as the Court of Chancery shall, on summary application to the said court, order or direct.

Powers of construction, &c. to be exercised by joint committee.

27. All the powers herein-before conferred on the two Companies for the construction, maintenance, management, and use of or otherwise in relation to the railways and works, and the entering upon and taking of lands for the purposes of this Act, shall be exercised by the joint committee; and the railways and works hereby authorised shall be deemed to be for the purposes of tolls, and in all other respects, parts of the joint line, as though the same had been included in the said Act of 1847; provided that all lands purchased for the purposes of this Act shall be conveyed to and vested in the two Companies jointly, and shall be for ever after held and enjoyed by them jointly.

Cost of construction to be paid as if railways were extensions of joint line.

28. The said railways and works shall be constructed, and the lands to be purchased under the powers of this Act shall be purchased, at the joint and equal expense of the two Companies, and the 15th, 16th, and 17th sections of the said Act of 1847 shall apply to the railways and works and the purchase of land and property hereby authorised.

Extending agreements relating to joint line.

29. Any agreements subsisting and in force between the two Companies with relation to the joint line, or any matters incidental thereto, shall, so far as they are applicable, be extended to the railways and works hereby authorised, and to the other purposes of this Act, and, excepting as in this Act is expressly enacted, nothing in this Act contained shall alter or affect the rights, liabilities, and obligations of the two Companies as between themselves with regard to the joint line or any matters incidental thereto. And except as aforesaid the provisions contained in the 27th section of the said Act of 1847, and the 50th, 51st, and 52nd sections of "The South-western Railway Act, 1859," with respect to contracts between the two Companies as to profits and expenses shall extend to the railways and works authorised by this Act, as fully as though the same had originally formed part of the joint line.

Power for London and South-western Railway Company to raise additional capital.

30. The London and South-western Railway Company from time to time may, by the creation and issue of new shares or new stocks, (whether preferential or ordinary, or both,) raise for the purposes of this Act, in addition to all other capital which they are authorised to raise, any further sum or sums of money

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not exceeding in the whole one hundred and twenty thousand pounds. A.D. 1873.

31. The London and South-western Railway 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. Shares of London and South-western Railway Company not to be issued until one fifth paid.

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

33. The provisions of sections 47 to 70 (both inclusive) of the "South-western Railway (Additional Powers) Act, 1862," with respect to preferential shares and stock and the cancellation of shares and stock, and the issue of new shares or stock instead of cancelled shares or stock, and with respect to voting for shares or stock, and otherwise respecting shares and stock, shall extend to this Act with respect to the London and South-western Railway Company, and the shares and stock which by this Act they are authorised to create and issue. Provisions of "London and South-western Railway Company's Act, 1862," to extend to shares and stock under this Act.

34. The London and South-western Railway Company may from time to time borrow on mortgage (in addition to any sums which they are now authorised to borrow) any further sum or sums of money not exceeding in the whole forty thousand pounds, provided that no part of that sum shall be borrowed until the whole additional capital of one hundred and twenty thousand pounds by this Act authorised to be raised is issued and accepted, and one half thereof is paid up, and the London and South-western Railway Company have proved to the justice who is to certify under section 40 of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of that additional 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 has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the additional 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 said Company, and of such other evidence as he shall think sufficient, he shall grant a London and South-western Railway Company may borrow further money.

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Existing mortgages of London and South-western Railway Company to have priority.

35. All mortgages granted by the London and South-western Railway Company in pursuance of any Act passed before the passing of this Act, and subsisting at the time of the passing of this Act, shall during the continuance thereof respectively have priority over any mortgages to be granted by virtue of this Act; provided that this section does not apply to any mortgage from time to time granted by the said Company in accordance with the section 21 of "The South-western Railway (General) Act, 1865," or section 60 of "The South-western Railway (General) Act, 1867."

Extending certain provisions of "Companies Clauses Consolidation Act, 1845," to additional capital of London and South-western Railway Company.

36. Subject to the provisions of this Act, all the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls and the merger and re-issue of forfeited shares;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock; and

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

shall be applicable to the capital and moneys hereby authorised to be raised by the London and South-western Railway Company by shares or mortgage, and to the proprietors thereof.

Application of moneys by London and South-western Railway Company.

37. All moneys raised under this Act by the London and South-western Railway Company, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Interest not to be paid by London and South-western Railway Company on calls paid up.

38. The London and South-western Railway 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 the calls made in respect of the shares held by him, but nothing in this Act shall prevent the said 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."

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39. The London and South-western Railway 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 said Company to construct any other railway or to execute any other work or undertaking.

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

40. The London, Brighton, and South Coast Railway Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise by virtue of "The London, Brighton, and South Coast Railway Act, 1868," or any other Acts relating to that company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to London, Brighton, and South Coast Railway Company to apply corporate funds to purposes of Act.

41. Nothing herein contained shall be deemed or construed to take away, prejudice, or lessen the liberties, customs, privileges, franchises, immunities, exemptions, rights, powers, and jurisdictions of the mayor, aldermen, and burgesses of the borough of Portsmouth in their corporate capacity to them belonging or appertaining, but the said mayor, aldermen, and burgesses, and all and every officer or officers of or belonging to such corporation, shall and may, from time to time, and at all times hereafter, have, hold, exercise, and enjoy all such liberties, customs, privileges, franchises, immunities, exemptions, rights, powers, and jurisdictions in as full, ample, and beneficial a manner to all intents and purposes as they respectively might have held and enjoyed the same before the passing of this Act, or in case the same had not been passed: Provided, however, and so as that such liberties, customs, franchises, privileges, immunities, exemptions, rights, powers, and jurisdictions do not in any way defeat or affect the end or design of this Act, or any of the provisions thereof.

Saving rights of corporation of Portsmouth.

42. Nothing in this Act contained shall authorise the two Companies to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by Her Majesty's Principal Secretary of State for the War Department for the time being, without his previous consent signified in writing under his hand, and which consent the said Principal Secretary of State for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the two Companies.

Saving rights of Her Majesty's Principal Secretary of State for War Department.

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Saving
rights of
Admiralty.

43. Nothing in this Act contained shall authorise the two Companies to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the Lords Commissioners of the Admiralty for the time being, without their previous consent in writing, which consent the said Lords Commissioners for the time being are hereby authorised to give, subject to such special or other conditions as they may see fit to impose upon the two Companies.

Saving
rights of the
Crown.

44. Nothing contained in this Act shall authorise the two Companies 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 this Act 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.

Saving
rights of
the Crown
in the fore-
shore.

45. Nothing contained in this Act shall authorise the two Companies 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 the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, 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 this Act 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.

Any land
reclaimed
by the works
not to be
taken with-
out the con-
sent of the
Board of
Trade.

46. 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 harbour or of the sea beyond the mouth thereof belonging to Her Majesty shall be inned, gained, or reclaimed from the water, the two Companies 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, but such innings, gaining, or reclamation shall

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Extension Act, 1873.

enure absolutely for the benefit of the Queen's Majesty, her heirs and successors. A.D. 1873.

47. 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 rates for small parcels. Railways not exempt from provisions of present and future general Acts.

48. 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 two Companies in equal proportions. Expenses of Act.

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