



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cccxxvii.

An Act for making a Railway from the authorized Line of Railway from *Ryde* to *Lower Shanklin*, near *Yar Bridge*, to *Bembridge Point*, with a Pier or Landing Place there, and a Tramway from the said intended Railway to *Bembridge Down*, all in the Parish of *Brading* in the *Isle of Wight*; to authorize Arrangements with the *Isle of Wight Railway Company*; and for other Purposes.

[29th July 1864.]

WHEREAS the making of a Railway from the authorized Line of Railway from *Ryde* to *Lower Shanklin*, near *Yar Bridge*, to *Bembridge Point*, with a Pier or Landing Place there, and a Tramway from the said intended Railway to *Bembridge Down*, all in the Parish of *Brading* in the *Isle of Wight* and County of *Southampton*, would be of great public and local Advantage: And whereas Plans and Sections of the intended Railway and Pier or Jetty and Tramway showing the Lines and Levels thereof, together with a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands proposed to be taken for the Purposes of

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the Undertaking, have been deposited with the Clerks of the Peace for the Counties of the *Isle of Wight* and *Southampton* respectively: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry the said Undertaking into execution, if authorized by Parliament so to do, and are desirous of being incorporated into a Company (in this Act called "the Company") for that Purpose: And whereas certain flooded and uninclosed and Waste Lands on the Shore of the Sea in *Brading* Harbour, and adjoining or near the proposed Railway, which are in their present State incapable of Cultivation, may by reason of the Works of the Railway be conveniently reclaimed, and it is expedient that Powers should be given for the Reclamation and Improvement of the same: And whereas it is expedient that the Company and the *Isle of Wight* Railway Company should be empowered to enter into Contracts and Arrangements as herein-after provided: And whereas the several Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title. 1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Bembridge* Railway, Tramway, and Pier Act, 1864."

8 & 9 Vict. ca. 16. 18. & 20., 10 & 11 Vict. c. 27., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated. 2. "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," Parts I. and III. of "The Railways Clauses Act, 1863," and "The Harbours, Docks, and Piers Clauses Act, 1847," (save as to such Parts thereof respectively as are varied, altered, or excepted by this Act,) shall be incorporated with and form Part of this Act: Provided always, that the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to Life Boats, and with respect to keeping a Tide and Weather Gauge, shall not be in force under or for the Purposes of this Act unless and until, and except only so far as, the Board of Trade, by Notice in Writing to the Company, require the Company to conform either wholly or in part to those Provisions respectively.

Interpretation of Terms.

3. In construing the incorporated Acts or Parts of Acts in connexion with this Act the Expression "the Undertaking" and the Expression "the Railway" in "The Railways Clauses Consolidation Act, 1845," respectively mean the Railway and Tramway by this Act authorized, and the Works connected therewith respectively, but not the Pier or Jetty nor the Works connected therewith; in Part I. of

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of "The Railways Clauses Act, 1863," the Word "Work" includes the Pier or Jetty by this Act authorized, and the Works connected therewith; in "The Harbours, Docks, and Piers Clauses Act, 1847," the Expression "the Undertakers" means the Company by this Act incorporated; the Expression "the Pier," or "the Harbour, Dock, or Pier," means the Pier or Jetty by this Act authorized; and in all those Acts the Term "Superior Court" or the Term "Court of competent Jurisdiction," or any other like Expression, 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; and in this Act the Expression "the Undertaking" includes the Railway, Pier or Jetty, and Tramway by this Act authorized, and the Works connected therewith, and the Lands by this Act authorized to be reclaimed, and the Works connected therewith, unless there be in the Subject or Context thereof something repugnant to or inconsistent with such Construction.

4. The several Words and Expressions to which by the Acts or Parts of Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, or other Meanings be expressly assigned to them by this Act.

Same Meanings to Words in incorporated Acts as in this Act.

5. The Persons following, (that is to say,) Colonel *Arthur Lowry Cole* C.B., *James Gordon Nixon*, *John Head*, *Milton Druce*, *Edward Rainsford*, *James Legg*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway, Pier or Jetty, Tramway, and Works hereby authorized, and for carrying into effect the Purposes of this Act, and such Company shall be incorporated by the Name of "The Bembridge Railway, Tramway, and Pier Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase, hold, and sell Lands for the Purposes of the Undertaking within the Restrictions herein and in the incorporated Acts contained.

Subscribers incorporated.

6. The Capital of the Company shall be Fifty thousand Pounds, and shall be divided into Five thousand Shares of the Amount of Ten Pounds each.

Capital.

7. It shall not be lawful for the Company to issue any Share, 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 paid up in respect thereof.

Shares not to issue until One Fifth paid up.

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Calls.

8. One Fourth of a Share shall be the greatest Amount of any One Call to be made on any Share created under the Powers of this Act, and Three Fourths of a Share shall be the utmost aggregate Amount of Calls made in any One Year upon any Share, and Two Months at least shall be the Interval between successive Calls.

Power to borrow on Mortgage.

9. The Company may from Time to Time borrow and reborrow on Mortgage any Sums not exceeding Sixteen thousand six hundred Pounds.

Restrictions on borrowing.

10. No Money shall be so borrowed by the Company under the Powers of this Act until the whole of the Capital of the Company by this Act authorized to be raised shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such Capital has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, and such Justice shall grant his Certificate accordingly upon such Evidence as he shall think sufficient, which Certificate shall be sufficient Evidence that the Matters aforesaid have been duly proved.

Application of Capital.

11. The Monies by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Arrears may be enforced by Appointment of a Receiver.

12. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest or the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall be not less than One thousand five hundred Pounds in the whole.

First and other Meetings.

13. The First Ordinary Meeting of the Company shall be held within Nine Months next after the passing of this Act.

Shareholders may require an Extraordinary Meeting.

14. The prescribed Number of Shareholders who may require the Directors to call an Extraordinary Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than One Fortieth Part of the nominal Capital of the Company.

15. The

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15. The Quorum of every Meeting of the Company shall be Fifteen Proprietors holding in the aggregate not less than One Twentieth of the nominal Capital of the Company.

Quorum of Meetings of Company.

16. The Number of the Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Number and Qualification of Directors.

17. The said *Arthur Lowry Cole, James Gordon Nixon, John Head, Milton Druce, Edward Rainsford, and James Legg* shall be the First Directors of the Company.

First Directors.

18. The First Directors shall continue in Office until the First Ordinary Meeting of the Company, and at that Meeting the Shareholders present, personally or by proxy, may either continue in Office the First Directors or any of them, or may elect a new Body of Directors, or a new Director to supply the Places of those not continued in Office, the First Directors being eligible for Re-election; and at the First Ordinary Meeting of the Company in the Year One thousand eight hundred and sixty-six, and at their First Ordinary Meeting in every subsequent Year, the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation Act, 1845," and of this Act in that Behalf; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue Directors until others are elected in their Stead as in "The Companies Clauses Consolidation Act, 1845," provided.

Provisions as to Directors.

19. The Quorum of a Meeting of Directors shall be Three.

Quorum of Meeting of Directors.

20. Subject to the Provisions in this and the Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the Railway, Pier or Jetty, and Tramway herein-after described, with all proper Works, Stations, Approaches, and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels shown on those Sections, and to enter upon, take, and use such of those Lands as shall be necessary for such Purposes.

Power to construct Railway and Pier.

21. The Works by this Act authorized comprise the following; (that is to say,)

Description of Works.

First. A Railway commencing in the Parish of *Brading* by a Junction with the authorized Line of Railway of the *Isle of Wight*

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Wight

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Wight Railway Company from *Ryde* to *Lower Shanklin* at a Point on that Railway about One hundred Yards in a North-easterly Direction from the Centre of the Bridge which carries the *Brading* and *Bembridge* Road over the River *Yar*, and proceeding thence in and through the said Parish of *Brading*, and in part through or over the Bed of *Brading* Harbour, to and terminating at the Eastern End of *Ducie Walk* near *Bembridge Point*, all in the said Parish of *Brading*, *Isle of Wight*, and County of *Southampton* :

Second. A Tramway commencing at a Point on *Bembridge Down* in the said Parish of *Brading*, being the Centre of the Base of the Spoil Bank abutting on the said Road leading from *Brading* to *Bembridge*, and terminating by a Junction with the said intended Railway at or about midway between its Commencement and Termination, all in the said Parish of *Brading* :

Third. A Pier commencing at the Termination of the said Railway at the Eastern End of *Ducie Walk* aforesaid in the said Parish of *Brading*, and extending thence in a North-easterly Direction in and through the said Parish, and into the Sea of the *English* Channel for a Distance of not more than Six hundred Yards from Low-water Mark of ordinary Spring Tides, and terminating by a Cross Head or Landing Stairs, together with a Light or Lighthouse on the said Pier Head, and all necessary Landing Stages and other Works connected therewith, the whole of which said Pier and Works will be situate in the said Parish of *Brading*, and on the Shore and Bed of the Sea adjoining the same :

Fourth. The Reclamation and filling up and improving the Salt Marsh and Mud Lands which will be separated from *Brading* Harbour by the Embankment of the said intended Railway, and the draining, warping, and otherwise improving the same.

As to Junction with the *Isle of Wight* Railway.

22. And whereas the Junction of the Railway with the Main Line of the *Isle of Wight* Railway is near the Point at which the *Brading* Branch of that Railway forms a Junction with the said Main Line, and inasmuch as that Line is only a single Line of Rails it may be more convenient for the *Isle of Wight* Railway Company if the proposed Junction be made with the *Brading* Branch thereof near its Junction with the said Main Line, or with a Siding communicating with such Main Line at or near the *Brading* Station thereon, and subject to such Restrictions as herein-after provided : Therefore the Communication between the Railway of the Company and the Railway of the *Isle of Wight* Railway Company, and all Openings in the Rails of that Railway, and all Works at or near the Junction hereby authorized with that Railway, which may be made for the Reception, Accommodation, and Delivery of the Traffic of the Company, whether on the Land of the Company or on the Land of the *Isle of Wight* Railway

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Railway Company, shall be made by the *Isle of Wight* Railway Company at the sole Expense of the Company, and, except only so far as the Company and the *Isle of Wight* Railway Company otherwise agree, or according to the Terms and Conditions from Time to Time agreed on between them, the same shall be thereafter maintained and kept in good Repair by the *Isle of Wight* Railway Company at the Expense of the Company; and all such Communications, Openings, and Works shall be made and maintained in such Manner and by such Means only as shall not in anywise injure or prejudice the *Isle of Wight* Railway, or the Works or Property of the *Isle of Wight* Railway Company, or the free and uninterrupted Use of their Railway by the *Isle of Wight* Railway Company, or interfere with the Traffic thereon: Provided always, that, unless the Company and the *Isle of Wight* Railway Company otherwise agree, the Junction of the Railway with the *Isle of Wight* Railway, instead of being made immediately with the Main Line of that Railway, shall be made directly with the *Brading* Branch thereof, or with a proper and sufficient Siding or Side Line to be formed and from Time to Time maintained by the Company for the Purpose at or near the *Brading* Station on the said Main Line, and between which Branch or Siding and the said Main Line of the *Isle of Wight* Railway Company there shall be a Junction affording a sufficient Communication between that Siding and the *Isle of Wight* Railway for the Receipt, Delivery, and Transmission and Exchange of Traffic between the Two Companies; and the *Isle of Wight* Railway Company shall, at their *Brading* Station or other the Point of Junction, at all Times give to the Company reasonable Facilities for the Receipt and Delivery of Traffic, and for the Interchange, Transmission, and Through Booking of Traffic between and over their respective Railways; and any Difference which may arise between the Company and the *Isle of Wight* Railway Company in carrying this Enactment into effect shall be referred to and determined by an Engineer to be appointed on the Application of either Company by the Board of Trade.

23. The Railway shall not be carried over the Roads numbered respectively 64, 66, and 39 in the Parish of *Brading* as shown on the deposited Plans, but the Line of the Railway near those Crossings shall be diverted to the Northward as far as may be necessary within the Northern Limit of Deviation shown on those Plans for the Purpose of avoiding any Crossing over those Roads.

Certain Roads not to be crossed as shown on deposited Plans.

24. Previously to commencing the Pier or the Works connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Pier and Works connected therewith for the Approval of the Lords of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of Work.

Working Plans of Pier to be deposited at Admiralty before commencing Work.

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of the Admiralty, and such Pier and Works shall be constructed only in accordance with such Approval; and when any such Pier or Works shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Pier or Works shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Lords of the Admiralty to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Admiralty may order a local Survey at Expense of Company.

25. If at any Time or Times it shall be deemed expedient by the Lords of the Admiralty to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned may be removed by Admiralty at Expense of Company.

26. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lords of the Admiralty to abate and remove the same, or such Part or Parts thereof as they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Land for extraordinary Purposes.

27. The Quantity of Land to be purchased by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Half an Acre.

Powers for compulsory Purchases limited.

28. The Powers by this Act conferred for the compulsory Purchase of Lands for the said Railway, Tramway, and Pier or Jetty shall not

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not be exercised after the Expiration of Two Years from the passing of this Act.

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

Period for
Completion
of Works.

30. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Four thousand four hundred and ten Pounds Reduced Annuities, being equal in Value to the Sum of Four thousand Pounds, which is more than Eight *per Cent.* on the Sum of Forty-five thousand Pounds, the Amount of the Estimate of the Expense of the Undertaking authorized by this Act, has been transferred to the Accountant General of 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 last-recited Act, the said Sum of Four thousand four hundred and ten Pounds Reduced Annuities so transferred as aforesaid, or the Interest or Dividends of such Sum, 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 Survivor or Survivors of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the 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 for the Purposes of the Railway, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of such Capital; and if the said Period shall expire before the 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 Sum of Money deposited as aforesaid, and the Interest or 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,

Deposit in
Court of
Chancery in
respect of
the Railway
to be for-
feited to the
Crown in a
certain
Event.

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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 Four thousand Pounds 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 Four thousand Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway 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 for the Purposes of the Railway, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of such Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Four thousand four hundred and ten Pounds Reduced Annuities, 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 Survivor or Survivors 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 Four thousand four hundred and ten Pounds Reduced Annuities, 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 said 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.

Tolls for
Passengers.

31. The Company may lawfully demand and receive in respect of the Use of the Railway any Rates, Tolls, and Charges not exceeding the Rates, Tolls, and Charges following; (that is to say,)

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence *per* Mile; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum not exceeding One Penny *per* Mile:

For any Passenger conveyed in a Second-class Carriage, the Sum of One Penny Halfpenny *per* Mile; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum not exceeding One Penny *per* Mile;

For

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For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum not exceeding One Halfpenny *per* Mile.

32. And with respect to Horses, Cattle, Carriages, and Goods, as follows: Tolls for
Cattle,
Goods, &c.

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

For Cattle, the Sum of Threepence *per* Head *per* Mile; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum not exceeding One Penny *per* Mile:

For Calves, Pigs, Sheep, and small Animals, One Penny each *per* Mile; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum not exceeding One Halfpenny *per* Mile:

For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform belonging to the Company, *per* Mile not exceeding Sixpence; and the Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh:

For all Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads, Charcoal, Pig Iron, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, and Salt, and for all Coal, Slack, Cannel, Coke, Culm, and Cinders, the Sum of One Penny *per* Ton *per* Mile; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For Sheet Iron, Hoop Iron, Bar Iron, and all other similar Descriptions of Wrought Iron, Twopence *per* Ton *per* Mile; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For Sugar, Corn, and other Grain, Malt, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Nails, Anvils, Vices, and Chains, Cotton and other Wools, Drugs, manufactured Goods, Manchester Packs, and Metals (except Iron), the Sum of Threepence *per* Ton *per* Mile; and if conveyed in Carriages belonging to

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to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

For Fish, Feathers, Canes, Cochineal, Household Furniture, Hats, Shoes, Toys, and all other Articles, Matters, and Things, the Sum of Fourpence *per Ton per Mile* ; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny.

Tolls for
propelling
Power.

33. Subject to the other Provisions in this Act contained, the Tolls which the Company may demand for the Use of Engines for propelling Carriages, Waggon, or Trucks on the said Railway shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken, and the Tolls which the Company may demand for the Haulage of Traffic on the Tramway shall not exceed Fourpence *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles.

Maximum
Rates of
Charges for
Passengers.

34. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers along the Railway, including the Tolls for the Use of the said Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance as aforesaid, shall not exceed the following Sums which the said Company are hereby empowered to demand and receive ; (that is to say,)

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per Mile* :

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per Mile* ;

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny Halfpenny *per Mile*.

Maximum
Rates of
Charges for
Cattle and
Goods.

35. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charge to be made by the Company for the Conveyance thereof along the Railway, including the Tolls for the Use of the Railway, and Waggon or Trucks, and locomotive Power, and every Expense incidental to such Conveyance, (except a reasonable Sum for 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, when such Services or any of them are or is performed by the Company,) shall not exceed the following Sums which the said Company are hereby empowered to demand and receive ; (that is to say,)

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

For

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For Cattle, the Sum of Threepence *per Head per Mile* :

For Calves, Pigs, Sheep, and small Animals, Twopence each *per Mile* :

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, Sixpence *per Mile*; and a Sum of One Penny Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh :

For all Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads, Charcoal, Pig Iron, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, and Salt, and for all Coal, Slack, Cannel, Coke, Culm, and Cinders, the Sum of One Penny Halfpenny *per Ton per Mile* :

For Sheet Iron, Hoop Iron, Bar Iron, and all other similar Descriptions of Wrought Iron, Threepence *per Ton per Mile* :

For Sugar, Corn, and other Grain, Malt, Flour, Hides, Dyewood, Earthenware, Timber, Staves, Deals, Nails, Anvils, Vices, and Chains, Cotton and other Wools, Drugs, manufactured Goods, Manchester Packs, and Metals (except Iron), the Sum of Fourpence *per Ton per Mile* :

For Fish, Feathers, Canes, Cochineal, Household Furniture, Hats, Shoes, and Toys, the Sum of Fivepence *per Ton per Mile*.

36. The following Regulations shall apply to such maximum Rates and Charges : Regulations as to Tolls.

For all Articles, Persons, or Animals before enumerated conveyed on the Railway for a less Distance than Three Miles the Company may demand the Tolls and Charges by this Act prescribed as for Three Miles :

For a Fraction of a Mile beyond Three Miles the Company may demand Tolls on Merchandise, Articles, Matters, or Things 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 to 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 :

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

[*Local.*]

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With

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

As to Stations to be considered as Terminal Stations.

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

Tolls for small Parcels and single Articles of great Weight.

38. With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls herein prescribed, the Company may lawfully demand Tolls not exceeding the following; (that is to say,)

For the Carriage of small Parcels on the said Railways or any Part thereof, as follows:

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

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Fivepence:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, Sevenpence:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, Ninepence:

And for any Parcel exceeding Fifty-six Pounds in Weight and not exceeding Five hundred Pounds the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, though 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 such Sum as they think fit, not exceeding Sixpence *per Ton per Mile*:

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

Restriction as to Charges not to apply to Special Trains.

39. Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Trains that may be required to be run upon the Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from

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from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

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

Company
may take
increased
Charges by
Agreement.

41. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

42. It shall be lawful for the Company to demand and take for every Person using the Pier or Jetty, or the Approaches thereto, or landing or embarking in any Boat or Vessel at or from the Pier or Jetty, or lading or unlading thereat any Goods, Articles, Animals, Matters, or Things, (inclusive of the Tolls, Rates, and Charges for or in respect of the Portion of Railway along the said Pier,) any Sum or Sums not exceeding the Rates following; (that is to say,)

Rates for
Use of Pier.

For every Person, inclusive of his personal Luggage or Market Goods not exceeding One Hundredweight, Sixpence:

For every Coach, Chariot, Phaeton, or other such like Carriage drawn by Two or more Horses, One Shilling and Sixpence:

For every Gig or Carriage drawn by One Horse, One Shilling:

For every Waggon, Cart, Van, or other such Carriage, One Shilling and Sixpence:

For every Horse or Mule, Ninepence:

For every Ox, Bull, Cow, or Bullock, Sixpence:

For every Ass or Calf, Threepence:

For every Sheep or Lamb, Pig, or Dog, One Penny:

For Meat and Fish, Fruit and Vegetables, *per* Hamper, Sack, or Basket Threepence:

For Corn, Flour, Grain, Seeds, or Potatoes in Sacks, *per* Sack Threepence:

For Corn, Coal, Flour, Grain, Seeds, Potatoes, and other Articles in Bulk, and for Goods, Wares, or Merchandise not before enumerated, *per* Hundredweight Threepence:

For every Boat or Vessel of greater Burden than Fifteen Tons making fast to the Pier or Jetty, and remaining there for more than

than

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than One Quarter of an Hour, One Farthing *per* Ton on the registered Tonnage of such Vessel for every Quarter of an Hour or Fraction of a Quarter of an Hour during which the Vessel was so made fast thereto; and for all other Vessels such reasonable Rate as to the Company may seem fit.

Exempting
Vessels be-
longing to
Crown or
Customs, &c.
and Custom
House Offi-
cers, &c.

43. Nothing in this Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel or Boat belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Admiralty, Coast Guard, Customs, or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights using the Pier or Jetty, and not conveying Goods for Hire, or any Packet Boat or Post Office Packet being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet or by any other Vessel whatsoever, or any of the Officers or Persons belonging to Her Majesty's Navy, or employed in the Service of the Admiralty, Coast Guard, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores, Goods, or Supplies for the Service of or being the Property of Her Majesty, or any Marines or Troops landed upon or delivered or disembarked from the Pier or Jetty, or their Baggage, but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the Pier or Jetty without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Cranes,
Weighing
Machines,
&c.

44. It shall be lawful for the Company to erect or provide such Cranes, Weighing and other Machines, Conveniences, Weights, and Measures upon or near to the Pier or Jetty to be constructed or maintained by them under the Provisions of this Act as they may think necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things landed at or delivered from such Pier or Jetty, of which Cranes, Weighing and other Machines any Person or Persons shall, subject to the Regulations established by the Company, be entitled to have the Use and Benefit who may have Occasion to do so, and the Company (in addition to the other Sums which they are by this Act empowered to demand) may demand, receive, and take for the Use thereof such reasonable Rates or Charges as the Company may see fit

45. The

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45. The prescribed Limits within which the Pier-master appointed under the Provisions of this or the incorporated Acts may exercise the Powers of such Act or Acts shall extend over any Lands or Water below Low-water Mark situate within a Distance of Six hundred Yards measured from any Part of the said Pier or Jetty below Low-water Mark, and over any Lands or Water above or Landward of Low-water Mark situate within a Distance of One hundred Yards measured from any Part of the said Pier or Jetty above Low-water Mark.

Limits of Pier.

46. It shall be lawful for the Company and the *Isle of Wight* Railway Company to agree among themselves with respect to all or any of the following Purposes; namely,

Power to enter into Working Arrangements.

The Maintenance and Management of the Railway, Pier, and Tramway by this Act authorized, or any Part thereof, and of the Works connected therewith;

The Use and Working of the said Railway, Pier, and Tramway, and the Conveyance of Traffic thereon; and

The fixing, collecting, and Apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising in respect of such Traffic.

47. Provided always, That the Company shall at least Six Months before the Railway will be completed and ready to open for public Traffic give Notice in Writing thereof to the *Isle of Wight* Railway Company, and if the last-mentioned Company shall within Three Months after the Receipt of such Notice give to the Company Notice in Writing that they desire, under the Powers of this Act, to enter into an Agreement for the exclusive Maintenance and Management and Use and Working of the Railway, then it shall be compulsory upon the Company to treat with the *Isle of Wight* Railway Company for such Maintenance, Management, Use, and Working; and if the Two Companies cannot agree upon the Terms of such Maintenance, Management, Use, and Working, then the same shall, upon the Application of either Company, be referred to Arbitration under the Powers and Provisions of the "Railway Companies Arbitration Act, 1859:" Provided also, that in the meantime, and until a Working Agreement under the Powers of this Act shall have been entered into and the Railway shall be actually worked by the *Isle of Wight* Railway Company, it shall be lawful for the Company to work and manage the said Railway in the same Manner as if no such Working Agreement were authorized.

Isle of Wight Railway Company to be entitled to require Company to enter into a Working Arrangement.

48. While and so long as the Railway shall be worked by the *Isle of Wight* Railway Company under this Act the Railway and the *Isle of Wight* Railway shall, for the Purposes of Tolls and Charges,

While Railway used or worked by Isle of Wight

[Local.]

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Railway
Company
only One
Short-dis-
tance Charge
to be made.

be deemed One Railway; and in estimating the Amount of Tolls or Charges in respect of Traffic conveyed partly on the Railway of the one Company, and partly on the Railway of the other Company, for a less Distance than Three Miles, Tolls and Charges may be charged as for Three Miles only; and in respect of Passengers conveyed more than Three Miles, then for every Mile or Fraction of a Mile beyond Three Miles Tolls and Charges as for One Mile only shall be made; and in respect of Animals, Minerals, and Goods conveyed more than Three Miles, then 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 shall be made; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, Minerals, and Goods or other Matters partly on the Railway and partly on the Railway of the *Isle of Wight* Railway Company.

Company to
reclaim
certain
Lands.

49. For the Reclamation Purposes by this Act authorized it shall be lawful for the Company from Time to Time to purchase by Agreement any flooded, uninclosed, waste, or other Lands set forth and described on the said Plans and Books of Reference deposited with the Clerks of the Peace aforesaid, and situate in the said Parish of *Brading*, and either within the Limits of Deviation shown on the said Plans or beyond such Limits on the Southern Side thereof, between the Line of the said Railway and High-water Mark on the South Side of *Brading* Harbour, which can be reclaimed in consequence of the Construction of any of the Embankments or Works of the Railway, and may make in and upon any Lands so reclaimed all such Fences, Ditches, Drains, Dams, Sluices, Hatches, Roads, Ways, and other Conveniences as they think fit, and may do all other Things proper for reclaiming and improving the same Lands.

Power for
incapaci-
tated Persons
to agree with
Company.

50. All Persons by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and this Act respectively authorized to sell and convey or release Lands may enter into Agreements and Arrangements with the Company for the Purposes of this Act, and for the Reclamation of any Lands between the Line of the said Railway and High-water Mark on the South Side of *Brading* Harbour, and within the said Parish of *Brading*, which can be reclaimed in consequence of the Construction of any of the Embankments or Works of the Railway, and may agree to accept Compensation for their Rights and Interest in any Lands so reclaimed, either in Money or in Lands reclaimed or to be reclaimed, and may also in like Manner make Sales, Conveyances, Releases, and other Dispositions of any Easements or of any Rights and Interests in, over, and affecting any Lands which the Company are by this Act authorized to purchase or reclaim, or which may be adjoining or near thereto; and all such Sales, Conveyances,

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ances, Releases, and Dispositions shall be subject to the Provisions of those Acts.

51. Provided that whenever any Quantity not less than Thirty Acres of such Land is actually reclaimed and drained, and rendered fit for Cultivation or other Use, the Company shall, by proper and sufficient Bound Stones or other Marks, distinguish it from the Lands adjoining thereto, and within Ten Years thereafter shall sell as superfluous Lands of the Company so much thereof as they do not require for any of the Purposes of their Undertaking.

Company to
sell such
Lands.

52. 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 Calls 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 Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not
to be paid on
Calls paid up.

53. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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 execute any other Work or Undertaking.

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

54. Nothing in this Act or in any of the incorporated Acts contained shall authorize the Company to erect on any Part of the Railway or of the Tramway, or of any Land acquired or which shall be acquired in connexion with the Railway or the Tramway or with the Pier, any Building of any Description, save and except for Station Purposes, between *Yar Bridge* and the Extremity of the Land now belonging to *Sir Andrew Snape Hamond*, without the Consent in Writing of the said *Sir Andrew Snape Hamond*, his Heirs and Assigns, being previously obtained.

Buildings not
to be erected
on certain
Parts of Line
without Con-
sent of Sir
A. S. Ha-
mond.

55. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed

Saving
Rights of the
Crown.

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enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

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

56. 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 or 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 authorized by this Act to be taken upon the Railway, or of the Rates for small Parcels conveyed thereon.

Pier not exempt from Provisions of future General Acts.

57. Nothing in this Act contained shall be deemed or taken to exempt the Pier or Jetty or the Company from the Provisions of any General Act relating to Piers or Dues on Shipping, or on Goods carried in Ships, or to Pilotage, or to Lights, Buoys, and Beacons, and the Rights and Privileges of the General Lighthouse Authorities, now in force or which may be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Tolls, Rates, Dues, or Duties by this Act authorized upon or in respect of the Pier or Jetty.

Expenses of Act.

58. All the Costs, Charges, and Expenses of and attending the applying for, obtaining, and passing of this Act, or preparatory or incident thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.