



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. cccx.*

An Act for making a Railway from *Petersfield* to *Bishop's Waltham*; and for other Purposes.

[29th July 1864.]

**W**HEREAS the making of a Railway from *Petersfield* to *Bishop's Waltham* in the County of *Southampton* would be of great public and local Advantage: And whereas Plans of the said intended Railway, and of the Lands proposed to be taken for the Purposes of this Act, and Sections showing the Levels of the said Railway, together with a Book of Reference to such Plans, were on or before the Thirtieth Day of *November* last deposited with the Clerk of the Peace for the County of *Southampton*: And whereas it is expedient that a Company should be incorporated to carry the said Undertaking into execution: And whereas it is also expedient that the Company and the *London and South-western* Railway Company should be empowered to enter into and carry into effect Agreements as in this Act provided: And whereas the several Objects aforesaid 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:

[*Local.*]

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1. "The



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8 & 9 Vict.  
cc. 16. 18.  
& 20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. incor-  
porated.

1. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," shall, so far as the same are applicable thereto, be incorporated with and form Part of this Act, save as to such of the Provisions thereof (if any) as may be expressly altered by this Act.

Title of Act.

2. This Act may be cited for all Purposes as "*The Petersfield and Bishop's Waltham Railway Act, 1864.*"

Interpreta-  
tion of  
Terms.

3. The Expression "the Company" used herein shall denote the Company incorporated by this Act; the Expression "the Railway" used herein shall denote the Railway hereby authorized to be made, or any Part thereof; the Expression "the *South-western Company*" shall mean the "*London and South-western Railway Company*;" and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act, or any Act 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.

Incorporating Com-  
pany.

4. *Henry Lacy*, Admiral Sir *Henry John Leeke* K.C.B., Sir *Sibbald David Scott* Baronet, *Bettsworth Pitt Shearer*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company by the Name of "*The Petersfield and Bishop's Waltham Railway Company*," for the Purpose of making and maintaining the Railway herein-after described, with all proper Works and Conveniences belonging thereto, according to the Provisions of this Act and the Acts wholly or partially incorporated herewith, and for other the Purposes herein and in the said Acts contained, and for the Purposes aforesaid the said Company shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

5. The Capital of the Company shall be One hundred and fifty thousand Pounds, and all and every Part of the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

Shares.

6. The Number of Shares into which the said Capital shall be divided shall be Fifteen thousand, and the Amount of each Share shall be Ten Pounds.

7. It



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7. It shall be lawful for the Company, with the Consent of Three Fifths of the Shareholders present, personally or by proxy, at a Meeting of the Company convened with due Notice of the Matter, to determine that any of the Shares hereby authorized to be created may, at the Option of the Holders thereof, be divided into Two Classes, namely, A. or deferred Half Shares, and B. or preferred Half Shares, and the following shall be the Conditions of such Division :

Providing  
for Division  
of Shares.

No such Division shall take place until Five Pounds at least shall have been paid upon every Share so intended to be divided, and of the Amount so paid, Four Fifths, but not exceeding Five Pounds, shall be attributed to the A. or deferred Half Share, and the Remainder to the B. or preferred Half Share :

The B. or preferred Half Shares shall be entitled to such preferential Dividend out of the Profits of the Company not exceeding Six *per Centum per Annum* on the Sums actually paid up with respect to such Half Shares as the General Meeting authorizing the Division shall determine :

If the Profits of any Year ending on the Thirty-first Day of *December* do not produce the preferential Dividend reserved upon the said Half Shares, the Holders thereof shall not be entitled to Payment of the Deficiency of such Dividend out of the Profits of any subsequent Years :

The A. or deferred Half Shares shall be entitled to the Dividend which would have been payable upon the whole Share, if undivided, beyond the Amount which has been made payable upon the B. or preferred Half Shares, but so that the total Dividend paid upon the Two Half Shares shall not exceed that which would have been payable upon the whole Share if undivided :

The Directors shall cause to be issued to every Shareholder exercising his Option as aforesaid, and producing the Certificate for his original Share to be cancelled, a Certificate for each of the said Half Shares, upon which Certificate shall be stated the Right to Dividend attaching to such Half Shares, and upon Delivery of the said Certificates the Certificate of the original Share shall be cancelled.

8. It shall not be lawful for the Company to 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 Part of the Amount of such Share shall have been been paid up in respect thereof.

Shares not  
to issue until  
One Fifth  
Part paid up.

9. Two Pounds *per Share* shall be the greatest Amount of any One Call which the Company may make on the Shareholders upon any

Calls.



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any Share, and Two Months at the least shall be the Interval between successive Calls, and Six Pounds *per* Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share.

Closing of  
Transfer  
Books.

10. It shall be lawful for the Directors to close the Register of Transfers for a Period not exceeding Seven Days previous to each Special or Extraordinary Meeting, and they may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in the Newspaper herein prescribed, and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Special or Extraordinary Meeting.

Power to  
borrow on  
Mortgage.

11. It shall be lawful for the Company to borrow on Mortgage any Sum not exceeding the Sum of Fifty thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital Sum of One hundred and fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and the Company shall 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 the Capital are issued and accepted, and that not less than One Fifth Part of the Amount thereof has been paid up on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were taken *bonâ fide*, and are held by the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable; and all and every Part of the Monies so to be borrowed on Mortgage shall be applied only in carrying into execution the Objects and Purposes of this Act.

Arrears may  
be enforced  
by Appoint-  
ment of a  
Receiver.

12. It shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver in the event of the Principal and Monies due on such Mortgages not being duly paid, and the aggregate Amount of the Principal Money owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand five hundred Pounds in the whole.

First and  
other General  
Meetings.

13. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act, and the future Ordinary Meetings shall be held in the Months of *February* and *August* in each Year; and all Meetings, whether Ordinary or Extraordinary, shall be held in *London*, or at *Petersfield* or *Bishop's Waltham*.

14. Each



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14. Each Shareholder shall be entitled to One Vote in respect of every Share in the Company held by him. Right of Voting.
15. Subject to the Provisions herein-after contained for increasing or reducing the Number of Directors, the Number of Directors shall be Six, and the Qualification of each Director shall be the Possession in his own Right of Fifty Shares in the Undertaking. Number of Directors.
16. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, but the whole Number of Directors after any such Reduction shall not be less than Three: Provided that after any Reduction the Number of Directors may from Time to Time be again increased to any Number not exceeding Six. Power to reduce the Number of Directors.
17. *Henry Lacy*, Admiral Sir *Henry John Leeke* K.C.B., Sir *Sibbald David Scott* Baronet, and *Bettsworth Pitt Shearer* shall be Four of the First Directors of the Company. Directors.
18. The Quorum of a Meeting of Directors shall be Three, and Two if the Number of Directors be reduced to Three. Quorum.
19. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act or any of them, or may elect new Directors to supply the Place of those not continuing in Office, the Directors appointed by this Act being eligible for a Re-election; and at the corresponding Ordinary Meeting to be held in the next and every succeeding Year the Shareholders present, personally or by proxy, shall elect Persons to supply the Place of the Directors then retiring from Office in rotation, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the last-mentioned Act. Election of Directors.
20. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in *London* or in the County of *Southampton*. Newspaper for Insertion of Advertisements.
21. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans and described in the deposited Books of Reference. Power to take Lands.



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Power to  
make Rail-  
way.

22. The Company may from Time to Time make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use, the Railway following, with all proper Approaches, Stations, Sidings, and other Works and Conveniences connected therewith; (that is to say,)

A Railway commencing in the Parish of *Bishop's Waltham* in the County of *Southampton* by a Junction with the *Bishop's Waltham* Railway at or near the Termination thereof, and terminating in the Parish of *Buriton* in the said County by a Junction with the *Portsmouth* Railway of the *London and South-western* Railway Company, near the *Petersfield* Station thereon.

Regulating  
Junction  
with Ports-  
mouth Rail-  
way accord-  
ing to depo-  
sited Plans.

23. The Junction between the Railway and the *Portsmouth* Railway of the *London and South-western* Railway Company shall not, except by Agreement, be formed otherwise than in the Manner and on the Conditions following:

1. If the *London and South-western* Railway Company, within Three Months after the Delivery to them of Notice by the Company in Writing requiring them so to do, or simultaneously with the Completion of the Railway by this Act authorized, whichever shall first happen, shall construct on their Land a proper and sufficient Side Line of Railway (herein called "the Side Line"), to be thereafter maintained by them as Part of the *Portsmouth* Railway, extending from the Point of Junction between the Railway and the *Portsmouth* Railway shown on the deposited Plans, or from within Fifty Yards thereof, to the *Petersfield* Station, with a Junction at or near the *Petersfield* Station (herein called "the Station Junction") between that Side Line and the Through or Main Line of the *Portsmouth* Railway, then the Junction of the Railway with the *Portsmouth* Railway shall only be made and maintained by the Company with the Side Line at or within the said Fifty Yards of the intended Point of Junction shown on the deposited Plans:
2. If the *London and South-western* Railway Company do not, within One of the respective Periods in this Section mentioned in that Behalf, form the Side Line and Station Junction, then the Company may form a Junction with the *Portsmouth* Railway at such Point within the Limits of Deviation shown on the deposited Plans as the *London and South-western* Railway Company shall, within Two Months after Notice by the Company to them in Writing, approve, or, failing Approval, then at the Point shown on the deposited Plans:
3. If the Side Line and Station Junction be made, the Company shall half-yearly thereafter pay to the *London and South-western* Railway Company Interest at the Rate of Five per Centum per Annum



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*Annum* on the Amount certified by the Engineer of the *London and South-western* Railway Company to be the Costs of providing and executing the necessary and proper Materials and Works incident thereto :

4. If at any Time the *London and South-western* Railway Company lay down on the *Portsmouth* Railway an additional Line of Railway from the *Petersfield* Station Southwards, for constituting that Railway a double Railway, the Company shall form a proper and sufficient Junction at or near the Point indicated on the deposited Plans with each of the Lines of that double Railway, and from and after the Completion of that Junction their Liability to pay Interest on the Cost of the Side Line and Station Junction shall cease :
5. All Works from Time to Time necessary to be executed by the Company, or for their Purposes, on the Railway of the *London and South-western* Railway Company shall be executed by the *London and South-western* Railway Company, and the Amount certified by their Engineer to be the Cost of providing and executing the necessary and proper Materials and Works shall (except the Cost of the Side Line and Station Junction) be borne and paid by the Company to the *London and South-western* Railway Company on Demand :
6. The Provisions of "The Railways Clauses Act, 1863," in respect of Junctions, shall be applicable to the Junction from Time to Time between the Railway and the *Portsmouth* Railway.

24. The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," purchase by Agreement any Quantity of Land adjoining or near to the Railway not exceeding Two Acres.

Lands for extraordinary Purposes.

25. As regards the Roads next herein-after mentioned, the Company may make those Roads respectively, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads ; (that is to say,)

Regulating Inclinations of certain Roads.

No. of Road on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
40	Meon Stoke - -	Public Highway -	1 in 16 and level.
120	East Meon - -	Public Highway -	1 in 12 and level.

26. The



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Powers for compulsory Purchases limited.

26. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

27. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said Consolidation Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Deposit Money not to be repaid until Line opened or Half the Capital paid up and expended, except on execution of Bond, &c.

28. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Twelve thousand Pounds, being Eight *per Centum* of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Twelve thousand Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of that Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to that One Half; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Twelve thousand Pounds shall



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shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Twelve thousand Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to that One Half, and if such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall 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 the Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

29. The Company may demand for the Use of the Railway any Tolls. Tolls not exceeding the respective Tolls following; (to wit,)

First. In respect of the Tonnage of all Articles conveyed on the Railway, or upon any Part thereof, as follows:

Tonnage on  
Articles of  
Merchandise.

Class 1. For all Coals, Coke, Culm, Charcoal, Cinders, building, pitching, and paving Stone, dressed Bricks, Tiles, Slates, Clay, Sand, Dung, Compost, and all Sorts of Manure, Lime, Limestone, Chalk, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

Class 2. For all Cotton and other Wools, Hides, Grain, Corn, Flour, Dyewoods, Timber, Staves, Deals, Iron, and all other Metals except Specie and Bullion, Quicksilver and Platina, manufactured Goods, Sugar, and all other Wares, Merchandise, Articles, Matters, or Things (except as before or herein-after mentioned), *per Ton per Mile* not exceeding Twopence; and if

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conveyed



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conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings :

Class 3. For all Silk, Indigo, Cinnamon, and other Spices, Oranges, Lemons, and other Fruit not dried, Eggs, Fish, Poultry, Meat, and all other Articles of a perishable or consumable Nature, *per Ton per Mile* Threepence Halfpenny ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

In respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages upon the Railway, as follows :

For every Person conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny Halfpenny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny Halfpenny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny Halfpenny :

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny :

For every Calf or Pig conveyed in or upon any such Carriage, *per Mile* not exceeding One Halfpenny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Farthing :

For every Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per Mile* not exceeding One Farthing ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Farthing :

For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Fourpence ; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* not exceeding One Penny ;

And for every such Carriage weighing more than One Ton, *per Ton per Mile* not exceeding Fourpence ; and so in proportion for every Fraction of a Ton, such Fraction to be computed in the Manner herein-after provided ; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny.

Tolls for  
propelling  
Power.

30. The Tolls which the Company may demand and receive for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each  
Ton



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Ton of Goods or other Articles, by the Ordinary and Express Trains, in addition to the several other Tolls or Sums by this Act authorized to be taken: Provided always, that nothing herein-before contained shall extend to any Case in which any Special Train may be required and be allowed by the Company.

**31.** The following Provisions and Regulations shall be applicable to the fixing of such Tolls; (to wit,) Regulations  
as to the  
Tolls.

For Articles, Persons, Animals, or Carriages conveyed on the Railway for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three Miles:

For a Fraction of a Mile beyond Three Miles or beyond any greater Number of Miles the Company may demand Tolls on Animals and Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there shall be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber shall be deemed One Ton Weight, and so on in proportion for any smaller Quantity.

**32.** With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may demand the Tolls following; (to wit,) Tolls for  
small Parcels  
and single  
Articles of  
great Weight.

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds in Weight,) on the Railway or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Three-pence;

For any Parcel exceeding Seven Pounds in Weight but not exceeding Fourteen Pounds in Weight, Fivepence;

For any Parcel exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, Sevenpence;

For any Parcel exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, Ninepence;

And for Parcels exceeding Fifty-six Pounds in Weight the Company may demand any Sum which they think fit:

Provided



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Provided that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per Ton per Mile*; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Fourpence :

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they shall think fit.

Passengers  
Luggage.

**33.** Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty 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.

Maximum  
Tolls.

**34.** Notwithstanding anything in this Act contained, the maximum Charges to be made by the Company in respect of all the Tolls and Charges for the Use of the Railway and Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, (except a reasonable Charge for the Expense of loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company,) shall not exceed the Sums following; (that is to say,)

Articles and  
Goods.

In respect of the Tonnage of Articles conveyed upon the Railway or any Part thereof, as follows :

For Coals and all other Articles herein-before mentioned under Class 1, One Penny Halfpenny *per Ton per Mile* :

For Cotton and all other Articles herein-before mentioned under Class 2, Threepence *per Ton per Mile* :

For Silk and all other Articles herein-before mentioned under Class 3, Fivepence *per Ton per Mile* :

Passengers  
and Animals.

In respect of Passengers and Animals conveyed in Carriages upon the Railway or any Part thereof, as follows :

For every Person conveyed in a First-class Carriage, Twopence Halfpenny *per Mile* :

For



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For every Person conveyed in a Second-class Carriage, One Penny Three Farthings *per Mile* :

For every Person conveyed in a Third-class Carriage, One Penny *per Mile* :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Fourpence *per Mile* :

For every Ox, Cow, Bull, or Neat Cattle, Twopence *per Mile* :

For every Calf or Pig, Sheep, Lamb, or other small Animal, One Penny Halfpenny *per Mile* :

For every Carriage, of whatever Description, carried or conveyed on a Truck or Platform, Sixpence *per Mile* :

Provided that no Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

**35.** Provided always, That if any Person shall desire to hire or retain a separate Waggon or Truck for the Conveyance of Cattle or Sheep belonging to him, it shall not be lawful for the Company to Charge any greater Sum, including all the Charges aforesaid, than Ninepence *per Mile* for every Waggon or Truck capable of containing conveniently Six Beasts of an ordinary Size, or Thirty Sheep.

Tolls for  
separate  
Cattle  
Trucks.

**36.** Provided also, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train which may be required to run upon the Railway, but shall apply only to the Ordinary and Express Trains appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

Restrictions  
as to Charges  
not to apply  
to Special  
Trains.

**37.** Nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges hereinbefore limited for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Increased  
Charges may  
be taken by  
Agreement.

**38.** The *London and South-western Railway Company* may run over, work, and use, with their Engines and Carriages of every Description, and with their Servants and Officers, the Railway by this Act authorized, together with all Stations, Sidings, Water, Watering Places, Booking Offices, Telegraphs, Works, and Conveniences whatsoever from Time to Time forming Part of or provided for Use in connexion with the Railway.

Power for  
London and  
South-west-  
ern Railway  
Company to  
run over and  
use Railway.



*The Petersfield and Bishop's Waltham Railway Act, 1864.*

Terms and  
Conditions of  
such User.

39. The Terms and Conditions and the Regulations to be observed and fulfilled for and in respect of the User by the *London and South-western* Railway Company of the Railway, and of the Stations, Sidings, Water, Watering Places, Booking Offices, Telegraphs, Works, and Conveniences, and the Tolls, Rates, and Charges to be paid in respect of the User, shall be such as may from Time to Time be agreed on between the Company and the *London and South-western* Railway Company, or as in case of Difference shall be determined by Arbitration according to the "Railway Companies Arbitration Act, 1859," by a single Arbitrator to be in case of Difference appointed by the Board of Trade.

Power to  
Company  
and South-  
western  
Company to  
make Work-  
ing and  
Traffic Ar-  
rangements.

40. The Company and the *South-western* Company may from Time to Time make and enter into and carry into effect any Contracts or Agreements with respect to the following Purposes, or any of them; (that is to say,)

The Use and Working by the *South-western* Company of the Railway and the Works and Conveniences connected therewith:

The Passage over the Railway of the Engines and Carriages of the *South-western* Company:

The Conveyance by the *South-western* Company of all or any Part of the Traffic passing over the Railway:

The Supply of Engines, Carriages, and Rolling Stock by the *South-western* Company for or in respect of the Railway:

The Accommodation, Conveyance, Forwarding, Interchange, Regulation, and Management of the Traffic on, to, and from the Railway and the Railways of the *South-western* Company:

The Division between the Company and the *South-western* Company of the Tolls and Fares arising from such Traffic:

The Tolls, Rates, Duties, and Charges, or other Consideration to be charged in respect of such Traffic, or to be paid in respect of such User, and the fixing and apportioning of such Tolls, Rates, Duties, and Charges, or other Consideration, or any of them:

The Maintenance and Repair of the Railway:

The Costs and Expenses of such Working, Management, Maintenance, and Repair:

And Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," shall be incorporated with this Act in reference to any such Contract or Agreement.

Tolls during  
Contracts.

41. During the Continuance of any Contract or Agreement which may be entered into under the Authority of this Act, the Railways of the Companies Parties to such Agreement shall for the Purposes



*The Petersfield and Bishop's Waltham Railway Act, 1864.*

poses of Tolls and Charges be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway and partly on the Railways of the *South-western* Company respectively for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles; and in respect of Passengers, for each Mile or Fraction of a Mile beyond Three Miles, Tolls and Charges as for One Mile only; and in respect of Animals, Minerals, and Goods for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles, Tolls and Charges as for a Quarter of a Mile only; and no Short-distance Charge other than for Three Miles shall be made for the Conveyance of Passengers, Animals, and Goods, or other Matters, partly on the Railway and partly on the Railways of the *South-western* Company respectively.

42. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls actually made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on any Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid up.

43. It shall not be lawful for the Company out of any Money by this Act authorized to be raised, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of Company's Capital.

44. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges and of the Rates for small Parcels authorized by this Act.

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

45. All



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*The Petersfield and Bishop's Waltham Railway Act, 1864.*

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Expenses of  
Act.

45. All the Costs, Charges, and Expenses of and incident to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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