



CHAPTER clxxxvi.

An Act for incorporating the Freshwater, Yarmouth, and A.D. 1880.
Newport Railway Company; and for other purposes.
[26th August 1880.]

WHEREAS the construction of the railways in the Isle of Wight by this Act authorised would be of public and local advantage:

And whereas the several persons herein-after named, with others, are willing at their own expense to carry the undertaking into execution on being incorporated into a Company for the purpose:

And whereas it is expedient that the Company so to be incorporated (herein-after referred to as "the Company"), and any company or persons for the time being working or using the railway of the Company, be empowered to run over and use such parts of the railways of other companies as lie between the intended junction of the railway by this Act authorised and the joint station at Newport, together with that station:

And whereas it is expedient that the Company and the other companies herein-after in that behalf mentioned be empowered to enter into and carry into effect working and other agreements as herein-after provided:

And whereas it is expedient that the Yar Bridge Company be empowered to sell or lease their undertaking to the Company, and that the Company be authorised to purchase or accept a lease thereof accordingly:

And whereas it is expedient that the Company be authorised by agreement with the owners thereof to reclaim any part of the bed or shore of the River Yar:

And whereas plans and sections showing the line and levels of the railway authorised by this Act, and books of reference to the plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or

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A.D. 1880. — which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerks of the peace for the counties of Southampton and of the Isle of Wight, and are hereinafter respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the *Freshwater, Yarmouth, and Newport Railway Act, 1880.*

Incorporation of general Acts. 2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and for the purposes of this Act 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 simple contract debt, and not a debt or demand created by statute.

Incorporation of Company. 4. Lieutenant-Colonel John Walker, Edwin Fox, William Charles Harvey, John Norton, George Gordon Leicester Macpherson, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Freshwater, Yarmouth, and Newport Railway

Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act. A.D. 1880.

5. 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, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act will be situate in the Isle of Wight and county of Hants, and is— Power to make railway.

A railway (13 miles 2 furlongs or thereabouts in length) commencing at or near a point adjoining the highway leading from Freshwater Gate to Calbourne, near Blackbridge, about 95 yards from the centre of Blackbridge, measuring in a south-westerly direction along the said highway, and terminating by a junction with the Cowes and Newport Railway at or near the northern end of the western passenger platform of the Newport Station on that railway.

6. The capital of the Company shall be one hundred thousand pounds, in ten thousand shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one fifth paid.

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

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

10. Subject to the provisions of 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 from time to time divide any share in their capital into half shares, of which one shall be Power to divide shares.

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called “preferred half share,” and the other shall be called “deferred half share,” but the Company shall not so divide any share under the authority of 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 of the amount payable thereon), and the residue to the credit of the preferred half share.

Dividends
on half
shares.

11. The dividend which would from time to time 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 from time to time been payable on the entire share if the same had not been divided.

Dividends
on preferred
shares to be
paid out of
the profits
of the year
only.

12. 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.

Half shares
to be regis-
tered and
certificates
issued.

13. 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 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 on
certificates.

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

15. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created under the authority of 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.

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 Forfeiture
 of preferred
 shares.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred
 shares not
 to be can-
 celled, &c.

17. The several half shares under 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.

Half shares
 to be half
 shares in
 capital.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty-three thousand three hundred pounds, but no part thereof shall be borrowed until the whole capital of one hundred thousand pounds is issued and accepted, and one half thereof 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 the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and 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 that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Power to
 borrow on
 mortgage.

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Appointment
of a receiver.

19. The mortgagees of the Company 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 three thousand pounds in the whole.

Debenture
stock.

20. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application
of moneys.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First
ordinary
meeting.

22. The first ordinary meeting of the Company shall be held within two months after the passing of this Act at the Town Hall in Yarmouth, in the Isle of Wight, or in some other convenient place.

Number of
directors.

23. The number of directors shall be six, but the Company may from time to time reduce and increase the number of directors, but so that the number shall be never less than three nor more than six.

Qualifica-
tion of
directors.

24. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

25. The quorum of a meeting of directors shall be three, but if the number be reduced to three the quorum shall be two.

First
directors.

26. Lieutenant-Colonel John Walker, Edwin Fox, William Charles Harvey, John Norton, George Gordon Leicester Macpherson, and one other duly qualified person to be nominated by them or the majority of them, and consenting to the nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election; and at the first ordinary

Election of
directors.

meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act. A.D. 1880.

27. 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 five acres. Lands for extraordinary purposes.

28. 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 three years from the passing of this Act. Period for compulsory purchase of lands.

29. Nothing in this Act shall authorise or empower the Company to enter upon, take, or use the schools and playground on the deposited plans numbered 3 in the parish of Yarmouth, or the field numbered on those plans 4 in that parish, without in each case the consent of the owners for the time being of those properties respectively. Company not to take certain properties without consent.

30. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained, in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next hereinafter mentioned; that is to say, Power to cross certain roads on the level.

No. on deposited Plan.	Parish.	Description of Road.
60	Freshwater - - - -	Public.
2	Yarmouth - - - -	"
12	Calbourne - - - -	"
21	Calbourne - - - -	"
76	Carisbrook - - - -	"

31. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,) Inclination of roads.

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No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
41	Freshwater -	Public -	{ Level on one side, and 1 in 12 on the other. 1 in 15.
13	Thorley -	„ -	

Height and span of bridges.

32. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any spans not less than the spans herein-after mentioned in connexion therewith respectively ; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Span
17	Freshwater -	Public -	20 feet.
81	Freshwater -	„ -	20 „
131	Freshwater -	„ -	20 „
53	Shalfleet -	„ -	15 „
41	Shalfleet -	„ -	20 „
13	Thorley -	„ -	15 „

Widths of certain roadways.

33. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively ; (that is to say,)

No. on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
41	Freshwater -	Public -	20 feet.
2	Shalfleet -	„ -	20 „
3	Carisbrook -	„ -	15 „
40	Carisbrook -	„ -	15 „

Power to take easements, &c. by agreement.

34. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands ; and the provisions of the said Acts with 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. A.D. 1880.

35. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, the sum of five thousand one hundred and fifty pounds Three pounds per centum Consolidated Bank Annuities, being, at the price at which the same were purchased, equal to five per cent. upon the amount of the estimate in respect of the railway, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum of stock is referred to in this Act as the deposit fund : Be it enacted that, notwithstanding anything contained in the said Act, the said 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 ; 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 deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors, or the majority of them, order the portion of the 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.

Deposit money not to be repaid except so far as railway is opened.]

36. 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 deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, 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

Application of deposit.

A.D. 1880. 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 Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the deposit fund has been repaid 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.

Power to
reclaim bed
and shore
of River
Yar by
agreement.

37. The Company, by agreement with the owners of any part (not being tidal) of the bed or shore of the River Yar adjoining the railway, works, or lands of the Company, and upon and subject to such terms and conditions, pecuniary or otherwise, as the Company and such owner may agree, may from time to time reclaim any such part of the said bed or shore, and upon such reclamation being carried into effect the land reclaimed shall, for all the estate and interest of such owner therein, belong to and is by this Act vested in the Company and such owner in such proportions as they shall have agreed or may agree.

Saving
rights of the
Crown in
the fore-
shore.

38. Nothing contained in this Act 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 right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which

consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. A.D. 1880.

39. If any land to the seaward of any lands by this Act authorised to be purchased or taken or reclaimed by the Company shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly, or otherwise, so as to be above instead of below the line of ordinary high-water mark, the Company shall not, by virtue of the ownership of any lands which they are by this Act empowered to purchase, take, or reclaim, have any estate, right, or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by any works by this Act authorised, or otherwise, but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty, or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same, and as if the same had continued as the same now is subject to the flow and reflow of the ordinary tides. Saving of rights as to future accretions.

40. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the River Yar, or of the sea beyond the mouth thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the water, the said Company shall not have or exercise any right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the land so inned, gained, or reclaimed, for any purpose whatsoever, without the consent in writing of the Board of Trade (which consent the Board of Trade may give) on behalf of Her Majesty, but such inning, gaining, or reclamation shall enure absolutely for the benefit of the Queen's Majesty, her heirs and successors. Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

41. And whereas it is necessary that the lands, hereditaments, and works belonging to Her Majesty, or vested in Her Majesty's Principal Secretary of State for the War Department for the public service, should be preserved intact and free from all intrusion or obstruction: Be it therefore enacted, that nothing in this Act contained shall authorise the Company to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof, vested in or exercised by the said Principal Secretary for the time being, or to take away, lessen, prejudice, or alter any of the rights, privileges, or Saving rights of Her Majesty's Principal Secretary of State for the War Department.

A.D. 1880. powers vested in or exercised by the said Principal Secretary for the time being, without his previous consent signified in writing under his hand, and which consent the said Principal Secretary for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the said Company.

Period for
completion
of works.

42. 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 to be exercised, except as to so much thereof as is then completed.

Tolls.

43. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway :

For any person conveyed in or upon any carriage, the sum of twopence per mile ; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny per mile :

For any horse, mule, or other beast of draught or burden, threepence per mile ; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny per mile :

For cattle, the sum of twopence per head per mile ; and if conveyed in carriages belonging to the Company, an additional sum of one penny per mile :

For calves, pigs, sheep, and small animals, one penny each per mile ; and if conveyed in carriages belonging to the Company, an additional sum of one halfpenny per mile.

In respect of goods conveyed on the railway :

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, 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 penny :

For all ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, 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 penny :

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, chains, and for light iron castings, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny: A.D. 1880.

For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding fourpence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, not exceeding sixpence per mile, and a like sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

44. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken. Tolls for propelling power.

45. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,) Regulations as to tolls.

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls for passengers, animals, and goods as for one mile:

For a fraction of a ton the Company may demand tolls 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.

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Tolls for
 small
 parcels
 and articles
 of great
 weight.

46. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the 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, threepence;

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, ninepence;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight:

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 such sum as they think fit, not exceeding sixpence per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which with the carriage shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum
 rates for
 passengers.

47. The maximum rate 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 for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

48. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company,) shall not exceed the following sums; (that is to say,) A.D. 1880.
Maximum rates for animals and goods.

For every horse, mule, and other beast of draught or burden, fourpence per mile;

For cattle, threepence per head per mile;

For calves, pigs, sheep, and small animals, twopence per mile;

For all coal, coke, and other articles herein-before classed therewith, one penny halfpenny per ton per mile;

For all iron and other articles herein-before classed therewith, threepence per ton per mile;

For all sugar, grain, and other articles herein-before classed therewith, threepence per ton per mile;

For all cotton and other articles herein-before classed therewith, fourpence per ton per mile;

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence, and one penny halfpenny for every additional quarter of a ton which such carriage may weigh.

49. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty 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.

50. No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee. Terminal station.

51. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway. Foregoing charges not to apply to special trains.

A.D. 1880.

Company
may take
increased
charges by
agreement.

52. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals and goods (other than small parcels) by passenger trains.

Power to
use other
railways.

53. The Company, and any company or persons for the time being working or using the railway of the Company, or any part thereof, either by agreement or otherwise, may run over, work, and use with their engines, carriages and waggons, officers, and servants, whether in charge of engines and trains, or for any other purpose whatsoever, and for the purposes of their traffic of all kinds, such parts of the railways of the Cowes and Newport and Ryde and Newport and Isle of Wight (Newport Junction) Railway Companies as lie between the termination of the railway by this Act authorised and the joint station at Newport of those companies, together with that station, and all roads, platforms, points, signals, water, water engines, engine sheds, standing room for engines, booking and other offices, warehouses, sidings, junctions, machinery, works, and conveniences of or connected with the said portions of railways and station; and as regards traffic conveyed by them, the Company may demand and take the same tolls and charges upon and in respect of the said portions of railways and station as are now authorised to be taken upon and in respect of such portions of railway and station.

Terms of
such user.

54. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, charges, rent, or other consideration to be paid by the Company for and in respect of the use of such portions of railway, station, works, and conveniences shall be such as are from time to time agreed upon between them and the companies, or any or either of them owning the said respective portions of railway, station, works, and conveniences, or, failing such agreement, as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies interested, and the cost of the arbitration shall be in his discretion, and the decisions of such arbitrator shall be final and binding on all parties.

Power to
enter into
traffic ar-
rangements.

55. The Company on the one hand, and the Isle of Wight Railway Company, the Ryde and Newport Railway Company, the Cowes and Newport Railway Company, or any committee of the Ryde and Newport and Cowes and Newport Railway Companies acting under the provisions of the agreement of 19th March 1877 scheduled to

the Ryde and Newport Railway Act, 1877, the Isle of Wight (New-
 port Junction) Railway Company, and the Yar Bridge Company, or any or either of them, on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

A.D. 1880.
 40 & 41 Vict.
 c. lxxxviii.
 36 & 37 Vict.
 c. 73.

The working, use, management, and maintenance by the contracting companies, or any or either of them, of their railways, bridges, piers, and works, or any part or parts thereof respectively :

The management, regulation, interchange, collection, transmission, accommodation, and delivery of traffic upon or coming from or destined for the respective undertakings of the contracting companies, or any or either of them :

The supply and maintenance under any agreement for the railway being worked and used by the contracting companies, or any or either of them, of engines, stock, and plant necessary for the purposes of such agreement, and the employment of officers and servants for the conduct of traffic :

The rebates, drawbacks, or allowances to be made by any of the contracting companies to the others or other of them :

The fixing, collection, payment, appropriation, apportionment, and distribution of the tolls, rates, charges, income, and profits arising from the respective undertakings of the contracting companies, or any or either of them, or any part thereof.

56. The Company on the one hand, and the London and South-western Railway Company, and the London, Brighton, and South Coast Railway Company, or either of them, on the other hand, may, subject to the provisions of Part III. of the Railway Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

Further
 power to
 enter into
 traffic ar-
 rangements.

The use by the contracting companies, or any or either of them, of their railways, bridges, piers, and works, or any part or parts thereof respectively :

The regulation, interchange, collection, transmission, accommodation, and delivery of traffic upon or coming from or destined for the respective undertakings of the contracting companies, or any or either of them :

The rebates, drawbacks, or allowances to be made by any of the contracting companies to the others or other of them :

The fixing, collection, payment, appropriation, apportionment, and distribution of the tolls, rates, charges, income, and profits
 [Local.-186.]

[Ch. clxxxvi.] *Freshwater, Yarmouth, and* [43 & 44 VICT.]
Newport Railway Act, 1880.

A.D. 1880.

arising from the respective undertakings of the contracting companies, or any or either of them, or any part thereof.

Tolls on traffic conveyed partly on the railway and partly on other railways.

57. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway, or any part thereof, by any other railway company or companies, the railway of the Company and of such other company or companies shall, for the purposes of short-distance toll 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 of the Company and partly on the railways of such other company or companies 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 of the Company and partly on the railways of such other company or companies.

Yar Bridge Company may require their undertaking to be purchased by the Company.

58. If at any time hereafter the Yar Bridge Company (hereinafter referred to as the "selling company") shall, with the consent of three fourths of the proprietors of the selling company present in person or by proxy at a meeting of the selling company specially convened for the purpose, require the Company, by notice in writing under the seal of the selling company, to purchase the undertaking, property, rights, powers, and interests of the selling company, the Company may and shall purchase or accept a transfer of the undertaking of the selling company, and the selling company shall sell and transfer the same to the Company accordingly, and the sale or transfer shall be for such consideration and upon such terms (pecuniary or otherwise) as the two companies agree, or as, in case of difference, shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act, 1859; and for the purposes of such arbitration and of this enactment the selling company shall be deemed to be a railway company.

22 & 23 Vict. c. 59.

Powers as to premises sold, &c. to be exercised by Company.

59. All the rights, powers, and privileges of the selling company, and of the directors, officers, or servants of the selling company, which by virtue of any Acts or Provisional Orders relating to the selling company might be exercised and enjoyed by them respectively with respect to the premises sold and transferred, and which, in accordance with the terms and conditions of the sale or transfer, are to be exercised and enjoyed by the Company, and their directors, officers, and servants, with respect to the premises agreed to be sold or transferred, shall be exercised and enjoyed accordingly under

and with the same regulations, restrictions, obligations, penalties, and immunities in accordance with those Acts and Orders respectively, and this Act respectively, as by the selling company, and their directors, officers, and servants. A.D. 1880.

60. The sale or transfer shall be sufficiently and conclusively evidenced by a deed of conveyance duly stamped, and wherein the full consideration for the deed shall be fully and truly set forth ; and within three months from the date of every such sale or transfer the Company shall produce to the Commissioners of Inland Revenue such deed of conveyance, duly stamped with the full and proper ad valorem stamp duty in respect of the consideration for the transfer, and if the Company shall not within the said three months produce to the said Commissioners such deed of conveyance, duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the date of the transfer to the day of payment of such duty, shall be recoverable from the Company, with full costs of suit, and all costs and charges attending the same. Sale and conveyance to be by deed duly stamped.

61. A receipt or acknowledgment under the hands of three directors of the selling company for any money payable by the Company to the selling company shall be a good and sufficient discharge for the same, and the Company shall not be bound to see to the application or be answerable or accountable for the non-application or misapplication of the said purchase money, or any part thereof. Receipts of selling company to be a discharge to the Company.

62. In the case of a sale or transfer under this Act the premises comprised in the sale or transfer, and the rights, powers, authorities, and privileges to be in accordance with this Act exercised and enjoyed by the Company with respect to the same, shall at the time for the sale or transfer to take effect, and subject to and in accordance with the terms and conditions agreed upon or determined by arbitration as aforesaid, and to the provisions, if any, of the deed of conveyance executed in accordance with this Act, and subject also to all obligations, contracts, debts, and liabilities respectively affecting the premises sold, be by this Act transferred to and vested in the Company absolutely and for ever, and be amalgamated with and deemed part of the undertaking of the Company. Vesting in Company premises agreed to be transferred.

63. From and after the time for a sale or transfer to take effect, the Company, in accordance with the terms and conditions agreed on or determined by arbitration as aforesaid, but subject to the provisions of this Act, shall be subject to, and perform, conform, and be liable to, all contracts, agreements, duties, obligations, Company to perform duties of selling company as to premises sold, &c.

A.D. 1880. — debts, charges, liabilities, claims, and demands whatsoever to which the selling company, if the sale or transfer did not take effect, would, with respect to the premises comprised in the sale or transfer, be subject or liable, and shall indemnify the selling company, and their shareholders, directors, officers, and servants, from the same, and all costs, charges, and expenses, claims and demands, with respect to the same, and shall be entitled to all the benefits and advantages of, and to enforce, all those contracts and agreements.

Actions, &c.
not to abate. **64.** The sale or transfer shall not cause the abatement, discontinuance, or determination of or in anywise prejudicially affect any action, suit, or other proceeding at law or in equity commenced by or against the selling company, either solely or jointly, with any other company or with any person, before the sale or transfer takes effect ; but any such action, suit, or proceeding may, so far as it relates to the premises comprised in the sale or transfer, be continued, prosecuted, or enforced by or against the Company, either solely, or, as the case may require, jointly with such other company or with such person.

Selling company's Acts to apply to Company. **65.** After the sale or transfer takes effect the several Acts passed with respect to the selling company (but subject to the provisions of this Act) shall, so far as they relate to the premises comprised in the sale or transfer, be read and have effect as if the same had been passed with respect to the Company instead of with respect to the selling company.

Selling company to wind up their affairs. **66.** In the case of a sale or transfer under this Act the selling company shall forthwith proceed to wind up their affairs, and in order thereto may sell and convey or otherwise dispose of all such parts, if any, of their lands, property, and effects as are not in accordance with or by this Act vested in the Company, and shall, subject to the payment, satisfaction, or discharge of all the debts, liabilities, and engagements, if any, of the selling company, distribute and pay the net moneys to be received from the sale or transfer to and among the several persons who, at the date of the completion of such sale or transfer, are the respective registered shareholders in the capital of the selling company, according to their respective priorities and in proportion to their respective shares of such capital, or their respective executors, administrators, successors, or assigns.

Payments into Court by selling company. **67.** If the selling company are, for twelve months after the period for the distribution of their net moneys, unable, after diligent inquiry, to ascertain the person to whom any part thereof ought to be paid, or who can give an effectual receipt for the same, the selling company may pay the same into the Chancery Division of the

High Court of Justice under any Act from time to time in force for the relief of trustees, and every such payment into Court shall conclusively discharge the selling company from all further liability with respect to the net moneys so paid, and for the purposes of this Act shall be deemed payment thereof to a person absolutely entitled thereto, and any person afterwards showing to the satisfaction of the Court that he is entitled thereto may obtain payment thereof out of Court accordingly. A.D. 1880.

68. When all the debts, liabilities, and engagements of the selling company are paid, satisfied, or discharged, and their net moneys are distributed in accordance with this Act, they shall be by this Act dissolved and shall wholly cease to exist. Dissolution of selling company.

69. Notwithstanding the dissolution by this Act of the selling company, and except only as is by this Act otherwise provided, everything before the dissolution done, suffered, and confirmed respectively under or by the Acts relating to the selling company, and every right by any of those Acts saved, shall be as valid as if the dissolution had not happened; and the dissolution and the operation of this Act respectively shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed, and all rights so saved respectively, and to all rights, liabilities, claims, and demands, both present and future, which, if the dissolution had not happened, would be incident to or consequent on everything so done, suffered, and confirmed, and all rights so saved respectively; and with respect to everything so done, suffered, and confirmed, and all rights so saved respectively, and all such rights, liabilities, claims, and demands, the Company shall to all intents represent the selling company, provided that the generality of this provision shall not be restricted by any of the other sections and provisions of this Act. General saving of rights under Acts relating to selling company.

70. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections 20, 21, and 22 of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors. Saving rights of Crown under 29 & 30 Vict. c. 62.

71. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond Interest not to be paid on calls paid up.

[Ch. clxxxvi.] *Freshwater, Yarmouth, and* [43 & 44 VICT.]
Newport Railway Act, 1880.

A.D. 1880. — the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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

72. 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.

Provision
as to gene-
ral Railway
Acts.

73. Nothing in this Act contained shall exempt the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force, or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of
Act.

74. 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.