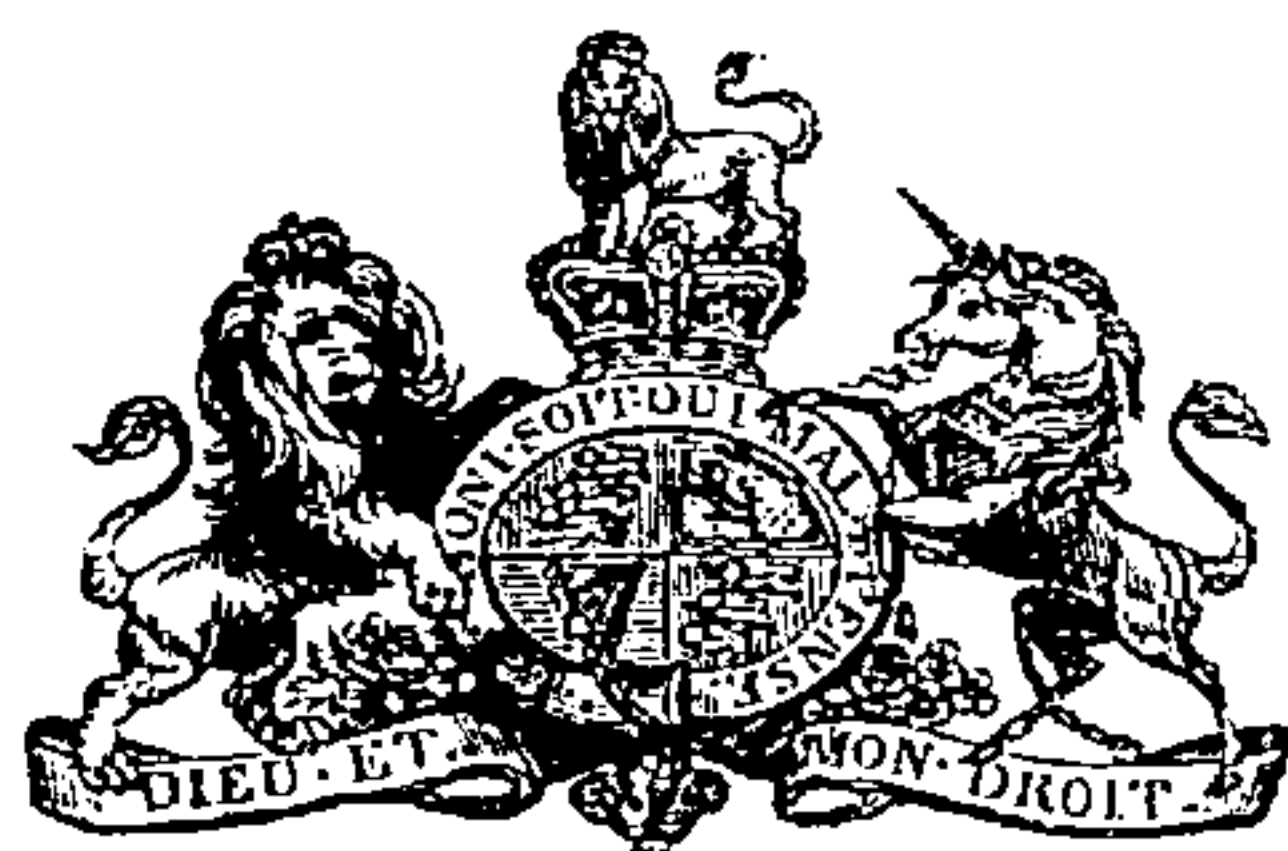


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CHAPTER xlvii.

An Act for granting further Powers to the Didcot, Newbury, and Southampton Junction Railway Company; and for other purposes. A.D. 1880.
[9th July 1880.]

WHEREAS by the Didcot, Newbury, and Southampton Junction Railway Act, 1873, (in this Act called "the Act of 1873,") the Didcot, Newbury, and Southampton Junction Railway Company (in this Act called "the Company") were incorporated, with power to raise six hundred thousand pounds by shares, and to borrow two hundred thousand pounds on mortgage, and were authorised to make and maintain certain railways and works in Berkshire and Hampshire: 36 & 37 Vict. c. cexxix.

And whereas by the Didcot, Newbury, and Southampton Junction Railway Act, 1876, (in this Act called "the Act of 1876,") the Company were empowered, when shares for three hundred thousand pounds (part of the share capital of six hundred thousand pounds authorised by the Act of 1873) were issued and accepted, and one hundred and fifty thousand pounds were paid up and applied for the purposes of the railway between Didcot and Newbury (hereinafter called "the Newbury section"), to borrow on mortgage one hundred thousand pounds (part of the two hundred thousand pounds authorised to be borrowed under the Act of 1873): 39 & 40 Vict. c. clxxxiv.

And whereas shares for two hundred and seventy-three thousand eight hundred and ten pounds, part of the said capital of six hundred thousand pounds, have been issued and accepted, and a considerable sum of money has been paid thereon:

And whereas the Newbury section is in the course of construction:

And whereas no other shares have been created or issued in respect of the said capital of six hundred thousand pounds, and it is expedient that the Company should be authorised to attach a preference to a sum of three hundred thousand pounds, part of the said capital of six hundred thousand pounds:

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And whereas it is expedient that the Company should be empowered to borrow by instalments as herein-after provided the sum authorised by the Act of 1873 to be borrowed:

And whereas it has been found that the railways authorised by the Act of 1873 would be improved by deviating the same in certain places beyond the limits of deviation shown on the plans deposited with reference to that Act, and it is therefore expedient that the Company should be authorised to construct the new or substituted railways herein-after described, and to abandon their authorised railways which will be rendered unnecessary by the construction of such new or substituted railways:

And whereas the cost of making the new or substituted railways will not exceed the estimated cost of the railways to be abandoned under the powers of this Act:

And whereas plans and sections of the new or substituted railways, showing the lines and levels thereof, and also 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 which may be taken for the purposes or under the powers of this Act, were duly deposited with the respective clerks of the peace for Berkshire and Hampshire, and are herein-after referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient that the Company should be authorised to divide their undertaking into two separate sections, with all necessary and usual powers as herein-after provided:

And whereas it is expedient that new directors of the Company should be appointed as herein-after provided:

And whereas it is expedient that such arrangements should be authorised and such powers conferred with reference to other undertakings and companies as are herein-after expressed:

And whereas the objects 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 Didcot, Newbury, and Southampton Junction Railway Act, 1880.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, Part I. (relating to construction of a railway), and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (in

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so far as applicable and except where expressly varied by this Act) incorporated with and form part of this Act.

8 & 9 Vict. c. 20.
 26 & 27 Vict.
 c. 92.

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 Didcot, Newbury, and Southampton Junction Railway Company; the expression "the Act of 1873" means the Didcot, Newbury, and Southampton Junction Railway Act, 1873; the expression "the Act of 1876" means the Didcot, Newbury, and Southampton Junction Railway Act, 1876; the expression "the railways" means the railways by this Act authorised; the expression "the Great Western Company" means the Great Western Railway Company; the expression "the South-western Company" means the London and South-western Railway Company; the expression "the South-western Railway" means the London and South-western Railway; the expression "the Lands Clauses Acts" means the Lands Clauses Consolidation Acts, 1845, 1860, and 1869; the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Interpreta-
 tion of terms.

4. Subject to the provisions of this Act, the Company may, in substitution for the railways authorised by the Act of 1873, make and maintain, in the line 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—

Power to
 make rail-
 ways.

- (1.) A railway, thirty-five miles seven furlongs and one chain in length, commencing in the parish of Hagbourne, otherwise East Hagbourne, in the county of Berks, by a junction with the Great Western Railway at a point thereon on the east side of Didcot Station at or near the distance post on that railway denoting fifty-two and a half miles from London, and terminating in the parish of Overton, in the county of Hants, by a junction with the main line of the South-western Railway (herein-after called the Southampton line) at a point thereon one hundred and twenty yards

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or thereabouts, measuring along that railway in a northerly direction, from the distance post on that railway denoting fifty-seven miles from London :

- (2.) A railway, two furlongs and nine chains in length, wholly situate in the parish of Thatcham (Chapelry of Greenham), commencing by a junction with railway No. 1 above described, in a field belonging or reputed to belong to W. J. Cowper and in the occupation of E. Cox, numbered 42A in the parish of Thatcham on the plans deposited with reference to the Act of 1873, at a point in that field three hundred and twenty yards or thereabouts, measuring in an easterly direction, from the flour mills in the occupation of J. C. Fidler, and one hundred yards or thereabouts from the River Kennet, and terminating by a junction with the Berks and Hants section of the Great Western Railway at a point thereon eight hundred and twenty yards or thereabouts, measuring along that railway in a westerly direction, from the distance post denoting fifty-two miles from London :
- (3.) A railway, one furlong and nine chains in length, wholly situate in the parish of Enborne, in the county of Berks, commencing by a junction with the Great Western Railway at a point thereon two hundred and twenty yards or thereabouts, measuring along that railway in an easterly direction, from the distance post on that railway denoting fifty-four miles from London, and terminating by a junction with railway No. 1 above described, at a point at the fence on the north side of the public road leading from Newbury to Enborne Village, seven hundred and fifty yards or thereabouts, measuring along that road in a westerly direction, from the junction of that road with the road leading to Enborne House over the Great Western Railway :
- (4.) A railway, five furlongs and five chains in length, wholly situate in the parish of Whitchurch, in the county of Hants, commencing by a junction with railway No. 1 above described, in a field belonging or reputed to belong to Edward Edwards, and in the occupation of William Lunn, situate on the south side of a road leading from Whitchurch to Basingstoke, seven hundred and twenty yards or thereabouts, measuring in an easterly direction, from the junction of that road with the road leading from Whitchurch to Newbury, and three hundred and twenty

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yards or thereabouts, measuring in a westerly direction from the northern corner of Winterhill Plantation, and terminating by a junction with the Basingstoke and Salisbury line of the South-western Railway (herein-after called the Salisbury line) at a point thereon seventy yards or thereabouts measuring in a westerly direction along the line of that railway, from the distance post on that railway denoting fifty-nine miles from London :

- (5.) A railway, six furlongs and one chain in length, wholly situate in the parish of Whitechurch, in the county of Hants, commencing by a junction with the railway No. 4, above described, at a point in the fence on the north side of the Salisbury line seventy yards or thereabouts, measuring in an easterly direction, from the distance post on that railway denoting fifty-nine miles from London, and terminating by a junction with the railway No. 1 above described, at a point on the north side of the turnpike road leading from Whitechurch by Overton to Basingstoke, one hundred and thirty yards or thereabouts, measuring in a westerly direction along that road, from its junction with the road or approach leading to the entrance to the grounds of the Union Workhouse :
- (6.) A railway, two miles one furlong and four chains in length, commencing at the village of East Ilsley, in the parish of East Ilsley, in the county of Berks, at a point in the fence on the south side of the road known as "Cow Lane," which leads from the village of East Ilsley to the village of Compton, sixty yards or thereabouts, measuring in an easterly direction, from the school for boys and girls in Cow Lane, and terminating by a junction with the railway No. 1 above described, in the parish of Compton in the same county, at a point in a field abutting upon the north side of the main road from Compton to Reading, and adjoining the western boundary of the burial ground of Saint Mary's Church in the parish of Compton, which point is situate two hundred yards or thereabouts, measuring in a north-westerly direction, from the west end of the said Saint Mary's Church :

Provided always, that so much of railway No. 1 as is situate between the junction of railway No. 2 therewith at the commencement of that railway and the junction of railway No. 3 with railway No. 1, shall not be constructed unless with the previous consent in writing of the Great Western Company.

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Lands for extraordinary purposes.
Period for compulsory purchase of lands.
Power to cross certain roads on the level.

5. 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 ten acres.

6. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the period of three years from the passing of this Act.

7. Subject to the provisions of 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 railways, carry the same with a single line only, whilst the railways shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited Plan	Parish.	Description of Road.
RAILWAY No. 1.		
35 } 36 }	Blewbury - - - -	Public (greenway)
33 } 34 }	Compton - - - -	Public.
16	Thatcham - - - -	Public.
RAILWAY No. 6.		
41	Compton - - - -	Public.

Inclination of roads.

8. 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,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclinations.
RAILWAY No. 1.			
1a	Compton - - -	Public - - -	1 in 17 on one side.
37	Hampstead Norris -	Public - - -	1 in 15 on one side.
39	Whitchurch - - -	Public - - -	1 in 16 on one side.

Height and span of bridges.

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

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No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
RAILWAY No. 1.				
6	East Hagbourne -	Public -	15 feet	20 feet
4	Shaw cum Donnington	Public (greenway)	14 feet	12 feet

10. 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,) Width of certain roadways.

No. on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
RAILWAY No. 1.			
23	Blewbury -	Public -	12 feet 6 inches.
RAILWAY No. 2.			
58	Thatcham, chapelry of Greenham.	Public -	12 feet 6 inches.

11. The Company may stop up and discontinue the roads herein-after mentioned respectively; (that is to say,) Certain roads to be stopped up.

No. on deposited Plan.	Parish.	Description of Road.
RAILWAY No. 1.		
32	Blewbury -	Public (greenway).
41	Blewbury -	Public (greenway).
26	Hampstead Norris -	Public.
45	Thatcham, chapelry of Greenham	Public.
RAILWAY No. 2.		
45	Thatcham, chapelry of Greenham -	Public.

12. All rights of way over or along the several roads or highways, or portions thereof, which shall under the provisions of this Act be stopped up and discontinued, shall be and the same are, as from such stopping up and discontinuance, by this Act extinguished. Rights of way extinguished.

13. The site and soil of the roads or highways by this Act authorised to be stopped up and discontinued, and the fee simple As to vesting of site and

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 —
 soil of roads
 stopped up.

and inheritance thereof, shall, from the time of the stopping up and discontinuance thereof respectively, and so far as the same are bounded on both sides by lands of the Company, be wholly and absolutely vested in the Company.

Power to
 take ease-
 ments by
 agreement.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands, may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Company any easement, right, or privilege, required for the purposes of this Act, in, over, or affecting lands, and the provisions of the Lands Clauses Acts, with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, rights, and privileges as aforesaid respectively.

Not to enter
 on lands of
 Great
 Western
 Company
 until plans
 of proposed
 works af-
 fecting that
 Company
 approved.

15. The Company shall not enter upon or interfere with the Great Western Company's main line of railway, or with their Berks and Hants Railway, or any of the lands or works of the Great Western Company, or execute any works whatever under, over, or affecting the same, until the Company shall have delivered to the Great Western Company, plans, drawings, and specifications of such intended works, and those plans, drawings, and specifications shall have been approved in writing by the principal engineer for the time being of the Great Western Company, or, in the event of his failure for one calendar month after the delivery of the plans, drawings, and specifications to approve or disapprove the same, until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade; and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans, drawings, and specifications, and to the reasonable satisfaction of the engineer for the time being of the Great Western Company.

As to exe-
 cution of
 portion of
 railway;
 No. 1 on land
 of Great
 Western
 Company.

16. In constructing railway No. 1 by this Act authorised through or over the land and property of the Great Western Company, the Company shall not deviate from the centre line beyond the limits shown on the deposited plans without the previous consent in writing of the Great Western Company under their common seal; and the said railway No. 1, where the same is intended to cross the Berks and Hants Railway, shall, if constructed, be carried over the Berks and Hants Railway, and the sidings and lands of the Great Western Company, by means of a bridge not less than sixteen feet in height above the rails of such railway and sidings, and of such span or spans as shall be determined by the engineer for the time being of the Great Western

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Company; but no one span shall be required to exceed thirty-five feet in the clear, measured on the square. A.D. 1880.

17. The Company shall bear, and on demand pay to the Great Western Company, the expense of the employment by them, during the making of the railways Nos. 1, 2, and 3, respectively, over or adjacent to the Great Western Railway and the Berks and Hants Railway, of a sufficient number of inspectors and watchmen to be appointed by them for watching their railways and works with reference to and during the execution of the intended works, and for preventing, as far as may be, all interference, obstruction, danger, and accident from any of the operations, or from the acts or defaults of any person or persons in the employ of the Company in reference thereto or otherwise.

Expenses of watchmen during construction of works to be paid by Company to Great Western Company.

18. Notwithstanding anything in this Act contained, the Company shall from time to time be responsible for, and make good to the Great Western Company, all losses, costs, damages, and expenses which may be occasioned to them, or to any of their works or property, or to the traffic on their railways, or to any company or persons using the same or otherwise, during the execution or by reason of the failure of any of the intended works, or of any act or omission of the Company, or of any persons in their employ, or of their contractors or otherwise; and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims or demands upon or against them by reason of such execution or failure, and of any such act or omission.

Damage sustained by Great Western Company to be repaid.

19. The Company shall, at their sole expense, at all times, if constructed, maintain the bridge and other works by which railway No. 1 by this Act authorised shall be carried over the Berks and Hants Railway in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Company, and if and whenever the Company fails so to do, after one month's notice from the Great Western Company for that purpose, or, in case of urgency, the Great Western Company may make and do, in and upon as well the lands of the Company as their own lands, all such works and things as the Great Western Company shall think requisite in that behalf, and the sums from time to time certified by their engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Company, and in default of full repayment the amount due may be recovered with full costs by the Great Western Company from the Company in any court of competent jurisdiction.

Company to maintain bridge and works carrying railway No. 1 over Berks and Hants Railway.

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Company not
to interfere
with traffic
on Great
Western
Railway.

20. In constructing the railways Nos. 1, 2, and 3 respectively by this Act authorised, the Company shall not in any way obstruct or interfere with the traffic passing along the Great Western Railway, or the Berks and Hants Railway; and if by reason of any works or proceedings of the Company there shall be any obstruction or interference with the Great Western Railway, or with the Berks and Hants Railway, so as to impede or prevent the convenient passage of engines and carriages along the same respectively, the Company shall pay to the Great Western Company the sum of fifty pounds per hour during which any such obstruction or interference shall continue.

Land of
Great
Western
Company
not to be
taken except
for certain
works.

21. Nothing in this Act contained shall extend or be deemed or construed to extend to authorise or enable the Company to take or enter upon or use, either temporarily or permanently, any of the lands of the Great Western Company, or to alter, vary, or interfere with the Great Western Railway, or the Berks and Hants Railway, or with any of the works of those Railways, further or otherwise than is necessary for the construction of railway No. (1) and for the construction of the junctions of railways Nos. (2) and (3) respectively with the Great Western railway, without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal; and with respect to any lands of the Great Western Company which the Company are by this Act authorised to use, enter upon, or interfere with, the Company shall not purchase and take the same, but the Company may purchase and take, and the Great Western Company shall sell or grant accordingly, an easement or right of using the same in perpetuity for the purposes of this Act.

Gauge of
Railways.

22. The railways by this Act authorised shall be made and maintained exclusively on the gauge of four feet eight and a half inches.

Not to in-
terfere with
the South-
western
railway
without
consent.

23. The Company shall not for the purpose of making the railways Nos. (1) and (5) by this Act authorised under the Salisbury line acquire any ownership of or in any land or property of that Company, but the Company shall acquire only an easement or right for the so making, maintaining, and using of the railways Nos. (1) and (5) under the Salisbury line, and the Company shall not enter upon or interfere with the Salisbury line or any of the lands or works of the South-western Company, or execute any work whatsoever under or affecting the same, until there shall have been delivered to that Company by the Company, plans, drawings, and specifications of the works intended to be

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executed under or affecting the Salisbury line, and the lands and works thereof, the plans, drawings, and specifications to describe the manner of executing the intended works and the materials to be used for the purpose, nor until those plans, drawings, and specifications have been examined and approved in writing under his hand, by the principal engineer of the South-western Company, or, in the event of his failing to approve or disapprove the same for one calendar month after the plans, drawings, and specifications have been delivered to that Company, until the same have been examined and approved by an engineer to be appointed by the Board of Trade, and the same works shall be executed by the Company at their sole expense, and shall respectively be subsequently maintained by the Company in all things according to the approved plans, drawings, and specifications, under the superintendence and to the reasonable satisfaction of the principal engineer of the South-western Company.

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24. The Company shall bear and on demand pay to the South-western Company the expense of the employment by them, during the making of the railways Nos. (1), (4), and (5) respectively, under and adjacent to the Salisbury line, of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway, with reference to and during the execution of the intended works, and for preventing, as far as may be, all interference, obstruction, danger, and accident to arise from any of the operations, or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise.

Company to pay to South-western Company expenses of watchmen during construction of works.

25. If by reason of any works or proceedings of the Company with reference to the railways Nos. (1), (4), and (5) respectively, there shall be any obstruction of or interference with the Salisbury line, so as to prevent or impede the convenient passage of engines and carriages along the same, the Company shall pay to the South-western Company the sum of twenty pounds by way of ascertained damages for every hour during which such obstruction or interference continues.

Penalty in case of interruption of traffic on South-western Railway.

26. The Company shall from time to time be responsible for, and make good to the South-western Company, all costs, losses, damages, and expenses from time to time occasioned to the Salisbury line, or any of the works or property thereof, or the traffic thereon, or any person or persons using the same, or otherwise by reason of the execution or failure of any of the works of or incidental to the railways Nos. (1), (4), and (5) respectively, or any act or omission of the Company, or any of the persons in their employ, or their

Company to pay all damages sustained by the South-western Company.

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Communi-
cations with
South-
western
Railway.

27. The respective communications between railway No. (1) and the Southampton line, and between railway No. (4) and the Salisbury line, and all openings in the rails of those respective lines of railway, shall be made only at such point or points thereon respectively as the Company and the South-western Company agree, and all such communications and openings, and all sidings, side lines, and works at or in connexion with the junctions hereby authorised with those lines of railway respectively which may be made for the reception, accommodation, and delivery of the traffic of the Company, whether on the land of the Company or on the land of the South-western Company, shall be made by the South-western Company at the sole expense of the Company, and except only so far as the Company and the South-western Company otherwise agree, or according to the terms and conditions from time to time agreed on between them, the same shall be for ever thereafter maintained and kept in good repair by the South-western Company at the expense of the Company, and in the event of any difference arising between the Company and the South-western Company in regard to the matters aforesaid, the same shall be settled by arbitration in the manner provided by the Railway Companies Arbitration Act, 1859.

22 & 23 Vict.
c. 59.

South-
western
Company
may erect
signals, &c.

28. The South-western Company may from time to time erect such signals and conveniences incident thereto, and appoint and remove such watchmen, switchmen, or other persons as that Company deem necessary for the prevention of danger to or interference with the traffic at and near the respective junctions, between the railway No. (1) and the railway No. (4), and the railways of the South-western Company, and the working and management of the junctions and of such signals and conveniences, whether on lands of the South-western Company or on land of the Company, shall be under the exclusive management and regulation of the South-western Company; and all the expense of making and maintaining the junctions and such signals and conveniences, and the wages of such watchmen, switchmen, and other persons, and all incidental current expenses, shall be repaid by the Company to the South-western Company as regards the expense of erection on the completion thereof, and as regards all such other expenses and wages at the end of every half year, and in default of such repayment the amount of such expenses and wages may be recovered from the

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Company by the South-western Company in any court of competent jurisdiction. A.D. 1880.

29. No land belonging to the South-western Company shall be taken by the Company without the consent in writing of the South-western Company, under their common seal first had and obtained: Provided always, that the Company may purchase and take from the South-western Company, and that Company shall, if so required by the Company, grant in perpetuity to the Company an easement or right of using, for the purposes of the intended junctions of the railway with the railways of the South-western Company, and for the purpose of the works and conveniences necessary in connexion with the said junctions, such parts of the lands of the South-western Company as are necessary for those purposes.

Land of South-western Company not to be taken without consent.

30. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the rights, privileges, powers, or authorities of the South-western Company.

Saving rights of the South-western Company.

31. If the railways are 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 railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

32. The Company shall abandon the making of the railways and works authorised by the Act of 1873, and on and after the passing of this Act the Company shall, except only as is by this Act otherwise expressly provided, be absolutely freed from all obligations with respect to the making and maintaining of the said railways.

Authorised railways to be abandoned.

33. The abandonment by the Company, under the authority of this Act, of any portion of any railway or works, shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Act of 1873.

Compensation for damage to land by entry, &c.

34. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing

Compensation to be made in

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A.D. 1880. of any land for the purposes of or in relation to the railways or
 respect of works authorised to be abandoned by this Act, and which shall not
 railways be required for the purposes of any of the works by this Act
 abandoned. authorised, the Company shall be released from all liability to
 purchase or to complete the purchase of any such lands; but,
 notwithstanding, full compensation shall be made by the Company
 to the owners and occupiers or other persons interested in such
 lands, for injury or damage sustained by them respectively, by
 reason of the purchase not being completed pursuant to the contract
 or notice, and the amount and application of the compensation
 shall be determined in the manner provided by the Lands Clauses
 Consolidation Act, 1845, as amended by any subsequent Act, for
 determining the amount and application of compensation paid for
 lands taken under the provisions thereof.

New lines of railway to be part of Company's undertaking. **35.** Subject to the provisions herein contained, the lands and
 property from time to time acquired by the Company by virtue
 of this Act, or otherwise, and the railways and works connected
 therewith by this Act authorised to be constructed, shall, for all
 purposes of tolls, rates, and charges, for the carriage of passengers,
 animals, goods, and minerals, and for all other purposes whatsoever,
 be part of the undertaking, railway, works, and property of the
 Company as if the Company had by the Act of 1873 been autho-
 rised to acquire, make, and maintain the same.

Provision for completion of railways. **36.** 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 thirty thousand two
 hundred and seventy-five pounds new three pounds per centum
 consolidated bank annuities is now standing in the name of
 the Paymaster-General on behalf of the Chancery Division of the
 High Court of Justice in England in respect of the application to
 Parliament for the Act of 1873, and by that Act it was provided,
 that, notwithstanding anything contained in the said Act, the said
 stock so transferred as aforesaid in respect of the application, for the
 Act of 1873 should not be paid or transferred to or on the appli-
 cation 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 (herein-after called "the
 depositors"), unless the Company should, previously to the expira-
 tion of the period limited by the Act of 1873 for completion of the
 railway by that Act authorised, either have opened such railway
 for the public conveyance of passengers, or had paid up and
 expended one half of the amount of the share capital by that Act
 authorised; and whereas the railways authorised by this Act are in
 substitution for the railways authorised by the Act of 1873, and by

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this Act authorised to be abandoned: Be it therefore enacted, that A.D. 1880.
notwithstanding anything contained in the said Act of the ninth
year of the reign of Her present Majesty, chapter twenty, if the
period limited by this Act shall expire before the Company shall
either have opened the railways hereby authorised for the public
conveyance of passengers, or have given proof to the satisfaction of
the Board of Trade that the Company have paid up one half of the
amount of the capital they are authorised to raise by means of
shares, and have expended for the purposes of their Acts a sum equal
in amount to one half of such capital, the said stock transferred as
aforesaid shall be applied in the manner herein-after specified; and
the certificate of the Board of Trade that such proof has been given
to their satisfaction as aforesaid shall be sufficient evidence of the
fact so certified, and it shall not be necessary to produce any certifi-
cate of this Act having passed, anything in the first above-mentioned
Act to the contrary notwithstanding.

37. The said sum of thirty thousand two hundred and seventy-
five pounds stock shall be applicable and, after due notice in
the London Gazette, shall be applied towards compensating any
landowners or other persons whose property may have been inter-
fered with or otherwise rendered less valuable by the commence-
ment, construction, or abandonment of the railways, or any portion
thereof, or who may have been subjected to injury or loss in conse-
quence of the compulsory powers of taking property conferred upon
the Company by the Act of 1873, and by this Act, and for which
injury or loss no compensation, or inadequate compensation, shall
have been paid, and shall be distributed in satisfaction of such com-
pensation as aforesaid in such manner and in such proportions as to
the High Court of Justice, Chancery Division, may seem fit, and if
no such compensation shall be payable, or if a portion of the said
sum of money shall have been found sufficient to satisfy all just
claims in respect of such compensation, then the said stock, 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 said Court 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 said Court, 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

Application
of deposit.

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A.D. 1880. creditors thereof: Provided, that until the said stock has been retransferred 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 person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Preference
may be
attached to
part of
existing
capital.

38. The Company may attach to ten thousand shares numbered 1 to 10,000 inclusive, part of the shares which they are authorised to create under the powers contained in the Act of 1873, any preferential dividend or other advantage, and such shares shall be applied to the purposes of the railway between Didcot and Newbury to be called "the Newbury Section," and shall be called "Didcot, Newbury, and Southampton Junction Railway (Newbury Section) Perpetual Five per Cent. Preference Shares," and the Company may also attach to twenty thousand shares numbered 30,001 to 50,000 inclusive, part of the shares which they are authorised to create under the powers contained in the Act of 1873, any preferential dividend or other advantage, and such last-mentioned shares shall be applied to the purposes of the railway between Newbury and the termination of railway No. 1, to be called "the Southern Section," and shall be called "Didcot, Newbury, and Southampton Junction Railway (Southern Section) Perpetual Five per Cent. Preference Shares": Provided, that such preferential dividend respectively shall not exceed the rate of five pounds per centum per annum, and the provisions contained in the Companies Clauses Act, 1863, in relation to preference shares or stock, shall apply to any preference assigned by virtue of this Act, as though the shares to which that preference may be assigned formed part of "additional capital," instead of forming part of the capital which the Company are already authorised to issue: Provided also, that the terms and conditions on which such shares respectively are issued shall be stated on the certificates thereof.

26 & 27 Vict.
c. 118.

Power to
borrow by
instalments.

39. Section ten of the Act of 1873 shall be and the same is hereby repealed, and the Company may in respect of the capital of six hundred thousand pounds, which they are by that Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole two hundred thousand pounds, in manner following; (that is to say,) in respect of every sum of one hundred and fifty thousand pounds of such capital of six hundred thousand pounds any sum not exceeding in the whole fifty thousand pounds; but no part of any such several sums of fifty thousand pounds shall be borrowed until shares for so much of the respective portion of

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capital in respect of which any sum is authorised to be borrowed are 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 shares for the whole of such respective portion of capital have 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 respective portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares were issued and accepted and paid up *bonâ fide* and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same. 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 certificate shall be sufficient evidence thereof.

A.D. 1880.

8 & 9 Vict.
c. 16.

40. The undertaking of the Company shall be divided into two sections as follows; (that is to say,)

Undertaking
of Company
divided into
two sections.

(1.) The Newbury section, consisting of so much of railway No. 1 as lies between its commencement at Didcot and the junction of railway No. 2 therewith, and of railway No. 2;

(2.) The Southern section, consisting of so much of railway No. 1 as lies to the south of the junction of railway No. 2 therewith, and of railways Nos. 3, 4, 5, and 6;

which sections and the lands and property from time to time vested in the Company for the purposes of the same are hereby constituted separate undertakings.

41. The directors of the Company shall have the management and superintendence of the affairs of the said separate undertakings, and they and any committees appointed by them for the purposes of those undertakings shall have and may exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to the undertaking of the Company.

Manage-
ment.

42. The capital of the Company for the purposes of "The Newbury Section" shall be three hundred thousand pounds, in accordance with section two of the Act of 1876, and shall be called "Didcot, Newbury, and Southampton Junction Railway (Newbury

Capital of
separate
under-
takings.

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A.D. 1880. Section) Shares," and the capital of the Company for the purposes of "The Southern Section" shall be three hundred thousand pounds, and shall be called "Didcot, Newbury, and Southampton Junction Railway (Southern Section) Shares."

Votes of
preference
holders.

43. At all meetings of the Company the proprietors of preference shares or stock in the two sections of the Company's undertaking shall only be entitled to vote in respect of matters specifically affecting the section or sections of the undertaking of which they are proprietors.

Separate
accounts.

44. The Company shall keep accounts of all receipts, credits, payments, and liabilities from, for, or on account of each of the said two separate undertakings.

Moneys to
be applied
only to
section of
undertaking
for which
they were
raised.

45. All moneys from time to time received by the Company on account of capital or revenue with respect to any one section of the Company's undertaking shall be applied to the purposes of that section only; and all moneys received on behalf of the two sections, and all debts, liabilities, and obligations incurred by the Company on account of the two sections, or either of them, shall be fairly apportioned by the Company according to the respective rights and interests, and debts, liabilities, and obligations of the sections, in respect of which such moneys have been received, or such debts, liabilities, and obligations have been incurred: Provided always, that the general expenditure and liabilities for the management of the undertaking of the Company shall be fairly apportioned between the said sections respectively.

Profits of
each section
to be applied
first to
dividend
on each
section.

46. The Company's profits applicable to the payment of dividend, which appear on the separate accounts directed to be kept as aforesaid in respect of each of the said sections, shall be in the first place applicable and be applied to the payment of dividend on the preference shares in the capital of the respective sections, and if there be any surplus on the profits in respect of either section, after payment of the dividend on such preference shares as aforesaid, the same shall be applicable and be applied towards making up any deficiency (if any) in the dividend on the preference shares in the capital of the other section, and if there be no deficiency in the dividend on the preference capital of either section, the surplus profits of both sections, or of either section, as the case may be, shall be divided rateably among the holders of the ordinary capital in both sections.

Number of
directors.

47. Section fifteen of the Act of 1873 is hereby repealed, and the number of directors shall be not less than five nor more than

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nine, as the Company may, from time to time, at any ordinary meeting determine. A.D. 1880.

48. The quorum of a meeting of directors shall be three. Quorum.

49. Lieutenant-Colonel Robert James Loyd Lindsay, V.C., John Walter, William George Mount, Sir Julius Vogel, K.C.M.G., and Thomas Edward Howe, and four other duly qualified persons to be nominated in that behalf by them or the majority of them, and consenting to such nomination, shall be the directors of the Company, and shall continue in office until the first ordinary meeting to be held within twelve months 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 places 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 meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall 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 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. Directors.

50. The Company and the company lawfully working their railways, or any part thereof, may run over and use, with their engines and carriages, waggons, officers, and servants, and for the purposes of traffic of all kinds, the portions of railway herein-after mentioned; (that is to say, Power to use certain portions of railways.

(1.) So much of the Salisbury line as lies between the junction of the railway No. (4) therewith at Whitchurch, in the county of Hants, and Whitchurch;

(2.) So much of the Southampton line as lies between the junction of railway No. (1) therewith and the Mitcheldever Station thereon;

(3.) The stations at Whitchurch and Micheldever, and the sidings, platforms, points, signals, junctions, and roads, water, engines, engine sheds, standing room for engines, booking and other offices, warehouses, machinery, works, and conveniences connected with such portions of railways as aforesaid;

and the Company to whom such portions of railways and stations

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belongs shall make all necessary arrangements for those purposes and afford all reasonable facilities and perform all reasonable services for the passage, reception, delivery, and transmission of traffic over their railways to and from the railways of the Company, and make provision for the use of booking offices at the stations on such portions of railways, and all other matters necessary for facilitating the traffic of the Company, and of such other company working or using the railways of the Company as aforesaid.

Terms of
such use.

51. The terms, conditions, and regulations to which the Company and such other company as aforesaid shall be subject in respect of the said use, facilities, and services, and the tolls or other considerations to be paid by them for the same, shall, if not agreed upon between them and the company to whom such portions of railway and stations may belong, be from time to time determined by an arbitrator to be appointed by the Board of Trade, on the application of any of the said companies, and the decisions of such arbitrator shall be binding and conclusive on all the parties in difference; and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct, and any of the said companies who shall refuse or neglect to perform, observe, and conform to any decision given, or regulation made, by any such arbitrator in the premises, shall forfeit and pay to such person or company as the arbitrator shall determine, any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence shall continue.

Protection
of local
traffic.

52. In exercising the powers herein-before granted, it shall not be lawful for the Company, or any other company lawfully using their railway, unless with the consent in writing of the company to whom the portion of railway belongs or is leased, to take up at any station of the same last-mentioned company, upon any portion of railway herein-before specified, any passengers, parcels, animals, goods, or minerals, and to deliver the same at another station of the same company; and if the Company or any such other company violate this enactment they shall, for every such violation, pay to the company to whom the portion of railway belongs, or is leased, fifty pounds by way of penalty.

53. The Company shall pay to the South-western Company the cost of any additions to the existing station at Micheldever, on the Southampton line, which may from time to time be necessary for the accommodation of the traffic of the Company, such sum as may be mutually agreed upon between the two Companies, or, failing agreement, as shall be settled by arbitration in manner provided by

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the Railway Companies Arbitration Act, 1859: Provided always, that any such additions shall be made by the South-western Company. A.D. 1880.

54. The South-western Company may run over and use, with their engines and carriages, waggons, officers, and servants, and for the purposes of traffic of all kinds, the portions of the railways of the Company herein-after mentioned; (that is to say, Power to use certain portions of railways.)

(1.) So much of railway No. 1 as lies between the junction thereof with the Southampton line and the junction of railway No. 5 with railway No. 1 in the county of Hants;

(2.) Railway No. 5;

(3.) So much of railway No. 4 as lies between Whitchurch Station and the junction of railway No. 5 therewith;

(4.) The station of the Company at Whitchurch, and the sidings, platforms, points, signals, junctions, and roads, water, engines, engine sheds, standing room for engines, booking and other offices, warehouses, machinery, works, and conveniences connected with such portions of railways as aforesaid;

and the Company shall make all necessary arrangements for those purposes, and afford all reasonable facilities and perform all reasonable services for the passage, reception, delivery, and transmission of traffic over those railways to and from the railway of the South-western Company, and make provision for the use of booking offices at the stations on such portions of railways, and all other matters necessary for facilitating the traffic of the Company and of the South-western Company.

55. The terms, conditions, and regulations to which the Company and the South-western Company as aforesaid shall be subject in respect of the said use, facilities, and services, and the tolls or other considerations to be paid by them for the same, shall, if not agreed upon between them and the South-western Company, be from time to time determined by an arbitrator to be appointed by the Board of Trade, on the application of either of the said companies, and the decisions of such arbitrator shall be binding and conclusive on the parties; and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct, and if either of the said companies shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises, they shall forfeit and pay to such person or company as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence shall continue. Terms of such use.

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Reciprocal
facilities for
forwarding
and inter-
change of
traffic to and
from the
Company's
railway.

56. In order to facilitate the transmission of traffic coming to or from the railways of the Company from or to any place or places on the railways of the South-western Company, or from or to any places beyond, the Company shall, for the purposes of all traffic whatever, whether passengers, cattle, goods, minerals, or other things, from time to time and at all times hereafter have the right to book and invoice through or over the railways of the South-western Company as aforesaid respectively, all such traffic intended to pass to or from the railways of the Company to any place or places on the railways of the South-western Company, or to any places beyond; and the South-western Company shall, for and in respect of all such traffic, at all times afford to and for the Company all needful accommodations, facilities, and conveniences at, on, and over the lines and stations, approaches, and conveniences of that company as aforesaid by the trains of such company, and by through booking and invoicing, through rates, also, so far as reasonably may be, through waggons and carriages, and shall at all times and in all respects conduct, forward, and carry on and accommodate all such traffic on equal terms with and as well as if it were their own proper traffic, and the charge to the Company shall in no case exceed the mileage proportion of through rate in respect of such traffic, after deduction of the charges on goods usually agreed to be allowed between companies using the clearing-house, and called there terminal charges, and the Government duty on passengers; and it shall be lawful for the Company, if they think fit, from time to time to have and employ at all or any of the places and stations on so much of the railways of the South-western Company as the Company may pass over and use with their engines and carriages under the powers herein-before granted, their own booking and invoicing clerks, and carting and other agents, and the South-western Company shall provide all proper and needful accommodation for such clerks and agents: Provided always, that the Company shall afford to the South-western Company all such and the like facilities in respect of traffic coming from or to the railways of such company to or from the railways of the Company as are by this enactment provided and secured to the Company; and if any dispute shall at any time arise between the South-western Company and the Company as to the amounts to be allowed or charged by the one to the other, for the services and accommodations to be respectively performed and supplied as aforesaid, or as to any matter or thing in this enactment mentioned, the same shall from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any of the said companies, and the decisions

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of such arbitrator shall be binding and conclusive on all the parties in difference, and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct, and any of the said companies who shall refuse or neglect to perform or observe and conform to any decision given, or regulation made, by any such arbitrator in the premises, shall forfeit and pay to such person or company as the arbitrator shall determine any sum not exceeding fifty pounds for any such offence, and twenty pounds for every day during which such offence shall continue: Provided that it shall not be lawful for the arbitrator to require the South-western Company to carry any such traffic for the Company at lower rates per mile than the South-western Company are for the time charging for similar traffic carried by themselves between the same places.

A.D. 1880.

57. The powers herein-before granted of booking and invoicing over and of using the said lines and stations of the South-western Company shall not be used so as to divert traffic by any circuitous route from the lines of that company; any difference arising out of this provision to be determined by an arbitrator to be appointed by the Board of Trade.

Powers of booking and invoicing not to be used for diverting traffic by circuitous routes.

58. The Company shall, not less than eight weeks before they take fifteen houses or more, occupied either in whole or in part by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, hand-bills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have in manner required by this section made known their intention to take the same.

Company to give notice before taking dwellings of labouring classes.

59. Before displacing any person belonging to the labouring classes, who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) provide sufficient accommodation elsewhere for such person or persons, and they may contribute towards the costs or expenses of erecting or providing houses or buildings for such accommodation by any company, body, or person: Provided always, that if any question arises as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Company may apply, for the purposes of this section, any moneys they may have already raised, or

Company to provide accommodation for persons of the labouring classes to be displaced.

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A.D 1880. — which they are empowered to raise under the authority of this Act, and which are not required for the purposes for which they were raised.

Interest not
to be paid
on calls paid
up.

60. 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
Company's
capital.

61. The Company shall not, out of any money which they are by any Act authorised to raise, 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.

62. Nothing in this Act contained shall exempt the Company or the 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 the rates for small parcels, authorised to be taken by the Company.

Expenses of
Act.

63. All the 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.