



CHAPTER clix.

An Act to incorporate a Company for the construction of the Swanage Railway and for other purposes. A.D. 1881.

[18th July 1881.]

WHEREAS the construction of railways to connect Swanage with the London and South-western Railway near Wareham all in the county of Dorset would be of public and local advantage:

And whereas the persons in this Act named are willing with others at their own expense to construct such railways and are desirous of being incorporated into a company for the purpose:

And whereas plans and sections of the said railways showing the lines and levels thereof with a book 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 through which the said railways will pass have been deposited with the clerk of the peace for the county of Dorset and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas it is expedient that the articles of agreement between the London and South-western Railway Company and the Company incorporated by this Act set forth in the schedule to this Act should be confirmed and that the said companies should be authorised to enter into other agreements as herein-after provided:

And whereas the purposes aforesaid cannot be accomplished 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 for all purposes as the Swanage Railway Act 1881. Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. Incorporation of general Acts. 8 & 9 Vict. c. 16.

[Local.—159.]

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26 & 27 Vict. c. 118.
 32 & 33 Vict. c. 48.
 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.

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

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 and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company in-
 corporated.

4. George Burt John Charles Robinson William Lansdowne Beale and all other persons and corporations who have already subscribed or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be 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 Swanage 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—

- (1) A Railway No. 1 ten miles seven chains and eleven yards in length situate wholly in the county of Dorset commencing in the parish of Swanage in a field belonging or reputed to belong to Messieurs John and Thomas Stevens and numbered 2 on the tithe commutation map for that parish at a point therein

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three chains or thereabouts south-west of the Mowlem Institute and terminating in the out-parish of Lady Saint Mary Wareham by a junction with the Southampton and Dorchester Railway of the London and South-western Railway Company :

- (2) A Railway No. 2 six chains and eighteen yards in length situate wholly in the said parish of Swanage commencing at the point of commencement of Railway No. 1 and terminating by a junction with the existing railway or tramway of the Swanage Pier Company at the western end thereof :

Provided always that notwithstanding anything in this Act it shall not be lawful for the Company to use or employ any steam or locomotive engine upon Railway No. 2 by this Act authorised.

6. The capital of the Company shall be ninety thousand pounds in nine thousand shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act nor shall any 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. Shares not to be issued until one fifth paid.

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

9. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half-shares of which one shall be called "preferred half-share" and the other shall be called "deferred half-share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half-share (being the whole amount payable thereon) and the residue to the credit of the preferred half-share. Power to divide shares.

10. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half-shares in manner following (that is to say) first in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company Dividends on half-shares.

A.D. 1881. specially convened for the purpose on the amount for the time being paid up on the preferred half-share and the remainder if any in payment of dividend on the deferred half-share and the Company shall not pay any greater amount of dividend on the two half-shares than would have from time to time been payable on the entire share if the same had not been divided.

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

11. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half-shares to be registered and certificates issued.

12. Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half-share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

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

Forfeiture of preferred half-shares.

14. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half-shares created under the authority of this Act and every such preferred half-share shall for that purpose be considered an entire share distinct from the corresponding deferred half-share and until any forfeited preferred half-share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred half-shares not to be cancelled.

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

16. The several half-shares under this Act shall be half-shares in the capital of the Company and every two half-shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

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Half-shares
to be half-
shares in
capital.

17. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in
case of
persons not
sui juris.

18. Subject as herein-after provided the Company may from time to time borrow on mortgage any sum not exceeding in the whole the sum of thirty thousand pounds but no part thereof shall be borrowed until the whole capital of ninety thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital has been issued and accepted and that one half thereof has been paid up and 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: Provided always that the Company shall not borrow on mortgage any greater sum than twenty-five thousand pounds unless the London and South-western Railway Company deliver to the Company within twelve months after the passing of this Act the notice referred to in article 8 of the articles of agreement set forth in the schedule to this Act requiring the Company to construct the Railway No. 2 by this Act authorised.

Power to
borrow.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of principal or principal and interest the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

- A.D. 1881. **20.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.
- Debenture stock.
- Application of moneys. **21.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.
- First ordinary meeting. **22.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.
- Number of directors. **23.** The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.
- Qualification of directors. **24.** The qualification of a director shall be the possession in his own right of not less than forty shares.
- Quorum. **25.** The quorum of a meeting of directors shall be three but if the number of directors be reduced to three the quorum shall be two.
- First directors. **26.** George Burt John Charles Robinson William Lansdowne Beale and two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.
- Election of directors.
- Lands for extraordinary purposes. **27.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres.

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

Period for compulsory purchase of lands.

29. 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.

Power to take easements, &c. by agreement.

30. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the Railway No. 2 carry the same with a single line of railway only whilst the railway shall consist of a single line and afterwards with a double line of railway only across and on the level of the public road numbered on the deposited plans 14 in the parish of Swanage.

Power to cross a certain road on the level.

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

Inclinations of roads.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
RAILWAY NO. 1.			
63 4	Swanage Langton Matravers	} Public	1 in 15 on one side and level on the other
36	Langton Matravers		
4	Corfe Castle	Public	1 in 15 on one side and level on the other

32. The Company may make the width between the parapets of the bridges for carrying the roads next herein-after mentioned over the Railway No. 1 of any width not less than the widths

Widths of certain bridges.

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No. on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
40	Swanage	Public	20 feet
45	Swanage	Public	20 feet
57	Swanage	Public	20 feet
63	Swanage	} Public	15 feet
4	Langton Matravers		
26	Langton Matravers	Public	15 feet
11	Worth Matravers .	Public	15 feet
4	Corfe Castle	Public	15 feet
87	Corfe Castle	Public	15 feet
17	Church Knowle	Public	20 feet
3	East Holme	Public	20 feet

Height and span of a certain bridge.

33. The Company may make the arch of the bridge for carrying Railway No. 1 over the road numbered on the deposited plans 53 in the parish of Corfe Castle of any height not less than fifteen feet and of any span not less than fifteen feet.

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

34. 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 four thousand six hundred and seventy-three pounds sixteen shillings and five-pence New Three per Centum Bank Annuities being equal in value to five per centum upon the amount of the estimate in respect of the railway has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum 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 railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the

same proportion as the length of the railway so opened bears to the entire length of the 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.

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35. 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 to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the 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 creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Application
of deposit.

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Repayment
of portion of
deposit in
certain
event.

36. If the London and South-western Railway Company do not within twelve months after the passing of this Act deliver to the Company the notice referred to in article 8 of the articles of agreement set forth in the schedule to this Act requiring the Company to construct the Railway No. 2 by this Act authorised then on the application of the depositors by petition in a summary way at any time after the expiration of the said twelve months the said Chancery Division may and shall notwithstanding anything herein-before contained order so much of the deposit fund as is equal in value to five per cent. upon the amount of the estimate in respect of the said Railway No. 2 to be paid or transferred to the depositors or to any other person or persons whom they may appoint in that behalf.

Period for
completion
of works.

37. The railways shall be completed within five years from the passing of this Act and if the railways shall not be completed within that period then on the expiration thereof 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 shall then be completed.

Tolls for
passengers
and animals.

38. 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 railways :

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 halfpenny :

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. A.D. 1881.

39. In respect of goods conveyed on the railways :

Tolls for
goods and
carriages.

. 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 if 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 all 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.

40. The toll which the Company may demand for the use of engines for propelling carriages on the railways 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. Toll for
propelling
power.

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Regulations
as to tolls.Short dis-
tances.Fractional
parts of a
mile.Fractional
parts of a
ton.General
weight.Weight of
stone and
timber.Tolls for
small parcels
and articles
of great
weight.

41. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—

For all passengers animals or goods conveyed on the railways for a less distance than four miles the Company may demand tolls and charges as for four miles :

For a fraction of a mile beyond four 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 any 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.

42. 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 railways 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 : A.D. 1881.

For the carriage of single articles of great weight on the railways as follows :

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.

43. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including the tolls for the use of the railways 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 halfpenny per mile.

44. The maximum rate of charge to be made by the Company for the conveyance of animals minerals and goods on the railways including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the 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 :

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Class 11. If having more than two wheels five pence per ton mile and one penny halfpenny per mile for every additional quarter of a ton and if having only two wheels four pence per ton per mile and one penny per mile for every additional quarter of a ton.

Passengers
luggage.

45. Every passenger travelling upon the railways 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.

46. No station shall be considered a terminal station in regard to any goods conveyed on the railways 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.

47. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways (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 railways.

Company
may take
increased
charges by
agreement.

48. 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.

Confirmation
of scheduled
articles of
agreement.

49. The articles of agreement set forth in the schedule to this Act are hereby confirmed and made binding upon the London and South-western Railway Company and the Company respectively.

Power to
enter into
working
agreements
with South-
western
Company.
36 & 37 Vict.
c. 76.

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

The management use working and maintenance of the railways or of any part or parts thereof :

The supply under any agreement for the railways being worked by the London and South-western Railway Company of any rolling or working stock necessary for the purposes of such

agreement and the employment of officers and servants for the conduct of the traffic on the railways : A.D. 1881.

The payments to be made and the conditions to be performed with respect to such construction working use management and maintenance :

The interchange transmission forwarding and delivery of traffic coming from or destined for the respective railways of the Company and the London and South-western Railway Company and the fixing of the tolls rates and charges to be demanded taken and recovered in respect of such traffic.

51. During the continuance of the said articles of agreement or of any agreement to be entered into under the provisions of this Act between the Company and the London and South-western Railway Company the railways of the Company and the railways of the London and South-western Railway Company 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 railways of the London and South-western Railway Company for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of passengers for every mile or fraction of a mile beyond four miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile beyond four miles tolls and charges as for a quarter of a mile only and no other short-distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of the Company and partly on the railways of the London and South-western Railway Company.

Tolls on traffic conveyed partly on the railways and partly on railways of South-western Company.

52. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Saving rights of the Crown in the foreshore.

53. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or

Saving rights of the Crown under 29 & 30 Vict. c. 62.

A.D. 1881. reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty her heirs or successors.

Interest not
to be paid on
calls paid up.

54. The Company shall not out of any money by this Act authorised to be raised by calls or by borrowing pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him. Provided always that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

55. 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.

56. 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.

57. 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.

The SCHEDULE referred to in the foregoing Act.

ARTICLES OF AGREEMENT made the ninth day of June 1881 A.D. 1881.
between GEORGE BURT of Purbeck House in the parish of
Swanage and county of Dorset Esquire J.P. JOHN CHARLES
ROBINSON of Newton in the parish of Swanage aforesaid
Esquire and WILLIAM LANSDOWNE BEALE of Waltham Saint
Lawrence in the county of Berks Esquire being three of the
promoters of the Swanage Railway (herein-after called the
owning company) of the one part and THE LONDON AND
SOUTH-WESTERN RAILWAY COMPANY (herein-after called the
working company) of the other part.

WHEREAS the above-named George Burt John Charles Robinson and William Lansdowne Beale are promoting a Bill in the present session of Parliament whereby they seek authority to incorporate the owning company with power to construct a Railway (No. 1) ten miles or thereabouts in length from a junction with the London and South-western Railway near Wareham to Swanage in the county of Dorset and a Railway (No. 2) six chains or thereabouts in length being an extension of the proposed Railway (No. 1) to the existing pier at Swanage And whereas the working company are willing to undertake to work the said railways when constructed according to the provisions of the intended Act and of this agreement and in consideration of the increased traffic which will accrue to the working company upon its own system of railways by the construction of the proposed railways the working company are willing to secure to the owning company out of the receipts of the proposed railways and out of such increased receipts on the working company's railways as aforesaid an annual sum equal to four per cent. upon the estimated cost of the proposed railways such annual sum to be secured in manner and upon the terms herein-after expressed Now it is hereby agreed between the parties hereto as follows :—

ARTICLE 1. The owning company shall at their own expense acquire in fee simple in consideration of sums paid in gross and free from all incumbrances rentcharges land tax rents and outgoings (except a duly apportioned amount of tithe commutation rentcharge) all the necessary land and properties for forming the site of the Railway (No. 1) and also if called upon by the working company as after mentioned of the Railway (No. 2) respectively described in and proposed to be authorised by their now pending Bill and for forming the site of the several stations approaches works and conveniences necessary and proper to be made in connexion therewith which railways works and conveniences are enumerated or referred to in Articles 2 and 3 and which railways stations works and conveniences are in these articles comprised under the expression "the railway."

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ARTICLE 2. The Railway No. 1 and also the Railway No. 2 if its construction shall be required at the expense of the owning company

- (A) Shall be constructed on the gauge of four feet eight inches and one half exclusively ;
- (B) Shall be at least proper and sufficient for receiving carrying and accommodating the working plant of the working company of all descriptions and all traffic upon or over the railway No bridges or other structures being constructed of timber ;
- (C) Shall as regards Railway No. 1 commence in the Field No. 2 on the Swanage tithe commutation map and terminate by a junction with the railway of the working company near the Wareham Station thereon as shown on the deposited plans of the Swanage Railway and as regards Railway No. 2 shall commence in the before-mentioned field by a junction with the Railway No. 1 and terminate by a junction with the existing railway or tramway of the Swanage Pier Company as also shown on the deposited plans of the Swanage Railway and the first-mentioned junction and also the last-mentioned junction if the construction of Railway No. 2 shall be required shall severally be formed with their incidental signals and signal and point apparatus and block or electrical apparatus by the working company at the expense of the owning company within the limits respectively proposed to be authorised by the pending Bill and the details incidental to the same junctions respectively and the exact points and mode of forming the same junctions shall be fixed by the working company but subject to and so as to receive the approval of the Board of Trade ;
- (D) Shall be constructed finished and completed as single lines of railway at least with land for a double line and all over bridges to be constructed as for a double line of way and with all proper lengths of double line for passing-places at least at each station and with signals signal boxes and all appliances connected therewith required by the Board of Trade or reasonably by the working company telegraph communication the electric block system and the incident works and conveniences including a proper and sufficient terminal station at Swanage and a proper and sufficient intermediate station at Corfe and not more than two other intermediate stations on such sites and in such positions as the working company shall approve and as shall be consistent with the statutory powers and obligations of the owning company but no station shall be placed on a steeper gradient than 1 in 300 ;
- (E) Shall also include proper and sufficient station and gate houses waiting sheds station yards and approaches station buildings with all usual necessary and proper accommodation goods sheds sidings turntables cranes water supply water tanks and cranes loading banks and other works and conveniences such as in all respects the owning company would have had to construct if they had been about to work the railways as designed in connexion with the London and South-western Railway ;
- (F) Shall be constructed with steel rails made to a specification as to quality to be approved by the working company's engineer and of not less weight than eighty-two pounds per yard (double headed section) and to be properly fished and laid in chairs weighing not less than forty pounds each

which shall be fastened by spikes and trenails to sleepers not less than three spikes and trenails to each sleeper for each chair the sleepers to be laid not more than two feet nine inches apart anywhere and not more at any joint than two feet two inches apart from centre to centre and measuring not less than nine feet in length and at no point of their length less than ten by five inches rectangular and the whole shall be of larch or foreign red wood timber of the best quality thoroughly creosoted.

The rails fishplates chairs fastenings and sleepers shall subject as aforesaid be in every respect equal and similar to those now obtained for use on the owning company's lines ;

- (G) Shall be properly ballasted with good clean ballast for a thickness of not less than twenty-one inches and a width of not less than twelve feet;
- (H) Shall be completed by and at the expense of the owning company in the particulars in this article enumerated and in every other respect so as to be fit and safe for traffic of all descriptions and to the satisfaction of the Board of Trade and to the reasonable satisfaction of Mr. William Jacomb civil engineer herein-after called the owning company's engineer or in case of his death or inability to act of a competent engineer to be appointed in writing by the working company in his room.

ARTICLE 3. The Railway No. 1 and also the Railway No. 2 if required to be constructed shall at the expense of the owning company comprise all works lawfully required by landowners commissioners boards turnpike trustees surveyors or others under any statutory right or under any agreement and all works rendered necessary by reason of roads being interfered with by the railways or either of them and all accommodation and other works whatsoever which on the opening of the railway or at any time thereafter are or may be necessary or proper for the purposes of the railway and the traffic thereon respectively and which the owning company would have to construct if the line were worked by themselves.

ARTICLE 4. The owning company shall at its own expense during one year after the opening of the Railway No. 1 and also the Railway No. 2 if its construction shall be required for public traffic uphold maintain and repair the structural works and embankments of the same and all the buildings and works and conveniences of the railway except those in this article named and to be maintained and repaired by the working company the workmen engaged in the maintenance to be approved by and be under the control of the working company The working company to maintain and repair the permanent way and all other works and conveniences from such day of opening at their own expense.

ARTICLE 5. From and after the completion or opening of the Railway No. 1 for public traffic the working company shall (subject to the restrictions mentioned in these articles) have the privilege and duty of exclusively and in perpetuity working equipping with all rolling stock and locomotive power tools and stores adequate and proper or required by the working company manning managing and maintaining and shall at their own expense exclusively and in perpetuity work equip as aforesaid man manage and (but subject and without prejudice to the obligation of the owning company as aforesaid in Article 4) maintain the railway and the works and conveniences thereof as effectively as if the railway was part of their own system of railways and the working company

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ARTICLE 6. From the opening of Railway No. 1 for public traffic and thenceforth during the continuance of this agreement there shall be formed a fund to be called the Swanage Railway Fund which shall from time to time be credited with the gross receipts of the working company in respect of

- (A) Local traffic arising and terminating on the Railway No. 1 and No. 2 or either of them ;
- (B) Traffic arising or terminating on those railways or either of them and terminating or arising on or beyond any railway of the working company and passing by railway between points situate respectively on the Railway No. 1 or the Railway No. 2 and on or over any railway of the working company ; and
- (C) Cloak rooms advertisements book stalls refreshment rooms and all or any other sources of revenue arising upon the Railway No. 1 and Railway No. 2 or either of them.

ARTICLE 7. The Swanage Railway Fund shall be dealt with as follows:—

- (1) The sum of two thousand three hundred pounds shall be half-yearly on the thirtieth day of June and the thirty-first day of December in every year paid thereout to the owning company and a proportion of that sum shall be so paid on the thirtieth day of June and the thirty-first day of December which shall next happen after the opening of the Railway No. 1 in respect of the broken half-year between such opening and such first half-yearly day after deducting from such payments respectively the property or income tax from time to time payable in respect thereof ;
- (2) The sum of ten pounds shall be half-yearly on the same days paid to the owning company to cover their administration expenses unless the working company shall elect to appoint and remunerate one of their own staff to perform the duties of secretary to the owning company ;
- (3) The balance of the fund shall be immediately thereafter retained by or paid to the working company ;

ARTICLE 8. The Railway No. 2 shall only be constructed by the owning company in case the working company shall within twelve months after the passing of the Swanage Railway Act deliver to the owning company a notice in writing under the hand of the secretary of the working company requiring the same and immediately after the receipt of such notice the working company shall make all due arrangements for its construction and the several articles and provisions of this agreement applicable to Railway No. 1 shall thereupon mutatis mutandis apply to the Railway No. 2 and that railway shall be completed and ready for public use at the same time as Railway No. 1. The half-yearly sum (and the proportionate sum if there shall be any broken half-year in the case of the opening of Railway No. 2 mentioned in Article 7) shall from the opening of the Railway No. 2 be increased by the addition to the half-yearly payment or as the case may be the proportionate sum mentioned in Article 7 of a sum equal to four per cent. per annum on the actual cash cost of the Railway No. 2 to be ascertained in case of difference between the companies by arbitration under the Railway Companies Arbitration Act 1859.

ARTICLE 9. Before the owning company shall exercise their borrowing powers or issue any debenture stock they shall give notice in writing under the hand of their secretary to the working company of their intention to do so and the working company shall be at liberty for two months after each such notice to advance at not exceeding four per cent. per annum or cause to be advanced the required amount and to have in their option terminable debentures for not exceeding five years or debenture stock issued to them or their nominees for the amount advanced and if they see fit they shall be at liberty to deduct from the half-yearly amount or proportional sum mentioned in Article 7 the interest on the amount advanced at the rate of four per cent. per annum, indemnifying the owning company from such interest if the debentures or debenture stock be issued to other persons than the working company.

ARTICLE 10. If the working company do not elect to furnish the sums which the owning company may from time to time desire to borrow the owning company shall not without the consent in writing of the working company create or issue any debenture or debenture stock at a discount in respect of the amounts they may borrow or at any higher rate of interest than four per cent. per annum on the amount advanced, nor if they issue debentures shall any such debenture be for any longer period than three years, nor shall the amount borrowed on debenture or debenture stock in any case or time exceed thirty thousand pounds if both the Railway No. 1 and No. 2 be constructed nor in any case or time exceed twenty-five thousand pounds if the said Railway No. 1 be alone constructed.

ARTICLE 11. If the working company apply to Parliament for powers enabling the owning company to make and the working company to accept an absolute transfer of the owning company's undertaking the owning company will consent to and at the request and expense of the working company will support the application with all necessary and proper conditions for vesting the undertaking in the working company as from the first day of July or the first day of January which shall first happen after the passing of an Act or provisions authorising a transfer (herein-after called the transfer day) absolutely and free from land tax and all incumbrances debts and liabilities whatsoever except the duly apportioned tithe commutation rentcharges and so that the working company shall indemnify the owning company against the debentures or debenture stock of the owning company (which shall in no case be issued beyond the principal amount of thirty thousand pounds and in case Railway No. 2 shall not be constructed shall not be beyond the principal amount of twenty-five thousand pounds) and the interest thereof as from the transfer day and from all duties and responsibilities in respect of the owning company's undertaking. If the powers be granted the transfer to be as soon as conveniently completed and the purchase money or consideration to be—

- (1) Such a sum of such four per cent. preference stock of the working company as that company shall then be authorised by the Act enabling the transfer or otherwise to create as shall be equal in nominal value to the share capital then issued of the owning company in and about the construction not exceeding in the whole ninety thousand pounds or (in the option of the working company)
- (2) Such a sum of cash as shall be equal in amount to the nominal amount then issued of the owning company's share capital not exceeding in the

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whole ninety thousand pounds with the addition in cash to such sum of cash as in this sub-article first mentioned of five per cent. on the amount thereof;

- (3) The half-yearly amount made payable by the working company to the owning company under this agreement shall cease on and from the transfer day and in the room thereof the preference stock in perpetuity or as the case may be the amount of cash with the additional five per cent. shall from the transfer day until the payment of it bear interest at the rate of four per cent. per annum.

In Witness whereof the parties hereto of the first part have hereunto set their hands and seals and the London and South-western Railway Company their common seal the day and year first above written.

Signed sealed and delivered by the
above-named George Burt in the
presence of—

GEORGE BURT.

J. J. FREEMAN

Solicitor 2 Poet's Corner West-
minster.

L.S.

Signed sealed and delivered by the
above-named John Charles
Robinson in the presence of—

J. C. ROBINSON.

J. J. FREEMAN.

L.S.

Signed sealed and delivered by the
above-named William Lans-
downe Beale in the presence
of—

W. LANS DOWNE BEALE.

WM. MARKHAM.

Clerk to Messrs. Beale Marigold
and Co. Solicitors 28 Great
George Street Westminster.

L.S.

Seal of the
London and
South-western
Railway
Company.