



ANNO DECIMO NONO & VICESIMO

# VICTORIÆ REGINÆ.

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## *Cap. lxxi.*

An Act for making a Railway from *Lymington* in the County of *Southampton* to the *London and South-western* Railway at *Brockenhurst* in the same County, to be called the "*Lymington Railway*," with a Landing Place at *Lymington* aforesaid, and for other Purposes.

[7th July 1856.]

**W**HEREAS the making of a Railway from the Borough of *Lymington* in the County of *Southampton* to the *Southampton and Dorchester* Branch of the *London and South-western* Railway in the Parish of *Brockenhurst* in the same County, with a Landing Place or Quay in connexion with such Railway for the embarking and landing of Passengers, Goods, and other Traffic at *Lymington* aforesaid, would be of great local and public Advantage: And whereas such Advantage would be increased and the said Railway and Landing Place or Quay made more useful to the Public if the Town Quay and Bridge at *Lymington* formed Part of the Undertaking: And whereas the Persons herein-after named, with others, are willing to carry such

[*Local.*]

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Undertaking

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Undertaking into execution; but the same 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. I. This Act may be cited for all Purposes as "The *Lymington Railway Act, 1856.*"

8 & 9 Vict. cc. 16., 18., & 20., and 10 & 11 Vict. c. 27. incorporated. II. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Harbours, Docks, and Piers Clauses Act, 1847," save so far as the same are expressly varied or excepted by this Act, shall be incorporated with and form Part of this Act.

Subscribers incorporated. III. That *Edward Hicks, Charles Fluder, Richard Sharp, Robert Rice, George Foster St. Barbe, Alfred Mew, William Squire, Philip Blake, George Inman, Charles Wyatt Estcourt,* and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their respective Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Landing Place or Quay herein-before mentioned, with all proper Works and Conveniences connected therewith, according to the Provisions of the said incorporated Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Lymington Railway Company,*" and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, under and subject to the Restrictions herein and in the said incorporated Acts respectively contained.

Capital. IV. That the Share Capital of the said Company shall be Twenty-one thousand Pounds.

Shares. V. That the Number of Shares into which the said Capital shall be divided shall be Two thousand one hundred, and the Amount of each Share shall be Ten Pounds.

Calls. VI. That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at least shall be the Interval between successive Calls,

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Calls, and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Six Pounds in the whole.

VII. That it shall not be lawful for the Company hereby incorporated, out of any Money by this Act authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing hereinbefore contained shall be deemed to 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 shall be in conformity with the Provisions in the "Companies Clauses Consolidation Act, 1845."

Interest and Dividend not to be paid out of Capital.

VIII. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised for the Purposes thereof, 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 said Company to construct any other Railway or execute any other Work or Undertaking.

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

IX. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Seven thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Twenty-one thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to borrow on Mortgage.

X. That all Monies raised under this Act shall be applied only to the Purposes of this Act.

Application of Monies.

XI. That the First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meeting of the Company shall be held half-yearly on the Fourteenth Day of *January* and the Fourteenth Day of *July*, or within One Month before or after those Days respectively.

Meetings of the Company.

XII. That the Number of Directors shall not be less than Three nor more than Six, and the Qualification of a Director shall be the Possession in his own Right of Thirty-five Shares.

Number and Qualification of Directors.

XIII. That *Edward Hicks, Charles Fluder, George Foster St. Barbe, Richard Sharp, Alfred Mew, and William Squire* shall be and they are hereby appointed the First Directors of the Company.

First Directors.

XIV. That

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Election of  
Directors at  
First General Meeting.

XIV. That the said Directors, or such of them as shall not die or resign or become disqualified to act, shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may continue in Office such of the said Directors as they shall think fit, and may elect new Directors to supply the Places of those not continued in Office: Provided always, that the Directors above appointed shall be eligible as Members of such new Body.

Subsequent  
Election of  
Directors.

XV. That at the First Ordinary Meeting to be held in every Year after the First Ordinary Meeting, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of those not continued in Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by the said "Companies Clauses Consolidation Act, 1845."

Quorum of  
Directors.

XVI. That the Quorum of a Meeting of Directors shall be Three.

Newspaper  
for Advertisements.

XVII. That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be a Newspaper published in the County of *Hants* or in the County of the Town of *Southampton*.

Power to  
make Railway and  
Landing  
Places according to  
deposited  
Plans.

XVIII. And whereas Plans and Sections of the Railway and Landing Place or Quay, showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Land on which the same is intended to be made, have been deposited with the Clerk of the Peace for the County of *Southampton*: Be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Landing Place or Quay, or either of them, in the Line and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections; and also to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Description  
of Line of  
Railway and  
Landing  
Place.

XIX. That the Line of Railway and Landing Place or Quay to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

A Railway commencing at or near the Town Quay in the Borough of *Lymington* and in the County of *Southampton*, and terminating by a Junction with the *Southampton and Dorchester Branch*

of

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of the *London and South Western* Railway in the Parish of *Brockenhurst* in the same County, at or near the Point at which the said Branch Railway crosses the public Highway from *Marlpit Oak* to *Brockenhurst* aforesaid; also a Landing Place or Quay in connexion with the said Railway at or near the Town Quay in the Borough of *Lymington* aforesaid, and extending over and along and upon the Shore and Bed of the River known as the "*Lymington River*," or "*Lymington Creek*," together with all necessary Works and Conveniences connected therewith; and which said Railway, Landing Place, or Quay, and Works respectively, will pass from, through, or into, or be made in the several Parishes and Extra-parochial Places following, or some of them; (that is to say,) *Lymington*, *Boldre*, *Brockenhurst*, and *Rhinefield Walk* in the *New Forest*, all in the said County of *Southampton*.

XX. That it shall be lawful for the Company to embank, enclose, and appropriate so much of the Bed and Shore of the said River as may be necessary for constructing and maintaining the said Landing Place or Quay, together with the Stairs, Approaches, and Conveniences connected therewith, and which may be requisite and proper for the landing and embarking of Passengers, Goods, Animals, and other Traffic at such Landing Place or Quay at all States of the Tide.

Lymington River may be embanked.

XXI. That the said Railway shall be formed on the Gauge of Four Feet Eight Inches and a Half.

Gauge of Railway.

XXII. That, subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," it shall be lawful for the Company to carry the said Railway with a double Line of Rails across and on the Level of the Road delineated on the Plans deposited as aforesaid, and numbered 11, in the said Parish of *Lymington*.

Road to be crossed on the Level.

XXIII. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the said Railway crosses the before-mentioned Road on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such

Station or Lodge at level Crossing.

[Local.]

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Offence

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Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of  
Trade may  
order Bridge  
at level  
Crossing.

XXIV. That it shall be lawful for the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, if it shall appear to them to be necessary for the Public Safety, at any Time either before or after the said Railway hereby authorized to be carried across the said Road on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations shall direct, and at the Expense of the Company, to carry the before-mentioned Road either under or over the said Railway by means of a Bridge or Arch in lieu of crossing the same on a Level, or to execute such other Works as, under the Circumstances of the Case, shall appear to the said Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations best adapted for removing or diminishing the Danger arising from such level Crossing.

Power to  
stop up  
Roads.

XXV. That it shall be lawful for the said Company to divert or alter, either temporarily or permanently, all such Turnpike and other Roads, or such Part or Parts thereof as may be required for the Purposes of this Act, in the Manner shown upon the Plans and Sections deposited as herein-before mentioned.

Lands for  
extraordi-  
nary Pur-  
poses.

XXVI. That it shall be lawful for the said Company to purchase, in addition to the Lands by this Act authorized to be purchased by them for constructing the said Railway and Landing Place or Quay, any Quantity of Land not exceeding in the whole Two Acres for any of the extraordinary Purposes specified in the said "Railways Clauses Consolidation Act."

Powers for  
compulsory  
Purchases  
limited.

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

Completion  
of Railway  
and Landing  
Place.

XXVIII. That the Railway and Landing Place or Quay shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the recited Acts granted to the Company for executing the said Railway and Landing Place or Quay, or otherwise in relation thereto, shall cease to be exercised except as to so much of the said Railway and Landing Place or Quay as shall be then completed.

XXIX. Whereas,

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XXIX. Whereas, pursuant to the Standing Orders of both Houses of Parliament and to an Act of the Ninth Year of Her present Majesty, Chapter the Twentieth, a Sum of One thousand five hundred and thirty-four Pounds Thirteen Shillings Sterling, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Stock or Annuities so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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 Survivor or Survivors of them, unless the said Company shall previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Stock or Annuities transferred as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of One thousand five hundred and thirty-four Pounds Thirteen Shillings shall have been executed by the said Company, with One or more Sureties, such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury, conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of One thousand five hundred and thirty-four Pounds Thirteen Shillings if the said Company shall not within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers,

Security for  
Completion  
of Works  
within Time  
limited.

or

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or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the said Capital by this Act authorized to be raised by Means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money and the Interest or Dividends thereof shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivor or Survivors of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Stock or Annuities, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls for Use  
of Railway.

XXX. That it shall be lawful for the Company to demand any Tolls for the Use of the said Railway not exceeding the following; (that is to say,) in respect of the Tonnage of all Articles conveyed thereon of upon any Part thereof, and included within the following Classes :

For Goods,  
&c.

Class I. For all Coals, Coke, Culm, Charcoal, and Cinders, Compost, Dung and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of Roads or Highways, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Description of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceed One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Halfpenny:

Class II. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One



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One Halfpenny ; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Halfpenny :

Class III. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Twopence ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny ; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding One Penny :

Class IV. And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than Two Tons, *per Mile* not exceeding Fourpence ; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* not exceeding One Penny ; and if propelled by an Engine belonging to the Company, an additional Sum *per Mile* not exceeding One Penny, and the Sum of One Penny Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons which any such Carriage may weigh.

In respect of Animals conveyed in Carriages upon the Railway, as follows : For Animals.

Class V. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny ; and if such Carriage be propelled by an Engine belonging to the said Company, an additional Sum *per Mile* not exceeding One Penny :

Class VI. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny ; and if conveyed in any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny ; and if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny :

Class VII. For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per Mile* not exceeding One Halfpenny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Farthing ; and if propelled by an Engine belonging to the Company, an additional Sum *per Mile* not exceeding One Farthing.

[*Local.*]

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In

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For Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, as follows :

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Regulations as to Tolls.

That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than the entire Length of the Line, the Company may demand as for Two entire Miles :

For a Fraction of a Mile the Company may demand Tolls and Charges as for One Mile with respect to Passengers, and as for a Quarter of Mile with respect to Articles or Goods :

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Packages and Articles of great Weight.

And with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls as prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels on the Railway as follows :

For any Parcel not exceeding Seven Pounds in Weight, Fourpence ;

For any Parcel exceeding Seven and not exceeding Fourteen Pounds in Weight, Sixpence ;

For any Parcel exceeding Fourteen and not exceeding Twenty-eight Pounds in Weight, One Shilling ;

For any Parcel exceeding Twenty-eight and not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence ;

And for any Parcel exceeding Fifty-six Pounds in Weight the Company may demand any Sum which they may think fit; Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as  
Bags

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Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels but such Terms shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per Ton per Mile*; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Threepence; and if propelled by an Engine belonging to the Company, a further Sum *per Ton per Mile* not exceeding Threepence;

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand any Sum they may think fit.

That every Person travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers  
Luggage.

That the maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and of every other Expense incidental to such Conveyance, shall not exceed the following Sums :

Maximum  
Rates of  
Charges for  
Passengers ;

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence Halfpenny *per Mile* :

For every Passenger conveyed in a Second-class Carriage, the Sum of One Penny Three Farthings *per Mile* :

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per Mile*.

That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance (except the loading and unloading of Goods when such Service is performed by the Company) shall not exceed the Amounts mentioned in the following Table; (that is to say,)

For Goods,  
Cattle, &c.

For the Matters herein-before mentioned under Class I., not exceeding Twopence *per Ton per Mile* :

For the Matters mentioned under Class II., not exceeding Twopence Halfpenny *per Ton per Mile* :

For

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For the Matters mentioned under Class III., not exceeding Three-pence Halfpenny *per Ton per Mile* :

For any Carriage mentioned under Class IV., not weighing more than Two Tons, not exceeding Sixpence *per Mile* ; and if weighing more than Two Tons, not exceeding One Penny Halfpenny *per Mile* for every Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons :

For everything mentioned under Class V., not exceeding Fourpence *per Mile* :

For everything mentioned under Class VI., not exceeding Twopence *per Mile* :

For everything mentioned under Class VII., not exceeding One Penny *per Mile* :

Restriction  
as to Charges  
not to affect  
Special  
Trains.

Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to run upon the Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the said Railway.

Company  
may take  
increased  
Charges by  
Agreement.

That nothing herein contained shall be held to prevent the said Company from taking any increased Charges over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels by Passenger Trains, or by reason of any other special Service performed by the said Company in relation to such Goods.

Communi-  
cations with  
London  
and South-  
western  
Railway.

XXXI. That all Communications between the Railway and the *London and South-western Railway*, and all Openings in the Rails of the *London and South-western Railway*, and all Works at and near that Railway which may be agreed on between the Two Companies for the Reception, Accommodation, and Delivery of the Traffic of the Company hereby incorporated, and on what is now or may hereafter be the Land of the *London and South-western Railway Company*, shall be made and for ever maintained and kept in good Repair by the *London and South-western Railway Company* at the sole Expense of the Company, and shall not only be in the first instance made, but shall also from Time to Time be altered, amended, repaired, and maintained by the *London and South-western Railway Company* at the Expense of the Company, and in such Manner and by such Means only as shall not in anywise injure or prejudice the *London and South-western Railway*, or the Station, Works, or Property of the *London and South-western Railway Company*, or interfere with the Traffic  
on

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on that Railway, or the free and uninterrupted Use thereof by that Company, and the Amount of all such Expenses may be recovered from the Company by the *London and South-western Railway Company* in any Court of competent Jurisdiction.

XXXII. That the *London and South-western Railway Company* from Time to Time may erect such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Switchmen, or other Persons, as that Company deem necessary for the Prevention of Danger or Destruction to or Interference with Traffic at and near the Junction between the Railway and the said Branch of the *London and South-western Railway*; and the Working and Management of such Signals, Works, and Conveniences, whether on Land of the *London and South-western Railway Company* or on Land of the Company, shall be under the exclusive Management and Regulation of the *London and South-western Railway Company*; and all the Costs and Expenses of erecting and maintaining such Signals, Works, and Conveniences, and the Wages of such Watchmen, Switchmen, and other Persons, and all incidental Expenses, shall, at the End of every Half Year, be repaid by the Company to the *London and South-western Railway Company*, and in default of such Repayment the Amount of such Costs, Expenses, and Wages may be recovered from the Company by the *London and South-western Railway Company* in any Court of competent Jurisdiction. .

London and South-western Railway Company may erect Signals, &c.

XXXIII. That no Land belonging to or occupied by the *London and South-western Railway Company* shall be taken by the Company without the Consent in Writing of the *London and South-western Railway Company* under their Common Seal first had and obtained: Provided always, that the Company may purchase and take from the *London and South-western Railway Company* an Easement of using, for the Purposes of the intended Junction of the Railway with the said Branch of the *London and South-western Railway*, such Parts of the Land of the *London and South-western Railway Company* delineated on the Plans and specified in the Books of Reference respectively deposited for the Purposes of this Act as are necessary for those Purposes.

Land of London and South-western Railway Company.

XXXIV. Provided always, That, except as is by this Act expressly provided, this Act or anything herein shall not take away, lessen, prejudice, or alter any of the Estates, Rights, Interests, Powers, Privileges, or Authorities of the *London and South-western Railway Company*.

Saving Rights of the South-western Railway Company.

XXXV. That it shall be lawful for the Company hereby incorporated from Time to Time to make and enter into Contracts or Agreements with the *London and South-western Railway Company*,  
[Local.] 12 O which

Contracts may be made with London and South-

*The Lymington Railway Act, 1856.*

western  
Railway  
Company;

which Contracts or Agreements the said last-named Company is hereby empowered to enter into, for the Use by the *London and South-western* Railway Company of the said Railway and Landing Place or Quay hereby authorized to be constructed, or any Part or Parts thereof respectively, together with the Stations, Warehouses, Machinery, Works, and Conveniences belonging thereto, or any of them, or any Part or Parts thereof, upon such Terms and Conditions as may from Time to Time be mutually agreed upon: Provided always, that such Contracts or Agreements shall in no Case be for a longer Term than Ten Years from the Time of making or entering into the same; and no such Contracts or Agreements shall have any Operation until the same shall have been approved by the Board of Trade, who shall not approve of the same without being satisfied that the same has been assented to by Three Fifths of the Votes of the Shareholders of the Company in Special General Meeting assembled for that Purpose: Provided also, that if the Railway hereby authorized to be made shall be worked by the *London and South-western* Railway Company, it shall not be lawful for the last-named Company to demand or take any greater Tolls, Rates, or Charges for the Use of the said Railway than they are entitled to charge, and do in fact at the Time being receive, on their own Line of Railway, and in estimating the Toll or Charge to be paid in respect of Articles or Persons conveyed partly upon the *London and South-western* Railway and partly upon the Railway by this Act authorized during the Continuance of any such Contract or Agreement as aforesaid, the Distance traversed shall be reckoned continuously on both Railways as if the said Railways were One Railway.

And may be  
renewed.

XXXVI. At the Expiration of any such Contracts or Agreements it shall be lawful for the Company hereby incorporated, with the Consent of the Shareholders of the Company in Special General Meeting assembled for that Purpose, and subject to the Approval of the Board of Trade, to renew such Contracts or Agreements, or any of the Terms and Conditions of the same respectively; provided that before the Company shall enter into any such further Contracts or Agreements, Notice of the Intention to enter into the same shall be given in a Form to be approved by the said Board by Advertisement inserted once in each of Three successive Weeks in some Newspaper published or circulating in the said County of *Southampton*, and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Contracts or Agreements, and desiring to object thereto, may bring such Objections before the said Board; and no such Contracts or Agreements shall be valid at Law or in Equity until the same shall have been approved by the said Board as aforesaid.

XXXVII. None

*The Lymington Railway Act, 1856.*

XXXVII. None of the Powers and Provisions of this Act with respect to the making and entering into Contracts or Agreements with the *London and South-western* Railway Company shall have any Operation or Effect until the Contracts or Agreements shall have been submitted to and approved by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a General Meeting of the Company specially convened for that Purpose.

Contracts not to be made without Consent of Three Fifths of the Shareholders.

XXXVIII. Such Meeting shall be called by Advertisement inserted for Two successive Weeks in a Morning Newspaper published in *London*, and in some Newspaper of the County in which the principal Office of the Company is situate, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Company, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices required to be served by the Company upon the Shareholders.

Advertisement of Special Meeting.

XXXIX. And whereas the Town Quay aforesaid is the Property of the Mayor, Aldermen, and Burgesses of the said Borough of *Lymington*, and it is expedient for the Purposes of this Act to make Provision that the said Town Quay, and all the Rights, Privileges, and Interests therein of the said Mayor, Aldermen, and Burgesses, should be absolutely transferred or let on Lease to the Company: Be enacted, That the Company shall have Power to purchase and take or to hold on Lease, and the said Mayor, Aldermen, and Burgesses shall have Power to sell and transfer or let on Lease to the Company, the said Town Quay, and all Rights, Privileges, Easements, and Interests in, over, and affecting the same, upon such Terms and Conditions as may be mutually agreed upon between the Company and the said Mayor, Aldermen, and Burgesses; and from and after the Purchase or Lease of the same, the Company may demand and take the several Tolls, Dues, and other Payments now legally demanded and taken by or legally payable to the said Mayor, Aldermen, and Burgesses, for the Use of the said Town Quay and the Landing Places and other Conveniences thereon, and for or in respect of the landing and embarking of Passengers, Goods, and Animals thereat, and for or in respect of Vessels entering and mooring in or departing from the said River; and also from Time to Time may alter, vary, or repeal the said several Tolls, Dues, and other Payments, or any or either of them; and the Company may make and from Time to Time rescind, alter, and amend Byelaws, Rules, and Regulations for the Maintenance, Use, and Management of the said Quay, and for the Convenience and Safety of the Public using the same, such Byelaws, Rules, and Regulations being at all Times subject to such

Purchase of Town Quay.

Approval

*The Lymington Railway Act, 1856.*

Approval as is provided by the said "Harbours, Docks, and Piers Clauses Act, 1847;" and (in the event of no such Sale or Lease as aforesaid being effected or entered into) the said Mayor, Aldermen, and Burgesses and the Company are hereby authorized and empowered from Time to Time to make and enter into such Arrangements as may be mutually agreed upon for dividing, apportioning, altering, or abolishing the said several Tolls, Dues, and other Payments for or in respect of the Traffic to or from the said intended Railway, Landing Place, and other Works, or any or either of them.

Purchase of  
Bridge.

XL. The Company may purchase from the Owners thereof, upon Terms to be mutually agreed upon, the Bridge across the said River or Creek, called or known as the *Lymington Bridge*, together with all the Rights, Interests, Easements, and Privileges in, over, and in any Manner affecting the same, and the several Roads, Lands, Buildings, and other Works connected therewith, and also all Tolls demanded and received or arising from or in respect of the same; and from and after the Purchase of the said Bridge, Tolls, and Works, the Company may from Time to Time demand and receive the several Tolls, Dues, and other Payments now legally demanded and taken by or legally payable to the Owner or Owners of the said Bridge, and from Time to Time alter, vary, or repeal the said several Tolls, Dues, and other Payments; and the Company may make, and from Time to Time rescind, alter, and amend Byelaws, Rules, and Regulations for the Maintenance, Use, and Management of the said Bridge, and the several Approaches and Works connected therewith, and for the Convenience and Safety of the Public using the same, such Byelaws, Rules, and Regulations being at all Times subject to such Approval as is provided by the said "Harbours, Docks, and Piers Clauses Act, 1847;" and (in the event of no such Sale as aforesaid being effected or entered into) the Company may enter into such Arrangements with the Owners of the said Bridge as may from Time to Time be mutually agreed upon for dividing, apportioning, altering, or abolishing the said several Tolls, Dues, and other Payments received for or in respect of the Traffic to or from the said Railway, Landing Place, or other Works, or any or either of them.

Power  
to raise  
additional  
Capital on  
acquiring  
Town Quay  
or Bridge.

XLI. That in the event of the Company purchasing the said Town Quay and Bridge at *Lymington*, or either of them, it shall be lawful for the Company to raise by the Creation of new Shares, in addition to the Sums of Money which they are herein-before authorized to raise, any further Sum of Money not exceeding in the whole the Sum of Five thousand Pounds.

New Shares  
to be con-  
sidered same

XLII. That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently



*The Lymington Railway Act, 1856.*

niently allow the same to be apportioned according to the Order of any General or Special General Meeting of the Company, and shall be considered as Part of the General Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares on Nonpayment of Calls or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

as original  
Shares.

XLIII. Previously to commencing the Construction of the Landing Place or Quay, or any Work whatever below High-water Mark in the said River or Creek, or any Work over or across the said River or Creek, the Company shall deposit at the Admiralty Plans, Sections, and Working Drawings of the same, and of the Works connected therewith, for the Consent and Approval of the Lords of the Admiralty, such Consent and Approval to be signified in Writing under the Hand of the Secretary of the Admiralty for the Time being, and such Works shall be constructed only in accordance with such Approval; and when such Landing Place and Works shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same without the like Consent and Approval; and if any Part of the said Landing Place or Works connected therewith shall be commenced, constructed, or altered or extended contrary to the Provisions of this Act, it shall be lawful for the Lords of the Admiralty to abate, alter, and remove the same, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Working  
Plans to be  
submitted to  
Admiralty.

XLIV. No Deviation of the Quay, or of the First Five Furlongs of the Railway from the Commencement thereof at *Lymington*, shall be made Seaward or Riverward from the continuous Centre Line shown on the Plan deposited at the Admiralty without the previous Assent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or of the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in accordance with the Terms of such Assent.

No Deviation  
from Plans  
without Con-  
sent of Ad-  
miralty.

XLV. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting

Admiralty  
may order  
local Survey  
at Expense  
of Company.

[*Local.*]

12 P

any

*The Lymington Railway Act, 1856.*

any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned may be removed by Admiralty at Expense of the Company.

XLVI. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River where the Tide flows and reflows, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Company to construct Bridges at or near the Points marked A., B., and C. on Plan deposited at Office of Woods.

XLVII. The Company shall and they are hereby required, at their own proper Costs and Charges, and before opening any Portion of the Line of Railway for Traffic, to make and construct Three Passages across the Railway by Bridges, with all necessary and convenient Approaches thereto respectively, at or near the Points marked A., B., and C. on a Plan deposited in the Office of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and signed by the Honourable *James Kenneth Howard*, each of which Bridges shall be constructed of the Dimensions required by the Lands Clauses Consolidation Act, 1845, for public Road Bridges, and which Three Bridges, with the Approaches thereto respectively, shall at all Times thereafter be kept and maintained in good Order and Repair by the Company.

Company to construct Drainage within the New Forest.

XLVIII. The Company shall at their own proper Costs and Charges construct any Drainage within the *New Forest* which, in consequence of the Construction of the said Railway, may be deemed necessary by the Commissioner of Her Majesty for the Time being in charge of the said Forest, and to the Satisfaction of the said Commissioner in all respects.

Expenses of making Railway within the New Forest to be borne by the Company.

XLIX. The Company shall pay all Costs, Charges, and Expenses incurred or to be incurred by or on behalf of the Commissioner of Her Majesty in charge of the said Forest incidental or in relation to the Construction of the Railway through the *New Forest*, or any Surveys, Valuations, or Conveyances of Land connected therewith.

L. That

*The Lymington Railway Act, 1856.*

L. That nothing contained in this Act or in any of the Acts herein referred to shall extend to authorize the Company to take, use, or in any Manner interfere with any Part of the *New Forest* in the County of *Southampton*, or any Part of the Bed or Shore of any River or Creek, or any other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or 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.

LI. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made or the said Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, or to the Conveyance of small Parcels by Railways, now in force or which may hereafter pass during the present 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 of the Rates for small Parcels.

Railway not  
exempt from  
Provisions  
of present  
and future  
General  
Acts.

LII. That all the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

Expenses of  
Act.

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