

[61 & 62 VICT.] *Isle of Wight Railway (Brading Harbour and Railway) Act, 1898.* [Ch. cxcviii.]



### CHAPTER cxcviii.

An Act for vesting in the Isle of Wight Railway Company the undertaking of the Brading Harbour and Railway Company and for other purposes. [2nd August 1898.] A.D. 1898.

WHEREAS under the powers of the Isle of Wight Eastern Section Railway Act 1860 the Isle of Wight Eastern Section Railway Company (whose name was by the Isle of Wight Railway (Extensions) Act 1863 changed to "the Isle of Wight Railway Company" and who are in this Act called "the Company") have constructed railways between Ryde and Ventnor in the Isle of Wight:

And whereas by the Brading Harbour Improvement Railway and Works Act 1874 (in this Act referred to as "the Act of 1874") the Brading Harbour Improvement and Railway Company (whose name was by the Brading Harbour and Railway Act 1896 changed to "the Brading Harbour and Railway Company" and who are in this Act called "the Brading Company") were incorporated and authorised to make and maintain the embankment therein described with all necessary landing quays and conveniences for landing passengers and goods in Brading Harbour and also the railway therein described commencing at Bembridge and terminating by a junction with the railway of the Company and the Brading Company were by the said Act authorised to deepen cleanse and scour so much of the bed of Brading Harbour as was in that Act mentioned or referred to:

And whereas the powers conferred upon the Brading Company by the Act of 1874 were revived and extended and enlarged by the Brading Harbour Improvement Railway and Works (Additional Powers) Act 1881 (in this Act referred to as "the Act of 1881"):

And whereas the Brading Company constructed the said embankment landing quays and conveniences and railway as authorised

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A.D. 1898. by the Acts of 1874 and 1881 and such railway has for many years past been worked by the Company :

And whereas by the Brading Harbour and Railway Act 1896 (in this Act referred to as "the Act of 1896") the harbour of Brading was defined and further powers were conferred upon the Brading Company :

And whereas the Brading Company and the Company have agreed for the transfer to and vesting in the Company of the undertaking of the Brading Company as defined by this Act and it is expedient that the said undertaking should be transferred and vested accordingly upon the terms and in the manner provided by this Act :

And whereas by the Isle of Wight Railway (Steamers) Act 1865 the Company were empowered to work and use steam vessels between Cowes and Ryde and Bembridge and other places in the Isle of Wight respectively on the one hand and places on the main land between Weymouth and Brighton both inclusive on the other hand and it is expedient that further provision should be made for the accommodation of the traffic of the Company at the existing pier at Ryde of the London Brighton and South Coast and London and South Western Railway Companies (in this Act called "the two companies") and that the powers contained in this Act for and in relation to the widening and enlargement of the said pier should be conferred upon the Company and the two companies :

And whereas the works proposed to be authorised by the Ventnor Inclined Light Railway Order 1898 are capable of being used in connexion with the railways of the Company and their construction would tend to develop and increase the traffic upon those railways and it is expedient that the Company should be empowered to contribute funds towards the construction and maintenance of such works as provided by this Act :

And whereas it is expedient that the Company should be authorised to raise an additional sum of money and to apply their funds for the purposes of this Act :

And whereas the objects aforesaid 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 for all purposes as the Isle of Wight Railway (Brading Harbour and Railway) Act 1898.

2. The following parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

Incorporation of general Acts.

Part V. (relating to amalgamation) of the Railways Clauses Act 1863 (except section 49 of that Act) :

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 ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ; and

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

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.

3. In this Act unless the subject or context otherwise requires terms to which meanings are assigned in the Acts partially incorporated with this Act have in this Act the same respective meanings :

Interpretation.

“ The undertaking of the Brading Company ” or “ the undertaking ” includes the harbour railways stations lands and other property of the Brading Company described or mentioned in the First Schedule to this Act.

4. Subject to the provisions of this Act the undertaking of the Brading Company shall as on and from the date of the payment of the purchase money herein-after mentioned (which date is in this Act referred to as “ the date of vesting ”) be transferred to and vested in the Company freed and discharged as between the Brading Company and the Company from all claims or demands whatsoever on the part of any of the holders of debentures (if any) or of the creditors of the Brading Company or of any person or persons in respect of any debt of the Brading Company and such transfer and vesting shall be deemed to be an amalgamation of the Brading Company with the Company within the meaning of Part V. of the Railways Clauses Act 1863.

Transfer of undertaking to Company.

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Consideration for transfer.

5. Within fourteen days after the appointment of the liquidator or liquidators (in this Act referred to as "the liquidator") in the winding up of the Brading Company in accordance with the provisions of this Act the Company shall pay to the liquidator as the consideration for the transfer to the Company of the undertaking of the Brading Company the sum of sixteen thousand five hundred pounds (which sum is in this Act referred to as "the purchase money") and on payment of the purchase money and the interest thereon (if any) payable under this Act the undertaking shall as from the date of vesting be by virtue of this Act transferred to and vested in the Company. The receipt of the liquidator for the purchase money and the interest (if any) thereon and costs charges and expenses (if any) shall be a good and sufficient discharge to the Company for the same and the Company shall not be bound to see to the application or be answerable or accountable for any loss misapplication or non-application thereof.

Interest to be paid on purchase money in certain events.

6. If from any cause other than the default of the Brading Company the purchase money shall not be paid within fourteen days after the appointment of the liquidator the Company shall pay to the liquidator interest on the purchase money at the rate of four pounds per centum per annum from the expiration of such fourteen days until the date of the actual payment thereof.

Brading Company entitled to revenue up to date of vesting.

7. The Brading Company shall notwithstanding the vesting be entitled to all the receipts and revenues of the undertaking and shall be liable for and pay all outgoings payable in respect of revenue up to the date of vesting from which date the Company shall pay all such outgoings.

Dissolution and winding up of Brading Company.

8. The Brading Company shall as from the date of vesting be dissolved except for the purpose of winding up their affairs as provided by this Act and of otherwise carrying into effect the provisions of this Act. As soon as practicable after the passing of this Act the Brading Company shall subject to the provisions of this Act be wound up in the same manner and with the same incidents as if they were a company registered under the Companies Acts 1862 to 1890 and had on the day of the passing of this Act duly passed a special resolution that the Brading Company be wound up voluntarily and for the purposes of such winding up the Brading Company shall from and after the passing of this Act be deemed to be registered in England under the said Acts and for the purposes of calling and holding meetings and passing resolutions and other matters incidental to such winding up resolutions of meetings of the Brading Company convened and held in pursuance of and in

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accordance with the provisions contained in the respective Acts of Parliament of the Brading Company and the Acts incorporated therewith may and shall take effect as resolutions of a company duly registered and any person whom the shareholders of the Brading Company holding more than one-half of the issued capital of the Brading Company may nominate in writing as a liquidator of the Brading Company shall as from the date of such nomination be deemed to have been duly appointed such liquidator in accordance with the provisions of the said Companies Acts 1862 to 1890. A.D. 1898.

9. Notwithstanding the vesting and notwithstanding anything contained in section 55 of the Railways Clauses Act 1863 the shareholders of the Brading Company shall not be shareholders of the Company. Shareholders of Brading Company not to be shareholders of Company.

10. All powers conferred upon the Brading Company by the Act of 1874 or any other Act for the raising of capital by the creation of shares or stock or by borrowing remaining unexercised at the date of vesting shall from that date be and the same are hereby repealed. Capital powers of Brading Company repealed.

11. Out of the purchase money received from the Company the liquidator shall pay the share of the Brading Company of the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act as provided by the section of this Act of which the marginal note is "Costs of Act" and shall also pay the costs charges and expenses incurred by the Brading Company in relation to the negotiations with the Company and in relation to the preparation and execution of all deeds of conveyance and other documents to give effect thereto and the costs incurred by the Brading Company of and incident to the preparing for the Brading Harbour and Railway Bill 1897 and shall then after payment of the costs charges and expenses incurred by the Brading Company in giving effect to the said transfer and sale and of and in respect of the winding up of the Brading Company pay the debts (if any) of the Brading Company and the liquidator with the consent of a general meeting of the proprietors of the Brading Company convened with special notice of the object may divide the balance of such purchase money rateably amongst the several persons who at the date of vesting shall be holders of ordinary shares in the Brading Company in proportion to the number of shares held by such persons. Application of purchase money.

12. All moneys so distributed amongst the holders of debentures or ordinary shares of the Brading Company shall be subject and liable to the same trusts powers provisions and declarations claims Purchase money when distributed to be subject

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to same trusts as shares.

Executors &c. empowered to give receipts.

Company to fence lands.

Powers to adjoining owners as to accommodation works.

Confirming agreement between Company and United Realization Company Limited.

Provision as to certain superfluous lands of Brading Company.

charges and incumbrances as immediately before the distribution affected the debentures or shares in respect of which such distribution was made and so as to give effect to and not revoke any testamentary disposition or order affecting such debentures or shares.

**13.** It shall be lawful for all trustees executors guardians and all committees of the estates of idiots or lunatics in whose respective names any debentures or shares of the Brading Company are or shall be standing to give effectual and conclusive receipts for the money which may under the provisions herein-before contained be paid to them and every such receipt shall be a sufficient discharge to the Brading Company and shall release them and the directors and officers thereof from all obligations in respect of which such receipt shall be given in respect of the application thereof.

**14.** The Company shall if and when at any time after the date of transfer they are called upon by the United Realization Company Limited to do so erect and for ever maintain fences between the lands vested in them under this Act and the adjoining lands.

**15.** The Company at all times hereafter shall subject to their supervision and reasonable requirements permit the owners for the time being of lands adjoining the railway of the Brading Company to construct in addition to those now existing such further works for the accommodation of adjoining lands as such owners may reasonably require and subject as aforesaid shall also permit the owners for the time being of the gasworks and waterworks of the United Realization Company Limited to use and maintain existing gas and water mains and pipes and to lay use and maintain other gas and water mains and pipes across and along the railway of the Brading Company between Bembridge and Brading or the embankment constructed by the Brading Company across the Brading Harbour or the quay and river bridge at St. Helens.

**16.** The agreement between the Company of the one part and the United Realization Company Limited of the other part as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto.

**17.** Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or any Act of the Brading Company or the Company with which that Act is incorporated the Company may from and after the date of vesting retain hold use sell lease or dispose of in such manner as they may think fit any of the lands delineated and coloured red on the plan referred to in the First Schedule to this Act and which are not or may not be required for the purposes of their undertaking.

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18. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with or belonging to their railways are hereby extended for the period of ten years from the passing of this Act.

Extending time for sale of certain superfluous lands of Company.

19. After the date of vesting it shall be lawful for any officer or soldier of Her Majesty's regular forces and for any naval officer marine officer seaman or marine when dressed in the uniform of their respective corps and on duty to pass free of charge along the road or causeway connecting the station at Bembridge with the station at St. Helens Provided that the provisions of this section shall be in addition to and not in derogation of any exemption existing under the Army Act 1881 or any other Act relating to Her Majesty's forces or existing by virtue of Her Majesty's prerogative and any person who shall claim to use the said road or causeway under the provisions of this section not being entitled to do so shall be liable to forfeit and pay to the Company for every such offence a sum not exceeding forty shillings.

Officers and others in uniform may use certain road.

20. Subject to the provisions of this Act the Company with the consent of the two companies or the two companies or either of them with the consent of the other or the Company and the two companies jointly may by agreement with the Crown and the Board of Trade and the Admiralty and any other body and persons whose consent may be necessary widen and enlarge the existing pier at Ryde of the two companies on the eastern side thereof and may provide such accommodation thereat for the landing and embarking of goods and merchandise as may be agreed upon between the Company and the two companies Any widening and enlargement of the said pier under the powers of this Act shall for the purposes of tolls dues and charges and for all other purposes whatsoever be deemed to be part of the existing pier :

Power to provide further accommodation at Ryde Pier.

Provided that the Company shall without compensation remove any structure erected on the said pier under the powers of this section if such removal shall be deemed necessary in time of war or national emergency by the officer commanding Her Majesty's forces in the district and provided that in the event of the Company failing by neglect or otherwise to remove such structure when called upon to do so the said officer shall have power to remove it without compensation becoming thereby due to the Company.

21. Subject to the provisions of this Act the Company on the one hand and the two companies or either of them on the other

Agreements between Company

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and two  
companies.

hand may enter into and carry into effect agreements with respect to the construction of the widening and enlargement of the said pier and the provision of such accommodation as aforesaid and the working maintenance and use of the widened pier and the conveyance of traffic thereto or therefrom and the landing and embarking of goods and merchandise thereat and the levying demanding and recovery of tolls dues and charges in respect of the said widening enlargement and accommodation.

Power to  
contribute  
to tramways  
light rail-  
ways and  
lifts.

22. The Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose subscribe and contribute such moneys as they think fit not exceeding in the whole ten thousand pounds towards the construction and maintenance of the railways authorised by the Ventnor Inclined Light Railway Order 1898 and may enter into and carry into effect agreements with the owners of the said railways with respect to the construction maintenance working and use thereof.

Power to  
Company  
to raise  
additional  
capital.

23. The Company by the order of any general meeting of the Company may for the purposes of this Act create and issue new shares or stock for such additional capital as they shall think necessary not exceeding thirty thousand pounds exclusive of the other capital and other moneys which they are or may be authorised to create and issue or raise by any other Act or Acts of Parliament and the Company may create and issue such new shares or stock either wholly or partially as ordinary stock or wholly or partially as preferential shares or stock as they may think fit Any ordinary stock created under this Act shall be subject to the like power of conversion into preferred and deferred converted ordinary stock as if it had been created prior to the passing of the Isle of Wight Railway Act 1890.

Shares not  
to be issued  
until one-fifth  
part thereof  
shall have been  
paid up.

24. The Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Except as  
otherwise  
provided  
new shares  
or stock to  
be subject  
to same  
incidents as  
other shares  
or stock.

25. Except as by or under the powers of 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 entitled and subject 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 and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.



**26.** Every person who becomes entitled to new shares or stock under this Act shall in respect of the same be a holder of shares or stock in the Company and shall subject to the conditions on which the same may be issued be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on new shares or stock.

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

Restriction as to votes in respect of preferential shares or stock.

**28.** Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock.

New shares or stock raised under this Act and any other Act of past sessions may be of same class.

**29.** The Company may in respect of the additional capital of thirty thousand pounds which they are by this Act authorised to raise borrow on mortgage of their undertaking any sum not exceeding in the whole ten thousand 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 created 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 and to the extent aforesaid paid up bonâ fide and are held by the persons 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 their executors administrators successors or assigns are legally liable for the same and upon production to such justice

Power to borrow.

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Company may issue debenture stock.

**30.** The Company may subject to the provisions of Part III. of the Companies Clauses Act 1863 create and issue debenture stock but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Mortgages already granted by Company to have priority.

**31.** All mortgages or bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages or bonds and subject to the provisions of the Acts under which such mortgages or bonds were respectively granted have priority over all mortgages granted by virtue of this Act by the Company. But nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys raised by Company.

**32.** All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall unless otherwise provided by this Act be applied only to the purposes of this Act and to the general purposes of the undertaking of the Company including the reconstruction and relaying of the railway of the Brading Company being in every case purposes to which capital is properly applicable.

Power to Company to apply surplus moneys to purposes of Act.

**33.** The Company may apply to all or any of the purposes of this Act to which capital is properly applicable any moneys from time to time raised by them and which are not by any of the Acts relating to the Company made applicable to any special purpose or which being so made applicable are not required for the special purpose. And the Company may for the like purposes issue any shares or stocks which under the authority of any Act passed prior to the present session of Parliament the Company may have created or may hereafter create but which are not or may not be required for the special purposes for which such shares or stocks respectively were authorised to be created.

Power to two companies to apply funds.

**34.** The two companies may respectively apply to any of the purposes of this Act in which they are interested and to which

capital is properly applicable any moneys from time to time raised by them respectively and which are not by any of the Acts relating to the two companies respectively made applicable to any special purpose or which being made so applicable are not required for the special purpose. A.D. 1898.

**35.** 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 of the Company 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 of the Company 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. Interest not to be paid on calls paid up.

**36.** The Company shall not out of any money by this Act authorised to be raised by them 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 railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

**37.** Nothing contained in this Act or, to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty. Saving rights of Crown under Crown Lands Act.

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

**39.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto and incurred by the Company and the Brading Company on and after the tenth day of June 1897 shall be paid by the Company and the Brading Company in equal shares. Costs of Act.

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The SCHEDULES referred to in the foregoing Act.

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### FIRST SCHEDULE.

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#### DESCRIPTION OF THE UNDERTAKING OF THE BRADING COMPANY TRANSFERRED TO THE COMPANY UNDER THE FOREGOING ACT.

The harbour and railway of the Brading Company constructed under and subject to the provisions of the Acts of 1874 1881 and 1896 together with such lands of the Brading Company as are delineated and coloured red upon the plan signed by Henry Brent on behalf of the Company and by Ernest du Boulay on behalf of the Brading Company together with all sidings of the Brading Company and all buildings quays and cranes on such lands and the engine called the Bembridge and the dredger of the Brading Company and such stores and tools of the Brading Company as have been used by that company exclusively for the purposes of the said harbour and railway and also all pile engines spare gear moorings buoys and appliances (if any) belonging to the Brading Company and used exclusively for the said harbour and railway.

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### SECOND SCHEDULE.

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AGREEMENT made the tenth day of June one thousand eight hundred and ninety-eight between the ISLE OF WIGHT RAILWAY COMPANY (herein-after called "the Isle of Wight Company") of the one part and the UNITED REALIZATION COMPANY LIMITED (herein-after called "the United Company") of the other part.

WHEREAS the railway and harbour of the Brading Harbour and Railway Company (herein-after called "the Brading Company") is about to be sold and transferred to and vested in the Isle of Wight Company and the Brading Company wound up:

And whereas it is part of the terms of the said sale that certain obligations rights exemptions and privileges which hereafter are mentioned should be undertaken and granted which will continue after the Brading Company has been wound up:

And whereas the United Realization Company being entitled to all the shares in the Brading Company have agreed to enter into these presents:

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And whereas the United Company is entitled to all the property of the House and Land Investment Trust Limited a company herein-after referred to: A.D. 1898.

Now these presents witness:—

1. The United Company shall from and after the said sale transfer and vesting and until the roads which are coloured brown on the plan referred to in the Bill hereafter mentioned and which are marked thereon "approach roads" are taken over by the local authorities maintain such roads in as good a state of repair as they are in at present.

2. Upon the completion of the intended sale the United Company shall effectually indemnify the Isle of Wight Company against any obligation of the Brading Company to Henley Grose Smith and others in respect of the outlay of seven hundred pounds (£700) mentioned in a lease of foreshore dated the nineteenth day of November one thousand eight hundred and ninety-seven. If the Isle of Wight Company shall in their own interest execute works within the obligation of the said agreement they shall so far as practicable so execute them as to reduce the liability of the Brading Company to pay the said sum of seven hundred pounds (£700). The Isle of Wight Company shall give to the United Company all reasonable facilities to enable the United Company if necessary to comply with and perform the said obligation but the United Company shall be at liberty without any further consent from the Isle of Wight Company to make any arrangement with the said Henley Grose Smith for compromising or obtaining a release from such obligation.

3. The United Company and their successors and their assigns of their waterworks will so far as their service of water will permit after supplying their own requirements and those of their tenants and others supply water to the Isle of Wight Company at Bembridge Station for the purposes of the railway about to be sold as aforesaid on being paid therefor at the rate of two shillings (2s.) for every one thousand (1000) gallons but the United Company does not guarantee the supply of water.

4. The United Company and the House and Land Investment Trust Limited and their or either of their assigns whilst owning the two present steamers of those companies or either of them or any two steamers or any steamer from time to time replacing them shall be at liberty from time to time and at any time during ten years from the passing of the intended Act to store and keep stored without charge coal and wood not exceeding in the aggregate two hundred and fifty tons at any one time on the piece of ground on the said plan which adjoins the siding marked A at Bembridge Station and the Isle of Wight Company will permit any such coal and wood to be delivered viâ the said siding marked A on the said plan and at all times permit the said companies and their respective successors and assigns as aforesaid to have free access to the said piece of ground over the road which is upon the embankment (constructed by the Brading Company) for the purpose of storing coal and wood upon such land or for the purpose of removing coal or wood therefrom or for any other purpose connected with the use of the said piece of ground for storage as aforesaid.

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5. So long as the United Company or the House and Land Investment Trust Limited or their or either of their assigns whilst being owners of either of their two present steamers or any other two steamers or any steamer as aforesaid shall continue to run a steamer service between Bembridge Sea View and the mainland and the owners for the time being of such steamers or steamer shall continue to maintain as at present the pier or pontoon marked B on the said plan no charge shall be made by the Isle of Wight Company in respect of the use of the said pier or pontoon by any person landing or embarking at Bembridge from or upon any such steamers or otherwise for harbour dues and so long as the said companies or their or either of their assigns as aforesaid so run a steamer service the Isle of Wight Company shall not run or be interested in any steamer from or to Bembridge to or from Sea View Southsea or Portsmouth which shall directly or indirectly compete with any of the said steamers and will either maintain or permit the owners for the time being of such steamers or steamer to maintain the existing channel from the said pier or pontoon to the buoy outside the harbour which is known as the "drum buoy" and also dredge or permit the owners for the time being of such steamers or steamer to dredge the silt below the pontoon so that steamers or a steamer of not more than twelve feet (12 feet) draught can for two hours before and two hours after high-water ordinary spring tide be navigated through such channels to or from the said pier or pontoon. Nothing herein contained shall restrict or interfere with the right of the Isle of Wight Company to make charges to any other persons using the said pier or pontoon. Provided that this clause shall so far as regards the exemption from harbour dues cease to have operation after the expiration of ten years from the passing of the intended Act.

6. The Isle of Wight Company shall on request of the United Company afford facilities to that company or to the House and Land Investment Trust or to the assigns of either of those companies being owners of the land coloured green on the said plan to connect any siding now or hereafter constructed upon that land with the Brading Harbour Railway either by maintaining the existing siding known as Carpenter's siding or otherwise by a direct connexion.

7. The Isle of Wight Company will at all times keep open the road upon the said embankment for traffic and will allow the United Company their servants and workpeople to use the said road for the purposes of the properties at Bembridge and Brading to which that company is now entitled (but so long only as the said properties or any part thereof remain their property) free of charge.

8. The Isle of Wight Company at all times hereafter will also subject to the supervision and reasonable requirements of the Isle of Wight Company permit the United Company and the owners for the time being of lands adjoining the railway of the Brading Company to construct in addition to those now existing such further works for the accommodation of adjoining lands as they the United Company or the owners for the time being of

[61 & 62 Vict.] *Isle of Wight Railway (Brading Harbour and Railway) Act, 1898.* [Ch. cxcviii.]

adjoining lands as aforesaid may reasonably require and subject as aforesaid will also permit the United Company or the owners for the time being of the gasworks and waterworks of the said United Company to use and maintain existing gas and water mains and pipes and to lay use and maintain other gas and water mains and pipes across and along the railway of the Brading Company between Bembridge and Brading or the embankment constructed by the Brading Company across the Brading Harbour or the quay and river bridge at St. Helens. A.D. 1898.

9. The Isle of Wight Railway Company shall at the request of the Brading Company or the United Company or their or either of their assigns of the land reclaimed by the Brading Company from the sea deliver to them free passes not exceeding twenty in number which shall from time to time be renewed in favour of the persons whose names shall from time to time be furnished by the Brading Company or the United Company or their or either of their said assigns and which shall exempt the holders thereof and all horses carts cattle or sheep under their charge on production of the pass from all tolls in respect of the use of that part of the embankment road which lies between the entrance thereto at Bembridge and the road or path marked on the said signed plan as occupation road. Such passes shall be used only by occupiers of the said land which was reclaimed by the Brading Company from the sea or by their servants and workpeople when passing with or without horses carts cattle or sheep and the obligation of this clause shall cease at the expiration of ten years from the passing of the intended Act.

10. The agreement dated the twenty-eighth day of February one thousand eight hundred and eighty-two made between Henry Samuel Freeman and the Isle of Wight Company shall as from the completion of the herein-before recited intended transfer of the railway and harbour be deemed to be cancelled and all claims thereunder released but nothing herein contained shall be taken to be an admission that the said agreement of the twenty-eighth day of February one thousand eight hundred and eighty-two is binding on the Brading Company.

11. In case at any time within a year after the passing of the intended Act the Isle of Wight Company are debarred from using the road to Bembridge from C to D on plan for approaching their goods yard the United Company their successors and assigns shall provide a suitable road for goods and mineral traffic through the land coloured yellow on plan.

12. The terms of the intended sale and transfer of the railway and harbour undertaking of the Brading Company to the Isle of Wight Company other than those herein contained are stated in a Bill which so far as relates to the Brading Company is agreed and signed by Edward Dexter on behalf of the Brading Company and by Horace F. Tahourdin on behalf of the Isle of Wight Company and the costs and expenses of promoting and carrying the said Bill as from the tenth day of June one thousand eight hundred and ninety-seven shall be paid by the Isle of Wight Company and by the United Company in equal moieties.

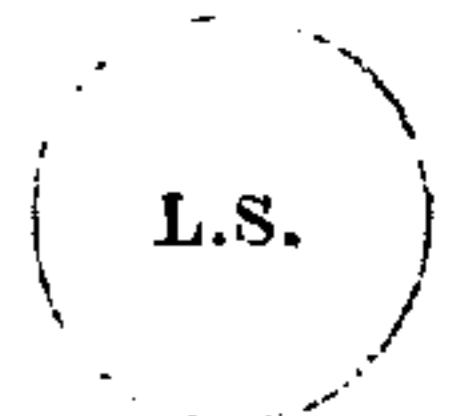
[Ch. cxcviii.] *Isle of Wight Railway (Brading Harbour and Railway) Act, 1898.* [61 & 62 VICT.]

A.D. 1898.

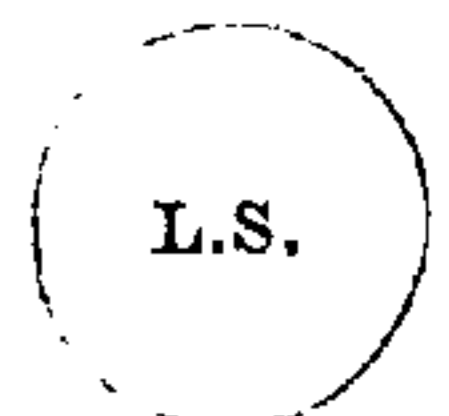
13. This agreement is subject to the sanction of Parliament being obtained to it and to the said intended sale and transfer before the end of the session of Parliament which shall be holden in the year one thousand eight hundred and ninety-eight and the Isle of Wight Company will co-operate with the United Company and the Brading Company in the endeavours of those companies or of either of them to obtain an Act in the form of the Bill above referred to. Provided always that if Parliament shall see fit to make any alteration in the said Bill which in the opinion of either of the parties varies the same in such a manner as to materially affect the interests of such party it shall be lawful for such party to withdraw from the said sale and transfer and the agreement therefor shall thereupon become null and void.

In witness whereof the Companies parties hereto have caused their respective common seals to be hereunto affixed the day and year first above written.

The common seal of the Isle of Wight Railway Company  
was affixed hereto in the presence of  
H. K. DAY Secretary.



The common seal of the United Realization Company  
Limited was hereto affixed in the presence of  
H. F. GOULD }  
R. FELL } Directors.  
W. T. KEY Secretary.



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