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An Act to enable the Ryde Pier Company to extend their Railway to the Station of the Isle of Wight Railway at Ryde, and for other purposes relating thereto. A.D. 1870.

[1st August 1870.]

WHEREAS the distance between the southern end of the pier at Ryde in the Isle of Wight and the existing station at Ryde of the Isle of Wight Railway is less than a mile in length, and various provisions have from time to time been made by Parliament for the construction of a communication by railway between the two undertakings; namely,

By "The Ryde Pier Tramways Act, 1865," (herein-after referred to as "the Tramways Act, 1865,") the Ryde Pier Company were authorised to make what in the said Act is called "tramways," by way of extension of the line of the railway on their pier to the then authorised termination of the Isle of Wight Railway at Ryde; and by the 38th section of the said Act the use of locomotive engines on the tramway was prohibited; and the said Act contains various provisions for the protection of the streets at Ryde: 28 & 29 Vict. c. cccxvi.

By an Act passed in the following year, "for making a railway and central station and erecting slaughter-houses at Ryde in the Isle of Wight, and for other purposes," (herein-after referred to as "the Station Act, 1866,") the Ryde Station Company was incorporated, and empowered to make a railway commencing by a junction with the Isle of Wight Railway, and terminating at a certain point on the sea-shore measured along a work which had been theretofore authorised under the name of the "Victoria Pier," and the same company were authorised to make a central station at Ryde: 29 & 30 Vict. c. ccciii.

During the passing of the last-mentioned Act, articles of agreement were made, dated the second day of July one thousand eight hundred and sixty-six, between the promoters of the Ryde Station Company of the first part, the Ryde Station Company of the second part, and the Ryde Pier Company of the third

Agreement with Station Company, 2d July 1866.

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part, whereby the station company agreed to relinquish the portion of their undertaking which was to be constructed seaward and north of the esplanade at Ryde, and the Pier Company agreed to abandon the construction of the tramways authorised by the Act of 1865, between a point common to both undertakings and the Isle of Wight Railway station; and by virtue of the said agreement a continuous line of railway was provided for between the pier and Isle of Wight Railway station; and by the twenty-first section of "The Ryde Pier Railways Act, 1867," (herein-after referred to as "the Railways Act, 1867,") the said articles of agreement were confirmed:

And whereas, in pursuance of the said Act and of the said articles of agreement, the Pier Company have practically executed the works which they covenanted to execute, but the Ryde Station Company have not executed the works or any part of the works which by the Station Act, 1866, and by the said articles of agreement, they were authorised and undertook to execute, nor have they purchased the lands necessary for that purpose, and the time granted for the compulsory purchase of such lands expired on the thirtieth day of July one thousand eight hundred and sixty-eight, nor has the whole of the capital or estimated sum for defraying the expenses of their undertaking been subscribed under contract binding the parties thereto and their representatives for the payment of the several sums by them respectively subscribed, in pursuance of the 16th section of "The Lands Clauses Consolidation Act, 1845," which Act is incorporated with "The Ryde Station Act, 1866," and the said articles of agreement of the second day of July one thousand eight hundred and sixty-six have not been and cannot be carried into effect by the said station company:

And whereas it is expedient that the provisions herein-after contained should be made for establishing communication by railway between the Ryde Pier and the Isle of Wight Railway, and the Pier Company are willing, at their own expense, and out of funds which they still have power to raise, to construct such communication, and to admit the Isle of Wight Railway Company, if that company think fit, to take a share in the undertaking, upon the conditions herein-after mentioned:

And whereas the estimated expense of the undertaking under this Act is eight thousand nine hundred and thirty-eight pounds:

And whereas plans and sections of the railway by this Act authorised, showing the line and levels thereof, and also showing the lands to be taken for the purposes of this Act, and books of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for the county of Southampton,

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and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference: A.D. 1870.

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the authority of the same, as follows:

1. This Act may for all purposes be cited as "The Ryde Pier Railway Extension Act, 1870." Short title.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are, except where expressly varied by this Act or inconsistent with the express provisions thereof, incorporated with and are part of this Act. Provisions of 8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act in whole or in part incorporated with this Act, shall, for the purposes of this Act, be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expressions following have the meanings following: "the Company" means "the Ryde Pier Company," "the station company" means "the Ryde Station Company," "the Ryde Pier Railway" means the railway already made on the eastern side of the Ryde Pier, and the extension thereof authorised by "The Ryde Pier Railways Act, 1867;" and the expression "the corporation" means the mayor, aldermen, and burgesses of the borough of Ryde, whether acting in their corporate capacity or acting as the local board of the said borough. Interpretation of terms.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and in accordance with the levels shown on the deposited plans and sections, the railway herein-after described, with all proper sidings, stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the Power for Company to make railway.

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A.D. 1870. lands shown on the deposited plans and described in the deposited books of reference as are required for that purpose.

The railway by this Act authorised is—

A railway about six furlongs in length, commencing by a junction with the railway authorised by “The Ryde Pier Railways Act, 1867,” on the viaduct near the south-west corner of the inner basin of the Victoria Docks at Ryde, and terminating by a junction with the rails of the Isle of Wight Railway at the termination thereof at the south side of St. John’s Road. The railway will be in the parishes of Ryde and St. Helen’s, and in the extra-parochial place of Monkton Meads, in the Isle of Wight.

Providing for radius of curve at corner of esplanade.

5. Notwithstanding anything contained in the deposited plans and sections, it shall not be lawful for the Company to make the radius of the curve at and near the esplanade of Ryde or any other curve of a smaller radius than four chains.

Preserving frontage of esplanade.

6. The Company shall not erect any building on the lands numbered on the deposited plans 5 and 6 in the parish of Ryde.

Application of funds.

7. Notwithstanding anything contained in the eleventh section of the Tramways Act, 1865, or in the sixth section of the Railways Act, 1867, with respect to the application of the money thereby authorised to be raised, the Company may apply to the purposes of this Act and to the general purposes of their undertaking the moneys which they are already authorised to raise by shares or by borrowing, and which are not required for the purposes of the said two Acts.

Lands for extraordinary purposes.

8. The quantity of land to be taken by the Company by agreement under the powers of this Act for the extraordinary purposes expressed in “The Railways Clauses Consolidation Act, 1845,” shall not exceed one acre.

Powers for compulsory purchases limited.

9. The Company’s powers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of twelve months next after the passing of this Act.

Company may use their own lands.

10. The Company from time to time may appropriate to the purposes of this Act any lands vested in them, and not required for any other purpose.

Period for completion of works.

11. The railway by this Act authorised shall be completed within eighteen months after the passing of this Act, and on the expiration of the said period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

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12. If the Company fail within the period limited by this Act to complete the railway, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act 17th and 18th Victoria, chapter 31, known as "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in the said third section of the Act 17th and 18th Victoria, chapter 31, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control, provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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Penalty if
railway not
made within
time limited.

13. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company from whom such penalty was recovered.

Application
of moneys
recovered
by way of
penalty.

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Reviving
certain
powers of
“The Ryde
Pier Tram-
ways Act,
1865.”

14. Notwithstanding anything contained in the 18th section of “The Ryde Pier Railways Act, 1867,” the following sections of “The Ryde Pier Tramways Act, 1865,” shall be revived and be in force, and be applicable to the railway authorised by this Act, as fully and effectually as though the said sections were repeated and re-enacted in this Act; and the word “tramway” in the said Tramways Act shall apply to and be deemed to mean the railway hereby authorised; and the expressions “the Ryde Commissioners” or “the Commissioners” in “The Tramways Act, 1865,” shall be read and have effect as though the corporation were substituted for the same expressions; and the jurisdiction and powers of the corporation and of the justices of the peace for the borough of Ryde shall for all purposes extend to and include the whole of the works and property of the Company now or hereafter to be erected or placed below low-water mark:—

Section 26, notice to commissioners of construction of works:

Section 27, works to be under superintendence of Ryde Commissioners:

Section 28, road and pavements to be reinstated:

Section 29, penalty for delay in reinstating roads:

Section 30, roads to be replaced within one month:

Section 32, carriage stands to be replaced:

Section 33, road between rails to be maintained by the Company:

Section 34, Company to take up tramway for repair of sewers, &c.:

Section 35, in case of delay in execution of works, &c.:

Section 38, no locomotive to be used:

Section 42, offences on tramway, &c.

Tolls and
charges.

15. The Company may demand and take for the use of the railway hereby authorised, or of any part thereof, tolls and charges not exceeding the following, and the said tolls and charges shall include the use of the railway and of carriages and of tractive power:—

For every passenger conveyed in a first-class carriage, sixpence:

For every passenger conveyed in a second-class carriage, fourpence:

For every passenger conveyed in a third-class carriage, twopence:

And in respect of all articles conveyed on the said railway, as follows:—

Tonnage for
goods, &c.

(1.) For all coal, coke, culm, charcoal, and cinders, compost, dung, and all sorts of manure, lime and limestone, and all undressed materials for the repair of roads or highways, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone, and iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descrip-

tions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, fourpence halfpenny a ton :

- (2.) For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, deals, metals (except iron), nails, anvils, vices, and chains, sixpence a ton :
- (3.) For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, ninepence a ton :
- (4.) 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, one shilling and sixpence :

And for every additional quarter of a ton above one ton which the carriage weighs, sixpence :

In respect of animals conveyed in carriages on the railway, as follows :—

- (5.) For every horse, mule, ass, or other beast of draught or burden, one shilling :
- (6.) For every ox, cow, bull, or neat cattle, sixpence :
- (7.) For every calf, pig, sheep, lamb, or other small animal, threepence :
- (8.) And with respect to small parcels and single articles of great weight the Company shall not demand and take any greater sum for the conveyance thereof over the Ryde Pier Railway and the railway hereby authorised or any parts thereof respectively than the following :—

For small parcels, as follows :—

Not exceeding seven pounds in weight, threepence ; exceeding seven and not exceeding fourteen pounds in weight, fourpence ; exceeding fourteen and not exceeding twenty-eight pounds in weight, sixpence ; exceeding twenty-eight and not exceeding fifty-six pounds in weight, ninepence ; exceeding fifty-six pounds but not exceeding five hundredweight, any sum the Company think fit :

Provided that articles sent in large aggregate quantities (although made up of separate articles), such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term applies only to single parcels in separate packages :

For any article the weight of which exceeds eight tons, any sum the Company think fit :

And the provisions contained in the same Act as to “ regulation of tolls ” (section 52), as to “ passengers luggage ” (section 54), and

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as to "increased charges by agreement" (section 58), shall apply to the railway hereby authorised, and to the tolls and charges to be taken by the Company in respect thereof.

As to carriages and tractive power.

16. The Company shall at all times supply a sufficient quantity of carriages and waggons, and shall supply sufficient tractive power for the conveyance of all passengers, animals, and goods requiring to use the railway hereby authorised; and if the same shall not be provided by the railway company, they shall also, upon the demand of the corporation, provide for the accommodation of through passengers a sufficient number of suitable first, second, and third class carriages adapted for use on the Isle of Wight Railway, for the purpose of and so as to afford through and unbroken communication between the pier head of the pier at Ryde and the various stations on that railway without change of carriage: Provided that, except with the consent of the corporation under their common seal first had and obtained, no traffic, other than passenger traffic and passengers luggage, horses and carriages, and parcels, shall, between the first day of June and the first day of October in any year, be allowed to pass over the railway by this Act authorised between the hours of eleven o'clock in the morning and nine o'clock in the evening of any day.

Company to have exclusive use of railway.

17. Subject to the rights herein-after reserved to the Isle of Wight Railway Company, the Company shall have the exclusive use of the railway hereby authorised for carriages with flange wheels or other wheels suitable only to run on the railway; provided that the said exclusive use shall not interfere with the use of any streets upon which the said railway may be laid.

Railway company may become joint owners.

18. If within six months after the passing of this Act the Isle of Wight Railway Company (herein-after called "the railway company") shall, with the assent of proprietors of the same company holding at least three fourths of the paid-up capital represented in person or by proxy at a special meeting of the company duly convened to consider the matter, deliver a request in writing under their common seal to the secretary or other chief officer of the Pier Company, that the railway company shall become joint owners of the railway hereby authorised, the said company shall be admitted to such joint ownership, subject to the following conditions:—

- (1.) Within three months after the completion of the railway the Pier Company shall deliver to the railway company an account of all payments made and liabilities incurred by the Pier Company in relation to the railway, inclusive of the expense of passing this Act, and the said accounts

shall be verified by a declaration under the seal of the Pier Company : A.D. 1870.

- (2.) The railway company shall be at liberty to inspect the account books, vouchers, or other documents proving the said payments or liabilities, for the purpose of ascertaining the accuracy of such accounts, and such books, vouchers, and documents shall, upon their demand, be produced to them :
- (3.) Within three months after the delivery of such accounts, unless some reasonable question shall arise as to the accuracy thereof, and then immediately after the settlement of such question, the railway company shall pay to the Pier Company one moiety of the sum so shown to have been expended, and shall covenant to pay, so soon as the same shall become payable, one half of the liabilities shown to have been incurred :
- (4.) If any question arises between the two companies as to the accuracy of the accounts, it shall be referred to the determination of some person to be agreed on between the two companies, or in default of such agreement it shall be referred to the determination of the recorder of Portsmouth, if he will undertake the task, or to some person nominated by the said recorder, and the decision of such referee shall be binding, and the costs of the reference shall be paid as the referee shall direct :
- (5.) From and after the day of the said payment by the railway company, and subject to the conditions herein-after contained, the same company shall have a joint and equal interest in the railway hereby authorised, and in the lands acquired for the purposes of the same, and equal rights and powers with respect to the control and management thereof, and shall be subject to all the duties and liabilities with respect to the same enjoyed by or attaching to the Company by virtue of this Act, and thenceforth the railway shall be managed by a joint committee, and the provisions herein-after contained shall, in the contingency aforesaid, but only in such contingency, apply to such joint committee.

19. The following provisions shall apply to the appointment and proceedings of the joint committee :—

- (1.) Within one month after such payment as aforesaid, each company shall nominate under its common seal three of its directors to be the members of the committee, and each

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company may at its pleasure in like manner remove and replace the members so nominated :

- (2.) The committee shall meet at Ryde or London at such place and at such times as they shall appoint; three shall be a quorum of the committee; the chairman, unless otherwise unanimously determined, shall be alternately selected from the members representing each company respectively, and he shall have an original but not have a casting vote :
- (3.) The default of either of the companies to nominate members upon the joint committee, or any irregularity in such nomination, shall not invalidate the acts of the committee, or prevent the members thereof nominated by the other company from acting :
- (4.) All questions in the committee shall be determined by a majority of the members present, unless the members representing the one company differ from those representing the other company concerning any matter in which the interest of the two companies are or are deemed by such members to be opposed, and in such case the question shall be referred to an arbitrator to be nominated by the common consent of the two companies, or in default of such consent to be nominated by the recorder of Portsmouth, and the decision of such arbitrator shall be final.

Joint committee may make calls on the two companies.

20. The joint committee from time to time may make such calls of money upon the two companies, in equal proportions, for the purpose of enlarging or improving the railway, and purchasing lands for the purposes of the same, as the joint committee think fit, and may appoint the persons to whom and the times and places at which the calls shall be paid, provided that not less than twenty-eight days notice be given of any such call; and if at the time appointed by the joint committee for the payment of any call either of the two companies fail to pay the amount of the call, the company in default shall pay for the same while in arrear interest at the rate of ten pounds per centum per annum; and if any such call shall remain in arrear for the space of three months after the day fixed for the payment thereof, then all right, lien, and property of the company so in default of and in the railway, and in the lands and property acquired for the purposes of the same, and all share in the control and management thereof, shall cease, and the said railway, lands, and property, and the control and management thereof, shall vest absolutely in the other company and in the directors thereof, and the joint committee shall be dissolved : Provided always,

that there shall be repaid to the company so in default all moneys theretofore paid by them in pursuance of the provisions of this Act with respect to the railway and works.

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21. The joint committee shall have and may exercise all the powers conferred on the two companies by this Act with reference to the maintenance of the railway and the management and regulation thereof, the making, altering, varying, repealing, and enforcing of byelaws, and the demanding and receiving of tolls, and may from time to time fix the amount of the tolls to be demanded and received in respect of the use of the railway hereby authorised, not exceeding the tolls by this Act authorised.

Powers of joint committee.

22. Any summons or notice or any suit or other proceeding at law or in equity requiring to be served upon the joint committee may be served by the same being given personally to or transmitted through the post directed to the secretary of the joint committee, or if there be no secretary then by being given personally to or transmitted through the post directed to the secretary of each of the companies.

As to service of notices on joint committee.

23. All lands purchased for the purposes of the railway shall, if and when the railway company become, under the provisions hereinbefore contained, joint owners of the railway hereby authorised, be held by the Pier Company in trust for the two companies jointly; and all chattels acquired by the joint committee under the powers of this Act for the purposes of the railway, the cost of which shall be included in the accounts delivered by the companies to each other under this Act, shall be vested in the joint committee, in trust for the two companies jointly and equally.

Lands, &c. to be held in trust for the companies jointly.

24. The two companies, if they become joint owners as aforesaid, shall have equal rights each with the other in all respects as to working over and using, and may work over and use, the railway hereby authorised, and the works, stations, and conveniences thereof, subject to the payment of such tolls or other sums as the joint committee shall from time to time prescribe, not exceeding those authorised by this Act, and no preference, priority, or other advantage shall be given to or taken by either of the two companies over or to the exclusion or disadvantage of the other of them.

The two companies to have equal rights in respect of railway.

25. All moneys received by the joint committee in respect of the railway hereby authorised shall be carried by them to a common fund, and the residue of the said fund, after defraying the expenses of the joint committee in reference to the maintenance, repair, working, and management of the railway, shall be divided between

Tolls, &c. to be carried to a joint fund account.

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A.D. 1870. the two companies in equal proportions, or shall be otherwise apportioned between them as they may agree.

As to the expenses of management.

26. The expenses necessary for and attending the general management, regulation, and control of the railway shall be defrayed out of the said fund; and in case there shall be a deficiency, the same shall be divided in equal proportions between the two companies; and the companies respectively shall from time to time, upon demand thereof by the joint committee, pay to the joint committee the amount declared by the said committee due from such company; and if default shall be made for a space of twenty-eight days by either company in payment of the sum so demanded, the company so making default shall pay to the joint committee interest at the rate of ten per centum per annum on the said sum, such interest to be calculated from the day of the said demand to the day of payment.

Actions, &c. by and against the two companies and joint committee.

27. All actions, suits, indictments, and other proceedings at law or in equity, or otherwise, in relation to the railway, which might be brought and prosecuted by or against either of the two companies if that company were solely authorised to execute the powers of this Act with respect to the railway, may be brought and prosecuted by or against the two companies jointly or either of them separately.

One company entitled to recover from the other the whole or a fair proportion of damages where action brought against the companies jointly.

28. If any action, suit, indictment, or other proceeding at law or in equity shall be brought or prosecuted against the companies jointly for any act or default committed or incurred wholly or for the greater part by one of the companies, the other of the companies shall be entitled to recover in any court of competent jurisdiction from the company by whom such act or default shall have been so committed or incurred the whole or a fair proportion of any damages, penalties, costs, or other payments to which the companies jointly shall have been adjudged or become liable by reason of any action, suit, indictment, or other proceeding at law or in equity.

One company entitled to recover from the other fair proportion of damages where action is brought against either of the companies separately.

29. If any action, suit, indictment, or other proceeding at law or in equity shall be brought or prosecuted against either of the companies separately for any act or default committed or incurred wholly or in part by the companies jointly, the company against which such action, suit, indictment, or other proceeding at law or in equity shall have been brought or prosecuted shall be entitled to recover from the other company in any court of competent jurisdiction a fair proportion of any damages, penalties, costs, or other payments to which such first-named company shall have been

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adjudged or become liable by reason of any action, suit, indictment, or other proceeding at law or in equity. A.D. 1870.

30. If the railway company shall exercise the option of becoming joint owners of the railway they may from time to time raise, for purposes of the payments hereby authorised, any sums of money, not exceeding in the whole the amount which the said company is hereby authorised to contribute, by the creation and issue of new ordinary shares or stock and new preference shares or stock in their capital, or, at the option of the said company, by all or any of those modes: Provided that the said company shall not issue any share under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Power to railway company to raise money by shares and mortgage.

31. Any such new capital of the railway company raised under the provisions of this Act for the purposes of the railway by this Act authorised shall be kept separate and distinct from the capital now raised or authorised to be raised by the railway company under any of their Acts or otherwise, for the purposes of their existing railway from Ryde to Ventnor, and the earnings and liabilities of the railway hereby authorised shall not in any way belong to or affect the earnings or property of the railway company authorised for any of the purposes of the existing railway as aforesaid, unless the railway company shall, before any of such new capital shall be created, by resolution of three fifths of the proprietors thereof, present at a special meeting of the company for this purpose duly convened, otherwise direct and determine.

As to capital to be raised by the railway company for the purposes of their Act.

32. Any moneys paid by the railway company to the Pier Company in consideration of the transfer to the railway company of a joint and equal interest in the railway hereby authorised shall be applied by the Pier Company in the discharge of mortgages affecting their undertaking, and it shall not be lawful for the Pier Company to re-borrow any moneys so paid off, but their power of borrowing shall to the extent of such moneys be diminished.

As to disposal of purchase money.

33. If the railway company shall not exercise the option hereinbefore given to them of becoming joint owners of the railway hereby authorised, then the Company and the railway company may from time to time make and carry into effect such agreements as are provided for in the sixty-third and sixty-fourth sections of "The Ryde Pier Tramways Act, 1865," and the same sections shall be extended to and incorporated with this Act, the word "tramways"

Providing for agreement with railway company.

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Power to railway company to use intended railways and also the Ryde Pier Railway.

34. If the railway company shall not become joint owners as aforesaid, the following provisions shall apply :

It shall be lawful for the railway company to run over and use, with carriages and waggons drawn by animal power, the railway and works by this Act authorised, and also the Ryde Pier Railway, and all stations and station conveniences on the said railways respectively, and to carry traffic thereon, and demand and take tolls, rates, and charges in respect thereof, and for the conveyance of traffic thereon, not exceeding the tolls, rates, and charges authorised by this Act ; provided that if the railway company shall convey any passenger or other traffic not coming from or destined for the Isle of Wight Railway on the undertaking of the Company, the railway company shall pay over to the Company any sums received in respect of the conveyance of such passenger or other traffic, deducting therefrom the absolute expense of such conveyance, such expense, in case of difference, being settled by arbitration in the manner hereinafter mentioned ; provided also, that nothing herein contained shall authorise the railway company, unless with the written consent of the Company, to run local trains between the head of the pier and the Ryde station of the Isle of Wight Railway, or on any part of the Company's railway :

Each company to afford traffic facilities, &c. to the other company.

The Company and the railway company shall respectively make all such necessary arrangements for, and shall respectively give and afford to each other all reasonable facilities and assistance in receiving, protecting, and forwarding passengers and traffic of every description to, from, and upon their respective undertakings as may be mutually agreed on, or as, in case of difference, shall from time to time be prescribed by an arbitrator to be appointed by the Board of Trade, on the application of either company :

Terms of such user.

The terms, conditions, and regulations to be observed and fulfilled, and the tolls, charges, rents, or other considerations to be paid to and by the companies respectively for and in respect of the matters herein-before provided for shall be such as are from time to time agreed upon between the two companies, or, failing such agreement, as may from time to time be determined by an arbitrator to be appointed by the Board of Trade, on the application of either of the companies interested, and the cost of such arbitrations shall be in his direction, and the decisions of such arbitrator shall be final and binding on both parties.

35. The Company and the corporation may enter into and carry into effect contracts with respect to any of the following matters :

A.D. 1870.

(A.) The use by the Company for the purposes of this Act of any streets, roads, or other property vested in the corporation as aforesaid or under their control, and the use by the corporation for public purposes of any lands or property vested in or acquired by the Company :

Providing for agreements with corporation.

(B.) The control of any streets in, over, or across which the railway will be constructed, and the payment to persons necessary for the exercise of such control :

(C.) Any other matter arising out of the powers of this Act in which the corporation and the Company may be jointly interested.

36. In case any difference shall arise between the Company and the corporation as to the performance of any work by this Act required to be executed by the Company, such difference shall be settled and determined by a surveyor to be appointed by two justices of the peace for the borough of Ryde, in the same manner as under section 59 of "The Lands Clauses Consolidation Act, 1845."

For determining questions as to works to be done by the Company.

37. Nothing in this Act shall take away, lessen, prejudice, or alter any right or power of the Company, under the Acts of 1812 and 1865 and 1867, to demand and take from time to time any tolls, dues, duties, or payments by those Acts authorised to be demanded or taken in respect of any passengers or persons, cattle, stock, goods, wares, merchandise, or other matters or things, or for any use of the Ryde Pier, or any landing place, quay, wharf, or other works belonging thereto; provided that the Company shall not demand or take for the conveyance of any passenger over the Ryde Pier Railway and the railway hereby authorised any greater tolls and charges than one shilling for a first-class passenger, eightpence for a second-class passenger, and fivepence for a third-class passenger; and the said tolls and charges respectively shall include the use of the railways and of carriages and of tractive power.

Acts not to prejudice Company's tolls under Acts of 1812, 1865, and 1867.

38. Nothing contained in this Act or any of the Acts incorporated herewith shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to Her Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or

Saving rights of the Crown in the fore-shore.

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A.D. 1870. authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of corporation,

39. Except only as is by this Act expressly provided, this Act shall not take away, lessen, prejudice, or alter any of the jurisdictions, estates, rights, powers, or authorities of the corporation.

Interest not to be paid on calls paid up.

40. The railway company shall not, out of any money which they are by this Act authorised to raise by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; provided that this Act shall not prevent that company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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

41. The railway company shall not, out of any money which they are by this Act authorised to raise by calls or by borrowing, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising that company to construct any other railway or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

42. Nothing in this Act shall exempt the railway by this Act authorised from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now or hereafter in force, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

43. All the costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.