CHAPTER cxxxvi.

An Act for the making of railways from Freshwater to Yarmouth and Newport in the Isle of Wight; and for other purposes. [7th July 1873.] A.D. 1873.

WHEREAS the making and maintaining of railways from Freshwater to Yarmouth and Newport in the Isle of Wight would be of public and local advantage:

And whereas it is expedient to construct a new road in the parishes of Newport and Carisbrook between Sea Street and the north-west end of the bridge carrying the road approach to the Newport Railway Station over the Lukely river:

And whereas the several persons in this Act named, with others, are willing at their own expense to carry the undertaking into execution, on being incorporated into a Company for the purpose:

And whereas it is expedient that the Company incorporated by this Act should be authorised to run over, work, and use the railways or portions of railways herein-after mentioned of the Cowes and Newport Railway, the Isle of Wight (Newport Junction) Railway, the Ryde and Newport Railway, and the Yarmouth and Ventnor Railway, Tramway, and Pier Companies:

And whereas it is expedient that the Company so to be incorporated on the one hand, and the Cowes and Newport Railway, the Isle of Wight Railway, the Isle of Wight (Newport Junction) Railway, the Yarmouth and Ventnor Railway, Tramway, and Pier, the Ryde and Newport Railway, and the Ryde Pier Companies (in this Act called the six Companies), or any one or more of them respectively, on the other hand, should be empowered to enter into and carry into effect agreements as herein-after provided:

And whereas plans and sections showing the lines and levels of the proposed railways and road, and the lands by this Act authorised to be acquired for the purposes thereof, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been

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deposited with the clerk of the peace for the county of Southampton, and those plans, sections, and that book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects of this Act cannot be attained 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 Freshwater, Yarmouth, and Newport Railway Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I. (relating to cancellation and surrender of shares) and III. (relating to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "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," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway," "the road," "the undertaking," and "the undertakers" mean respectively the railways, the road, and the undertaking by this Act authorised and the company; the expression "the Newport Company" means the Cowes and Newport Railway Company; the expression "the Newport Railway" means the Cowes and Newport Railway; the expression "the Yarmouth Company" means the Yarmouth and Ventnor Railway, Tramway, and Pier Company; the expression "the Yarmouth Railway" means the railways of the last-named company; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and in construing the two last-

mentioned enactments, the words "work" and "railway" shall be taken to include the road in the parishes of Newport and Carisbrook authorised by this Act.

Company incorporated.

4. Christopher Nugent Nixon, John William Williamson, Moritz Maurice, and Stanislaus Joseph Paris, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Freshwater, Yarmouth, and Newport Railway Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways and road 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 book of reference as may be required for that purpose. The railways and road herein-before referred to and authorised by this Act are:

Railway No. 1. A railway 1 mile 7 furlongs 7 chains in length, commencing in the parish of Freshwater on the eastern side of the high road leading from Freshwater Church to Freshwater Gate, and terminating in the parish of Yarmouth by a junction with Railway No. 2, herein-after described:

Railway No. 2. A railway 9 miles 3 furlongs 9 chains in length, commencing in the parish of Yarmouth by a junction with the railway authorised by "The Yarmouth and Ventnor Railway, Tramway, and Pier (Deviations) Act, 1872," and terminating in the parish of Carisbrook by a junction with the Newport Railway:

A road in the parishes of Newport and Carisbrook, commencing by a junction with Sea Street and terminating at or near the north-west end of the bridge carrying the road approach to the Newport Railway Station over the Lukely river or brook in the direction of Holyrood Street:

And the Company may in and for the purposes of the construction of the road adapt, widen, and re-construct the existing road and bridge between the points above named.

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Capital.

6. The capital of the Company shall be one hundred and thirty thousand pounds, in thirteen thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such 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.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts for persons under disability.

9. The receipt of the guardian of the estate of any shareholder being a minor, or of the committee of the estate of any shareholder being an idiot, lunatic, or person non compos mentis, shall be a sufficient discharge to the Company for any money payable to such shareholder.

Power to borrow on mortgage.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole forty-three thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and thirty thousand pounds is issued and accepted, and one half thereof 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 the whole of such capital has 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 in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

11. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of arrears of principal

the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock.

12. The Company may create and issue debenture stock subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting.

14. The first ordinary meeting of the Company shall be held within six months from the passing of this Act.

Number of directors.

15. The number of directors shall be three.

Qualification of directors.

16. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum.

17. The quorum of a meeting of directors shall be two.

First directors.

Election of directors.

18. Christopher Nugent Nixon and John William Williamson shall be two of the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy shall elect a third director, so as to complete the number authorised by this Act, and they may either continue in office the two directors appointed by this Act, or either of them, or may elect a new director or two new directors to supply the place of the director or directors not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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Lands for extraordinary purposes.

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

Powers for compulsory purchases limited.

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

Power to cross certain roads on the level.

21. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited Plans.	Parish.	Description of Road.
	Railway No. 2.	
5	Yarmouth - - -	Public road.
69	Shalfleet - - -	Public road.
12	Calbourne - - -	Public road.
3	Carisbrook - - -	Public road.

Inclination of roads.

22. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
	Railway No. 2.		
2	Shalfleet -	Turnpike road -	1 in 25 on one side and 1 in 40 on the other.
53	Shalfleet -	Public road -	1 in 20.
51	Carisbrook -	Public road -	1 in 20.

Height and span of bridges.

23. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of

any heights and spans not less than the heights and spans hereinafter mentioned in connexion with those roads; (that is to say,)

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
		Railway No. 2.		
53	Shalfleet - -	Public or turnpike road.	15 feet	25 feet.
39	Calbourne -	Public or turnpike road.	15 feet	25 feet.

Notice to be given of taking houses of labouring classes.

24. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Saving rights under "Crown Lands Act, 1866."

25. 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 20, 21, or 22 of "The Crown Lands Act, 1866."

Saving rights of the Crown in the foreshore.

26. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

27. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the river or of the sea belonging to Her Majesty, and under the management of the Board of Trade, shall be inned, gained, or reclaimed from the water, the Company shall not have or exercise any right upon the same or in respect thereof, and shall not enter

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upon, take, use, or interfere with the land so inned, gained, or reclaimed for any purpose whatsoever without the consent in writing of the Board of Trade on behalf of Her Majesty, but such inning, gaining, or reclamation shall enure absolutely for the benefit of the Queen's Majesty, her heirs and successors.

Saving of rights as to future accretions.

28. If any land to the seaward of the lands by this Act authorised to be embanked or reclaimed shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly or otherwise, so as to be above, instead of being, as all land to the seaward of the lands by this Act authorised to be reclaimed now is, below the line of ordinary high-water mark, the Company shall not by virtue of the ownership of any lands which they are by this Act empowered to reclaim have any estate, right, or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partly caused by the works by this Act authorised or otherwise, but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same, and as if the same had continued, as the same now is, subject to the flow and reflow of the ordinary tides.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

29. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of Government stock equal in value to five per centum upon one hundred and twenty thousand pounds, the amount of the estimate in respect of the undertaking, has been transferred to the account of Her Majesty's Paymaster General on behalf of the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that notwithstanding anything contained in the said Act the said sum of stock so transferred as aforesaid in respect of the application for this Act shall not be 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, unless the Company shall, previously to the expiration of the period limited by this Act for the completion of the railway, either open the same for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have

expended for the purposes of this Act a sum equal in amount to such one half of the said capital, and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of stock transferred as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

30. The said sum of stock transferred as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may 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 shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in England may seem fit, and if no such compensation shall be payable, or if a portion of the said sum of stock shall have been found sufficient to satisfy all just claims in respect to such compensation, then the said sum of stock or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of stock has been repaid to the depositors or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named

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in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

31. 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 to be exercised, except as to so much thereof as is then completed.

Tolls for passengers.

32. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers conveyed on the railway or any part thereof, as follows:

For every person conveyed on the railway not exceeding twopence per mile; and if conveyed in or upon any carriage provided by the Company, an additional sum of not exceeding one halfpenny per mile.

Tolls for animals, &c.

In respect of animals conveyed upon the railway or any part thereof, as follows:

Class 1. For every horse, fourpence, and for every mule, ass, or other beast of draught or burden, threepence per mile; and if conveyed in or upon any waggon provided by the Company, an additional sum not exceeding one penny per mile:

Class 2. For every ox, bull, cow, or neat cattle, twopence per mile; and if conveyed in a waggon provided by the Company, an additional sum of one penny per mile:

Class 3. For every calf, pig, sheep, lamb, or other small animal, not exceeding one penny per mile; and if conveyed in or upon any waggon provided by the Company, an additional sum not exceeding one penny per mile.

Tonnage on articles of merchandise.

In respect of goods conveyed on the railway or upon any part thereof:

Class 4. For all coals, coke, culm, charcoal, and cinders, compost, dung, and all sorts of manure, lime and limestone, chalk, and all undressed materials for the repair of roads and highways, and for all stones for building, pitching, and paving, and all bricks, tiles, slates, clay and sand, ironstone, iron ore, pig iron, bar iron, rod iron, hoop iron, and all other descriptions of wrought iron, and iron castings, not manufactured into utensils or other articles of merchandise, not exceeding twopence per ton per mile; and if conveyed in carriages provided by the Company, an additional sum not exceeding one penny per ton per mile:

Class 5. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, metals (except iron), anvils, vices, and chains, not exceeding twopence per ton per mile; and if conveyed in carriages provided by the Company, an additional sum per ton per mile not exceeding one penny:

Class 6. For all cotton and other wools, silk, indigo, cinnamon, and other spices, oranges, lemons, and other fruit not dried, eggs, fish, poultry, meat, and all other articles of a perishable or consumable nature, not exceeding threepence per ton per mile; and if conveyed in carriages provided by the Company, an additional sum not exceeding one penny per ton per mile:

Class 7. And for every carriage of whatever description (not being a carriage adapted and used for travelling on a railway and not weighing more than two tons), not exceeding fourpence per mile; and if any such carriage be conveyed on a truck or platform provided by the Company, an additional sum not exceeding one penny per mile, and for every additional quarter of a ton or fractional part of a quarter of a ton above two tons which any such carriage may weigh, a further penny per mile.

Tolls for propelling power.

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

Regulations as to tolls.

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

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

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

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

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

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

Tolls for small parcels and articles of great weight.

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

For the carriage of small parcels on the railway or any part thereof—

For any parcel not exceeding seven pounds in weight, threepence:

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

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

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

For any parcel exceeding fifty-six and not exceeding five hundredweight, any sum the Company think fit:

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

For the carriage of single articles of great weight on the railways—

For the carriage of any single article or thing the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, the Company may demand and take for the use of the railway, including truck and locomotive or other power, any sum not exceeding eightpence per ton per mile; and if more than one carriage or truck be employed in the conveyance of such thing, an additional sum per ton per mile not exceeding one penny in respect of each carriage or truck beyond the first so employed:

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

Maximum rates for passengers.

36. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the

tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,) A.D. 1873.

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Maximum rates for animals and goods.

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

For everything mentioned under Class 1, not exceeding fourpence per mile:

For everything mentioned under Class 2, not exceeding threepence per mile:

For everything mentioned under Class 3, not exceeding twopence per mile:

For everything mentioned under Class 4, not exceeding one penny halfpenny per ton per mile:

For everything mentioned under Class 5, not exceeding fourpence per ton per mile:

For everything mentioned under Class 6, not exceeding fivepence per ton per mile:

For any carriage mentioned under Class 7, not weighing more than two tons, not exceeding sixpence per mile; and if weighing more than two tons, for every quarter of a ton or fractional part of a quarter of a ton beyond the second ton, not exceeding one penny halfpenny.

Passengers luggage.

38. Every passenger travelling upon the railway may take with him his ordinary or personal luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in

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weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

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

Restrictions as to charges not to apply to special trains.

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

Company may take increased charges by agreement.

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

Power to use other undertakings.

42. The Company shall have the right in perpetuity for the purposes of traffic of all kinds to run over, work, and use with their engines, carriages, and waggons of every description, and with their clerks, officers, and servants, whether in charge of engines or trains or for any other purpose whatsoever, the railways or portions of railways following; (that is to say,)

So much of the Newport Railway as lies between the point of junction therewith of the Railway No. 2 before described and the termination of the Newport Railway at Newport;

So much of the railways of the Isle of Wight (Newport Junction) Railway Company, and of the Ryde and Newport Railway Company, as lies between the respective points of junction with the Newport Railway and any station which may be constructed by the last-named Companies or either of them, for the accommodation of Newport, including the use of such station;

All or any part or parts of any railway to be constructed by the Ryde and Newport Railway Company and the Isle of Wight (Newport Junction) Railway Company, or either of those companies under the provisions of section 29 of "The Isle of Wight (Newport Junction) Railway Act, 1872," and section

43 of "The Ryde and Newport Railway Act, 1872," or either of those sections;

So much of the Yarmouth Railway as lies between the termination at Yarmouth of that railway and the point of junction therewith of the Railway No. 2 above described;

Together with all stations (including any joint station which may be constructed under the provisions of section 28 of "The Isle of Wight (Newport Junction) Railway Act, 1872," and section 44 of "The Ryde and Newport Railway Act, 1872," or either of those sections), booking offices, sidings, tramways, buildings, offices, warehouses, landing places, platforms, water, watering places, telegraphs, signals, machinery, approaches, junctions, points, works, and conveniences, on or connected or used with the said railways and portions of railways.

Terms of running powers.

43. The terms, conditions, and regulations to which the Company shall be subject in respect of the said running over and user shall, if not agreed on between the Company and the Newport Company, the Isle of Wight (Newport Junction) Railway Company, the Ryde and Newport Railway Company, and the Yarmouth Company, as the case may be, be from time to time determined by an arbitrator to be appointed by the Board of Trade, on the application of any party in difference, and the decisions of any such arbitrator shall be binding and conclusive on all the parties in difference, and the costs and expenses of such arbitrator shall be defrayed as the arbitrator shall direct; and if the Company, or any such other company as aforesaid, do not perform, observe, and conform to any decision or regulation made by any such arbitrator, they shall forfeit and pay to such company, as the arbitrator shall determine, any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence continues after notice thereof in writing served on the offender, the same to be recoverable by proceedings in a superior court of law.

Short-distance charges in connexion with running powers.

44. In relation to the powers conferred by this Act on the Company of running over and using the said railways, stations, and conveniences, the railway and the Newport Railway, the Isle of Wight (Newport Junction) Railway, the Ryde and Newport Railway, and the Yarmouth Railway shall, for the purposes of tolls and charges, be considered as one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railways so run over and used for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every

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quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railways so passed over and used.

Traffic arrangements.

45. The Company on the one hand, and the six Companies or any of them on the other hand, may from time to time, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," enter into agreements with respect to the following purposes or any of them; (that is to say,)

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for the undertakings of the contracting companies, and the fixing and division between those companies of the receipts arising from such traffic:

The fixing, collecting, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of such traffic.

Working agreements.

46. The Company on the one hand, and the Newport Company, the Yarmouth Company, and the Ryde and Newport Railway Company on the other hand (herein-after called the three Companies), or any of them, may from time to time, subject to Part III. of the "Railways Clauses Act, 1863," enter into agreements with respect to the following purposes or any of them; that is to say,

The maintenance and management of the railways of the Companies respectively or any one or more of them, or any part thereof respectively, and of the works connected therewith respectively or any of them:

The use or working of the railways or railway or any part thereof, and the conveyance of traffic thereon.

During agreement railways to be continuous.

47. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway, or for the use by the Company of any portion of the railway or railways of the three Companies, or any of them, the railways of the respective companies shall for the purposes of tolls and charges be considered as one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of any other Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and

charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of any other Company.

Byelaws to be observed.

48. The Company and their servants, in using any portion of the railway or railways of any other Company under the provisions in this Act contained, shall at all times observe the regulations and byelaws of the Company whose railways or portion of railway they may use for the time being in force, so far as such byelaws shall be applicable to the Company.

Agreements as to maintenance of intended road.

49. The Company may from time to time enter into agreements with the mayor, aldermen, and burgesses of the borough of Newport in the Isle of Wight, acting as the Local Board, with reference to the maintenance and repair of the road, and of the road and bridge existing between the points of commencement and termination of the road or any part or parts thereof respectively.

Confirmation of agreement set forth in schedule.

50. The agreement set forth in the schedule to this Act is hereby confirmed and made part of this Act, and the same shall be binding upon the parties thereto and carried into effect accordingly.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

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

Interest not to be paid on calls paid up.

52. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposit for future Bills not to be

53. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any

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paid out of capital.

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.

Railway not exempt from provisions of present and future general Acts.

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

Expenses of Act.

55. 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.

The SCHEDULE referred to in the foregoing Act.

Heads of Agreement between the Yarmouth and Ventnor Railway, Tramway, and Pier Company (herein-after called "the Company") of the one part, and John William Williamson, of 4, Stone Buildings, Lincoln's Inn, in the county of Middlesex, Esquire, and Christopher Nugent Nixon, of 54, Chancery Lane, in the same county, Esquire, two of the Promoters acting for and on behalf of "the Freshwater, Yarmouth, and Newport Railway Company," to be incorporated in the present Session of Parliament (herein-after called "the Promoters") of the other part.

Whereas the Company are by virtue of "The Yarmouth and Ventnor Railway, Tramway, and Pier Act, 1871," and by an Act passed in the last session of Parliament, intituled "The Yarmouth and Ventnor Railway and Tramway and Pier Deviation Act, 1872," authorised to construct certain lines of railway, tramway, and works to connect Yarmouth, Freshwater, and Ventnor, in the Isle of Wight: And whereas a bill has been introduced by the Promoters and is now pending in the House of Lords, intituled "A bill "for the making of Railways from Freshwater to Yarmouth and Newport, in "the Isle of Wight, and for other purposes," herein-after referred to as the "Freshwater Line," which railway, if constructed, would for a considerable distance run parallel with a portion of the authorised Yarmouth and Ventnor Railway between Yarmouth and Freshwater: And whereas a duplication of the authorised line is unnecessary, and one line of railway between Yarmouth and Freshwater would be ample for the requirements of the district and the wants of the public, and the Promoters are willing to enter into arrangements with the Company with reference to the construction of so much of the Freshwater line as lies between the point marked B on the plan hereunto annexed, and the proposed commencement of that line at Freshwater, that being the Railway No. 1 described in the Promoters said bill.

Now therefore it is agreed between the parties hereto as follows; that is to say,

1. Provided the Company shall previous to the 30th day of June 1876 have completed and opened for public traffic the portion of their authorised line between the said point "B" and Freshwater Gate, the Promoters will not proceed with the construction of the railway described as Railway No. 1 in their said pending bill.

2. The Promoters shall not, without the consent in writing of the Company, under their common seal, acquire the owership of or any interest in any of the land situate between Freshwater and Yarmouth Mill, which may be required for the purpose of the construction of the authorised line of railway of the Company, except and unless the Company shall have failed to have acquired those lands on or before the 24th day of June 1874 in which event the Promoters shall be at liberty to exercise the compulsory powers in respect of the said lands sought by their pending bill, and to acquire absolutely all such

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lands as may be required for the purposes of the railways and works now sought to be authorised, and whether such lands or any interests therein have been acquired by the Company or not.

3. The Promoters shall have the right of running their engines and carriages over and user of so much of the railway of the Company as lies between the point of junction of the Promoters line therewith and the station to be erected by the Company at Yarmouth, including that station, and also so much of the railway of the Company as lies between the said point of junction of the Promoters line therewith and the station to be erected by the Company at Freshwater, including such station and all conveniences necessary for the traffic of their said railway, upon such terms and conditions as may be agreed upon between the Promoters and the Company, or as failing agreement may be determined upon by a referee to be appointed by the Board of Trade upon the application of either party.

4. The Company shall construct their line in the position indicated by the black line on the plan hereunto annexed, and so as to enable the Promoters to effect a junction, as shown by the red line on the said plan, with the Company's line at or near the point marked "B" thereon, and the Company will give the Promoters every facility for so doing; and the provisions of "The Railway Clauses Act, 1863," shall apply to the construction of such junction: Provided always, that the Promoters shall pay to the Company the increased amount of compensation (if any) which they may be required to pay to Lord Heytesbury or other the owner or owners for the time being of the lands through which the said line may pass, such amount in the event of difference to be determined by arbitration in the manner prescribed by "The Lands Clauses Consolidation Act, 1845."

5. In case any dispute, question, difference, or controversy shall arise between the said parties to these presents, touching these presents or any clause or thing herein contained, or the construction hereof, or any matter in any way connected with these presents, or the operation hereof, or the rights, duties, or liabilities of either party in connexion with the premises, then and in every or any such case the matter in difference shall be settled by arbitration in the manner provided by the Railway Clauses Consolidation Act, 1845.

This agreement shall be scheduled to and confirmed by a clause in the Promoters bill.

Dated this 17th day of March 1873.

The Seal of the Yarmouth and Ventnor Railway, Tramway, and Pier Company, affixed by
W. Curtis Sampson,
Secretary, pro tem.

Yarmouth and Ventnor Railway, Tramway, and Pier Company.

Witness to the signatures of Christopher Nugent Nixon and John William Williamson,
Henry S. Fenner,
Clerk to Messrs. Bircham & Co.,
46, Parliament Street, Westminster.

C. Nugent Nixon,
J. W. Williamson.

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