



CHAPTER cclviii.

An Act to authorise the Easton and Church Hope Railway Company to make branch railways in the parish of Portland in the county of Dorset and for other purposes. A.D. 1884.

[14th August 1884.]

WHEREAS by the Easton and Church Hope Railway Act 1867 (in this Act called the Act of 1867) the Easton and Church Hope Railway Company (herein-after called "the Company") were incorporated with power to make a railway from Easton to Church Hope Cove :

And whereas it is expedient that the Company be empowered to make the railways herein-after described and which railways would be of public and local advantage :

And whereas it is expedient that the Company be authorised to raise further capital :

And whereas the Company has not created or issued debenture stock :

And whereas it is expedient that the Company should be authorised to run over work and use the portion of railway herein-after in that behalf mentioned :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Dorset and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes 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

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A.D. 1884. Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. 1. This Act may be cited as the Easton and Church Hope Railway (Portland Extension) Act 1884.

Incorporation of Acts. 2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

Also Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the railway" or "the railways" means the railways authorised by this Act and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper bridges viaducts stations sidings approaches junctions roads buildings yards works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-after referred to and authorised by this Act are wholly situate in the parish of Portland in the county of Dorset.

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Power to
make rail-
ways.

A railway (No. 1) 2 miles 5 furlongs 9.60 chains in length commencing by a junction with the railway of the Company at a point distant $22\frac{3}{4}$ chains or thereabouts measured in a north-westerly direction from the north-west corner of the west face of the Mermaid Inn at Wakeham and terminating by a junction with the railway which connects the Weymouth and Portland Railway with the Admiralty sidings at or near the west end of the Portland Breakwater at a point distant $8\frac{1}{2}$ chains or thereabouts measured in a westerly direction from the south-west corner of the office of the resident engineer of the Portland Breakwater:

A railway (No. 2) 4 furlongs 0.40 chains in length commencing by a junction with the railway of the Company at a point distant $14\frac{3}{4}$ chains or thereabouts measured in a south-easterly direction from the south-east corner of the national or parish school at Reforne and terminating in and near the northern end of a field called Sheepcroft numbered 544 on the tithe commutation map of the said parish.

5. In executing the railways by this Act authorised the Company may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding seventeen feet. Provided that no deviation exceeding five feet shall be made without the consent of the Board of Trade.

Power to
deviate.

6. The Company may apply to the purposes of this Act to which capital is properly applicable any money which they are authorised to raise by the Act of 1867 and which may not be required for the purposes to which by that Act it is authorised to be applied.

Power to
apply funds.

7. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole fifty thousand pounds by the issue at their

Power to
raise addi-
tional
capital.

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option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation 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.

New shares or stock to be subject to the same incidents as existing shares or stock.

8. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

Power to borrow.

9. The Company may in respect of the additional capital of fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole sixteen thousand six hundred pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

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10. All mortgages granted by the Company in pursuance of the powers of the Act of 1867 before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the said Act have priority over any mortgages granted by virtue of this Act.

Priority of principal moneys secured by existing mortgages.

11. The provisions of the Act of 1867 relating to the appointment of a receiver are hereby repealed.

Repealing provision of previous Act for appointment of a receiver.

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

For appointment of a receiver.

13. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the Act of 1867 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

14. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act only.

Application of moneys.

15. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed three acres.

Lands for extraordinary purposes.

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

Period for compulsory purchase of lands.

17. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall

Power to take easements &c. by agreement.

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Deposit money not to be repaid except so far as railway is opened.

18. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of one thousand two hundred and ninety-one pounds eight shillings and fourpence consolidated three pounds per cent. annuities being equal to five per centum upon the amount of the estimate in respect of the railways has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund: Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers. Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

19. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or

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who have been subject to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

20. If the railway is not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for completion of works.

21. Subject to the provisions of this Act the lands and property from time to time acquired by the Company under this Act and the railways and works herein-before described shall be comprised in the undertaking of the Company as if the Company had been authorised by the Act of 1867 to acquire make and maintain the same.

New railways to be part of the Company's undertaking.

22. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say):—

Tolls for passengers animals and goods.

In respect of passengers and animals conveyed on the railways or any part thereof:

For any person threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum not exceeding one penny halfpenny per mile:

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Class 1. For any horse mule or other beast of draught or burden fourpence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny :

Class 2. For any ox cow bull or head of neat cattle threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny :

Class 3. For any calf pig sheep lamb or any small animal twopence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny.

In respect of goods and minerals conveyed upon the railways or any part thereof :

Class 4. For all coal culm cinders cannel ironstone iron ore limestone chalk sand slag and clay (except fire clay) dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton per mile twopence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one half-penny :

Class 5. For all coke charcoal pig iron bar iron rod iron hoop iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron lime bricks tiles slates salt fire clay and stone copper ore lead ore tin ore antimony and manganese and all other ores minerals and semi-metals per ton per mile threepence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one halfpenny :

Class 6. For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile fourpence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny :

Class 7. For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton per mile sixpence and if conveyed in carriages belonging to the Company an additional sum per ton per mile of one penny :

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 conveyed on a truck or platform sixpence per mile and a sum of twopence per mile for

every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh and if conveyed on a truck or platform belonging to the Company an additional sum per mile not exceeding twopence.

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23. The tolls which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal or for each ton of goods or for each carriage in addition to the several other tolls or sums by this Act authorised to be taken.

Tolls for propelling power.

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

Regulations as to tolls.

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

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals goods and minerals for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber sixteen cubic feet of Portland stone fourteen cubic feet of other stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so on in proportion for any smaller quantity.

25. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say):—

Tolls for small parcels and articles of great weight.

For the carriage of small parcels on the railways or any part thereof:

For any parcel not exceeding seven pounds in weight threepence:

For any parcel exceeding seven but not exceeding fourteen pounds in weight fivepence:

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For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight sevenpence :

For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight ninepence :

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they may think fit.

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

For the carriage of single articles of great weight on the railways or any part thereof :

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 not exceed four tons the Company may demand such sum as they think fit not exceeding sixpence per ton per mile :

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which with the carriage shall exceed four tons but does not exceed eight tons the Company may demand and take any sum not exceeding one shilling per ton per mile and if more than one carriage or truck be employed in the conveyance of such article or thing an additional sum per ton per mile not exceeding one penny in respect of each carriage or truck beyond the first so employed :

For the carriage of any single article or thing the weight of which with the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum
rates for
passengers.

26. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways or any part thereof including the tolls for the use of the railways and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) :—

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 per mile.

27. The maximum rate of charge to be made by the Company for the conveyance of animals goods and minerals (except such small parcels and single articles of great weight as aforesaid) on the railways or any part thereof including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say) :—

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Maximum
rates for
animals and
goods.

For every animal in Class 1 fourpence per mile :

For every animal in Class 2 threepence per mile :

For every animal in Class 3 except lambs and small animals one penny per mile and for every lamb or small animal three farthings per mile :

For everything in Class 4 one penny halfpenny per ton per mile :

For everything in Class 5 except Portland stone twopence per ton per mile : and for Portland stone threepence halfpenny per ton per mile :

For everything in Class 6 threepence per ton per mile :

For everything in Class 7 fourpence per ton per mile :

And 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 conveyed on a truck or platform per mile sixpence and if weighing more than one ton one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

28. Every passenger travelling upon the railways 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.

29. In the case of traffic conveyed partly on the railways hereby authorised and partly on the railway authorised by the Act of 1867 the respective railways shall for the purposes of tolls rates and charges be considered one railway and the maximum rates charged for such conveyance over the respective railways shall not exceed the maximum rates by this Act authorised the tolls rates and charges by this Act authorised being in the case of such traffic when conveyed

Tolls hereby
authorised
substituted
for tolls
authorised
by Act of
1867.

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Terminal station.

30. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to specialtrains.

31. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they may think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

Company may take increased charges by agreement.

32. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals or goods other than small parcels by passenger trains.

Classification table to be open to inspection and copies to be sold.

33. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

Terminal charges (if any) to be specified on application.

Penalty.

34. Subject to the provisions of the South-western Railway Act 1875 and of the articles of agreement scheduled thereto and of this Act the Company may run over work and use with their engines carriages and waggons officers and servants in charge of engines and trains and for the purposes of traffic of every description the portion of railway herein-after mentioned that is to say so much of the railway (commonly known as the Admiralty Railway) connecting Her Majesty's breakwater and landing and coaling places in the island of Portland with the Weymouth and Portland Railway as lies, between the point of junction of the Company's railway with the Admiralty Railway and the termination of that railway at its point of junction with the Weymouth and Portland Railway about eight chains westward of where that railway crosses the tramway belonging to Stewards and Company Limited. And all roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences upon or connected with the said portion of railway. And as regards traffic so conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said portion of railway as they would be entitled to take if such portion of railway were part of the railways by this Act authorised.

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Power to use
Admiralty
railway.

35. For the protection of the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland for and on behalf of Her Majesty Her heirs and successors (herein-after called "the Commissioners") the following provisions shall have effect:—

For the
protection
of the Lords
of the
Admiralty.

(1.) In carrying the railway through the lands of the Commissioners the Company shall construct it upon a viaduct so as to allow free passage across those lands and so as not to narrow or materially obstruct the Admiralty wharfage roads sidings and inclines and the works connected therewith:

(2.) The viaduct shall be constructed and completed in accordance with plans and drawings and of materials to be previously approved of by the Director of Works of the Navy for the time being or by an officer to be appointed by him (who is herein-after called the engineer) and so as not to afford any facilities for the escape of convicts from the convict work yard at Portland Breakwater and where it passes through the said convict work yard or other premises of the breakwater where convicts may at any time be employed it shall be protected by a fence or other similar provision to the satisfaction of the

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said director or engineer so as to prevent any communication with the convict prisoners. The works so constructed and completed shall be maintained in good order and repair to the satisfaction of the said director or engineer and shall not be altered at any time without the previous consent of the said director or engineer :

- (3.) As compensation for the interference with the comfort and efficiency of the Naval Hospital at Portland which will result from the working of the railway the Company shall before the railway is opened for traffic build at their own expense on a site to be selected and provided by the Commissioners and in accordance with plans drawings and specifications to be previously approved of by the said director or engineer a hospital containing accommodation for twenty patients and construct good and sufficient drainage from and water supply to the said hospital. The building and works to be constructed and completed to the satisfaction of the said director or engineer :
- (4.) The Company shall at the same time subject to the like approval at the like expense and on the like conditions remove and rebuild the Balaclava Coast Guard Station at Portland :
- (5.) The Company shall not in any way obstruct or impair the efficiency of the naval rifle ranges at Portland. All works that may be required by the Commissioners in order to prevent obstruction to or interference with the efficiency of such ranges shall be executed by the Company at their own expense subject to the approval of the said director or engineer :
- (6.) The Company may run over and use for all purposes of their traffic so much of the railway (commonly known as the Admiralty Railway) connecting Her Majesty's breakwater and landing and coaling places in the island of Portland with the Weymouth and Portland Railway as lies between the point of junction of the Company's railway with the Admiralty Railway and the termination of that railway at its point of junction with the Weymouth and Portland Railway about eight chains westward of where that railway crosses the tramway belonging to Stewards and Company Limited and shall pay to the Commissioners in respect of such user by the Company or their assigns and in lieu of rent and tolls the yearly rentcharge or sum of nine hundred pounds by equal half-yearly payments on the first day of January and first day of July in every year the first payment on account of the said rentcharge or annual sum shall be made on such of the said days as shall first happen after the opening for traffic of any portion of the Company's Railway No. 1 and

shall be a due proportion only of a half-yearly payment in case the Company's said railway shall be opened on any other day than the first day of January or the first day of July. If any of the half-yearly payments shall be in arrear whether demanded or not for twenty-one days after the day on which such half-yearly payment falls due the Commissioners may determine the user of the Admiralty line by the Company. During the continuance of such user the Company shall at their own expense provide all signalmen and servants requisite to ensure the efficient and safe working of the portion herein-before described of the said Admiralty Railway and keep and maintain the same and all branch lines and sidings that may be run over or used by the Company and all works connected therewith in good and sufficient repair to the satisfaction of the said director or engineer. Provided always that the Admiralty traffic over the said railway shall at all times have precedence over the railway company's traffic and that in case of Imperial emergency the Commissioners may resume the exclusive use of the said railway for such time as such emergency may continue: A.D. 1884.

- (7.) The railway company shall not be at liberty to use for the purposes of their traffic any of the Admiralty sidings without the consent of the Commissioners:
- (8.) The railway communication with the breakwater and with the Admiralty lines generally shall be maintained in as efficient a state as it now exists and all works necessary for maintaining such communication shall be executed by the Company at their own expense to the satisfaction of the said director or engineer and in accordance with plans sections and specifications to be submitted by the Company to and approved of by the Commissioners:
- (9.) All land belonging to the Commissioners which may be required for the purposes of the Company's railways shall be paid for either in cash or by way of rentcharge as the Commissioners may elect and the Company shall make good all damage which may be occasioned by them to any adjoining lands or property belonging to the Commissioners during the construction of the railways:
- (10.) If the Company's railways shall not be completed within the time limited by this Act the Commissioners may remove at the Company's expense all works constructed by the Company on Admiralty property.

36. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's

Saving
rights of

[Ch. cclviii.] *Easton and Church Hope Railway* [47 & 48 VICT.]
(*Portland Extension*) Act, 1884.

A.D. 1884.
Her Majesty's Principal Secretary of State for the War Department.

Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction: Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

Railway No. 1 not to obstruct fire from East Weare Batteries or Verne Fort.

37. Provided also that the Railway No. 1 hereby authorised shall be made and maintained in such lines on such levels and in all such respects as in the opinion of the said Principal Secretary for the time being will not obstruct or interfere with the fire from the guns on the East Weare Batteries or Verne Fort or afford cover to an enemy.

And the Company shall forthwith at their own expense effect any alterations which the said Principal Secretary for the time being shall at any time hereafter require for the purpose of remedying any breach of the above proviso.

For the protection of the Directors of the Convict Prison Establishment at Portland.

38. If in consequence of the construction of the railway it shall be necessary to remove and divert or otherwise alter any of the water pipes or sewage pipes or drains belonging to the Directors of the Convict Prison Establishment at Portland such removal diversion or alteration shall be made in accordance with plans to be previously submitted to and approved of by the directors and shall be carried out and completed to the satisfaction of their engineer for the time being and the Company shall if required by the directors so to do provide convenient access to the pipes or drains so removed diverted or altered by means of a subway to be constructed to the satisfaction of the said engineer.

The Company shall provide for and construct an approach to Folly Pier where and in such manner as shall be required by the directors and shall also provide for and construct any other approaches that may reasonably be required by the directors for the use of the Convict Prison Establishment.

If any water now flowing into the reservoir belonging to the directors shall be intercepted by the railway or any works connected therewith the Company shall make provision in such manner as

may be required by the directors or their engineer for the time being for collecting the water so intercepted and leading the same into the reservoir. A.D. 1884.

39. In constructing the junction by this Act authorised with the railway which connects the Weymouth and Portland Railway with the Admiralty sidings the Company shall conform to the provisions of sections 9 10 11 and 12 of the Railways Clauses Act 1863 and the junction shall be made at such point as the principal engineers for the time being of the Great Western Railway Company and the London and South-western Railway Company shall approve. For protection of the Great Western and London and South-western Railway Companies.

40. Nothing in this Act contained shall alter prejudice take away diminish or interfere with any of the property rights interests powers and privileges of the Weymouth and Portland Railway Company or of the Great Western Railway Company and the London and South-western Railway Company or either of them under an agreement made the 29th day of May 1874 between the Great Western Railway Company and the London and South-western Railway Company of the one part and the Commissioners for executing the office of the Lord High Admiral of the United Kingdom of the other part and scheduled to and confirmed by the South-western Railway Act 1875 or otherwise. Saving rights of the Weymouth and Portland and other companies.

41. For the protection of Stewards and Company Limited the following provisions shall have effect (that is to say) :— For protection of Stewards and Company Limited.

(1.) The Company shall before the railway is opened for traffic at their own cost construct at or near the point marked 4 furlongs on the deposited section with reference to Railway No. 1 a good and sufficient bridge over the railway with proper approaches for the use and accommodation of Stewards and Company Limited their successors and assigns in order that they may be enabled to work and get stone and dispose of the rubble or débris arising from any quarries now open or which may at any future time be opened upon any lands belonging to them adjacent to the lands acquired or taken by the Company :

(2.) The Company shall at their own expense make on the land now in the occupation of Stewards and Company Limited as lessees of the Crown and numbered 31 on the deposited plans with reference to Railway No. 2 and at all times maintain in good working order with all proper junctions points signals and conveniences a siding or sidings communicating with their railway and sufficient for the accommodation of all traffic brought

A.D. 1884.

thereon by Stewards and Company Limited and shall at all times at such expense as aforesaid provide all necessary signalmen pointsmen and accommodation at such siding or sidings for forwarding such traffic and shall forward such traffic with all reasonable despatch. Provided always that the Company shall not be required to purchase or pay for the interest of Stewards and Company Limited in the lands required for the purpose of such sidings and conveniences but such lands so far as the interest therein of Stewards and Company Limited extends shall be provided free of expense to the Company :

- (3.) If in constructing the said Railway No. 2 the Company shall cross the trunk line of the tramway belonging to Stewards and Company Limited at any point upon the level the Company shall at their own expense provide at such point all signals switches and appliances necessary and proper for the protection of the traffic upon the said tramway from accident or collision and the Company shall at the like expense provide if necessary efficient signalmen and pointsmen for the purpose of working the traffic at that point :
- (4.) The Company shall at their own expense at the written request of Stewards and Company Limited alter the gauge of the existing main or trunk lines of the quarry tramways belonging to Stewards and Company Limited and shall adapt the same together with all necessary junctions to the gauge of the railways hereby authorised :
- (5.) If any difference shall arise between the Company and Stewards and Company Limited as to the foregoing provisions or anything arising thereout the same shall be referred to an engineer to be agreed upon by the parties or failing agreement to be nominated at the instance of either party by the President for the time being of the Institution of Civil Engineers and the decision of the person so agreed upon or nominated upon all points in dispute including the costs of the reference shall be final and binding upon both parties.

Saving
rights of the
Crown.

42. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give)

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neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors. A.D. 1884.

43. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. Prohibiting payment of interest out of capital.

44. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

45. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act. Provision as to general Railway Acts.

46. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act

