



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. clxxvii.

An Act to enable the *Portsmouth* Railway Company to make an Alteration in the Line of their Railway; and for other Purposes.

[23d July 1855.]

WHEREAS an Act was passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, called “The *Portsmouth* Railway Act, 1853,” for making a Railway from *Havant* in the County of *Southampton* to *Godalming* in the County of *Surrey*: And whereas another Act was passed in the last Session of Parliament, called “The *Portsmouth* Railway Amendment Act, 1854,” to enable the *Portsmouth* Railway Company to make certain Alterations in the Line and Levels of their Railway, and to extend their said Line from *Godalming* to *Shalford*, and for other Purposes: And whereas it is expedient, and would be to the Advantage of the Public, that the Line of the *Portsmouth* Railway as authorized by the said recited Acts should be altered: And whereas the *Portsmouth* Railway Company are desirous of carrying into effect the Objects aforesaid, if authorized so to do, and the Capital already authorized to be raised by the said recited Acts will be sufficient to

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16 & 17 Vict. c. xcix.
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enable them so to do ; but it is necessary that some of the Powers and Provisions of the said recited Acts should be enlarged, and further Powers granted to the said Company for effecting the Objects aforesaid : And whereas the Purposes 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 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 :

8 & 9 Vict.
cc. 18. & 20.
incorporated.

I. That the Provisions of " The Lands Clauses Consolidation Act, 1845," and of " The Railways Clauses Consolidation Act, 1845," shall be incorporated in and form Part of this Act.

Application
of existing
Funds to
Deviation
of Line.

II. And whereas the estimated Expense of making the proposed Deviation is Forty-three thousand Pounds, and the Funds at the Disposal of the said Company are adequate to the Construction thereof: Be it enacted, That, subject as herein-after mentioned, it shall be lawful for the Company to apply thereto so much of their Capital as is necessary for the Purpose of the Construction of the proposed Deviation : Provided always, that no such Application of Capital to the Construction of the said Deviation shall take place without the Consent of Three Fifths of the Shareholders present at a Meeting specially convened for the Purpose.

Railway
to be made
according to
deposited
Plans.

III. And whereas Plans and Sections of the said Works by this Act authorized, showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass or be made, have been deposited with the Clerks of the Peace for the Counties of *Surrey*, *Sussex*, and *Southampton* : Be it enacted, That the said Works shall be made according to the Line and Levels or Situations thereof as defined on the said Plans and Sections ; and it shall be lawful for the said Company to enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Books of Reference as shall be necessary for the Purposes thereof.

Power
to make
Deviation.

IV. That it shall be lawful for the Company to make the Alteration or Deviation in the Line of their Railway next herein-after mentioned ; (that is to say,)

A Deviation commencing by a Junction with the *Portsmouth* Railway as authorized to be made upon the Waste Land in the Parish of *Liss* in the County of *Southampton* adjoining
Woolmer

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Woolmer Forest, and numbered 68a on the Plans of the said Railway referred to in "The *Portsmouth* Railway Act, 1853," (and near to the Point marked Sixteen Miles upon the said Plans,) and terminating by a Junction with the Line of the *Portsmouth* Railway as authorized to be made in or near a certain Field numbered 30 on the said last-mentioned Plans in the Parish of *Linchmere* and County of *Sussex*, near *Hammer Farm*.

V. That the Bridge to be built for carrying the Railway over the Turnpike Road numbered 1 in the Parish of *Bramshott* on the Plans herein-before referred to shall be so constructed as that any Object in the Centre of the Roads at any Distance within One hundred Feet on either Side of the said Bridge may be seen through the Bridge by any Person standing in the Centre of the Road at any Distance within One hundred Feet of the other Side of the said Bridge, and the Course of the said Road shall be diverted to such Extent as may be necessary to carry out the Objects of this and the following Provision.

As to Construction of Bridge for carrying Railway over Road, and as to Alteration of Road, in *Bramshott*.

VI. That the Rate of Inclination of the said Road, when altered for the Purpose of the same being carried under the Railway, shall not be steeper than 1 in 30 on one Side of the Line of Railway and 1 in 100 on the other Side thereof.

Rate of Inclination of said Road when altered.

VII. That the Company shall construct all necessary Works for providing for the effectual Drainage of the said Road when and as altered, and shall also put into good and substantial Repair the said Road as so altered, and keep the same in such good and substantial Repair for the Space of Twelve Months, to be computed from the Day on which the diverted Line of Road shall be open for Traffic and the Road as it exists in its present Course shall be stopped up, and shall for ever after keep in good Order and Repair the Works necessary for keeping the said Road as altered well and effectually drained.

As to Drainage and Repair of altered Road.

VIII. That the said new or altered Line of Railway shall be and become Part of the Undertaking of the *Portsmouth* Railway, and the Company shall abandon the Formation of so much of the Line of Railway authorized to be made by the said recited Acts or either of them as by reason of the Alteration therein by this Act authorized shall be rendered unnecessary.

Power to abandon Part of original Line.

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Compensation to be made where Contracts have been entered into or Notices given.

IX. Provided always, That in any Case where before the passing of this Act any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase, for the Purpose of constructing the Portion of Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the aforesaid Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the said Lands Clauses Consolidation Act contained.

Powers for compulsory Purchases limited.

X. That the Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for the Completion of Works.

XI. That the Works hereby authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railway not completed, &c. within a limited Period, Dividends to be suspended.

XII. That in case the Railway and Works by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Three Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Railway and Works shall have been completed and opened for public Traffic.

XIII. That

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XIII. That it shall be lawful for the Company to demand and receive, for and in respect of the Railway hereby authorized, the same Tolls and Charges as they are authorized to demand and receive by "The *Portsmouth* Railway Act, 1853," and the Railway hereby authorized to be made shall for the Purposes of the said Tolls be held to be Part of the said *Portsmouth* Railway.

Tolls upon
new Line of
Railway.

XIV. Provided always, That the maximum Tolls and Charges to be demanded by the Company in respect of the Traffic carried upon the said Railway shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the last-mentioned Act.

Maximum
Tolls.

XV. And whereas the authorized Capital of the Company in Shares is Four hundred thousand Pounds, and the Amount which the Company are authorized to borrow on Mortgage or Bond is One hundred thousand Pounds: Be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any further Sum which they may from Time to Time think fit beyond the said Sum of One hundred thousand Pounds, not exceeding Thirty-three thousand Pounds.

Power to
borrow on
Mortgage.

XVI. That it shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

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

XVII. That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said recited Acts, and of the Rates for small Parcels.

Railways not
exempt from
Provisions
of General
Acts.

XVIII. That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

Expenses
of Act.

[*Local.*]

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XIX. That

The Portsmouth Railway Amendment Act, 1855.

Short Title.

XIX. That in citing this Act it shall be sufficient to describe it as "*The Portsmouth Railway Amendment Act, 1855.*"

LONDON:

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