



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

Cap. cxcix.

An Act for making a Railway from the *Brighton and Chichester* Railway to *Portsmouth*, with a Branch to *Fareham*. [8th August 1845.]

WHEREAS an Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from the Shoreham Branch of the London and Brighton Railway to Chichester*, and by the said Act a Company was incorporated, by the Name and Style of "The *Brighton and Chichester* Railway Company," for carrying into execution the said Undertaking; and it was thereby enacted that the Capital of the said Company should be the Sum of Two hundred and eighty-five thousand Pounds, to be divided into Five thousand seven hundred Shares of Fifty Pounds each; and it was also enacted that, after the whole of the said Sum of Two hundred and eighty-five thousand Pounds should have been subscribed for, and One Half thereof actually paid up, it should be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as should from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of Ninety-five thousand Pounds, and, to secure the Repayment of the Money so

[*Local.*] 53 *E* borrowed,

Power to
make Rail-
way and
Branch.

borrowed, with Interest, to mortgage the Railway and the future Calls of the Shareholders, or to give Bonds: And whereas the making of a Railway from the *Brighton and Chichester Railway to Portsmouth*, and a Branch Railway therefrom to join the *Gosport Branch* of the *South-western Railway* at or near *Fareham*, would be of great public Advantage by opening an additional, certain, and expeditious Means of Communication between the said Places, and also by facilitating Communication between other more distant Towns and Places: And whereas Two Acts have been passed in the present Session of Parliament, one thereof called "The Lands Clauses Consolidation Act, 1845," and the other thereof called The "Railway Clauses Consolidation Act, 1845:" And whereas the said *Brighton and Chichester Railway Company* are willing to make such Railway and Branch Railway; but the same 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, That, subject to the Provisions of the said recited Acts as extended to this Act, and of this Act, it shall be lawful for the said Company to make and maintain a Railway, and also a Branch Railway, with all proper Works and Conveniences connected therewith, in extension of the said *Brighton and Chichester Railway*, in the Line and upon the Lands delineated on the Plans and described in the Books of Reference which have been deposited as herein-after mentioned, and to enter upon, take, and use such of the said Lands as may be requisite for such Purpose.

Line of the
Railway.

II. And be it enacted, That the said Railway shall commence by a Junction with the said *Brighton and Chichester Railway* on the Eastern Side of the *Dell Quay* and *Farnhurst Turnpike Road*, in the Parish of *Saint Bartholomew* or *Saint Peter the Great* otherwise *Sub-deanery*, in, at, or near the City of *Chichester*, or one of them, in the County of *Sussex*; and shall terminate at or near the Turnpike Road from *Portsmouth* to *London* at or near a Place called *Landport*, in the Parish of *Portsea* in the Borough of *Portsmouth* in the County of *Southampton*, and that the said Branch Railway shall commence at or near the *Farlington Waterworks*, in the Parish of *Farlington* in the County of *Southampton*, and shall terminate by a Junction with the *Gosport Branch* of the *London and South-western Railway* at or near the *Fareham Station* of the said Railway, in the Parish of *Fareham* in the said County of *Southampton*, and the said Railway and Branch Railway shall pass through the following Places or some of them; (that is to say,) *Saint Peter the Great* otherwise *Sub-deanery*, *Saint Bartholomew*, *Saint Bartholomew* within the Borough and City of *Chichester*, *New Fishbourne*, *Bosham*, *Funtington*, *Chidham*, and *Westbourne* otherwise *Westbourn*, in the County of *Sussex*; and *Warblington*, *Havant*, *Bedhampton*, *Farlington*, *Widley*, *Wimmering* otherwise *Wymering*, *Portsea*, *Portchester*, *Fareham*, and extra-parochial, in the County of *Southampton*.

Extending
Provisions of

III. And be it enacted, That the Provisions of the said Lands Clauses Consolidation Act, 1845, and so much of the Provisions of

The said Railway Clauses Consolidation Act, 1845, as relates to the Construction of the Railway as therein defined, the Use and Occupation of Lands for the Purpose or during the Construction of the Railway, the Mode of crossing Roads by the Railway, and the Protection of such Roads, and the Construction of Bridges and of Works for the Protection and Accommodation of Lands adjoining the Railway, shall, so far as the same are applicable, and are not modified by this Act, or inconsistent with the Provisions thereof, be held to apply to the Railway, Branch Railway, and Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

8 & 9 Vict.
cc. 18. and
20. to this
Act.

IV. And be it enacted, That all the Provisions of the said first-recited Act (except such of them or such Parts thereof as are by this Act repealed, altered, or otherwise provided for, or are contrary to or inconsistent with the Provisions of the said Lands Clauses Consolidation Act, 1845, or of the said Railway Clauses Consolidation Act, 1845, as extended to this Act,) shall extend to this Act, and to the several Works and Things hereby authorized to be made and done, and shall operate and be in force in reference thereto, as fully and effectually as if the same were repeated and re-enacted in this Act, and especially referred to the Objects and Purposes thereof.

Powers of
recited Act
extended to
this Act.

V. And be it enacted, That it shall be lawful for the said Company to raise by Contributions amongst themselves, or by the Admission of other Parties as Subscribers, or in part by each of those Means, a further Sum of Three hundred and twenty thousand Pounds, in addition to any Monies they are at present authorized to raise, the whole of such Monies so to be raised to be divided into Shares of Fifty Pounds each.

Power to
raise
320,000*l.* in
Shares.

VI. And be it enacted, That the additional Capital of Three hundred and twenty thousand Pounds shall be considered as forming Part of the general and original Capital of the said Company, and all the Provisions contained in and referred to by the said first-recited Act with regard to the original Capital and Shares thereby created, and to the Proprietors thereof, shall be in all respects applicable to the Capital and Shares hereby authorized to be created, and to the Proprietors thereof, save and except that no Proprietor of any new Shares hereby created shall be entitled to any further or greater Dividend thereon than in respect of and in proportion to the Amount which may from Time to Time have been paid up upon such Shares.

Powers of
recited Act
as to Capital
and Shares
to be appli-
cable to this
Act.

VII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage of the Undertaking by this and the said first-recited Act authorized to be made, or on Bond, any Sum not exceeding in the whole the Sum of One hundred and six thousand six hundred and sixty-six Pounds (in addition to the Sums of Money already authorized to be borrowed on Mortgage or Bond by the said first-recited Act); but no Part of such Sum shall be borrowed until the whole of the said additional Capital of Three hundred and twenty thousand Pounds shall have been subscribed for, and One Half of the whole

Power to
raise Money
on Mortgage.

whole of the Capital of the Company authorized to be raised by this or the said first-recited Act shall have been actually paid up; and all the Powers and Provisions in the said first-recited Act contained relating to the borrowing of Money, or the creating of new Shares and Augmentation of Capital instead of borrowing, or relating to or in anywise affecting Mortgages, Bonds, and Assignments, and Transfers thereof, or the several Mortgagees or Transferees, shall extend and be applicable to the said Sum of One hundred and six thousand six hundred and sixty-six Pounds hereby authorized to be raised, in the same Manner and to the same Extent as the same are applicable to the said Sum of Ninety-five thousand Pounds authorized to be raised by the said first-recited Act.

Mortgagees and Bondholders to be entitled pro ratâ under this and recited Act.

VIII. And be it enacted, That the respective Mortgagees or Bond Creditors under this Act, and the respective Mortgagees and Bond Creditors under the said first-recited Act, shall be entitled, one with another, according to the respective Sums in such Mortgages or Bonds mentioned to be secured, to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of Priority of the Date of any such Mortgage or Bond, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Power to consolidate Shares into Stock.

IX. And be it enacted, That it shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting of the Company, when due Notice for that Purpose shall have been given, as provided by the said first-recited Act, to convert or consolidate all or any Part of the Shares then existing in the Capital of the Company, whether created by the said first-recited Act or this Act, and in respect whereof the whole Money subscribed shall have been paid up, into a general Capital Stock, to be divided amongst the Shareholders according to their respective Interests therein.

Proprietors of Stock may transfer the same.

X. And be it enacted, That after such Conversion or Consolidation shall have taken place all the Provisions contained in this or the said first-recited Act which require or imply that the Capital of the Company shall be divided into Shares of any fixed Amount, and distinguished by Numbers, shall, as to so much of the Capital as shall have been so converted or consolidated into Stock, cease and be of no Effect, and the several Holders of such Stock may thenceforth transfer their respective Interests therein, or any Parts of such Interests, in the same Manner and subject to the same Regulations and Provisions as or according to which any Share or Shares in the Capital of the Company might be transferred under the Provisions of this or the said first-recited Act; and the Company shall cause an Entry to be made in some Book to be kept for that Purpose of every such Transfer, and for every such Entry they may demand any Sum not exceeding Two Shillings and Sixpence.

Register of Stock.

XI. And be it enacted, That the Company shall from Time to Time cause the Names of the several Parties who may be interested in any such Stock as aforesaid, with the Amount of the Interest therein

therein possessed by them respectively, to be entered in a Book to be kept for the Purpose, and to be called "The Register of Holders of Consolidated Stock," and such Book shall be accessible at all seasonable Times to the several Holders of Shares or Stock in the Undertaking.

XII. And be it enacted, That the several Holders of such Stock shall be entitled to participate in the Dividends and Profits of the Company, according to the Amount of their respective Interests in such Stock, and such Interests shall, in proportion to the Amount thereof, confer on the Holders thereof respectively the same Privileges and Advantages for the Purpose of voting at Meetings of the Company, Qualification for the Office of Directors, and for other Purposes, as would have been conferred by Shares of equal Amount in the Capital of the Company, but so that none of such Privileges or Advantages, except the Participation in the Dividends and Profits of the Company, shall be conferred by any aliquot Part of such Amount of Consolidated Stock as would not, if existing in Shares, have conferred such Privileges or Advantages respectively.

Proprietors
of Stock en-
titled to
Dividends.

XIII. And whereas by the said first-recited Act it is provided that the Directors may close the Register of Transfers for a Period not exceeding Twenty-one Days previous to each Ordinary Meeting, and it is expedient to extend such Power to Extraordinary Meetings; be it therefore enacted, That it shall be lawful for the Directors acting under the said first-recited Act and this Act to close the Register of Transfers for a Period not exceeding Twenty-one Days previous to each Extraordinary as well as each Ordinary Meeting which may be held under the said first-recited Act or this Act, upon giving such Notice thereof as is required by the said first-recited Act, and that any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Extraordinary or Ordinary Meeting.

Amending
Provisions
in recited
Act as to
closing of
Transfer
Books.

XIV. And whereas Plans and Sections of the said Railway and Branch Railway and Works, showing the Line and Levels thereof, and also Books of Reference, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the County of *Sussex*, and also with the Clerk of the Peace of the County of *Southampton*; be it enacted, That such Plans, Sections, and Books of Reference shall remain deposited with the said Clerks of the Peace, and that all Parties interested may at all seasonable Times inspect such Plans, Sections, and Books of Reference, and may require to be furnished by either of such Clerks of the Peace with Copies thereof or Extracts therefrom, subject to the Provisions in the said Railway Clauses Consolidation Act contained or referred to.

Deposited
Plans and
Books of
Reference to
be open for
Inspection.

XV. And be it enacted, That it shall be lawful for the Company to construct the said Railway and Branch across and on the Level
[*Local.*]

Roads to be
crossed on a
Level
of

of the following Turnpike Roads, and public Carriage Roads; (that is to say,)

In the Parish of *Saint. Bartholomew* the Turnpike Road numbered on the said Plans deposited as aforesaid 5:

In the Parish of *New Fishbourne*, the Turnpike Road numbered 5, and the public Roads numbered 20 and 37:

In the Parish of *Bosham*, the public Roads numbered 1, 11, 36, and 44:

In the Parish of *Funtington*, the public Roads numbered 19 and 22:

In the Parish of *Chidham*, the public Roads numbered 1, 21, and 38:

In the Parish of *Westbourne*, the public Roads numbered 1, 25, and 38:

In the Parish of *Warblington*, the Parish Road numbered 47:

In the Parish of *Havant*, the Parish Roads numbered 5 and 12:

In the Parish of *Bedhampton*, the Parish Road numbered 6, the Turnpike Road numbered 17, and the public Road numbered 50:

In the Parish of *Portsea*, the public Roads numbered 27 and 94:

In the Parish of *Widley*, the Turnpike Road numbered 11:

In the Parish of *Wymering*, the Turnpike Roads numbered 31 and 53:

In the Parish of *Porchester*, the public Roads numbered 4 and 10.

Additional
Lands for ex-
traordinary
Purposes.

XVI. And be it enacted That the Company may purchase and take, for extraordinary Purposes connected with the Railway, Branch Railway, and the Works by this Act authorized, any Quantity of Land not exceeding Fifty Acres.

Compulsory
Purchase
limited to
Three Years.

XVII. And be it enacted, That, save as by this Act otherwise provided, the Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Works to be
completed
in Five
Years.

XVIII. And be it enacted, That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making and executing the said Railway, Branch, and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same Works as shall then be completed.

Company not
to enter upon
certain
Crown Land
without Con-
sent of Board
of Ordnance.

XIX. And whereas it is indispensably necessary that the Fortifications and Defences at or near *Portsmouth* and *Portsea* should be preserved from Injury, and that the same should be in no respect affected by the said proposed Railway; be it therefore enacted, That nothing in this Act contained shall authorize the said Company to construct or carry the said Railway across the *Hilsea* Lines, or to enter upon or possess or occupy any Land or other Property belonging to Her Majesty in the Parishes of *Widley*, *Wymering*, and *Portsea*, or any or either of them, without the Consent in Writing of the principal
Officers

Officers of Her Majesty's Ordnance first given to the said Company for the Purpose; and in case such Consent in Writing shall be so given, the said Company shall hold and occupy the said Land and Property mentioned therein as Tenants only, under and at a yearly Rent to be fixed by the said principal Officers, and the Term, Estate, or Interest of the said Company therein to be determinable by the said principal Officers at any Time as and when the Public Service shall in their Opinion require the same, unless the said principal Officers shall by some other Writing or Deed otherwise grant, convey, or assure such Land and Property.

If Consent granted, Company to hold such Land as Tenants at a yearly Rent.

XX. And be it enacted, That, notwithstanding any thing in this Act contained, it shall not be lawful for the Company to construct any Erection or Work of any Kind whatsoever upon any Land belonging to Her Majesty in the Parishes of *Widley*, *Wymering*, and *Portsea* aforesaid, or either of them, until after a Plan and Specification thereof shall have been submitted to the principal Officers of Her Majesty's Ordnance, or their Successors, and their Approval thereof shall have been signified in Writing under the Hand of the Secretary of the said principal Officers for the Time being.

No Works to be executed upon the Ordnance Property except upon a Plan approved by the Board of Ordnance.

XXI. And be it enacted, That, notwithstanding any thing in this Act contained, or the taking of any of the Lands of Her Majesty for the Purposes thereof, it shall be lawful for the said principal Officers of Her Majesty's Ordnance, and their Successors, Servants, and Agents, from Time to Time and at all Times hereafter, as and when they shall see Occasion for the Public Service, and without making any Compensation to the Company, to construct upon any of the said Lands and Works of Defence whatsoever, and to add to and improve or alter any of the existing Works of Defence, and also upon any such Occasion, and for the Purpose of Defence, to remove in a summary Way, and if need be to destroy, all or any Portion of the Railway and Works hereby authorized to be constructed, without being required or in any Manner, legally or otherwise, liable to make good the Loss or Damage to be occasioned by such Removal or Destruction or any Part thereof.

Board of Ordnance may alter existing Fortifications and add new ones, or destroy Railway and Works for the Purposes of Defence.

XXII. And be it enacted, That, simultaneously with the Construction of the Railway and Works hereby authorized, the said Company shall construct, or at the Option of the said principal Officers of Her Majesty's Ordnance shall defray the Expence of constructing, all such Works as shall be deemed necessary by the Commanding Royal Engineer at *Portsmouth*, or in the District, for the Purpose of making good the Defences of the Lines which may be masked or in any Manner interfered with by the Works of the Railway, or in its Approach to and Passage through the Fortifications at *Hilsea* and *Portsea* aforesaid; and all such Works as shall be constructed for the Purposes last aforesaid shall be under the Superintendence of the said Commanding Royal Engineer, and shall be executed to his Satisfaction upon Plans and Sections which shall have been previously approved by him in Writing under his Hand; and in case the same shall by reason of the Exercise of the aforesaid Option be executed

Company to execute such Works as the Board of Ordnance may require to prevent Prejudice to the Fortifications.

executed by Parties other than the said Company, then a Certificate of the Expence thereof, under the Hand of the said Commanding Royal Engineer, shall be conclusive Evidence of the Amount of such Expence, and the same shall be paid by the Company accordingly.

Branch to Fareham not to be made in a certain Event.

XXIII. And whereas a Bill is now pending before Parliament for making, amongst other things, a Railway from *Fareham* to *Portsmouth*, the Line whereof between *Fareham* and *Cosham* would be identical or nearly so with Part of the Branch Railway by this Act authorized to join the *Gosport* Branch of the *London and South-western* Railway; be it therefore enacted, That if the said Bill shall pass into a Law in the present or next Session of Parliament, and the Company thereby incorporated shall complete such Railway within Two Years and a Half from the passing thereof, then and in such Case all the Powers by this Act given with reference to the Formation of so much of the said Branch Railway as lies West of a Point situate Four hundred Yards West of the Turnpike Road from *Portsmouth* to *Sheet*, or to the Purchase of the Lands requisite for the Purposes thereof, shall cease and determine, and it shall not be lawful for the said *Brighton and Chichester* Railway Company, in the event of such Bill passing into a Law as aforesaid, to exercise any of such last-mentioned Powers during such Period of Two Years and a Half, but if such Bill shall not pass into a Law as aforesaid, or if the said Railway between *Fareham* and *Cosham* shall not be completed within the aforesaid Period, then and in either of such Cases all the Powers by this Act conferred on the said *Brighton and Chichester* Railway Company with reference to the Formation of the said Branch Railway to *Fareham*, and to the Purchase of the Lands requisite for the Purpose, thereof (whether such Lands shall have been already purchased under the Powers of the said Bill if passed into a Law or not), shall revive and be in full Force for a Period of Two Years from and after the Expiration of the said Period of Two and a Half Years.

As to Communication with the London and South-western Railway.

XXIV. And be it enacted, That if the said *Brighton and Chichester* Railway Company shall make the said Branch Railway to *Fareham* by this Act authorized all Communications between the said Branch Railway and the *London and South-western* Railway, and all such Openings in the Ledges or Flanches of the said *London and South-western* Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the said *London and South-western* Railway Company.

Not to take Lands &c. of the London and South-western Railway Company without Consent.

XXV. And be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands or Grounds now belonging to the *London and South-western* Railway Company, or to alter, vary, or interfere with the said *London and South-western* Railway, or any of the Works thereof respectively; further or otherwise than is hereby expressly authorized, without the

Consent in Writing of the said Company in every Instance for that Purpose first had and obtained.

XXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *London and South-western Railway Company*.

Saving the Rights of the London and South-western Railway Company.

XXVII. And whereas the Line of Railway by this Act authorized to be made joins, near *Cosham* in the County of *Southampton*, the Line of the said projected Railway from *Fareham* to *Portsmouth*; be it therefore enacted, That if such projected Railway shall be made the Junction therewith shall be effected to the mutual Satisfaction of the Company to whom such Railway may belong and of the *Brighton and Chichester Railway Company*, or in the event of Difference between them as to the Mode of Junction, the same shall be effected in such Manner as may be required by the Board of Trade, on the Application of either of the said Companies.

As to Junction with the Fareham Branch.

XXVIII. And be it enacted, That in the event of the said *Fareham and Portsmouth Railway* being authorized to be made by any Act of the present or next Session of Parliament, the said *Brighton and Chichester Railway Company*, or their Lessees for the Time being, or any other Company who may for the Time being be in the Possession of the said Railway by this Act authorized to be made, shall and they are hereby required to make and afford upon equitable Terms and Conditions such Works, Arrangements, and Accommodations at the Point of Junction between the said Two Railways, for the Interchange of the Traffic thereof respectively, and for the convenient Transmission of such Traffic by the *Brighton and Chichester Railway Company* or their Lessees, or by the Company in possession of the said Line for the Time being, upon and along the Railway hereby authorized to be made, as shall from Time to Time be agreed upon between the said *Brighton and Chichester Railway Company*, or their Lessees for the Time being, or any such other Company as aforesaid, and the Company who may for the Time being be in possession of the said proposed *Portsmouth and Fareham Railway*, or in the event of Disagreement between the said Companies, as may be determined by the Board of Trade.

For facilitating Interchange of Passengers at Cosham.

XXIX. And whereas certain Lands at or near the Point of Junction of the Railway hereby authorized with the *Fareham and Portsmouth Railway* may be authorized to be purchased as well by the Company who may be empowered to make the said *Fareham and Portsmouth Railway* as by the *Brighton and Chichester Railway Company*; be it therefore enacted, That if any Difference shall arise between the said Two Companies as to the Purchase or Occupation of any such Lands by either of them, such Difference shall be settled by the Board of Trade, on the Application of either of the said Companies, and the said Board shall have Power to determine which of the said Lands shall be pur-

In case of Dispute as to the Purchase of Lands the same to be settled by the Board of Trade.

chased or occupied by the said Companies respectively; and it shall not be lawful for either of the said Companies to purchase or occupy any of such Lands which according to the Decision of the said Board are to be purchased or occupied by the other of them.

As to Construction of Line between Havant and Portsmouth.

XXX. And whereas that Portion of the Line by this Act authorized to be made which lies between *Havant* and *Portsmouth* runs parallel or nearly so with the Line of a projected Railway from *Epsom* to *Portsmouth*, for the making whereof a Bill is now before Parliament; be it therefore enacted, That if the said last-mentioned Bill shall pass into a Law in the present Session the Line of Railway by this Act authorized which lies between *Havant* and *Portsmouth*, as well as the Line which may be authorized by such Bill between the same Places, shall be made to the mutual Satisfaction of the principal Engineers for the Time being of the said *Brighton and Chichester* Railway Company and of the Company who may be incorporated by the said Bill, in order that the said Two Lines, if both be made, may interfere with each other as little as possible; and if any Difference shall arise between the said Engineers as to the Construction of the said Two Lines in any Place or Places where the same might interfere with each other, or as to the Lands to be purchased or occupied by the said Two Companies respectively for the Purposes thereof, at any such Place or Places, such Difference shall be settled by the Board of Trade, or by some competent Person to be appointed by them, whose Decision shall be binding on both the said Companies.

As to Stations at Havant and Portsmouth.

XXXI. And be it enacted, That the Stations at *Portsmouth* and at *Havant*, which may be made by the said *Brighton and Chichester* Railway Company, and by the Company who may be incorporated by the said last-mentioned Bill, if the same shall pass into a Law in the present Session, as aforesaid, or by either of them, shall be laid out in such Manner as may be mutually agreed on between the said Two Companies for the Accommodation of both of them; and if any Difference shall arise as to the Mode of laying out the same, or as to the Lands to be purchased or occupied by either of the said Companies for the Purposes thereof, or as to the Use of the said Stations when completed, such Difference shall be also settled by the Board of Trade, or by some Person to be appointed by them, whose Decision shall be binding on both the said Companies.

As to Lands common to this Company and the Epsom and Portsmouth Railway Company.

XXXII. And be it enacted, That, in the event of the said Bill for making the said Railway from *Epsom* to *Portsmouth* being passed into a Law in the present Session, as aforesaid, it shall not be lawful for the said *Brighton and Chichester* Railway Company, or for the Company who may be incorporated by such Bill, to purchase or take any Lands which may be included in the Plans and Books of Reference relating to the Railway hereby authorized, and also in the Plans and Books of Reference relating to the said *Epsom and Portsmouth* Railway, until the Line of the said Two Railways where the same might interfere with one another, or of one of them, between *Havant* and *Portsmouth* aforesaid, and the Lands to be occupied for the Purposes thereof, shall have

have been agreed on and settled between the said Two Companies, or determined by the Board of Trade, or some competent Person to be appointed by the said Board, on the Application of either of the said Companies; and it shall be lawful for the said Board, or for such Person as aforesaid, to define the Lands to be occupied by the said Companies respectively; and after the Decision of the said Board or of such Person shall have been given in reference thereto it shall not be lawful for either of the said Companies to purchase, take, or interfere with any of the Lands which according to such Decision are to be occupied exclusively by the other of such Companies.

XXXIII. And be it enacted, That in the event of the said Bill for making the said Railway from *Epsom* to *Portsmouth* being passed into a Law in the present Session it shall be lawful for the Directors of the said *Brighton and Chichester* Railway Company, and for the Directors of the Company who may be incorporated by such Bill, to enter into such mutual Contracts and Agreements as they may see fit with reference to the Formation, Maintenance, and Use of the Line or Lines of Railway which may be authorized to be made by them respectively between *Havant* and *Portsmouth*, or in reference to the Formation, Maintenance, and Use of One of such Lines for the Purposes of both Companies, and with reference also to the Position and Construction, and to the Use and Apportionment between them of all Depôts, Stations, and other Conveniences to be connected with the said Two Lines, or such one of them as may be made for the joint Purposes of both Companies, and as to the Division of the Cost of the Construction and Maintenance thereof between the said Two Companies; and such Agreements shall be binding on both the said Companies.

Company may enter into Contracts with the Epsom and Portsmouth Railway Company.

XXXIV. And be it enacted, That the Company may, subject to the Provisions in the said first-recited Act contained, lawfully demand and receive, for and in respect of Passengers and Animals, and of all Articles, Matters, and Things conveyed upon the said Railway and Branch Railway by this Act authorized, or any Part thereof, and for the Use of Carriages and of locomotive Engines or other Power supplied by the Company thereon, such Amount of Rates, Tolls, or other Charges as by the said first-recited Act the Company are authorized to demand and receive.

Company to take the same Tolls as on the Main Line.

XXXV. And be it enacted, That it shall not be lawful for the Company to demand or receive any greater Sum in respect to the Carriage of Passengers conveyed on the Railway by this Act authorized than Three-pence *per Passenger per Mile* in respect of any Passenger travelling in a First Class Carriage, Two-pence *per Passenger per Mile* in respect of any Passenger travelling in a Second Class Carriage, and One Penny Halfpenny *per Passenger per Mile* in respect of any Passenger travelling in a Third Class Carriage, including the Charges for the Use of Carriages and locomotive Power and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by special Trains: Provided always, that if any such Passenger be conveyed for a less Distance than Six Miles it shall be

Limiting Charges for Conveyance of Passengers.

be lawful for the Company to demand and receive Tolls as for Six Miles.

Limiting
Charge for
Conveyance
of Goods and
Cattle.

XXXVI. And be it enacted, That it shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway by this Act authorized to be made, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance (except a reasonable Charge for the Expence of loading and unloading, where such Service is performed by the Company), than the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* One Penny Halfpenny :

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* Two-pence :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Three-pence :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per Ton per Mile* Four-pence :

For every Horse Van or Cattle Van belonging to the Company, not exceeding Three-pence *per Mile*; and for every other Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, *per Mile* Fourpence; and if weighing more than One Ton, an additional Sum of One Penny for every additional Quarter of a Ton above One Ton :

For every Horse more than Fourteen Hands in Height, if conveyed in a Carriage belonging to the Company, Four-pence *per Mile*; but if conveyed in a Van or Carriage not belonging to the Company, Twopence *per Mile*, in addition to the Charge for the Carriage of such Van or Carriage :

For every Horse not more than Fourteen Hands in Height, and for every Mule, Ass, and other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, *per Mile* Three-pence; but if conveyed in any Van or Carriage not belonging to the Company, One Penny Halfpenny *per Mile*, in addition to the Charge for the Carriage of each Van or Carriage :

For every Calf, Pig, Sheep, Lamb, or other small Animal, *per Mile* One Penny.

Restriction
as to Charges
for Passen-

XXXVII. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any special Train that may be required to be run upon the said Railway, but

but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

gers not to apply to Special Trains.

XXXVIII. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Company may take increased Charges by Agreement.

XXXIX. And be it enacted, That every Passenger travelling upon the Railway by this Act authorized may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for First Class Passengers, One hundred Pounds in Weight for Second Class Passengers, and Sixty Pounds in Weight for Third Class Passengers, without any Charge being made for the Carriage thereof.

Passengers Luggage.

XL. And be it enacted, That it shall be lawful for the said Company, with the Approbation of at least Three Fifths of the Votes of the Proprietors present, either personally or by Proxy, at some Meeting specially convened for the Purpose, to demise or lease, for such Term of Years, and for such Consideration or annual Rent or Reservations, and generally upon such Terms and Conditions as they shall think proper, the Railway, Branch Railway, and other Works by this Act authorized to be made, or any Part thereof, when completed, to the *London and Brighton* Railway Company; and the said *London and Brighton* Railway Company are hereby authorized, if they think proper, by and with the like Consent and Approbation of their Proprietors, at some Meeting to be specially conveyed for the Purpose, to enter into and accept any such Lease.

Power to lease the Railway to the *London and Brighton* Railway Company.

XLI. And be it enacted, That it shall be lawful for the said *London and Brighton* Railway Company, by and with such Authority and Approbation as aforesaid, to purchase, and for the said *Brighton and Chichester* Railway Company, by and with the like Approbation and Authority as aforesaid, to sell and transfer, the Undertaking by this Act authorized, or any Part thereof, when completed, or any Share or Interest therein, to the said *London and Brighton* Railway Company (but subject to any existing Mortgages, Contracts, Agreements, or Liabilities affecting the same); and on the Completion of such Purchase (of which Completion a Transfer or Conveyance under the respective Corporate Seals of the said *Brighton and Chichester* Railway Company and of the said *London and Brighton* Railway Company shall be sufficient Evidence) the said *London and Brighton* Railway Company may have and hold the said Undertaking, or the Part thereof or the Share therein purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all the Rights, Powers, and Privileges conferred by this or the said recited Acts on

Power to sell the Railway to the *London and Brighton* Company.

the said *Brighton and Chichester* Railway Company : Provided always, that in the event of the whole of the Undertaking by this Act authorized being purchased by the said *London and Brighton* Railway Company then from and after the Completion of such Purchase all Powers and Authorities which may become vested in the said *London and Brighton* Railway Company by virtue of such Purchase may be exercised by them, and the Corporate Seal of the said *London and Brighton* Railway Company used when necessary in reference thereto, in like Manner as though the said Undertaking formed Part of the Undertaking of such Company, and that they had been originally authorized to carry the same into effect, in lieu of the said *Brighton and Chichester* Railway Company.

Company to be dissolved if the whole Undertaking sold, but not otherwise.

XLII. And be it enacted, That in the event of the whole of the Undertaking by this and the said recited Acts authorized being purchased by the said *London and Brighton* Railway Company, or any other Company who may be authorized to purchase the same then from and after the Completion of such Purchase the Company incorporated by the said first-recited Act shall be dissolved and cease to exist, save and except for such Purposes as are in the first-recited Act specified in the event of the Undertaking thereby authorized being sold, as therein mentioned: Provided always, that, notwithstanding any thing in the said first-recited Act contained, if a Portion only less than the whole of the Undertaking thereby and by this Act authorized shall be sold, as in the said Act or this Act mentioned, the said Company shall not be dissolved or cease to be incorporated, but shall remain a Body Corporate for the Purpose of completing, maintaining, using, and working the Remainder of the Undertaking which may not be so sold, and for all other Purposes connected therewith, in like Manner as though no such Sale had taken place.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

XLIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway not to be ex-

XLIV. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this

Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act. empted from Provisions of any future general Act.

XLV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1845.

