



**CHAPTER cciii.**

An Act to incorporate a Company for the construction of the Southsea Railway ; and for other purposes. A.D. 1880.

[26th August 1880.]

**W**HEREAS the construction of railways from or near the joint line of the London and South-western and London, Brighton, and South Coast Railway Companies at Portsmouth to Southsea, so as to permit of an interchange of traffic between those respective railways, would be of public and local advantage, and the persons in this Act named, with others, are willing at their own expense to make and maintain the same :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Southampton, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas it is expedient that the said 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, should be authorised to enter into agreements as by this Act provided :

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 :

1. This Act may be cited as the Southsea Railway Act, 1880.

Short title.

2. The Companies Clauses Consolidation Act, 1845, Part I. (Cancellation and Surrender of Shares) and Part III. (Debenture  
[*Local.*-203.] A 1

Incorporation of general Acts.

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8 & 9 Vict. c. 16.  
26 & 27 Vict.  
c. 118.  
30 & 31 Vict.  
c. 127.  
8 & 9 Vict. c. 18.  
23 & 24 Vict.  
c. 106.  
32 & 33 Vict. c. 18.  
8 & 9 Vict. c. 20.  
26 & 27 Vict. c. 92.

Stock) of the Companies Clauses Act, 1863, as amended by the Railway Companies Act, 1867, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (Construction of a Railway) and Part III. (Working Agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-  
tion 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; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" or "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised; the expression "the two Companies" means the London and South-western and London, Brighton, and South Coast Railway Companies; the expression "the joint line" means the railway at Portsmouth belonging to the two Companies or one of them; 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 for the purposes of this Act 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. Edwin Galt, Joseph Lush, Charles James Mew, William Ward, 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 railways and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Southsea 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.

Power to  
make rail-  
ways.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways 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 railways herein-before referred to and authorised by this Act are all situate in the parish of Portsea, in the county of Southampton, and are— A.D. 188

A Railway No. 1, one mile three furlongs four chains and fifty links in length, commencing at East Southsea otherwise New Southsea in a plot of land lying on the north side of Granada Road at or near its junction with Waverley Road, and terminating at a point four hundred and fifty yards or thereabouts south of the road called St. Mary's Road leading from Fratton to Milton, and thirty yards or thereabouts east of the joint line :

A Railway No. 2, distinguished on the deposited plans as Railway No. 3, nine chains in length, commencing by a junction with Railway No. 1 at or near the termination thereof, and terminating by a junction with the joint line at a point thereon two hundred and fifty yards or thereabouts on the south side of the bridge called Union Bridge, which carries St. Mary's Road aforesaid over that line.

6. The junction by this Act authorised with the joint line shall not be made, nor shall the Company, for the purposes of their railways or either of them, take, use, enter upon, or interfere with any of the lands or works of the two Companies or either of them without in every case their previous consent in writing under their respective common seals: Provided always, that if and whenever the two Companies consent to any junction being made, the junction shall be made at such point only, and in such manner and form, and with such points, switches, signals, and other apparatus and conveniences as the two Companies think fit, and shall be worked and used in such manner as not to interfere with the working or user or the safety or convenience of the joint line, or the traffic thereon, and under such regulations as the two Companies prescribe with respect to such working and user, and for securing such safety and convenience, and otherwise on such terms and conditions as the two Companies think fit. Junction with joint line.

7. Whether the two Companies shall or shall not consent to a junction with the joint line, the Company shall pay to the two Companies all such reasonable cost and expense as they may think fit to incur in constructing at or near the point shown on the deposited plans as the proposed point of junction such platforms, buildings, sidings, signals, works, and conveniences as the engineers of the two Companies may reasonably deem necessary or proper for the interchange of traffic between the railway of the Company and the joint line, the amount of such cost and expense to be fixed and determined by the said two engineers, and to be paid by the Provision for interchange platforms.

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Company to the two Companies before the said interchange platforms and other works shall be used. In all other respects the provisions of Sections 9, 10, 11, and 12 of the Railways Clauses Act, 1863, shall be applicable to and for the making, maintaining, and working of such platforms and other works, and the acquisition of easements for the purpose of carrying out the provisions of this section in the same way as if the said platforms and other works were a junction. In case any dispute shall arise between the engineers of the two Companies and the engineer of the Company in regard to any of the matters which by the provisions of this section are to be determined by the engineers of the two Companies, such dispute shall be settled by an engineer to be agreed upon, or, failing agreement, on the application of either Company, by the President for the time being of the Institution of Civil Engineers, or any other engineer to be appointed by him.

Penalty in case of interruption of traffic on the joint line.

8. If by reason of any works or proceedings of the Company, or any contractor or person employed by them, there shall be any obstruction of or interference with the joint line so as to prevent or impede the convenient passage of engines and carriages along the same, the Company shall pay to the two Companies the sum of fifty pounds per hour by way of ascertained damages for every hour during which that obstruction or interference shall continue.

Company to pay all damages sustained by the two Companies.

9. Notwithstanding anything in this Act contained, the Company shall be responsible for and make good to the two Companies respectively all costs, losses, damages, and expenses which may be occasioned to them or either of them, or to any works or property of the two Companies or either of them, or to the traffic on the joint line, or to any person or persons using the same, or otherwise, by reason of the execution or failure of any of the intended works, or of any act or omission of the Company, or of any of the persons in their employ, or of their contractors or others, and the Company will effectually indemnify and hold harmless the two Companies and each of them from all claims and demands upon or against them or either of them by reason of such execution or failure and of any such act or omission.

Protection of the Corporation of Portsmouth.

10. In the construction of the railways the following provisions for the protection of the mayor, aldermen, and burgesses of the borough of Portsmouth (herein-after called the Corporation) shall be observed and have effect:

1. The Company shall carry the canal footpath, numbered 71 on the deposited plans, over Railway No. 1 by means of a carriage-road bridge of not less than thirty-six feet in width between the fences, with approaches thereto of inclinations not steeper than one in thirty:

2. The bridge by which Albert Road, numbered 52 on the deposited plans, shall be carried over the Railway No. 1 shall be throughout of a width between the fences of not less than forty feet, with approaches thereto of inclinations not steeper than one in thirty :
3. The Company shall carry Seymour Lane, numbered 35A and 33 on the deposited plans, over Railway No. 1 by means of carriage-road bridges of not less than thirty-six feet in width between the fences, with approaches thereto of inclinations not steeper than one in twenty-five :
4. The Company shall construct a carriage-road bridge of not less than thirty-six feet in width between the fences over Railway No. 1 at or near Milton Lane at some point between the land of the two Companies numbered 77 on the deposited plans and the point of junction with the joint line as shown on those plans, and shall form approaches thereto from Milton Lane of inclinations not steeper than one in twenty-five :
5. The main sewer of the Corporation in Albert Road, where that sewer is crossed by Railway No. 1, shall be protected by the Company from damage by reason of such crossing by means of additional brickwork or such other means as may be agreed upon between the respective engineers of the Company and the Corporation, or, failing such agreement, as may be determined by an engineer to be appointed by them, or, in case of difference, to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party :
6. The roads, bridges, and approaches to be made by the Company under the provisions of this section (except the stone, iron, or other structure of those bridges and the wing walls thereof, which structure and wing walls shall be repaired and maintained by and at the expense of the Company) shall, when made and completed to the satisfaction of the borough surveyor, from time to time be repaired and maintained by and at the expense of the Corporation.
11. The following provisions for the protection of Francis Francis and his trustees shall be observed and have effect ; viz.,
  1. The Company shall, in constructing the railways where the same pass through the land of the said Francis Francis and his trustees, carry the same as near as possible to the eastern boundary of such land within the limits of deviation shown on the deposited plan :
  2. Whether or not the two Companies shall construct the interchange platforms and other works according to the pro-

Protection  
of Francis  
Francis and  
his trustees.

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visions herein-before contained in that behalf, a station shall, before the railway is opened for traffic, be provided, with proper platforms and other works, at or near the point shown on the deposited plan as the proposed point of junction; and before the railway shall be opened for traffic the Company shall provide a road to such station not less than forty feet in width from the land of the said Francis Francis and his trustees, and shall for ever maintain the same in good order and condition, and such road shall at all times be open for the use of the public:

3. Before the railway shall be opened for traffic the Company shall provide a bridge at such point on the field numbered on the deposited plan 65A in the parish of Portsea as the said Francis Francis and his trustees may prescribe, for the purpose of affording communication between their lands lying on the east and those lying on the west of Railway No. 1, and such bridge shall, at the option of the said Francis Francis and his trustees, be either over or under the said railway:

4. All trains passing over the railway, except excursion trains and one ordinary train each way daily, shall stop to take up and set down passengers at the station to be provided pursuant to sub-section 2 of this section.

Capital.

12. The capital of the Company shall be fifty thousand pounds, in five thousand shares of ten pounds each.

Shares not to be issued until one-fifth part paid up.

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

Calls.

14. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

15. 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.

Power to borrow on mortgage.

16. The Company may from time to time borrow on mortgage any sum, not exceeding in the whole sixteen thousand six hundred pounds, but no part thereof shall be borrowed until the whole capital of fifty thousand pounds is issued and accepted and one half thereof is paid up, and the Company have proved to the justice

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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 that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof; and 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.

**17.** 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 one thousand five hundred pounds in the whole.

Appointment of a receiver.

**18.** 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.

Power to create debenture stock.

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

Application of moneys.

**20.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

First ordinary meeting.

**21.** The number of directors shall be three.

Number of directors.

**22.** The qualification of a director shall be the possession in his own right of not less than thirty shares.

Qualification of directors.

**23.** The quorum of a meeting of directors shall be two.

Quorum.

**24.** Edwin Galt, Joseph Lush, and Charles James Mew 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 personally or by proxy may

First directors.

Election of directors.

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either continue in office the directors appointed by this Act, 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 being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present personally or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the place of the directors then retiring from 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 same Act.

Lands for extraordinary purposes.

**25.** The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed one acre.

Period for compulsory purchase of lands.

**26.** 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.

Period for completion works.

**27.** The railways shall be completed within three 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.

Power to grant easements.

**28.** 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.

Deposit money not to be repaid except so far as railways are opened.

**29.** 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, a sum of one thousand four hundred and fifty-three pounds two shillings (being five per centum upon the amount of the estimate in respect of the railways) 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 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 railways, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railways 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 railways 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 railways, 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.

**30.** If the Company do not previously to the expiration of the period limited by this Act for the completion of the railways complete and open the same 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 railways or any portion thereof, or who may 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

Application  
of deposit.

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Tolls.

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

In respect of passengers and animals conveyed on the railway:

Class 1. For any person conveyed in a first-class carriage, per mile twopence; and if conveyed in carriages provided by the Company, an additional sum per mile of one penny:

Class 2. For every person conveyed in a second-class carriage, per mile one penny halfpenny; and if conveyed in carriages provided by the Company, an additional sum per mile of three farthings:

Class 3. For every person conveyed in a third-class carriage, per mile one penny; and if conveyed in carriages provided by the Company, an additional sum per mile of one half-penny:

Class 4. For every horse, per mile fourpence, and for every mule, ass, or other beast of draught or burden conveyed in or upon any carriage, per mile threepence; and in each case, if conveyed in carriages provided by the Company, an additional sum per mile of one penny:

Class 5. For every ox, cow, bull, or head of neat cattle conveyed in or upon any carriage, per mile twopence; and if conveyed in carriages provided by the Company, an additional sum per mile of one penny:

Class 6. For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any carriage, per mile one penny; and if conveyed in carriages provided by the Company, an additional sum per mile of one penny.

In respect of goods conveyed on the railway :

Class 7. For all lime, limestone, salt, dung, compost, and all sorts of manure, and all undressed materials for the repair of highways, coals, slack, cannel, coke, culm, and cinders, per ton per mile one penny ; and if conveyed in carriages provided by the Company, an additional sum per ton per mile of one halfpenny :

Class 8. For all stones for building, pitching, and paving, bricks, tiles, slates, clay, sand, chalk, marl, iron, ironstone, and iron ore, copper, tin, lead, and other ores, pig iron, bar iron, rod iron, hoop iron, sheet iron, and all other similar descriptions of wrought iron and iron castings, not manufactured into utensils or other articles of merchandise, per ton per mile one penny halfpenny ; and conveyed in carriages provided by the Company, an additional sum per ton per mile of one halfpenny :

Class 9. For all sugar, grain, corn, flour, hides, dyewoods, Manchester packs, earthenware, timber, staves, and deals, metals (except iron), tinned plates, nails, anvils, vices, and chains, per ton per mile twopence ; and if conveyed in carriages provided by the Company, an additional sum per ton per mile of three farthings :

Class 10. For cotton and all other wools, drugs, or manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence ; and if conveyed in carriages provided by the Company, an additional sum per ton per mile of one penny.

With respect to the conveyance of carriages :

Class 11. 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 not belonging to the Company, if having more than two wheels, per mile fourpence, and if having only two wheels, per mile threepence ; and for every additional quarter of a ton which any such carriage weighs, one penny per mile in addition.

**32.** 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.

**33.** 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

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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 and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein ; and if there be a fraction of a quarter of a mile, such fraction shall be deemed a quarter of a mile ; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a 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, elm, 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 parcels  
and single  
articles of  
great  
weight.

**34.** With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight, notwithstanding anything in 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, three-pence ;

If exceeding seven and not exceeding fourteen pounds in weight, fivepence ;

If exceeding fourteen and not exceeding twenty-eight pounds in weight, sevenpence ;

If exceeding twenty-eight and not exceeding fifty-six pounds in weight, ninepence ;

If exceeding fifty-six and not exceeding one hundred and twelve pounds in weight, one shilling ;

If exceeding one hundred and twelve and not exceeding two hundred and twenty-four pounds in weight, two shillings ;

And for parcels exceeding two hundred and twenty-four pounds, but not exceeding five hundred 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 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 on the railway, as follows: A.D. 1880.

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 truck or platform, shall exceed four tons, but shall not exceed eight tons, the Company may demand and take such sum as they think fit, not exceeding eightpence per ton per mile:

For the carriage of any one boiler, cylinder, or 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 and take such sum as they think fit.

**35.** 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,) Maximum rates for passengers.

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 per mile.

**36.** The maximum rate of charge to be made by the Company for the conveyance of animals, minerals, 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, covering, and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the duty or business of a carrier where any such service is performed by the Company), shall not exceed the following sums; (that is to say,) Maximum rates for animals and goods.

Class 4. For each animal, fourpence per mile:

Class 5. For each animal, threepence per mile:

Class 6. For each animal, one penny halfpenny per mile:

Class 7. One penny halfpenny per ton per mile:

Class 8. Twopence per ton per mile:

Class 9. Threepence per ton per mile:

Class 10. Fourpence per ton per mile:

Class 11. If having more than two wheels, fivepence per ton per mile, and one penny halfpenny per mile for every additional quarter of a ton; and if having only two wheels, fourpence per ton per mile, and one penny per mile for every additional quarter of a ton.

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Passengers  
luggage.

**37.** Every passenger travelling upon the railway may take with him his ordinary or personal 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.

Terminal  
station.

**38.** 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.

Foregoing  
charges not  
to apply to  
special  
trains.

**39.** 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.

Company  
may take  
increased  
charges by  
agreement.

**40.** 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 or goods (other than small parcels) by passenger trains.

Power to  
two Com-  
panies to run  
over pro-  
posed  
railways.

**41.** Each of the two Companies may run and work over and use with their engines and carriages, and for the purposes of their traffic of every description, the railways by this Act authorised, or either of them, or any part thereof, together with all stations, platforms, sidings, buildings, offices, approaches, water supplies, telegraphs, signals, signal posts, machinery, works, and conveniences on or connected with the said railways or railway, paying to the Company the full amount of the receipts from all traffic taken up at any station on the railways by this Act authorised and delivered at any other station on those railways (the interchange platform before mentioned being for the purposes of this enactment deemed one of those stations), and a mileage proportion of the receipts from all other traffic conveyed under the powers of this section, less Government duty and expenses of collection and delivery: Provided that each Company exercising this power may deduct from all such receipts (both local and through) all haulage and other expenses incurred by them in conveying the traffic over the railways by this Act authorised; and the amount of such expenses, if not agreed upon between the Companies interested, and any other questions arising in reference to this or the next following section, or the exercise of the powers hereby given, shall (subject to the

provisions of this Act) from time to time be determined by arbitration in manner provided by the Railway Companies Arbitration Act, 1859, and as if the Companies in difference had agreed to refer the same to arbitration in accordance with that Act, and the reference were to a single arbitrator.

A.D. 1880.  
22 & 23 Vict.  
c. 59.

42. Except as by or under the authority of this Act otherwise provided, agreed, or determined, the Company shall from time to time, after the expiration of seven days from notice in writing so to do being given to them by either of the two Companies, make all arrangements and afford and render all services and facilities requisite for giving full effect to the powers by this Act given to the two Companies of running or working over or using the joint line.

Company to give effect to running powers.

43. The Company on the one hand and the two Companies 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 and carry into effect agreements with respect to the following purposes, or any of them; (that is to say,)

Arrangements with the two Companies.  
36 & 37 Vict.  
c. 73.

The use by the Companies or either of them of the railways and works of the Company or any part thereof:

The user of stations by or for the benefit of all or any of the Companies parties to any such agreement:

The payments to be made by each or any of the said parties to or for the other or others of them:

The supply of rolling stock during the continuance and for the purposes of any such agreement, the employment of officers and servants, and the appointment of joint committees for the purposes of such agreements:

The fixing, collection, payment, division, appropriation, and distribution of the tolls and other income and profits arising from the traffic, railways, stations, and works comprised in any such agreement.

44. As regards all traffic conveyed partly on the railways of the Company and partly on the joint line, the railways of the Company and the joint line 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 railways of the Company and partly on the joint line 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 beyond three miles, tolls and charges as for a quarter of a mile only; and

Tolls on traffic conveyed partly on railways of Company and partly on other railways.

A.D. 1880. — no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the joint line.

Interest not to be paid on calls paid up.

45. 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 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.

46. 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 general Railway Acts.

47. Nothing in this Act shall exempt the Company or their railways 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.

48. All costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.