



## CHAPTER ccxliv.

An Act to empower the South Western and Isle of Wight Junction Railway Company to construct a railway and a pier to raise additional capital to enter into working agreements with the London and South Western Railway Company and for other purposes. [14th August 1903.] A.D. 1903.

**W**HEREAS by the South Western and Isle of Wight Junction Railway Act 1901 the South Western and Isle of Wight Junction Railway Company (in this Act called "the Company") were incorporated and authorised to make and maintain certain railways in the county of Southampton :

And whereas it would be for the public advantage that the Company should be empowered to make and maintain the railway and pier herein-after described :

And whereas it is expedient that the Company should be authorised to raise such additional capital and to borrow such further money as may be necessary for the purposes of this Act and of the undertaking of the Company :

And whereas it is expedient to authorise the Company and the London and South Western Railway Company to enter into and carry into effect working and traffic agreements as herein-after provided in relation to the authorised and intended railways and to the pier :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this

A.D. 1903. Act 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 objects aforesaid 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 King'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 :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the South Western and Isle of Wight Junction Railway Act, 1903.

Act divided into Parts. **2.** This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Construction of Works :

(1) Railway ;

(2) Pier.

Part III.—Lands.

Part IV.—Rates :

(1) Railway ;

(2) Pier.

Part V.—Additional Capital.

Part VI.—Miscellaneous.

Incorporation of Acts. **3.** The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

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 :

The Harbours Docks and Piers Clauses Act 1847 except sections 25 and 26 and except the provisions thereof with respect to lifeboats and to keeping a tide and weather gauge unless the Board of Trade shall in the case of such last-mentioned provisions otherwise require :

namely four hundred and twenty-five pounds four shillings and ninepence (herein-after referred to as "the railway deposit fund") is equal to five per centum upon the amount of the estimate in respect of the railway by this Act authorised and the balance whereof namely eight thousand and six pounds eleven shillings and eightpence (herein-after referred to as "the pier deposit fund") is equal to four per centum upon the amount of the estimate in respect of the pier by this Act authorised has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act. Be it enacted that notwithstanding anything contained in the said Act the railway deposit fund 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 (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the railway deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the railway deposit fund which bears to the whole of the railway deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors or the majority of them order the portion of the railway deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

7. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the railway deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable

Application  
of railway  
deposit fund.

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and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the railway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the railway deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the railway deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for  
completion  
of railway.

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

(2) *Pier.*

Power to  
make pier.

9. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown upon the deposited plans and sections the pier herein-after described which shall be partly open work and partly solid work.

The pier herein-before referred to and authorised by this Act is—

A pier situate in the parish of Milford in the rural district of Lyminster in the county of Southampton and on the foreshore and bed of the sea adjoining the same commencing at the point herein-before described



as the termination of the railway and terminating in the bed of the Solent at a point distant 1470 yards or thereabouts measured in a south-easterly direction from its commencement and 1180 yards or thereabouts measured in a north-easterly direction from the north corner of the coastguard enclosure at Hurst Castle. A.D. 1903.

**10.** In constructing the pier by this Act authorised the Company may deviate laterally to any extent within the limits of deviation shown upon the deposited plans and vertically from the levels shown upon the deposited sections to any extent not exceeding five feet downwards and ten feet upwards. Provided always that in the construction of the said pier below high-water mark the Company shall not deviate laterally or vertically without the consent in writing of the Board of Trade. Power to deviate.

**11.** The Company may for the purposes of this Act dredge and continue to dredge and otherwise deepen so much of the bed and foreshore of the sea adjoining the pier as may be necessary for the construction thereof and for securing convenient access for vessels thereto and may purchase hire provide and maintain all necessary dredgers barges and machinery therefor and may appropriate use and dispose of as they think fit the surplus soil and materials arising in the course of such dredging and deepening operations. Power to dredge.

**12.** Every person who wilfully obstructs any person acting under the authority of the Company in setting out the line of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the line of the works or defaces or destroys the works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for obstructing works.

**13.** If the pier is not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the pier or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of pier.

**14.** The limits within which the authority and jurisdiction of the Company with respect to the pier shall be exercised shall comprise the pier and the lands works and conveniences authorised to be acquired therefor or connected therewith respectively and (a) the area within a radius of five hundred yards Limits of Act.

A.D. 1903. from the centre of the pier head and (b) the area within a distance of two hundred yards on either side of the remainder of the pier.

Pier and works included in rural district of Lymington.

**15.** So much of the pier and works by this Act authorised as are to be made and constructed in and upon the foreshore and bed of the sea and not included in any parish shall from and after the completion of the said pier and works be included for all purposes in the parish of Milford and rural district of Lymington.

Subsidiary pier works.

**16.** The Company may construct and provide on or in connexion with the pier all necessary and proper railways sidings tramways footways carriageways approaches roads communications steps slipways embankments dams walls slopes groynes jetties landing stages quays culverts sewers drains buildings stations warehouses custom houses waiting rooms sheds toll-houses toll-gates or bars lamps lamp-posts cranes buoys dolphins moorings water gas and electric appliances and other works and conveniences.

Power to lease pier.

**17.** The Company may for any time not exceeding seven years lease the pier or any part thereof to any company body or person together with the tolls rates duties and other charges authorised to be taken in respect thereof or may let for hire or lease as aforesaid any warehouses sheds rooms or buildings or conveniences thereon separately from any other part of the pier upon such terms and conditions and for such period (not exceeding three years) as they think fit and such company body or person shall during the continuance of the lease and to the extent provided therein have and may exercise all or any of the powers conferred upon the Company by this Act in relation to the pier and shall be subject to the same provisions in respect thereof as are the Company under this Act.

Vessels not to anchor so as to obstruct access to pier.

**18.** No vessel shall without the consent of the pier master of the Company anchor within such a distance from the pier as will obstruct the free access of any vessel thereto.

Power to appoint meters and weighers.

**19.** The Company shall have the appointment of meters weighers and other officers and servants.

Life-buoys to be kept.

**20.** The Company shall at all times keep at the outer extremity of the pier a sufficient number of life-buoys and lines in good order and fit and ready for use.

Life-saving apparatus

**21.** The officers of the coastguard and all other persons for the time being actually employed in connexion with any lifeboat



or any apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

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may be  
attached to  
pier.

**22.** In case of injury to or destruction or decay of the pier or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any such directions.

Provision  
against  
danger to  
navigation.

**23.**—(1) The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals.

Works  
below high-  
water mark  
not to be  
commenced  
without  
consent of  
Board of  
Trade.

(2) If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such cost and charge shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

**24.** The Company shall at or near the works below high-water mark authorised by this Act during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade require or approve and if the Company fail to comply in any respect with the

Lights  
during con-  
struction.

A.D. 1903. provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights after completion of works.

**25.** The Company shall at the outer extremity of their works below high water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall direct and if the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of works by Board of Trade.

**26.** If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal waters or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

**27.** If any of the works constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Railway and pier part of undertaking.

**28.** The railway and the pier shall for all purposes be and be deemed to be part of the undertaking of the Company as authorised by the Act of 1901.

For protection of Postmaster-General.

**29.** Section 37 (For protection of the Postmaster-General) of the Act of 1901 shall be and is hereby amended as follows:—

(A) Subsection (3) thereof shall be read as if the words within brackets "or the laying of lines crossing the lines of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point" were omitted therefrom:

(B) The following provision shall have effect in addition to and shall be read with the provisions contained in the said section:—

If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the



Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

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- (c) The said section 37 shall extend and apply to the construction and provision of any electric appliances or other works or conveniences in connexion with the pier and to the Company in respect thereof.

### PART III.

#### LANDS.

**30.** Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the railway and pier or for any purposes connected therewith.

Lands for railway and pier.

**31.** The Company may for the purposes of their undertaking purchase lease or take by agreement and hold any lands or foreshore not exceeding in the whole twenty acres in addition to the lands which they are by this Act authorised to take by compulsion but the Company shall not create or permit a nuisance on any such lands.

Additional lands.

**32.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with

Power to grant easements &c. by agreement.

A.D. 1903. — respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

**33.**—(1) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to sell &c. lands.

**34.** Subject to the Lands Clauses Consolidation Act 1845 the Company may from time to time sell lease or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or buildings or any interest in any lands or buildings acquired by them and not required for the purposes of the undertaking and may execute and do any deed act or thing proper for effectuating any such sale lease or other disposition.

Period for compulsory purchase of lands.

**35.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.



PART IV.

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RATES.

(1) *Railway.*

**36.** The Company may demand and take in respect of the railway the tolls rates fares and charges authorised to be taken by the Act of 1901 as if the railway had been authorised by that Act. Railway rates.

**37.** The Company may demand and take in respect of railways and tramways made under the provisions of this Act whereof the marginal note is "Subsidiary pier works" such reasonable tolls rates fares and charges as they think fit not exceeding in the case of passengers using such railways and tramways a sum of sixpence first class fourpence second class and threepence third class and in the case of merchandise the rates and charges authorised to be taken by the Act of 1901. Rates for subsidiary pier railways.

(2) *Pier.*

**38.** The Company may demand and receive for every person who shall land from or embark on any vessel at the pier and in respect of passengers' luggage landed shipped or transhipped at the pier any sums not exceeding the several rates and sums specified in the schedule to this Act. Rates on persons.

**39.** The Company may subject to the provisions of this Act demand and take in respect of vessels using the pier any sums not exceeding the several rates and sums specified in the schedule to this Act and every such sum shall be paid by the master of the vessel and in the case of fishing boats steamers and other vessels trading to and from or frequently using the pier the Company may agree to charge such annual or other sum as they may think reasonable by way of compounding for the rates or sums payable in respect of such vessel but so that no preference be in any case given to any person. Rates on vessels.

**40.**—(1) In the case of steam vessels other than steam tugs not carrying passengers or cargo the register tonnage upon which rates are leviable shall in no case be deemed for the purpose of rating to be less than fifty per centum of the gross tonnage of such steam vessels. Provision to register tonnage of steam vessels.

(2) In the case of steam tugs not carrying passengers or cargo the register tonnage upon which rates are leviable shall in no case be deemed for the purpose of rating to be less than eighteen per centum of the gross tonnage of such tugs.



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Rates on  
goods.

**41.** The Company may demand and take in respect of the shipment unshipment transshipment reception or delivery from at or upon the pier of any of the goods and minerals included in each class in the classification so far as applicable of goods and minerals annexed to the schedule to the London and South Western Railway Company (Rates and Charges) Order 1891 which Order is scheduled to and confirmed by the London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891 any rates or charges not exceeding those respectively specified in the schedule to this Act in respect of the class in which such goods and minerals are included and in respect of the shipment unshipment transshipment reception or delivery from at or upon the pier of the animals or things described in Parts II. III. and IV. so far as applicable of the schedule to the said Order any rates or charges not exceeding those respectively specified in the schedule to this Act in respect of the description in such Part of such animals or things and every such rate shall be paid by the owner or consignee of such goods and minerals animals and things and sections 13 to 18 and 20 of the said Order shall so far as applicable extend and apply to the fixing of the rates and charges by this section authorised.

Rates for  
warehouses  
&c.

**42.** The Company may erect or provide such warehouses as they may think necessary for storing and preserving goods articles or things shipped or unshipped received or delivered from or upon the pier and may charge in respect of such storage and preservation the rates specified in the schedule to this Act.

Rates for  
cranes &c.

**43.** The Company may levy for and in respect of the use of cranes at the pier and for weighing and for the use of machinery and barges the rates respectively specified in the schedule to this Act and all such rates shall be paid by the owners or persons in charge of the goods lifted or by the owner agent master or other person in charge of the vessels using the said cranes machinery or barges or requiring the services specified in the schedule.

Company  
may fix  
ballast rates.

**44.** All ballast to be discharged or removed from or put into any vessel using the pier and all services in relation to the stowing and trimming thereof shall if and when the Company so determine be discharged or removed or performed by the Company and the Company may fix such reasonable rates as they may think proper not exceeding those mentioned in the schedule to this Act to be paid for the supply and removal of ballast from and into vessels and such ballast rates shall be payable by the master or owner of

every vessel which discharges or loads any ballast at the pier to the Company in respect of the vessels into or out of which such ballast is loaded or discharged and shall be recoverable by the Company as other rates in respect of vessels are by this Act recoverable and no persons other than the Company shall supply ballast unless with the permission of the Company.

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**45.** The Company may supply water to vessels at the pier and therefor charge any sum not exceeding that mentioned in the schedule to this Act.

Company  
may supply  
water.

**46.** If any vessel using the pier whether the same vessel shall previously have paid or been liable to pay rates or not shall remain at the pier for any longer space of time than twenty-four hours the Company may demand for every such vessel a further rate of twopence per ton for every three hours and so on in proportion for every subsequent three hours during which any such vessel shall remain as aforesaid beyond the said period of twenty-four hours in addition to the rates payable by virtue of this Act Provided always that such additional rates shall not be payable for any vessel which shall have been detained by stress of weather.

Further  
rates for ves-  
sels remain-  
ing at pier  
longer than  
twenty-four  
hours.

**47.** The Company may demand and take for all services rendered by them in respect of the shipping transshipping and unshipping handling weighing watching and protecting animals and goods and for preparing and furnishing certificates of weight and for any other service with respect to animals and goods shipped transhipped unshipped warehoused or deposited by the Company for which rates or charges are not specifically fixed by this Act such sums as they think fit or as may be agreed upon between the Company and the person desiring to avail himself of such services and the Company may render any such services when they think proper Provided that such charges shall at all times be made equally to all persons in respect of the same description of services and accommodations.

Charges for  
services.

**48.** Officers of police and of the corporation of Trinity House Deptford Strond being in the execution of their duty and licensed pilots shall at all times have free ingress passage and egress to or along and from the pier by land and with their vessels or otherwise without payment.

Police and  
Trinity  
House officers  
and pilots  
exempt from  
rates.

**49.** All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or being persons for the time being actually employed in saving life or in exercising or

Lifeboat  
crew exempt  
from tolls,



A.D. 1903. — using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the pier without payment.

PART V.

ADDITIONAL CAPITAL.

Company may apply corporate funds.

**50.** The Company may apply towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by the Act of 1901 and which are not required for the purposes to which they are by that Act made specially applicable.

Power to raise additional capital.

**51.** The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole two hundred and ten thousand pounds by the issue at their option of new ordinary shares or stock but the Company shall not issue any share of less nominal value than ten pounds 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.

New shares or stock to be subject to same incidents as other shares or stock.

**52.** Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the capital which the Company were authorised to raise by the Act of 1901 of the same class or description and the new shares or stock were shares or stock in that capital.

The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

**53.** Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

Shares or stock raised under this Act and Act of 1901 may be of same

**54.** Subject to the provisions of the Act of 1901 and to the provisions of this Act the Company may if they think fit raise by the creation and issue of shares and stock of one and the



same class all or any part of the aggregate capital which they are by that and this Act respectively authorised to raise by the creation and issue of shares and stock. A.D. 1903.

**55.**—(1) Subject to the provisions of the Act of 1901 and 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 divide any shares in the capital authorised to be raised under the Act of 1901 and this Act into half shares of which one shall be called “preferred half share” and the other shall be called “deferred half share” but the Company shall not divide any share under the authority of the Act of 1901 or 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. Power to divide shares.

(2) The dividends which would 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 once for all 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 been payable on the entire share if the same had not been divided. Dividends on half shares.

(3) 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 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. Dividend on preferred half shares to be paid out of profits of year only.

(4) 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 Half shares to be registered and certificates issued.

A.D. 1903. 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 but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such 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.

(5) The terms and conditions on which any preferred half share or deferred half share created either under the Act of 1901 or this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares.

(6) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of the Act of 1901 or this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors 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 half shares not to be cancelled or surrendered. Half shares to be half shares in capital.

(7) No preferred half share created under the authority of the Act of 1901 or this Act shall be cancelled or be surrendered to the Company.

(8) The several half shares under the Act of 1901 or this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) 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.

**56.** The Company may in respect of the additional capital of two hundred and ten thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any moneys not exceeding in the whole seventy thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital 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 shares for the whole of such capital have been issued and accepted and that one half of such capital 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 until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

**57.** Section 13 of the Act of 1901 whereof the marginal note is "Appointment of receiver" is hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of the provisions thereof and in force or pending at the time of the passing of this Act.

Provisions of Act of 1901 as to appointment of a receiver repealed.

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

Appointment of receiver.

**59.** The Company may create and issue debenture stock subject to the provisions of section 14 of the Act of 1901. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

**60.** All moneys raised by the Company under this Act whether by shares stock debenture stock or by borrowing shall be applied only to the purposes of this Act and to the general purposes of the undertaking being in every case purposes to which capital is properly applicable.

Application of moneys.



A.D. 1903.

PART VI.

MISCELLANEOUS.

Byelaws.

**61.** In addition to any other powers for making byelaws conferred on the Company by this Act they may make byelaws in relation to the pier for all or any of the following matters (that is to say) :—

For regulating the collection and levying of the rates authorised by this Act to be taken by the Company in respect of the pier ;

For regulating the vessels goods and traffic near to or on the pier ;

For regulating the conditions of the user of any portion of the pier and works ;

For preventing nuisance or annoyance by smoke and noise caused by vessels and the machinery and appliances thereof ;

For preventing injury to and protecting the pier and works and property thereon or attached thereto ;

For preventing refuse of any kind being thrown or suffered to fall into the sea within one hundred yards of the pier ;

For regulating the conduct of persons frequenting the pier and works and approaches thereto and preserving order thereon and therein ;

For regulating the removal and disposal of ballast brought by vessels to the pier the supply of ballast to vessels at the pier and for preventing ballast being thrown overboard from vessels within the limits of or so as to obstruct access to the pier.

General provisions as to byelaws.

**62.** The provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the byelaws to be made by the undertakers shall apply to all byelaws in relation to the pier which the Company are authorised by this Act to make Provided that all byelaws made under the said Act of 1847 and this Act shall be confirmed by the Board of Trade and shall require no other confirmation.

Power to enter into agreements with railway and other companies.

**63.** The Company may in connexion with and for the purposes of the pier enter into and carry into effect contracts and agreements with railway and other companies shipowners and owners of vessels and other persons with reference to the receiving forwarding and conveyance of passengers and traffic of all kinds to from or viâ the pier and the granting of through

rates through bookings and other facilities but so that no preference be in any case given to any body or person. A.D. 1903.

**64.** The Company on the one hand and the South Western Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 enter into agreements with respect to the following purposes or any of them (that is to say):— Power to enter into working agreements with South Western Company.

The maintenance and management of the railways of the Company authorised by the Act of 1901 and the railway or any one or more of them or any part thereof respectively and of the works connected therewith respectively or any of them ;

The use or working of the said railways or railway or of any part thereof and the conveyance of traffic thereon ;

The supply and maintenance by the South Western Company under and during the continuance of any such agreement as aforesaid for the working of the said railways of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants ;

The fixing subject to the authorised maximum rates and the collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic.

**65.** Nothing in any agreement made under the authority of this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is owned leased or worked by the South Western Company as freely and fully in all respects as he was entitled to do before the making of any such agreement. Saving for Postmaster-General.

**66.**—(1) The Freshwater Yarmouth and Newport Railway Company and any company or person lawfully working or using the railway of that company or any part thereof by agreement or otherwise may run over and use with their engines carriages and Running powers.

A.D. 1903. — waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description the railways of the Company authorised by the Act of 1901 and the railway together with all stations roads platforms points signals water water-engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences on or connected with the said railways and as regards traffic of every description conveyed by them they may demand and take upon and in respect of the said railways and stations the rates and charges which the Company are entitled to demand and take.

(2) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Freshwater Yarmouth and Newport Railway Company or any such other company or persons as aforesaid for and in respect of the use of the said railways and of the said works and conveniences shall be such as may be agreed upon between them and the Company or failing agreement as may be determined on the application of either of the Companies or persons interested by the Railway and Canal Commissioners or any two of them.

(3) In running over and using the said railways and in using the stations sidings works and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the railways so used shall be at all times observed so far as such byelaws shall be applicable.

(4) During the continuance of the existing working agreement between the Freshwater Yarmouth and Newport Railway Company and the Isle of Wight Central Railway Company nothing in this section shall authorise the Isle of Wight Central Railway Company to run over and use the said railways or any portion of the railways of the Company without the consent of the Company.

Short dis-  
tance charges  
in case of  
working  
agreement.

**67.** During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the authorised railways of the Company by any other railway company or railway companies or during the exercise of any running powers by this Act conferred the railways of the Company and of any other company with whom such agreements shall have been entered into or by whom such running powers are exercised (as the case may be) shall for the purpose of short distance rates and charges be considered as one railway and in estimating the



amount of rates and charges in respect of passengers conveyed partly on the railways of the Company and partly on the railways of such other company or companies rates and charges may without prejudice to the provisions of section 51 of the Act of 1901 be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railways of the Company and partly on the railways of such other company or companies the Company shall be deemed to be a company connected with the South Western Company or the Freshwater Yarmouth and Newport Railway Company and specified in the appendix to the Schedule to the London and South Western Railway Company (Rates and Charges) Order 1891 (which Order is scheduled to and confirmed by the London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891) or a company to which the Railway Rates and Charges No. 9 (Isle of Wight Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 9 (Isle of Wight Railway &c.) Order Confirmation Act 1892 is applicable according as the agreement is with the South Western Company or the running powers are exercised by the Freshwater Yarmouth and Newport Railway Company.

A.D. 1903.

**68.** Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any moneys which they are authorised to raise pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine subject to the following conditions (that is to say):—

As to pay-  
ment of  
interest out  
of capital  
during con-  
struction.

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators successors or assigns are legally liable for the same :

A.D. 1903.

- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (c) The aggregate amount to be so paid for interest shall not exceed fifteen thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before and in section 56 of the Act of 1901 set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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 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.

Saving  
rights of  
Crown.

**69.** Nothing herein contained 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 land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein 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 King's Majesty.

**70.** 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 to execute any other work or undertaking.

A.D. 1903.  
Deposits for  
future Bills  
not to be  
paid out of  
capital.

**71.** Subject to the provisions of this Act nothing contained in this Act shall exempt the pier or the Company from the provisions of the Merchant Shipping Acts or of any general Act relating to harbours and piers or to 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 rates authorised by this Act.

Provision  
as to Mer-  
chant Ship-  
ping Acts  
&c.

**72.** Nothing in this Act contained shall exempt the Company or any other company named in this Act or the railway of any such company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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 to be taken by the said companies respectively.

Provision as  
to general  
Railway  
Acts.

**73.** 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.

Costs of  
Act.



A.D. 1903.

The SCHEDULE referred to in the foregoing Act.

I.—RATES ON PERSONS USING THE PIER.

	<i>s.</i>	<i>d.</i>
For every passenger or other person who shall land on the pier from or embark from it on board of any vessel for each time any sum not exceeding - - - - -	1	0

II.—RATES ON PASSENGERS' LUGGAGE LANDED SHIPPED OR TRANSHIPPED AT THE PIER.

	<i>s.</i>	<i>d.</i>
For every trunk portmanteau box parcel or other package within the description of luggage and not borne by passengers not exceeding 84 pounds - - - - -	0	6
Over 84 pounds and not exceeding 224 pounds - - - - -	1	0
And for every 20 pounds weight in addition - - - - -	0	1

III.—RATES ON VESSELS USING THE PIER.

	<i>s.</i>	<i>d.</i>
For every vessel under the burden of 15 tons - - - - -	0	6
For every vessel of the burden of 15 tons and over - - - - -	1	0
All boats entirely open landing or taking on board passengers or goods each - - - - -	0	6

IV.—RATES ON GOODS AND MINERALS ANIMALS AND THINGS SHIPPED UNSHIPED TRANSHIPPED RECEIVED OR DELIVERED AT THE PIER.

The classification is that annexed to and the parts are the parts of the schedule to the London and South Western Railway Company (Rates and Charges) Order 1891.

	<i>s.</i>	<i>d.</i>
Goods and minerals included in Class A - - - - - per ton	0	6
"    "    "    "    B - - - - - "    "	0	9
"    "    "    "    C - - - - - "    "	1	0
"    "    "    "    1 - - - - - "    "	1	6
"    "    "    "    2 - - - - - "    "	2	0
"    "    "    "    3 - - - - - "    "	3	6
"    "    "    "    4 - - - - - "    "	4	0
"    "    "    "    5 - - - - - "    "	5	0

[3 EDW. 7.] *South Western and Isle of Wight* [Ch. ccxliv]  
*Junction Railway Act, 1903.*

				s.	d.	A.D. 1903.
Animals included in Part II. description	1	-	-	each	1 6	
" " " "	2	-	-	"	1 0	
" " " "	3	-	-	"	0 4	
Things included in Part III.	-	-	-	"	2 0	

(and sixpence for each additional quarter of a ton over the weight specified).

Animals and things included in Part IV. - such reasonable sum as the Company may think fit.

V.—RATES FOR THE USE OF WAREHOUSES.

For every ton of goods which shall remain in any warehouse or shed	s.	d.
or on any wharf not more than 2 days	-	0 4
And for every part of a day after such 2 days	-	0 1½
Or hire for warehouse &c. as may be agreed on.		
For any portmanteau trunk or other article of passengers' luggage for each day or part of a day after the first 24 hours	-	0 2

VI.—RATES FOR THE USE OF CRANES.

*For Cranes lifting under Six Tons.*

	For the first Lift.			For each succeeding Lift.		
	£	s.	d.	£	s.	d.
Under one ton	0	2	6	0	0	4
One ton and under two tons	0	3	0	0	0	6
Two tons and under three tons	0	3	6	0	0	8
Three tons and under four tons	0	4	0	0	0	10
Four tons and under five tons	0	4	6	0	1	0
Five tons and under six tons	0	5	0	0	1	2

*For Cranes lifting up to Ten Tons.*

	For the first Lift.			For each succeeding Lift.		
	£	s.	d.	£	s.	d.
Six tons and under seven tons	0	10	0	0	5	0
Seven tons and under ten tons	1	0	0	0	10	0

Ten tons and upwards any sum the Company think fit to demand.

The labour to be done by the parties requiring the use of the cranes.

In addition to the above rates for cranes sixpence per hour to be paid for wages to cranemen attending while the crane is in use.

A.D. 1903.

VII.—RATES FOR WEIGHING &c.

For weighing coal shipped into and removed from vessels at the pier not exceeding twopence per ton.

For use of machinery employed for shipping coal not exceeding threepence per ton.

For use of barges for any purpose as by agreement.

VIII.—RATES FOR BALLAST.

		£	s.	d.	
Stone ballast	- - - - -	per ton	0	3	0
Sand clay or other ballast including the shipping of same	- - - - -	per ton	0	2	0
For ballast put in or taken out of any vessel	- - - - -	per ton	0	2	0

IX.—RATES FOR WATER.

Water per 25 gallons	- - - - -	-	0	0	1½
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