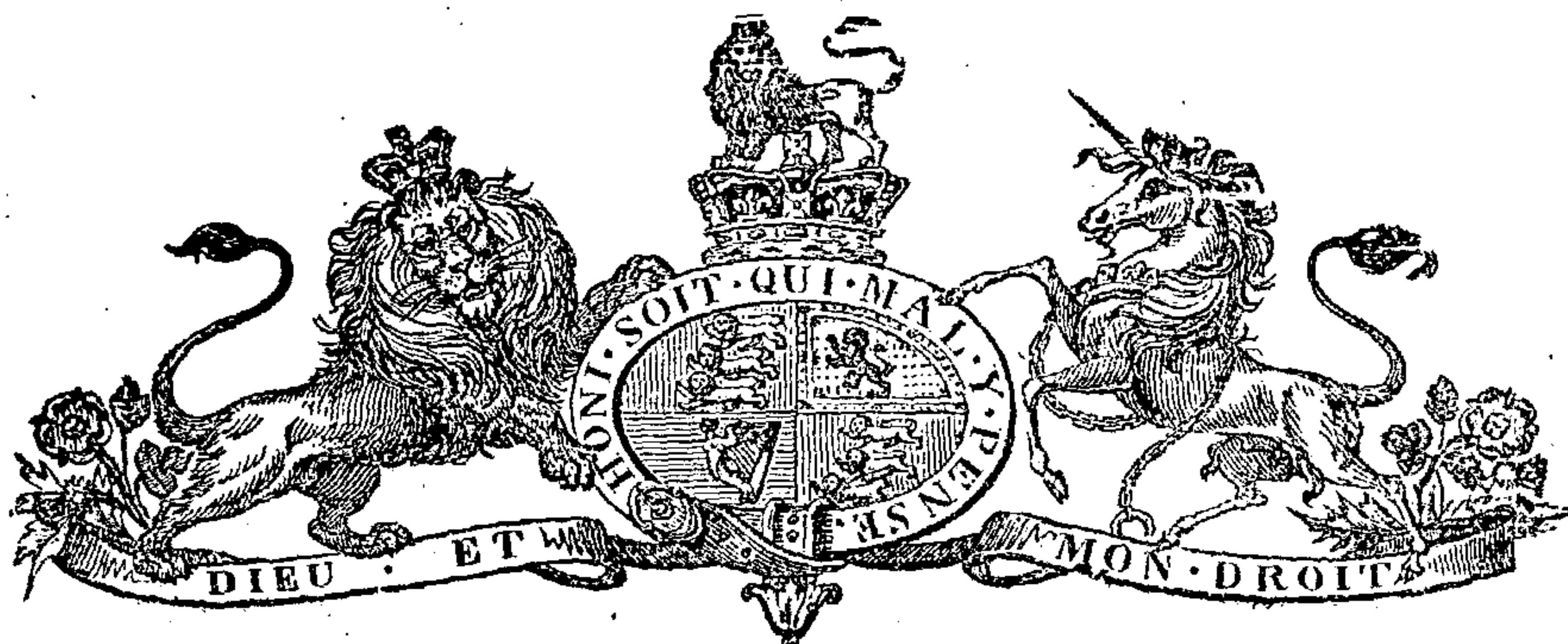




ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. clxxxix.

An Act for enabling the *Hayling* Railways Company to abandon Portions of their authorized Railway; to make a substituted Line of Railway; and for other Purposes. [12th August 1867.]

WHEREAS by "The *Hayling* Railways Act, 1860," (in this Act called "the Act of 1860,") the *Hayling* Railways Company (in this Act called "the Company") were incorporated with a Capital of Fifty thousand Pounds, and were authorized to make and maintain the Two Railways in that Act specified: And whereas by "The *Hayling* Railways and Dock Act, 1864," (in this Act called "the Act of 1864,") the Company were authorized to make and maintain the Extension Railways and Works therein specified, and to raise additional Sums of Money: And whereas Portions of the Railways authorized by the Acts of 1860 and 1864 have not been made, and it is expedient that the Company be authorized to abandon such Portions of their Undertaking, and in lieu thereof to make the Railway herein-after described, and to apply towards the Construction of such substituted Railway in manner herein-after mentioned the Capital which by the Acts of 1860 and 1864 they were authorized to raise for the Purposes of the Railways or Portions of

23 & 24 Vict.
c. clxvi.

27 & 28 Vict.
c. clxxvii.

[*Local.*]

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the

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the Railways by this Act proposed to be abandoned: And whereas it is expedient that the *London and South-western Company* (in this Act called "the *South-western Company*") and the *London, Brighton, and South Coast Railway Company* (in this Act called "the *Brighton Company*") be authorized to use the Railways of the Company, and to enter into Traffic Arrangements with the Company as herein-after mentioned: And whereas Plans and Sections of the Railway and Works by this Act authorized showing the Lines and Levels thereof, and the Lands in which the same will be made, and a Book of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands, have been deposited with the Clerk of the Peace for the County of *Southampton*, and the same are in this Act referred to as the deposited Plans, Sections, and Book of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may for all Purposes be cited as "*The Hayling Railways Act, 1867.*"

8 & 9 Vict.
cc. 16. 18.
and 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated,
to say,)

2. The Clauses and Provisions of "*The Companies Clauses Consolidation Act, 1845,*" with respect to the following Matters, (that is to say,)

- The Distribution of the Capital of the Company into Shares;
- The Transfer or Transmission of Shares;
- The Payment of Subscriptions, and the Means of enforcing the Payment of Calls;
- The Forfeiture of Shares for Nonpayment of Calls;
- The Remedies of Creditors of the Company against the Shareholders;
- The making of Dividends;
- The giving of Notices; and
- The Provision to be made for affording Access to the Special Act;

"*The Lands Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" "*The Railways Clauses Consolidation Act, 1845,*" Parts I. and III. of "*The Railways Clauses Act, 1863,*" and Parts I. and II. of "*The Companies Clauses Act, 1863,*" are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Same Mean-
ings to
Words in
incorporated
Acts as in
this Act.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something

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something in the Subject or Context repugnant to such Construction; the Expression "the Railway" shall mean the Railway by this Act authorized, or any Part thereof; and the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; the "Siding" shall mean and include all the existing Railway Embankment completed by the Company at the passing of this Act on the North-western Side of the Oyster Beds of the Oyster Company and up to the Commencement (on the Northern Side of *Hayling Island*) of the Railway authorized by this Act; "the Oyster Company" shall mean the *South of England Oyster Company (Limited)*.

Interpreta-
tion of
Terms.

4. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plans, and described in the deposited Book of Reference, as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is,—

Power to
make Rail-
way accord-
ing to de-
posited
Plans.

A Railway, Two Miles Six Furlongs Four Chains and Fifty Links or thereabouts in Length, commencing in the Parish of *North Hayling* by a Junction with Railway No. 1. mentioned in the Fifteenth Section of the Act of 1860, at a Point thereon Sixty Yards or thereabouts from the South End of the Viaduct carrying the said Railway over *Langstone Harbour*, and terminating in the Parish of *South Hayling* at the Road leading from *Havant* to *Portsmouth* in a Field the Property of Captain *George Staunton Lynch Staunton*, and about Sixty-one Yards in an Easterly Direction along the said Road from a Cottage the Property of Mrs. *Bone*.

5. The Company shall make and maintain at or near the Junction last mentioned a Passenger and Goods Station, at which Trains shall be stopped by Signal at such Hours as in default of Agreement shall be settled by the Board of Trade.

Company to
provide a
Signal
Station.

6. The Company shall make and maintain a Junction between the Siding and their Main Line of Railway, with all necessary Works and Conveniences, at or near the Commencement of the Railway by this Act authorized, for the Use and Convenience of the Oyster Company, to the Satisfaction of the Engineer for the Time being of the

Company to
make Junc-
tion with
Siding.

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the Oyster Company, and, in case of Dispute, to the Satisfaction of an Engineer appointed by the Board of Trade.

Culverts
and Sluices
may be made
through
Siding.

7. The Oyster Company from Time to Time may make and maintain all such Sluices, Culverts, and Waterways necessary for Oyster Culture as they may deem requisite in and through the Siding.

Company to
make a
Culvert and
a Sluice.

8. The Company shall construct and maintain a Culvert and a Sluice, to the Satisfaction of the Oyster Company's Engineer and the Engineer of the Company, in and through the Portion of the Railway authorized by this Act where the same will be carried across the Oyster Company's Works or Beds, and, in case of Difference, such Culvert and Sluice shall be made to the Satisfaction of the Board of Trade.

Company
may apply
existing
Funds.

9. For the Purposes of this Act the Company may apply any Funds which, by the Act of 1860 or by the Act of 1864, they are authorized to raise for the Purposes of their Railway Undertakings as distinguished from Dock Capital, towards the Construction of the Railway by this Act authorized.

Preference
may be
attached to
Portion of
unissued
Shares.

10. And whereas by the Act of 1864 (Sec. 42) the Company were empowered to create and issue ordinary Share Capital to an Amount not exceeding Six thousand Pounds, but such Capital has not been issued: Therefore from and after the passing of this Act the Company may issue for the Purposes of the said Railway, and as Part of their ordinary Share Capital, the said Sum of Six thousand Pounds, or the Company may, with the Consent of at least Three Fourths of the Votes of the Holders of the Company's present Railway Capital present in person or by proxy at an extraordinary General Meeting of the Company specially convened for the Purpose, create and issue new Preference Shares of the Value of Ten Pounds each to an Amount not exceeding in the whole Six thousand Pounds.

Lands for
extra-
ordinary
Purposes.

11. The Quantity of Land to be taken by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed One Acre.

Powers for
compulsory
Purchases
limited.

12. 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 One Year from the passing of this Act.

As to
surplus
Land.

13. The Oyster Company shall have the Right, at any Time prior to the Twenty-fifth Day of *March* One thousand eight hundred and seventy-five, to require the Railway Company to sell and convey to them

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them the whole or any Part of the Company's surplus Lands adjoining any Mud Lands now or at any Time hereafter occupied by or leased to the Oyster Company, the Price to be paid for such Lands to be settled by Arbitration in case the Parties differ about the same, but in no Case to exceed the Price which shall have been paid for the same by the Company, exclusive of Compensation for Severance.

14. The Railway by this Act authorized shall be completed within Two Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for Completion of Works.

15. The Company shall abandon and relinquish the Formation of so much of the Railway authorized by the 15th Section of the Act of 1860, and in the said Section firstly mentioned, as is situate between the Point where the Railway by this Act authorized commences and the Termination of the Railway by the 15th Section of the Act of 1860 authorized and firstly mentioned, except the Siding, and shall also abandon and relinquish the Formation of the Railway in the 9th Section of the Act of 1864 described as "Railway No. 1.:" Provided always, that the Company shall, during the Tenure of the Oyster Company, use the Siding for Siding Purposes only, and that with the Consent of the Oyster Company: Provided also, that the Company shall on the passing of this Act convey to the Oyster Company, their Successors and Assigns, all their Right and Interest (if any) in the Railway Embankment and other Works already constructed near *Sinah*, and by this Act abandoned. Company may abandon Portions of authorized Lines.

16. The Abandonment by the Company, under the Authority of this Act, of any Portion of any Railway or Works shall not prejudice or affect the Right of the Owner or Occupier of any Land to receive Compensation, in accordance with the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845," for any Damage occasioned by the Entry of the Company on such Land for the Purpose of surveying and taking Levels, or probing or boring to ascertain the Nature of the Soil, or setting out of the Line of Railway, and shall not prejudice or affect the Right of the Owner or Occupier of any Land which may have been temporarily occupied by the Company to receive Compensation, in accordance with the Provisions in that Behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary Occupation, or for any Loss, Damage, or Injury which may have been sustained by such Owner or Occupier by reason thereof, or of the Exercise as regards such Land of any of the Powers contained in the last-mentioned Act, or the Acts of 1860 and 1864. Compensation for Damage to Land by Entry, &c. for Purposes of Railways abandoned.

[*Local.*]

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17. Where

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Compensation to be made in respect of Portions of Railways abandoned.

17. Where before the passing of this Act any Contract may have been entered into or Notice given by the Company for the purchasing of any Land for the Purposes of or in relation to any Portions of the Railway by this Act authorized to be abandoned, and which shall not be required for the Purposes of the Works by this Act authorized to be constructed, full Compensation shall be made by the Company to the Owners or Occupiers or other Persons interested in such Lands for all Injury or Damage sustained by them respectively by reason of the Purchase not being completed pursuant to the Contract or Notice, and the Amount and Application of the Compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Tolls on substituted Line same as on authorized Lines.

18. The Company may demand and take in respect of the Railway by this Act authorized for all Passengers, Animals, and Things conveyed thereon, and for Carriages, Waggon, and Trucks respectively conveying the same, and for Locomotive Engines or other Power, the same Tolls, Fares, Rates, and other Charges as by the Acts of 1860 or 1864 the Company are authorized to demand and take in respect of the Railways by these Acts authorized.

Railway to form Part of Railway Undertakings of Company.

19. The Railway by this Act authorized shall be and be deemed for the Purposes of Tolls and Charges, and for all Purposes whatsoever, Part of the Railway Undertakings of the Company, in the same Manner and to the same Extent as if the same had been authorized to be made by the Acts of 1860 and 1864, or either of them.

Provisions in favour of South-western Company in Act of 1860 to be applicable to Railway by this Act authorized.

20. The Provisions contained in the *Hayling* Railways Act, 1860, empowering the *South-western* Company to use the Railways by that Act authorized, together with the Stations and Conveniences connected therewith, and relating to the Transmission of Passengers and Goods and to the other Matters therein specified, shall extend and be applicable to the Railway by this Act authorized as fully in all respects as if the same were herein expressly repeated.

Provisions in favour of Brighton Company in former Acts to be applicable to the Railway by this Act authorized.

21. The Provisions contained in the former Acts relating to the Company with regard to the Use by the *Brighton* Railway Company of the Railways by these Acts authorized, or either of them, and with regard to the other Matters therein specified, shall extend and be applicable to the Railway by this Act authorized as fully in all respects as if the same Provisions were in this Act expressly repeated.

22. During

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22. During the Continuance of any Agreement to be entered into under the Provisions of this Act for the Use of the Railway by the *South-western* or the *Brighton* Companies, or either of them, the Railway of the Company and of the *South-western* and *Brighton* Companies, or either of them, as the Case may be, shall, for the Purposes of Tolls and Charges, be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway and partly on the Railways of the *South-western* and *Brighton* Companies, or either of them, for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles, and in respect of Passengers for every Mile or Fraction of a Mile beyond Three Miles Tolls and Charges as for One Mile only, and in respect of Animals and Goods for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles Tolls and Charges as for a Quarter of a Mile only, and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods partly on the Railway and partly on the Railways of the *South-western* and *Brighton* Companies, or either of them, as the Case may be.

Tolls on
Traffic con-
veyed partly
on the Rail-
way and
partly on the
South-
western and
Brighton
Railways.

23. Except only as by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Authorities of the *South-western* Company or of the *Brighton* Company.

Saving
Rights of
South-
western and
Brighton
Companies.

24. The Company shall not, out of any Money by this or any other Act relating to the Company authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Interest not
to be paid on
Calls paid
up.

25. The Company shall not, out of any Money by this or any other Act relating to the Company authorized 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 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
Capital.

26. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies,

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

now

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now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized by this Act.

Expenses of
Act.

27. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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