



CHAPTER xlvii.

An Act to authorise the Newport Godshill and St. Lawrence Railway Company to further improve and extend their Railway towards Ventnor and for other purposes.

A.D. 1896.

[2nd July 1896.]

WHEREAS by the Shanklin and Chale Railway Act 1885 (in this Act referred to as "the Act of 1885") the Shanklin and Chale Railway Company (who under their subsequently acquired name of the Newport Godshill and St. Lawrence Railway Company are referred to in this Act as "the Company") were incorporated and empowered to make a railway from Newchurch to Chale in the Isle of Wight :

And whereas by the Shanklin and Chale Railway Act 1887 (in this Act referred to as "the Act of 1887") the Company were authorised to make the branch railways therein described :

And whereas by the Newport Godshill and St. Lawrence Railway Act 1889 (in this Act referred to as "the Act of 1889") the Company were authorised to make a railway from the Newport Junction Railway at Merston to St. Lawrence in the Isle of Wight and to abandon the railways authorised by the Acts of 1885 and 1887 :

And whereas by the Newport Godshill and St. Lawrence Railway Act 1892 (in this Act referred to as "the Act of 1892") the powers granted by the Act of 1889 for the compulsory purchase of lands were revived and extended and the time limited by the same Act for the completion of the railway was also extended and the Company were authorised to improve the levels of a portion of the railway and to extend the same to the western fence of the Steephill Castle Grounds :

And whereas it is expedient to revive and extend the time limited by the Act of 1892 for the compulsory purchase of land and to improve the levels of a portion of the railway authorised by that Act and to further extend the same in the vicinity of Steephill Castle and improve the access thereto :

A.D. 1896.

And whereas an agreement dated twenty-seventh December one thousand eight hundred and eighty-eight was made between the Company and the Isle of Wight Central Railway Company a copy whereof is set forth in the schedule to the Act of 1889 for the working maintenance and management of the railway of the Company and it is expedient that such agreement should extend and apply to the railway authorised by this Act and that the provisions contained in the Isle of Wight Central Railway Act 1890 relating to the Company's receipts under the said agreement be also extended :

And whereas it is also expedient to extend the provisions contained in the Act of 1889 as to payment of interest out of capital during the construction of the railway :

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 clerks of the peace for the county of Southampton and the Isle of Wight and are herein-after referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and 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 Newport Godshill and St. Lawrence Railway Act 1896.

Incorporation of Acts.

2. The following Acts and parts of Acts are (so far as the same are applicable and except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act (that is to say) The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I (relating to 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 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 share-
holders; A.D. 1896.

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 general meetings of the Company and the exercise of the
right of voting by the shareholders;

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;

and 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 as amended by the
Companies Clauses Act 1869.

3. In this Act the several words and expressions to which meanings Interpreta-
tion.
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. 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 Power to
make railway
and works.
and maintain in the lines and according to the levels shown on the
deposited plans and sections the railway and works herein-after
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 herein-before referred to and authorised by
this Act will be situated in the Isle of Wight and are as follows:—

(1) A railway 2 furlongs and 8·60 chains in length commencing
in the parish of Godshill at the termination of the authorised
railway of the Company as shown on the plans thereof
deposited with the clerks of the peace for the county of
Southampton and the Isle of Wight in the month of November
one thousand eight hundred and ninety-one and terminating in
the Steephill Castle grounds in the same parish at a point on
the western side of the road leading from the public road

A.D. 1896.

between St. Lawrence and Ventnor to the Ventnor Station] of the Isle of Wight Railway seventy-five yards or thereabouts measuring in an easterly direction from the north-east corner of the stable building in the said grounds :

(2) An alteration in the parish of St. Lawrence of the levels of a portion of Railway No. 2 authorised by the Act of 1892 between the point marked 1 furlong on the said deposited plans thereof and the termination of that railway as shown on those plans being a distance of 3 furlongs and 8 chains or thereabouts :

(3) A diversion in the parish of Whitwell of a portion about one hundred and fifty yards in length of the public road leading from the bottom of the road called St. Lawrence Shute to Niton such diversion commencing two hundred and thirty yards or thereabouts from St. Lawrence Shute and terminating one hundred and fifty yards or thereabouts from the aforesaid point of commencement.

Repeal of
portion of
section 5 of
Act of 1892.

5. Section 5 of the Act of 1892 (Goods station on Railway No. 2 prohibited) so far as it relates to the carriage of coal or other minerals or heavy goods on Railway No. 2 authorised by that Act is hereby repealed.

Rights of
way over
diverted
road ex-
tinguished.

6. When the Company divert the portion of the public road thirdly before described in the parish of Whitwell in the manner shown upon the deposited plans and sections and when the new portion of such road is made to the satisfaction of two justices and is open for public use they may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and so soon as such portion of road is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up so far as the same is bounded on both sides by lands of the Company.

Lands for ex-
traordinary
purposes.

7. The quantity of land to be purchased by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two acres 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 or permitted by them upon any land acquired under the powers of this section.

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in under 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 extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

10. The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any borough or other urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said respective fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and other 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 of such persons who may be residing with them.

11. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of four hundred and sixty-nine pounds four shillings two and three-quarters per centum consolidated stock being five per centum 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 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

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

A.D. 1896. 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.

Application
of deposit.

12. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same 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 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 if a receiver has been appointed or the Company is insolvent or the railway has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors. Provided that until the deposit fund has been repaid or re-transferred 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.

Period for
completion
of works.

13. If the railway is not completed within five 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 except as to so much thereof as is then completed.

Railway to
form part of
railway of

14. The railway and works by this Act authorised shall form part of the railway of the Company and the maximum rates and

charges which the Company shall be entitled to charge and make in respect of merchandise traffic including perishable merchandise by passenger train on the railways authorised by the Act of 1889 and the Act of 1892 and this Act shall be the rates and charges specified in the schedule annexed to the Order of the Board of Trade under the Railway and Canal Traffic Act 1888 set forth in and confirmed by the Railway Rates and Charges No. 9 (Isle of Wight Railway &c.) Order Confirmation Act 1892 as if the Company were named in the said Order and the maximum fares and charges which the Company shall be entitled to charge and make in respect of passengers and parcels conveyed by passenger train on the said railways shall be the fares and charges specified in the Act of 1885 :

A.D. 1896.

Company.
Rates and
charges
defined.

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

15. The powers of the Company for the compulsory purchase and taking of lands for the purposes of the railway authorised by the Act of 1892 are by this Act revived and may be exercised for and during a period of two years from and after the twenty-eighth day of June one thousand eight hundred and ninety-six.

Reviving
powers and
extending
time for
purchase of
lands under
Act of 1889.

16. The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are by the recited Acts authorised to raise by shares or borrowing or by the creation and issue of debenture stock.

Power to
apply funds.

17. The Company may from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole eighteen thousand pounds by the issue at their option of new ordinary shares or new preference shares or wholly or partially by either of those modes 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.

Power to
raise addi-
tional capital.

18. Except as by this Act otherwise provided the capital in new shares created by the Company under this Act and the new shares 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 original capital of the Company of the same class or description and the new shares were shares in that capital The capital in new shares so created shall form part of the capital of the Company.

New shares
to be subject
to the same
incidents as
other shares.

A.D. 1896.

Dividends on
new shares.

19. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Restrictions as
to votes in
respect of
preference
shares.

20. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Receipt in
case of
persons not
sui juris.

21. If any money is payable under this Act to a holder of shares being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge.

Power to
borrow.

22. The Company may in respect of the additional capital of eighteen thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole six thousand pounds but no part thereof shall be borrowed until shares for so much of the additional capital as is to be raised by 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 such capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share therein has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares 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 that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

For appoint-
ment of a
receiver.

23. The provisions of the Act of 1892 as to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act The mortgagees of the Company's undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver 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 three thousand pounds in the whole.

24. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 31 of the Act of 1892.

A.D. 1896.

Debenture
stock.

25. All moneys by this Act authorised to be raised by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Application
of money.

26. The provisions of the agreement dated the twenty-seventh day of December one thousand eight hundred and eighty-eight between the Company of the one part and the Isle of Wight Central Railway Company of the other part with respect to the working and maintenance of the Company's railway which agreement is set forth in the schedule to and confirmed by the Act of 1889 and which by section 33 of the Act of 1892 was extended to the railway and additional capital authorised by that Act shall if agreed to by the Isle of Wight Central Railway Company extend and apply to the railway and works by this Act authorised and the additional capital to be raised for the purposes thereof And the provisions of section 21 of the Isle of Wight Central Railway Act 1890 relating to the said agreement shall if agreed to by the Isle of Wight Central Railway Company extend and apply to such last-mentioned railway and works and the additional capital to be raised for the purposes thereof so that if any half-yearly payment by the Isle of Wight Central Railway Company to the Company under Article ten of the said agreement shall be less than one thousand pounds the difference or any part thereof may if the Isle of Wight Central Railway Company shall determine so to do be paid by that company to the Company and when the proportion of gross receipts payable to the Company under the said agreement exceeds in any year two thousand pounds or such lesser sum as the Isle of Wight Central Railway Company shall have determined to guarantee or make good the excess or surplus shall be applied as directed by the said section and the sums guaranteed or paid by the Isle of Wight Central Railway Company to the Company may be applied by the Company to the railways authorised by the Act of 1889 and the Act of 1892 and the railway authorised by this Act or any of them in such proportions as may be fixed by the Isle of Wight Central Railway Company.

Extending
agreement
between
Company
and the Isle
of Wight
Central
Railway
Company.

27. The provisions of section 24 of the Act of 1889 shall extend and apply to the capital by this Act authorised to be raised and to the payment of interest thereon during the construction of the railway as if that section were re-enacted in this Act in reference to the additional capital by this Act authorised the sum of one thousand pounds being substituted for the sum of seven thousand pounds.

As to
payment of
interest out
of capital.

A.D. 1896.

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

28. 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.

Provision as
to general
Railway
Acts.

29. Nothing in this Act contained shall exempt any Company named in this Act or the railways of any such Company 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.

Costs of Act.

30. All 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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