



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

Cap. cc.

An Act to enable the *Brighton, Lewes, and Hastings* Railway Company to make a Railway from *Bulverhithe* in the County of *Sussex* to *Ashford* in the County of *Kent*. [8th August 1845.]

WHEREAS by an Act passed in the Eighth Year of Her present Majesty, intituled *An Act for making a Railway from the London and Brighton Railway to Lewes and Hastings, with a Branch therefrom, all in the County of Sussex*, a Company was incorporated by the Name and Style of the "*Brighton, Lewes, and Hastings* Railway Company," for making a Railway from the *London and Brighton* Railway, at or near *Brighton* aforesaid, to *Lewes* and *Hastings* aforesaid: And whereas the making of a Railway from the said *Brighton, Lewes, and Hastings* Railway, commencing near the *Bull Inn* in the Parish of *Saint Mary Bulverhithe* in the County of *Sussex*, and terminating by a Junction with the *South-eastern* Railway at or near the *Ashford* Station in the Parish of *Ashford* in the County of *Kent*, would be of great public Advantage and Convenience: And whereas the said *Brighton, Lewes, and Hastings* Railway Company are willing, at their own Expence, to make such Railway; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be

[Local.] 53 I enacted;

7 & 8 Vict.
c. 91.

Power to
make Branch
Railway.

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 in this and the recited Act contained, it shall be lawful for the said Company to make and maintain a Railway, with all proper Works and Conveniences, in the Line and upon the Lands herein-after mentioned or referred to.

Incorpora-
tion of
8 & 9 Vict.
c. 18.

II. And be it enacted, That the Lands Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act.

Incorpora-
tion of Part
of 8 & 9 Vict.
c. 20.

III: And be it enacted, That such only of the Provisions of the Railway Clauses Consolidation Act, 1845, as relate to the Construction of Railways, and Works connected therewith, the temporary Occupation of Lands near Railways during the Construction thereof, the crossing of Roads or other Interference therewith, and to the Works for the Accommodation of Lands adjoining Railways, and to Mines lying under or near the Railway, shall be incorporated with this Act.

Extending
Provisions of
recited Act
to this Act.

IV. And be it enacted, That all the Powers, Provisions, Matters, and Things contained in the said first-recited Act, except such of them as are by this Act, or the said Lands Clauses Consolidation Act, 1845, repealed, altered, or otherwise provided for, shall extend to this Act, and shall apply to the Railway and Works hereby authorized to be made for the Purposes thereof, as fully and effectually as if the same Powers, Provisions, Matters, and Things were repeated and re-enacted in this Act, and had specific Reference thereto.

Short Title.

V. And be it enacted, That in citing the said recited Act in other Acts of Parliament, and in legal Instruments, Proceedings at Law or in Equity, or other Proceedings whatsoever, Parliamentary Notices, or other Documents, it shall be sufficient to use the Expression "*Brighton, Lewes, and Hastings Railway Act, 1844;*" and in citing this Act it shall be sufficient to use the Expression "*Brighton, Lewes, and Hastings Railway Act, Hastings, Rye, and Ashford Extension, 1845.*"

Power to
raise addi-
tional Capital
by Creation
of new
Shares.

VI. And whereas the estimated Expence of making the said intended Railway, and Works connected therewith, is Five hundred thousand Pounds; be it therefore 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 Money not exceeding Five hundred thousand Pounds, by creating Ten thousand Shares of Fifty Pounds each, in addition to the Capital which they are at present authorized to raise.

New Capital
to form Part
of original
Capital.

VII. And be it enacted, That the additional Capital of Five hundred 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 (except as herein-after is otherwise provided) with regard to the original Capital and Shares thereby created, and as to the Calls thereon, and

as

as to the Proprietors thereof, and the Conversion of the same into Capital Stock, shall be in all respects applicable to the Capital and Shares hereby authorized to be raised and created, and to the Proprietors thereof, save and except that no Proprietor of any new Share 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 Share.

VIII. 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 sixty-six thousand Pounds, (besides and exclusive of 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 of One hundred and sixty-six thousand Pounds shall be borrowed until the whole of the said additional Capital of Five hundred thousand Pounds shall have been subscribed for, and One Half of the 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 Creation of new Shares, and Augmentation of Capital instead of borrowing, or relating to or in anywise affecting Mortgages and Bonds, and Assignments and Transfers thereof, or the several Mortgagees and Bond Creditors or Transferees, shall extend and be applicable to the said Sum of One hundred and sixty-six thousand Pounds hereby authorized to be raised, in the same Manner and to the same Extent as the same are applicable to the Capital authorized to be raised by the said first-recited Act.

Power to borrow a further Sum.

IX. And whereas no Money has yet been borrowed under the Provisions of the said first-recited Act; be it enacted, That the respective Mortgagees and 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 thereon, 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.

Mortgagees and Bond Holders to be entitled rateably under this and recited Act.

X. And whereas Plans and Sections of the said Railway, showing the Lines 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 is intended to pass, have been deposited with the respective Clerks of the Peace for the Counties of *Sussex* and *Kent*; be it enacted, That, subject to the Provisions in this and the said several Acts herein-before recited or referred to, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Power to make Railway according to deposited Plans.

XL. And

Line of the
Railway.

XI. And whereas several Lines of Railway are shown on the Plans deposited as aforesaid; be it enacted, That the Line of Railway hereby authorized to be made shall commence by a Junction with the Main Line of the *Brighton, Lewes, and Hastings* Railway, in a Field near the *Bull Inn* in the said Parish of *Saint Mary Bulverhithe*, as shown on the said Plans, and shall be continued along the Southernmost Line as laid down on the Plans, and thereon referred to as the "Alternative Line, No. 1," to a Field numbered 17 in the Parish of *Ore*, and shall thence proceed along the Main or Northernmost Line, and shall terminate by a Junction with the *South-eastern* Railway at or near the *Ashford* Station in the Parish of *Ashford*, and shall pass from, through, or into the following Places; that is to say, *Saint Mary Bulverhithe, Saint Leonards, Saint Mary Magdalen Hastings, the Holy Trinity Hastings, Saint Andrew Hastings, Saint Mary in the Castle Hastings, Ore, Guestling, Icklesham, Udimore, Brede, Rye, East Guildford, Playden, and Iden*, in the County of *Sussex*; and *Fairfield, Ebony, Appledore, Snargate, Kennardington, Woodchurch, Warehorn, Orlestone, Ruckinge, Kingsnorth, Willesborough, and Ashford*, in the County of *Kent*.

Roads to be
crossed on a
Level.

XII. And be it enacted, That it shall be lawful for the Company to construct the said Railway across and on the Level of the following Turnpike Roads and public Carriage Roads; (that is to say,)

In the Parish of *Brede* the public Road numbered 12 on the said Plans;

In the Parish of *Rye* the Turnpike Roads numbered 42 and 109^a, and the public Road numbered 68;

In the Parish of *East Guildford* the public Road numbered 9, and another Road numbered 22;

In the Parish of *Ebony* a public Road numbered 8;

In the Parish of *Appledore* a public Road numbered 1;

In the Parish of *Kennardington* the public Roads numbered 5 and 18;

In the Parish of *Warehorn* the public Road numbered 18;

In the Parish of *Orlestone* the public Road numbered 1;

In the Parish of *Ruckinge* the public Roads numbered 21, 24, and 37;

And in the Parish of *Kingsnorth* the public Roads numbered 6, 17, and 21.

Railway to
cross the
River *Rother*
upon Arches
or open
Piling, and
a Swing or
Draw Bridge.

XIII. And be it enacted, That the said Railway shall cross the River *Rother* upon an arched Embankment or open Piling, whichever the Commissioners for executing the Office of Lord High Admiral may, in Writing under the Hand of the Secretary of the Admiralty, approve of; and in a suitable and proper Part of the Embankment or open Piling the said Company shall construct a Swing or Draw Bridge of not less than Forty Feet Span between the Piles; and the under Side of such Bridge throughout shall be at the Height of not less than Six Feet above the ordinary High-water Mark at Spring Tides, and the Extent of the arched Embankment or open Piling, and the Span of the Arches of the Embankment or the Opening of the Piling, and the Dimensions, Construction, and Site of the said Swing or Draw Bridge, shall be such as the said Commissioners shall approve of

as

as aforesaid, unless the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, otherwise direct.

XIV. And be it enacted, That it shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the River *Rother* for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway and approaching the said Swing or Draw Bridge to cross the said River, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company, or any Person or Persons acting under them, shall detain any Vessel, Barge, or Boat contrary to the Provisions of this Act, the Offender shall in every such Case forfeit and pay the Sum of Ten Pounds, but nothing in this Act contained shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Vessels navigating the River *Rother* not to be detained longer than necessary.

XV. And be it enacted, That during such Time or Times as the Embankment and Swing or Draw Bridge shall be building or repairing the said Company or their Successors shall and they are hereby required to keep the Navigation of the said River at and about the said Embankment and Swing or Draw Bridge free and clear, so that the Vessels navigating in and upon the said River may have sufficient and convenient Room to navigate and pass thereon; and that during the Construction and ever after the Completion of the said Swing or Draw Bridge the said Company shall cause to be hung out or exhibited every Night from Sunset to Sunrise a sufficient Light, to be kept burning at the Company's Expence, on or immediately adjoining to the said Bridge, for the Navigation and safe Guidance of Vessels; and in case the said Company shall neglect to exhibit and keep such Light burning as aforesaid, they shall be liable to forfeit and pay for every such Neglect the Sum of Twenty Pounds.

Navigation not to be obstructed during Construction of Bridge.

XVI. And be it enacted, That the Company shall deepen, straighten, and secure, by Sea Walls, the main Stream, both above and below the said Embankment, to such an Extent as the said Commissioners may by Writing under the Hand of the Secretary of the Admiralty appoint, so that the Navigation of the said River *Rother* may not be interrupted; and the said Sea Walls shall be for ever kept in repair by and at the Expence of the Company.

Main Stream to be secured by Sea Walls.

XVII. And be it enacted, That the said Company shall, within Six Months after the passing of this Act, and before any Bridge over the said River *Rother* shall be commenced, pay to Her Majesty's Paymaster General the Sum of Ten thousand Pounds, which shall be subject to the exclusive Control of the Commissioners for executing the Office of Lord High Admiral, to be applied, by and under the Directions and at the Discretion of the same Commissioners, in the Improvement of the Harbour of *Rye* and of the Navigation of the said River *Rother*; and the Receipt of the said Paymaster General shall be a sufficient Discharge to the said Company for the said Sum of Ten thousand Pounds.

Sum to be paid by the Company for Improvement of *Rye* Harbour and River *Rother*.

Company not to enter upon Land used by the Ordnance or Customs without Consent.

XVIII. And be it enacted, That, notwithstanding any thing in this Act contained, it shall not be lawful for the said Company to enter upon or possess or use, for any Purpose whatsoever, any of the Lands, Tenements, or Hereditaments belonging to Her Majesty, or used or occupied for either of the Services of Her Majesty's Ordnance or Customs, in the Parishes, Townships, or Places of *Saint Mary Bulverhithe, Saint Leonard's Warehorn, Pett, Rye, and Inklesham*, or elsewhere in the Counties of *Kent* or *Sussex*, without the Consent of the principal Officers of Her Majesty's Ordnance in Writing under their Hands first obtained.

Company to be liable to Sewers Rate on entering upon Lands belonging to the Board of Ordnance.

XIX. And be it enacted, That in case the said principal Officers of the Ordnance shall, by their Consent in Writing as aforesaid, authorize the said Company to enter upon or occupy or use any of the Lands or Property of Her Majesty, and forming Part of the Royal Military Canal, or the Towing Paths, Military Road, or Appurtenances thereunto belonging or appertaining, the Department of Her Majesty's Ordnance shall thenceforth cease to be liable, for or in respect of all the Line of the said Canal and Appurtenances, to the Sewage or Sewage Rate of *Romney Marsh*, or to make any pecuniary Payments or other Contribution in respect thereof, or to the Commissioners of Sewers acting in or for the County of *Kent*, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and from thenceforth, and for ever thereafter, the said Company, and the Property of the said Railway, shall become and continue liable to the said Sewage Rates for all the Line of the said Canal and Appurtenances, and to make all the pecuniary Payments and other Contributions in respect thereof, in the same Manner as the said Ordnance Department is now liable to by any Act or Acts of Parliament or otherwise.

If Houses and Buildings belonging to Board of Ordnance, &c. are taken by the Company, others to be provided by them.

XX. And be it enacted, That in case the said Company shall be authorized by such Consent in Writing from the said principal Officers as aforesaid to enter upon and use for the Purposes of the said Railway any of the Houses or Buildings belonging to the said Ordnance Department, or used for Her Majesty's Coast Guard Service, or whenever any of such Houses or Buildings shall in the Opinion of the said principal Officers be injured, or shall by the Construction of the said Railway be rendered less convenient for Use or Occupation for Her Majesty's Service, the said Company shall in every such Case, at their own Expence, provide by Purchase, or erect and build, other Houses and Buildings, of similar or better Descriptions and Value, in such Situations and Sites as shall from Time to Time be selected by the commanding Royal Engineer in the District for the Purpose, and the said Company shall cause such new or other Houses and Buildings to be granted and conveyed to the said principal Officers under the Advice and Direction of the Ordnance Solicitor for the Time being.

Certain Parts of the Railway to be constructed under the

XXI. And be it enacted, That in case the said Company shall be authorized by such Consent in Writing from the said principal Officers as aforesaid to construct and carry the Line of the said Railway across the said Military Canal, Towing Path, Military Road, or Appurtenances,

Appurtenances, the said Line of Railway shall be constructed and carried and be for ever thereafter maintained by the said Company in such Manner and Form in all respects as in the Opinion of the said principal Officers (such Opinion to be expressed by Writing under their Hands) shall be proper and necessary to prevent any Obstruction to or Delay in the free Navigation of the said Canal and the Traffic on the said Towing Paths and Road; and the said Company shall not construct or carry the said Line of Railway in any other Manner than shall be expressed and directed by such Opinion in Writing.

Superintendence of the Board of Ordnance.

XXII. And be it enacted, That before the said Railway shall be opened for the Conveyance of Goods or Passengers the said Company shall construct along the Southern Side of such Portion of the Line of Railway as shall pass between the Western Boundary of the Tenements and Buildings situated on the Western Side of *King Street Landgate* in the Town of *Rye*, and *Tillingham Sluice* in or near to the said Town, a Culvert or Barrel Drain of Two Feet Six Inches in Diameter, to extend along the whole of the said Portion of the Railway, together with Seven Cesspools at the least in such Culvert or Drain, to be constructed to the reasonable Satisfaction of the Surveyor for the Time being of the Corporation of the Borough of *Rye*, such Cesspools to be of such Sizes, and at such Distances from each other, and in such Form, as the said Surveyor shall think fit and direct.

Drain to be constructed on Southern Side of Railway in the Town of *Rye*.

XXIII. And be it enacted, That the said Company shall not be compelled to make or construct any Conduits, Culverts, or Drains across or under any Part of the Railway which shall pass through any of the Lands of the said Corporation of the Borough of *Rye* which are situated between *King Street Landgate* and *Tillingham Sluice* aforesaid, but it shall be lawful for the said Corporation, at any Time or Times hereafter, at their own Expence, to make or construct any such Conduits, Culverts, or Drains across or under any Part of the said Railway as shall pass through their said Lands, under the Superintendence and Direction of the Surveyor for the Time being of the said Company, and so as not to prevent or impede the free Passage along the Line of the said Railway during the Progress of any Works to be constructed for the Formation of any such Conduits, Culverts, or Drains; and it shall also be lawful for the said Corporation of the Borough of *Rye*, at their own Expence, to conduct all the existing Drains on the North Side of the said Town of *Rye*, and all Drains hereafter to be made there, into the aforesaid Culvert or Barrel Drain to be constructed by the said Company as aforesaid; and the said Company shall pay in aid of such Works the Sum of One hundred Pounds to the Treasurer of the said Corporation, within One Month after Notice in Writing shall have been given to the Secretary of the said Company of such Works being in progress of Construction; and after such Conduits, Culverts, Barrel Drain, and Cesspools, and other Drains, or any of them, shall have been constructed as aforesaid, it shall be lawful for the said Corporation and they are hereby required to empty, cleanse, and keep in good and substantial Repair, from Time to Time, and at their own Expence, the said

Corporation of *Rye* may construct Drains on the Sides of certain Portions of Railway.

said Barrel Drain or Culvert to be so constructed by the said Company, and also all and every such Conduits, Culverts, Cesspools, and other Drains; and for such Purposes it shall be lawful for the said Corporation, their Surveyors, Agents, and Workmen, from Time to Time to enter into and upon any Part of the Land and Tenements of the said Company which it may be necessary so to enter upon for such Purpose, upon giving reasonable Notice of their Intention of so doing to the Secretary for the Time being of the said Company.

Foot Bridge to be erected over certain Roads in the Parish of Rye.

XXIV. And be it enacted, That before the said Railway shall be opened for the Conveyance of Goods or Passengers the said Company shall, at their own Expence, erect a Footpath Bridge over and across the Turnpike Road numbered 109 (^a) in the Parliamentary Plan of the said Railway, in the Parish of *Rye*, at the Intersection of the Railway and the said Road, and also another Footpath Bridge over and across the said Railway at the crossing of the Road numbered 68 in the said Plan, in the said Parish of *Rye*, at the Intersection of the said Railway and the said Road; and shall also, at their own Expence, if required so to do within the aforesaid Period by the Corporation of the Borough of *Rye*, notwithstanding any thing herein-before contained, erect a Bridge for carrying the said Road numbered 109 (^a), in the Parish of *Rye*, over the said Railway; and in such Case the Road over such Bridge shall be formed, and shall at all Times be continued, of such Width as to leave a clear and open Space between the Parapets of the Bridge and between the Fences of such Road of not less than Twenty-five Feet, and the Ascent or Inclination of such Road shall not be more than One Foot in Twenty; and all the said Bridges shall be kept in repair by the said Company.

Extending Provisions for Protection of Lands within Lewes, Hastings, and Pevensey Levels to this Act.

XXV. And be it enacted, That the Provisions in the said first-recited Act contained for the Protection of Lands within the Levels lying within the Rapes of *Lewes*, *Hastings*, and *Pevensey*, in the County of *Sussex*, and for enabling the Commissioners of such Levels to divert Sewers and Watercourses through or under the Railway, and for providing against any Deficiency in the Water Scots and Sewers Rates, and saving the Rights of the Commissioners of Sewers for the said Levels, shall extend to and be applicable to all Lands within the said Levels, and also to all Lands within all other Levels in the several Counties of *Sussex* and *Kent* which may be taken or used for the Purposes of the Railway hereby authorized to be made.

For preserving the Rights of the Commissioners of Sewers for the County of Kent.

XXVI. And be it enacted, That nothing herein contained shall extend or be deemed or construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, and Authorities of the Commissioners of Sewers for the several Limits in the County of *Kent* by virtue of the general Laws relating to Sewers, but that such Rights, Privileges, Powers, and Authorities of the said Commissioners of Sewers shall remain, continue, and be in full Force and Effect.

Provision as to crossing the River Stour.

XXVII. And whereas it is intended that the said Railway hereby authorized to be made shall cross the River *Stour*, and several Sewers

in the Valley from *Ashford Bridge* to *Kingsnorth Calceway*, thence to *Rushreed*, thence to *Aylesford Bridge*, and thence to *Ashford Bridge*, commonly called the *Third Ashford Valley*, and the Valley from *Chartbridge* to *Ashford Poll Bay* commonly called the *Fifth Ashford Valley*, respectively within a Commission of Sewers for several Limits in the Eastern Parts of the County of *Kent*; be it therefore enacted, That all Embankments to be made across the said Valleys, or either of them, or any Part thereof respectively, by which the River *Stour* or any Part thereof, or any Sewer or Part thereof, shall be liable to be affected, and all Arches and Bridges to be made over the said River *Stour*, and over every Sewer in the said Valleys, and every Sewer to be made to carry the Water from the Ditches to be formed on the Sides of the said Railway into the River *Stour*, or any of the Sewers leading thereto, shall be made and constructed to the Satisfaction of the Commissioners of Sewers for the several Limits in the Eastern Parts of the County of *Kent*, and under the Inspection and to the Satisfaction of the Engineer or Surveyor for the Time being of the said Commissioners, and so as not to injure or obstruct the free Passage of the Water in the said River *Stour*, and in the said Sewers or any of them.

XXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the said *Hastings, Rye, and Ashford* Railway Company, in making and constructing or maintaining the said Railway, to alter the Course or Direction of the main River *Stour*, or of any Sewer within the said Valleys, without the Consent of the said Commissioners of Sewers first had and obtained at any General or Special Meeting of the said Commissioners: Provided nevertheless, that in case the said *Hastings, Rye, and Ashford* Railway Company shall cause Notice in Writing of the Desire of the said Company to effect any such Alteration to be given to the said Commissioners of Sewers or their Clerk, and in such Notice shall fully set forth and particularize such desired Alteration, then, unless the said Commissioners or their Clerk shall, within Thirty Days after the Receipt of such Notice, give to the said Company or their Clerk or other Officer or known Agent Notice of the Objection of the said Commissioners to such Alteration, it shall be lawful for the said Company to effect the same without the express Consent of the said Commissioners.

Company not to alter the Course of River *Stour* without Consent of the Commissioners.

XXIX. And whereas the Railway will pass through a Tunnel to be made on the North Side of the Town of *Saint Leonard's*: And whereas the Inhabitants of the said Town of *Saint Leonard's*, or a great Part of them, are supplied with good and wholesome Water from a certain Reservoir belonging to *Alfred Burton* Esquire, as Devisee of the late *James Burton* Esquire, situate in a Place called the *Subscription Garden*, which Reservoir is fed or supplied from a Spring adjacent to the said intended Tunnel; and it is apprehended that the Formation of the said Tunnel may have the Effect of cutting off or diminishing or otherwise affecting the Supply of Water from the said Spring to the said Reservoir; be it therefore enacted, That in case at any Time hereafter the Supply of Water to the said Reservoir shall, in consequence of the Formation of the said proposed

For securing Supply of Water to the Reservoir of *Alfred Burton*, Esq.

[Local.]

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Tunnel

Tunnel or Line of Railway, or of any of the Works connected therewith, or of any Act done or omitted to be done by the said Company, be diminished in Quantity, or the Water to be supplied to the same shall by any of the Works aforesaid be rendered of an inferior Quality to that at present supplied thereto, the Company shall and they are hereby required to supply the said Reservoir at their Expence in such Manner as that the same may be constantly and uninterruptedly supplied with good and wholesome Water, and in such Quantities as shall be equal to the average Quantity with which the said Reservoir has hitherto been supplied; and that in case they shall at any Time or Times neglect or refuse so to do for the Space of Seven Days after the said *Alfred Burton*, his Heirs or Assigns, Owners for the Time being of the said Reservoir, shall, by Notice in Writing to be delivered to or left with the Treasurer or Secretary of the Company, have required the Company to furnish or continue such Supply, it shall be lawful for the said *Alfred Burton*, his Heirs or Assigns, Owners for the Time being of the said Reservoir, to obtain and supply to the said Reservoir, from such Source and by such Means as he or they shall think fit, Water of a good and wholesome Quality, and in sufficient Quantity for the Purposes for which the said Reservoir is now made available, and for that Purpose to form, erect, set up, and keep in repair, use, and employment, all necessary and proper Wells, Tanks, Pipes, Engines, Machinery, and Apparatus, and from Time to Time to renew, alter, and amend the same, or any of them, for the Purpose of keeping up the Supply of Water to the said Reservoir; and the said Company shall from Time to Time, upon demand, pay to the Person who shall obtain and supply to the said Reservoir such Water as aforesaid the Costs, Charges, and Expences which he shall from Time to Time incur in manner aforesaid in or about the obtaining and supplying of such Water, and in the forming, erecting, setting up, keeping in repair, use, and employment, renewing, altering, or amending of all or any such Wells, Tanks, Pipes, Engines, Machinery, and Apparatus as aforesaid; and the same shall and may, in default of such Payment or demand, be recovered, by the Person entitled thereto as aforesaid, from the said Company, by Action of Debt, Bill, or Complaint in any of Her Majesty's Courts of Record at *Westminster*.

Not to deviate in Lands of H. B. Curteis in the Parish of Rye.

XXX. And be it enacted, That in constructing the said Railway hereby authorized to be made in the Parish of *Rye* through the Properties numbered 71, 72, 73, and 74 in that Parish in the Parliamentary Plans of the said Railway, the same shall be made along the Line as laid down and shown in the said Plan, and shall not deviate from such Line into the Property of *Herbert Barrett Curteis*, contiguous thereto, without the Consent in Writing of the said *Herbert Barrett Curteis* for that Purpose first had and obtained.

Company to provide a Station at Saint Leonard's.

XXXI. And whereas it was by the said Act of the Eighth Year of the Reign of Her present Majesty enacted, that the Railway thereby authorized to be made should terminate at or near to the *Fountain Inn* in the Parish of *Saint Leonard's* aforesaid, and it would be a great Inconvenience and Injury to the Inhabitants of the Town of *Saint Leonard's* if a Station were not made and maintained within

within a convenient Distance of a central Point of the said Town ; be it therefore enacted, That the said Company shall within Two Years from the passing of this present Act erect a Station within Six hundred Yards of the said *Fountain Inn* in the Parish of *Saint Leonard's*, with necessary Works and Conveniences, for the Purpose of taking up and setting down Horses, Carriages, Goods, and Passengers, and for ever after maintain such Station, and cause at least Two Passenger Trains to stop thereat in each Direction every Day ; and if the Company shall neglect or refuse to erect and maintain such Station, or to cause such Trains to stop thereat as aforesaid, they shall for every Day on which they shall so neglect or refuse after the Expiration of the said Two Years forfeit the Sum of Twenty Pounds, which may and shall be recovered in the same Manner as the Penalties to be recovered by virtue of the said Act of the Eighth Year of the Reign of Her present Majesty are recoverable, and shall be applied in the same Manner as the Penalties to be recovered by virtue of the said Act, the Application of which is not specifically provided for, are thereby made applicable.

XXXII. And be it enacted, That it shall be lawful for the Company, in addition to the Lands authorized to be purchased by the said first-recited Act for additional or extraordinary Purposes, to purchase not exceeding Fifty Acres for similar Purposes connected with the Railway and Works hereby authorized.

Additional Lands for extraordinary Purposes.

XXXIII. And be it enacted, That after the Expiration of Seven Years from the passing of this Act all the Powers hereby granted to the Company for making and executing the said Railway 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, and except such Powers as shall hereby be declared to be continued for a longer Period.

Works to be completed in Seven Years, or Powers to cease.

XXXIV. And be it enacted, That all Communications between the Railway hereby authorized to be made and the *South-eastern Railway*, and all such Openings in the Ledges and Flanches of the said *South-eastern 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 *South-eastern Railway Company*.

Communications with *South-eastern Railway* to be made under Superintendence of their Engineer.

XXXV. And be it enacted, That the Company may, subject to the Provisions in the said first-recited Act and this Act contained, lawfully demand and receive, in respect of the said Railway hereby authorized to be made, for and in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of all Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same or any Part thereof respectively, and for and in respect of locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the said Railway or any Part thereof respectively, in Waggon or Carriages belonging to the Company, of any Passengers, Cattle, or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things,

Company to take the same Tolls as on Main Line.

Things, such Amount of Rates, Tolls, or other Charges as by the said first-recited Act the Company are authorized to demand and receive in respect of the Railway by the said first-recited Act authorized to be made, or any Part thereof; and all Provisions and Regulations in the said first-recited Act contained relative to the Imposition, Collection, and Recovery of Tolls, and also the Powers for leasing the same, shall extend and be applicable to the Tolls to be levied by virtue of this Act.

Maximum
Rates of
Charges for
Passengers;

XXXVI. Provided always, and be it enacted, That 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 of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums :

For every Passenger conveyed in a First Class Carriage, the Sum of Three-pence *per Mile* :

For every Passenger conveyed in a Second Class Carriage, the Sum of Two-pence *per Mile* :

For every Passenger conveyed in a Third Class Carriage, the Sum of One Penny *per Mile* :

for Goods,
Cattle, &c.

And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods upon the said Railway, the maximum Rates of Charge, including the Tolls for the Use of such Railway, and of Waggons or Trucks and locomotive Power, and every Expence incidental to such Conveyance (except the loading and unloading and covering of Goods, where such Service is performed by the Company,) shall not exceed the following Sums :

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* not exceeding Two-pence 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* not exceeding Three-pence :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Three-pence Three Farthings :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Five-pence :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Sixpence ; and a Sum not exceeding Three-pence *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh :

For

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, *per* Mile not exceeding Four-pence :

For every Calf or Pig, Sheep, Lamb, or other small Animal, *per* Mile not exceeding Two-pence.

XXXVII. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding the Weight and Dimensions following ; (that is to say,) for every Passenger travelling in a First Class Carriage, not exceeding One hundred and fifty Pounds in Weight and Four Cubic Feet in Dimensions, every Passenger travelling in a Second Class Carriage, not exceeding One hundred Pounds in Weight and Four Cubic Feet in Dimensions, and every Passenger travelling in a Third Class Carriage, not exceeding Sixty Pounds and Four Cubic Feet in Dimensions, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

XXXVIII. And be it enacted, That it shall be lawful for the said *Brighton, Lewes, and Hastings* Railway Company to sell or lease the Railway, Branch, and Works hereby authorized to be made, or such Portion thereof as shall not be transferred to the *South-eastern* Company pursuant to the Powers herein contained, to the *London and Brighton* Railway Company, in the same Manner, and with such Consent and Approbation of the several Companies, and on the same Terms and Conditions, as the said *Brighton, Lewes, and Hastings* Company are by the said first-recited Act empowered to lease or sell their Main Line of Railway to the said *London and Brighton* Railway Company, and either separately or together with the said Main Line of Railway.

Power to
sell or lease
the Railway
to the
London and
Brighton
Railway
Company.

XXXIX. And whereas a Railway from *Saint Leonard's* and from *Hastings* to *Ashford* has been projected by the *South-eastern* Railway Company in a Direction similar to that of the Line by this Act authorized, and the *Brighton, Lewes, and Hastings* Railway Company are willing that so much of the Line by this Act authorized as lies between a Point in the Parish of *Saint Leonard's*, where the *Brighton, Lewes, and Hastings* Railway Company intend to make a Station, and which is distant from the Point of Junction with the *Brighton, Lewes, and Hastings* Railway in the Parish of *Saint Mary Bulverhithe* One Mile and Thirty Chains or thereabouts, and *Ashford*, should be executed by the said *South-eastern* Railway Company ; and the said last-mentioned Company are willing to adopt such Portion of the said last-mentioned Line in lieu of the one projected by them as aforesaid ; be it therefore enacted, That it shall be lawful for the said *Brighton, Lewes, and Hastings* Railway Company, with the Consent in Writing of the *London and Brighton* Railway Company under their Common Seal, by any Deed or Instrument under their Corporate Seal to transfer to the said *South-eastern* Railway Company all the Powers by this Act conferred with reference to the Purchase of Lands, and Execution of so much of the said Railway by this Act authorized as lies between a Point in the Parish of *Saint Leonard* and *Ashford*, and the Maintenance and Use thereof, and the levying and Recovery of Tolls and Charges in respect of the

Company
may, with
Consent of
London and
Brighton
Railway
Company,
transfer Por-
tion of Rail-
way to the
South East-
ern Railway.

[Local.]

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same ;

same ; and on the Execution of such Transfer it shall be lawful for the said *South-eastern Railway Company* to use, exercise, and enjoy all the Powers aforesaid, so far as the same relate to that Portion of the said Railway in relation to which such Powers may be transferred to them, in like Manner as though they had been specifically authorized so to do in lieu of the said *Brighton, Lewes, and Hastings Railway Company* ; and such Portion of the said Railway, when executed, shall be and become Part and Parcel of the Undertaking of the said *South-eastern Railway Company*.

South-eastern Railway empowered to raise Money for making such Portion of Railway.

XL. And be it enacted, That for the Purpose of executing the said Railway it shall be lawful for the said *South-eastern Railway Company* to raise, by the Creation of new Shares, the Sum of Four hundred and ten thousand Pounds, and when One Half of the said Sum shall have been paid up to borrow on Mortgage the Sum of One hundred and thirty-six thousand Pounds, and also to apply to the Formation of the said Railway any Portion of the Capital which they are at present authorized to raise.

Company entitled to carry Passengers on Part of Railway so transferred.

XLI. And be it enacted, That in the event of such Transfer, and of the said intended Railway and Works being executed by the *South-eastern Railway Company*, the *Brighton, Lewes, and Hastings Railway Company* shall nevertheless be at all Times thereafter entitled to carry Passengers, Cattle, Goods, Articles, and Things on the said Railway, and to have all reasonable Access thereto for such Purpose, upon paying to the *South-eastern Railway Company* for all such Passengers, Cattle, Goods, Articles, and Things respectively, by way of Toll, such Amount as shall bear the same Proportion to the entire Fare or Charge, Fares or Charges, received by the said *Brighton, Lewes, and Hastings Railway Company* for the Passage and Conveyance of such Passengers, Cattle, Goods, Articles, and Things over such Railway and the *Brighton, Lewes, and Hastings Railway* as the Distance passed over the said intended Railway shall bear to the whole Distance over which they respectively shall be conveyed, for such Fare or Charge, Fares or Charges, after making therefrom such a Deduction in respect of the Expences of such Conveyance as shall be fixed from Time to Time by Agreement between the same Companies, or, in default of such Agreement, by the Lords of the Committee of Privy Council for Trade and Plantations, or by a Referee to be appointed by them, and that the said *Brighton, Lewes, and Hastings Railway Company* shall be entitled to the Use of the *Hastings Station*, to be made by the said *South-eastern Railway Company* on the said intended Railway, and of the Booking Offices, Sheds, Warehouses, Carriage Docks, Approaches, and other Conveniences attached thereto, without paying any thing to the said *South-eastern Railway Company* for the Use thereof.

Portion of Railway so transferred to be completed in Three Years.

XLII. Provided always, and be it enacted, That if so much of the Railway by this Act authorized to be made as may be transferred to the *South-eastern Railway Company* shall not be completed within Three Years from the Completion of such Transfer, it shall not be lawful, after the Expiration of the said Period, for the *South-eastern Railway Company*, unless authorized by Parliament so to do, to pay any

any Dividend until the whole of the said Railway shall be opened to the Public for Traffic.

XLIII. And be it enacted, That in the event of such Transfer being made to the said *South-eastern Railway Company* as hereinbefore provided for, it shall be lawful for the said *Brighton, Lewes, and Hastings Railway Company*, with such Consent and Approbation as aforesaid, to sell or lease to the said *London and Brighton Railway Company* all such Rights and Privileges of the said *Brighton, Lewes, and Hastings Railway Company* in and over so much and such Parts of the said Railway Branch and Works hereby authorized, and the Stations and other Conveniences connected therewith, as shall be so transferred to the said *South-eastern Railway Company*. Company may sell the Rights transferred to the South-eastern Railway Company to London and Brighton Railway Company.

XLIV. And be it enacted, That the Portion of the said Railway and Works which lie between a Point in the Parish of *Saint Leonard* which is distant from the Point of Junction with the *Brighton, Lewes, and Hastings Railway* in the Parish of *Saint Mary Bulverhithe* One Mile and Thirty Chains or thereabouts, and the Station intended to be made in the Parish of the *Holy Trinity Hastings*, shall be begun, in the event of the Transfer thereof to the *South-eastern Railway Company* by such Company, forthwith after the Completion of such Transfer, and shall be executed simultaneously with the other Portion of the Line transferred to the said Company; and that no Part of the said Railway shall be opened to the Public, nor shall any Toll be taken in respect thereof by the *South-eastern Railway Company*, until the said first-mentioned Portion shall be completed and opened so as that the same may be used by the said *Brighton, Lewes, and Hastings Railway Company* in manner herein mentioned. That Portion of the Railway between Saint Leonard and the Brighton, Lewes, and Hastings Railway, to be begun simultaneously with the other Portion of the Line.

XLV. 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 Session of Parliament; and for other Purposes in relation to Railways*; be it enacted, That nothing in the said Act contained shall be held to exempt the said Railway hereby authorized to be made from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway so far as the same shall be applicable thereto. 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.

XLVI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited 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. Railways not exempt from Provisions of any future general Railway Act.

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.

Expences of Act.

XLVII. And be it enacted, That all Monies raised by the Company under the Authority of this Act shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory and relating thereto, and secondly in carrying the Purposes of the Company into execution.

Interpretation of Act.

XLVIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Railway" shall mean the Raiiway and Works by this Act authorized to be made:

The Expression "the Company" shall mean the *Brighton, Lewes, and Hastings* Railway Company:

The Expression "the Directors" and "the Secretary" shall mean the Directors and Secretary respectively of such Company.

Public Act.

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

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