



## CHAPTER cxlvii.

An Act to confer further powers on the Didcot Newbury and Southampton Railway Company and for other purposes. A.D. 1888.  
[7th August 1888.]

WHEREAS by the Didcot Newbury and Southampton Junction Railway Act 1873 the Didcot Newbury and Southampton Junction Railway Company (hereinafter called "the Company") were incorporated with power to raise six hundred thousand pounds by shares and to borrow two hundred thousand pounds on mortgage and were authorised to make and maintain certain railways and works in the counties of Berks and Southampton:

And whereas further powers were conferred on the Company by the Didcot Newbury and Southampton Junction Railway Act 1876 and by the Didcot Newbury and Southampton Junction Railway Act 1880:

And whereas by the Didcot Newbury and Southampton Junction Railway Act 1882 further powers were conferred upon the Company and they were authorised to extend their railway to Southampton and Aldermaston:

And whereas by the Didcot Newbury and Southampton Railway Act 1883 further powers were conferred upon the Company and the name of the Company was changed to the Didcot Newbury and Southampton Railway Company:

And whereas further powers were conferred upon the Company by the Didcot Newbury and Southampton Railway (Extension of Time) Act 1885 the Didcot Newbury and Southampton Railway (Money) Act 1885 and by the Didcot Newbury and Southampton Railway (Extension of Time) Act 1887:

And whereas the Company have completed and opened for public traffic their railway from Didcot to Winchester:

And whereas it is expedient that the Company should be enabled to make an extension of their authorised railway to form a junction with the London and South Western Railway near Winchester:

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And whereas it is expedient that the powers for the completion of so much of the Railway No. 1 authorised by the Act of 1882 as lies between the Winchester station of the Company and the commencement of such new railway should be extended as hereinafter provided :

And whereas it is expedient that such arrangements should be authorised and such powers conferred on the Company with reference to other undertakings and companies as are hereinafter provided :

And whereas plans and sections showing the lines and levels of the railway and works 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 Southampton and are hereinafter 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 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 Didcot Newbury and Southampton Railway Act 1888 and this Act and the other Acts relating to the Company may be cited as the Didcot Newbury and Southampton Railway Acts 1873 to 1888.

Incorporation of general 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 construction of a railway) Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (in so far as applicable and 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 Company" means the Didcot Newbury and Southampton Railway Company the expression "the railway" means the railway by this Act authorised the expression "the railways" means the railways of the Company for the time being authorised including

the railway the expression "the Act of 1882" means the Didcot Newbury and Southampton Railway Act 1882 the expression "the Act of 1885" means the Didcot Newbury and Southampton Railway (Extension of Time) Act 1885 the expression "the South Western Company" means the London and South Western Railway Company the expression "the Great Western Company" means the Great Western Railway Company 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 common simple contract debt and not a debt or demand created by statute.

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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 railway and works hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railway and works hereinbefore referred to and authorised by this Act are—

Power to  
make rail-  
way.

A railway 6 furlongs 5·80 chains in length commencing in the parish of Twyford by a junction with the Railway No. 1 authorised by the Act of 1882 and described in section 4 of that Act at a point thereon marked and measured on the plans deposited with reference to that Act with the clerk of the peace for the county of Southampton 20 miles 3 furlongs 3·50 chains from the commencement of that railway and terminating in the parish of Compton by a junction with the London and South Western Railway at a point thereon 200 yards or thereabouts measuring in a northerly direction along the centre line of that railway from the distance post thereon denoting 69 miles from London.

5. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding one acre but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Lands for  
extraordi-  
nary pur-  
poses.

6. 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.

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Deposit  
money not  
to be repaid  
except so  
far as rail-  
way is  
opened.

7. 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 seven hundred and fifty-five pounds being five per cent. upon the amount of the estimate in respect of the railway has been deposited with the Paymaster General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum has since been invested in the sum of one thousand seven hundred and twelve pounds two shillings and tenpence Three Pounds per Centum Consolidated Bank Annuities and has been transferred into the name of the said Paymaster General and which stock is in this Act referred to as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers 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.

8. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund 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 railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the 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 court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been re-transferred to the depositors or has become otherwise applicable as hereinbefore 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 application of the depositors.

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

Power to take easements by agreement.

10. 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.

11. The time limited by the Act of 1885 for the completion of so much of the Railway No. 1 authorised by the Act of 1882 as lies between the Winchester station of the Company and the commencement of the railway by this Act authorised shall be and the same is hereby extended and enlarged and shall continue in force until the expiration of two years from the tenth day of August one thousand eight hundred and eighty-eight and that period shall for all purposes be deemed to be the period originally limited by the Act of 1882 for the completion of such railway and works.

Extension of time for completion of portion of authorised railway.

12. The Company shall not under the powers by this Act granted without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or

Restriction as to houses of labouring classes.

A.D. 1888. on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Reciprocal facilities for forwarding and interchange of traffic to and from the Company's railway.

**13.** In order to facilitate the transmission of traffic coming to or from the railways of the Company from or to any place or places on the railways of the South Western Company or from or to any places beyond the Company shall for the purposes of all traffic whatever whether passengers cattle goods minerals or other things from time to time and at all times hereafter have the right to book and invoice through or over the railways of the South Western Company as aforesaid respectively all such traffic intended to pass to or from the railways of the Company to any place or places on the railways of the South Western Company or to any places beyond and the South Western Company shall for and in respect of all such traffic at all times afford to and for the Company all needful accommodation facilities and conveniences at on and over the lines and stations approaches and conveniences of the South Western Company as aforesaid by the trains of that Company and by through booking and invoicing through rates also so far as reasonably may be through waggons and carriages and shall at all times and in all respects conduct forward and carry on and accommodate all such traffic on equal terms with and as well as if it were their own proper traffic and the charge to the Company shall in no case exceed the mileage proportion of through rate in respect of such traffic after deduction of the charges on goods usually agreed to be allowed between companies using the clearing house and called there terminal charges and the government duty on passengers Provided always that the Company shall afford to the South Western Company all such and the like facilities in respect of traffic coming from or to the railways of that Company to or from the railways of the Company as are by this enactment provided and secured to the Company and if any dispute shall at any time arise between the South Western Company and the Company as to the amounts to be allowed or charged by the one to the other for the services and accommodations to be respectively performed and supplied as afore-

said or as to any matter or thing in this enactment mentioned the same shall from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of either of the said Companies and the decisions of such arbitrator shall be binding and conclusive on all the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and either of the said Companies who shall refuse or neglect to perform or observe and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to such person or Company as the arbitrator shall determine any sum not exceeding fifty pounds for any such offence and twenty pounds for every day during which such offence shall continue. Provided also that it shall not be lawful for the arbitrator to require the South Western Company to carry any such traffic for the Company at lower rates per mile than the South Western Company are for the time charging for similar traffic carried by themselves between the same places. Provided further that except on all traffic which shall have passed over the railways of the Company for a distance of not less than twenty miles and which shall be carried by the South Western Company to or from the junction by this Act authorised from and to any places between that junction and Southampton including Southampton the South Western Company shall in addition to the usual terminals and in addition to the actual mileage carried on the railway between Southampton and the junction by this Act authorised in calculating the mileage be credited with an additional mileage of four miles.

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**14.** The Company shall provide at their sole expense and on land to be provided by them all necessary sidings at or near the point of junction authorised by this Act and all necessary accommodation for the interchange of passengers and for the purpose of dealing with traffic of all kinds and all expenses in connection with the maintaining and working such means of accommodation shall be borne by the Company.

Provision as to sidings at junction with South Western Railway.

**15.** The junction of the railway by this Act authorised with the South Western Railway shall so soon as and not until the sidings and accommodation in the immediately previous section mentioned have been completed to the reasonable satisfaction of the South Western Company be made by the South Western Company at the expense in all things of the Company and at such point only within the limits of deviation and in such manner and with such points crossings signals and conveniences as the South Western Company reasonably require and the Company shall before any such works shall be commenced pay to the South Western Company the

Provision as to junction with South Western Railway.

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probable cost of such works as estimated by the South Western Company's engineer and thereupon the South Western Company shall forthwith without delay proceed to do and execute the same and upon completion of the said works the Company shall pay to the South Western Company all reasonable charges and expenses if any incurred by them in relation thereto over and above the amount paid as aforesaid but if the amount originally paid as aforesaid to the South Western Company shall exceed the cost of such works the South Western Company shall forthwith repay the excess to the Company and subject to these provisions the enactments of the Railways Clauses Act 1863 relating to junctions and as to the cost of maintenance and working to be borne by the Company shall have effect and be acted upon.

Levels of South Western Railway not to be altered.

16. Nothing in this Act contained shall authorise the Company to alter the level of the South Western Railway or without the consent in writing of the South Western Company first had and obtained to take or enter upon any of the lands of the South Western Company or to alter vary or interfere with the South Western Railway or any of the works thereof further or otherwise than is necessary for the construction of the railway and junction by this Act authorised.

South Western Company to retain ownership of lauds &c.

17. Notwithstanding anything in this Act contained the Company shall not for the purpose of forming or maintaining the railway and junction by this Act authorised acquire any ownership of or in any land or property of the South Western Company but only an easement so as to form and maintain and use the said railway and junction and the Company shall not interfere with the South Western Railway or any of the land or works of that Company or execute any work whatsoever affecting the same until they shall have delivered to that Company full and satisfactory plans drawings and specifications of the works intended to be executed nor until these plans drawings and specifications shall have been examined and approved in writing by the principal engineer of the South Western Company or in the event of his declining to approve the same shall have been so examined and approved by an engineer to be agreed upon or failing agreement appointed by the Board of Trade and the same works shall be executed according to such approved plans drawings and specifications and under the superintendence of the principal engineer for the time being [of the South Western Company.

Employment by South Western

18. During the construction of the railway and junction by this Act authorised the Company will bear and on demand pay to



the South Western Company the expense of the superintendence as aforesaid and of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations of the Company or from the acts or defaults of any person or persons in their employ or otherwise.

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Company of  
watchmen.

19. If by reason of any works or proceedings or any act or omission of the Company or their contractors there shall be any obstruction of or interference with the South Western Railway so as to prevent or impede the convenient passage of engines and carriages along the same the Company shall pay to the South Western Company the sum of thirty-five pounds per hour by way of ascertained damages for every hour during which that obstruction shall continue.

Penalty for  
obstruction  
of South  
Western  
Railway.

20. Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the South Western Company all costs losses damages and expenses which may be occasioned to the South Western Company or to any of the works or property thereof or to the traffic on the South Western Railway or to any person or persons using the same or otherwise by reason of the execution or failure of any of the intended works or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the South Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission.

Indemnity to  
South West-  
ern Com-  
pany.

21. The South Western Company shall have power for the purpose of enabling them to exercise the running powers over the railways of the Company mentioned in section 52 of the Act of 1882 to run over so much of the railway of the Company as lies between the junction of the railway by this Act authorised and the station at or immediately north of the junction of Railway No. 4 with Railway No. 1 including that station mentioned in sub-section 2 of section 52 of the Act of 1882 Provided always that in the exercise of the said running powers the South Western Company shall not without the consent of the Great Western Company so long as they work the railways of the Company carry in their trains the local traffic between the points over which the running powers hereby granted may be exercised or use for the purposes of traffic the Winchester station of the Company.

Provision as  
to running  
powers to  
South West-  
ern Com-  
pany subject  
to consent  
of Great  
Western  
Company.

[Ch. cxlvii.] *Didcot, Newbury, and Southampton* [51 & 52 Vict.]  
*Railway Act, 1888.*

A.D. 1888.

Power to  
apply cor-  
porate funds  
to purposes  
of Act.

22. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Railway to  
be part of  
the Com-  
pany's under-  
taking.

23. The railway shall be and be deemed to be in all respects and for all purposes part of the undertaking of the Company as if the Company had by the Act of 1882 been authorised to make and maintain the same.

Provision as  
to general  
railway  
Acts.

24. Nothing in this Act contained shall exempt the Company or the railway 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 the rates for small parcels authorised to be taken by the Company.

Expenses of  
Act.

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

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