



CHAPTER lxxii.

An Act for the making and maintaining of the Eastbourne
Seaford and Newhaven Railway and for other purposes. A.D. 1886.
[25th June 1886.]

WHEREAS the making and maintaining of a railway from the Eastbourne branch of the London Brighton and South Coast Railway to the Lewes and Seaford branch of that railway as by this Act authorised would be of public and local advantage ;

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct the railway if authorised by Parliament so to do and are desirous of being incorporated into a company with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Act provided ;

And whereas it is expedient that the Company and the London Brighton and South Coast Railway Company (in this Act called “ the Brighton Company ”) be authorised to enter into working and other agreements as by this Act provided ;

And whereas it is expedient that the Company be authorised to run over and use the railways and works in that behalf in this Act specified ;

And whereas plans and sections showing the lines and levels of the railway authorised by this Act and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Sussex and are herein-after respectively referred to as the deposited plans sections and books of reference ;

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen’s most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons

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Railway Act, 1886.

A.D. 1886. in this present Parliament assembled and by the authority of the
— same as follows :—

Short title. 1. This Act may be cited as the Eastbourne Seaford and New-
haven Railway Act 1886.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 and Part I
(relating to cancellation and surrender of shares) and Part III (re-
lating to debenture stock) of the Companies Clauses Act 1863 the
Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended
by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Con-
solidation 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. 3. In this Act the several words and expressions to which mean-
ings are assigned by the Acts wholly or partially incorporated
herewith have the same respective meanings unless there be some-
thing 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 railways” and “the
undertaking” mean respectively the railways and the undertaking by
this Act authorised and for the purposes of this Act the expression
“superior courts” or “court of competent jurisdiction” or any other
like expression in this Act or any Act wholly or partially incorpo-
rated herewith shall be read and have effect as if the debt or demand
with respect to which the expression is used were a simple contract
debt and not a debt or demand created by statute.

Company incorporated. 4. The Right Honourable Walter John Earl of Chichester Carew
Davies Gilbert George Homewood Robert Lambe Joseph Gorringer
Edward Joseph Gorringer 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 Eastbourne Seaford and
Newhaven 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 rail-ways. 5. Subject to the provisions of this Act the Company may make
and maintain in the lines and according to the levels shown on the
deposited plans and sections the railways herein-after described with

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all proper stations sidings junctions roads approaches works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes The railways herein-before referred to and authorised by this Act are wholly situate in the county of Sussex and are :—

A Railway (No. 1) 4 miles 2 furlongs 4 chains and 50 links or thereabouts in length commencing in the parish of Eastbourne by a junction with the Eastbourne branch of the Brighton Company at or near a point 58 chains or thereabouts measured along the said branch from the termination thereof at Eastbourne and 11 chains or thereabouts measured along the said branch in a northerly direction from the point where that branch crosses on the level the public footpath at Bedford Well and terminating in the parish of Eastdean at the westerly fence of a field numbered 18 on the $\frac{1}{2500}$ Ordnance map of the said parish and at a point where the footpath from Eastdean to Summerdown joins the road leading from Eastdean to Hill Cottage by way of Willingdon Hill.

A Railway (No. 2) 5 miles 3 furlongs 4 chains and 20 links or thereabouts in length commencing by a junction with the Railway No. 1 by this Act authorised at or near the termination thereof as above described and terminating in the parish of East Blatchington by a junction with the Lewes and Seaford branch of the Brighton Company at or near a point 8 chains or thereabouts measured along the said branch in a north-westerly direction from the centre of the signal cabin at Seaford Station.

6. The capital of the Company shall be two hundred thousand pounds in twenty thousand shares of ten pounds each.

Capital and number and amount of shares.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

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

8. One fifth of the amount of a share shall be the greatest amount of a call and two months at the 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.

9. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

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Power to
divide
shares.

10. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends
on half
shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say)—First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends
on preferred
half shares
to be paid
out of the
profits of
the year
only.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares
to be regis-
tered and
certificates
issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

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14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of
issue to be
stated on
certificates.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture
of preferred
half shares.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred half
shares not to
be cancelled or
surrendered.

17. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares whether preferred or deferred or one of each held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares
to be half
shares in
capital.

18. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole sixty-six thousand six hundred pounds that is to say in respect of each one hundred thousand pounds of the capital the Company may borrow not exceeding thirty-three thousand three hundred pounds but no part of either of such sums shall be borrowed until the whole capital of one hundred thousand pounds in respect of which the borrowing power is exercised 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

Power to
borrow.

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For appointment of a receiver.

19. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than six thousand pounds in the whole.

Power to create debenture stock.

20. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the date of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First and subsequent meetings.

22. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Number of directors.

23. The number of the directors shall be five but the Company may from time to time reduce and again increase the number provided that the number be never more than five nor less than three.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum of directors.

25. The quorum of a meeting of directors shall be three until the number of directors is reduced to three and then the quorum shall be two.

First directors.

26. The Right Honourable Walter John Earl of Chichester Carew Davies Gilbert George Homewood Robert Lambe and Joseph Gorrington shall be 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 may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those 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 (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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 Election of directors.

27. 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 five acres.

Lands for extra-ordinary purposes.

28. 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.

Period for compulsory purchase of lands.

29. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements by agreement.

30. 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):

Inclination of roads.

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
	Railway No. 2.		
13	Eastdean - -	Public -	1 in 10
15	Seaford - -	Public -	1 in 14

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For the
protection of
the London
Brighton
and South
Coast Rail-
way Com-
pany.

31. In constructing the junctions hereby authorised with the London Brighton and South Coast Railway the Company shall conform to the following conditions—

- a. The junctions shall be made at such points within the limits of deviation as the engineer of the Brighton Company shall designate and all works necessary to be executed upon the lands of the Brighton Company for the purposes of effecting such junctions shall be executed by the Brighton Company at the request and expense of the Company :
- b. The Brighton Company may from time to time erect maintain and alter such signals and other works and conveniences as may reasonably be found requisite in consequence of the construction of the said junctions and may appoint and remove such watchmen pointsmen switchmen or other persons as may reasonably be necessary for the prevention of danger or detention to or interference with traffic at or near the said junctions between the railways hereby authorised and the railways of the Brighton Company by the construction of the intended railways and the working of such signals works and conveniences and the control and direction of such watchmen pointsmen switchmen and other persons shall belong exclusively to that company and all the costs and expenses of erecting and maintaining such signals works and conveniences and the wages of such watchmen pointsmen switchmen and other persons shall at the end of every half year be repaid by the Company to the Brighton Company on demand and in default of such repayment the amount of such costs expenses and wages may be recovered from the Company by the Brighton Company in any court of competent jurisdiction :
- c. The Company shall not without in every case obtaining the previous consent of the Brighton Company under their common seal purchase or take any of the lands or property from time to time belonging to or in the possession or under the power of that company but they may purchase and take and the Brighton Company may and shall sell and grant accordingly an easement or right of using such part or parts of such lands and property as shall be necessary for the purposes of the junctions stations and works by this Act authorised :
- d. With respect to the junction of Railway No. 2 by this Act authorised with the Lewes and Seaford branch of the Brighton Company the Company shall pay to the Brighton Company the capital cost of such alterations to and enlargement of their Seaford Station and sidings as may be necessary to enable the Company to use that station for their traffic or as may be

rendered necessary by reason of the construction of the said Railway No. 2 and in default of agreement between the two companies as to the matters aforesaid the same shall be referred to an engineer to be appointed by the Board of Trade and the works so to be agreed upon or determined by arbitration shall be executed by the Brighton Company at the cost of the Company and such cost may be recovered from the Company in any court of competent jurisdiction. A.D. 1886.

32. The Company in the construction of the railways shall not stop up obstruct or divert any sewer stream ditch gutter or watercourse within the jurisdiction of the Commissioners of Sewers for the levels within the rapes of Pevensey and Hastings (herein-after referred to as the "Pevensey Level Commissioners") unless the Pevensey Level Commissioners shall first give their consent thereto testified in writing under the hand of their clerk Where either of the said intended railways shall cross any such sewers streams ditches gutters or watercourses to the stopping up of which the Pevensey Level Commissioners shall not have given their consent as aforesaid or over any sewers streams ditches gutters or watercourses diverted with such consent as aforesaid the Company shall construct and for ever after maintain sufficient bridges culverts barrel drains or other drains for the purpose of carrying such sewers streams ditches gutters or watercourses through under or across either of the railways to the satisfaction in all respects of the Pevensey Level Commissioners and the plans with full particulars of every such bridge culvert and drain proposed to be constructed shall be submitted to the Pevensey Level Commissioners for their approval not less than one month before the construction of the same shall be commenced. Provisions for protection of sewers &c. of Pevensey Level Commissioners.

33. For providing against any obstruction in the sewers ditches streams gutters and watercourses in any of the levels within the rapes of Pevensey and Hastings crossed by either of the railways the Company shall from time to time as often as occasion shall require do all works necessary to cleanse and keep efficiently open all such sewers ditches streams gutters and watercourses so crossed as aforesaid within the limits of the land taken by the Company and when where either of the railways is embanked then further for the distance from the embankment of six times the height thereof and in case the Company shall neglect or omit to do all such work for fourteen days after notice sent by the expeditor of the levels by post to the secretary of the Company the expeditor may cause the same to be done and the expense thereof shall be immediately reimbursed by the Company to the Pevensey Level Commissioners. For preventing obstructions in sewers &c. of Pevensey Level Commissioners.

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Power to
Pevensey
Level Com-
missioners
to divert
sewers &c.
under rail-
way.

34. It shall be lawful for the Pevensey Level Commissioners at the expense of the said levels from time to time and at all times hereafter to divert any of the sewers streams ditches gutters or watercourses through or under either of the railways or to make others in addition thereto as they may think proper Provided that all works to be done by the Pevensey Level Commissioners for any such purposes shall be effected under the superintendence and to the satisfaction of the Company and in accordance with plans and specifications to be previously submitted to and approved in writing by the Company and so as not in any way to interfere with the traffic on such railway Provided further that if the Company decline or neglect to approve the said plans and specifications within one calendar month after the same shall have been submitted for their approval then it shall be lawful for the Pevensey Level Commissioners to carry out the works in accordance with plans and specifications to be approved of by an engineer to be nominated by the President for the time being of the Institute of Civil Engineers.

Providing
against
deficiencies
in sewers
rates, &c.

35. For the purpose of providing against deficiencies in the waterscots or sewers rates leviable on or in respect of the land in the said levels occasioned by the making of the railways or either of them if the Company become possessed by virtue of this Act of any land liable to be assessed to waterscots or sewers rates the Company shall from time to time be charged or assessed to and shall pay such waterscots or sewers rates according to the same rate at which the occupier and owner of such land would be charged or assessed if such land had not been taken by the Company and such railway had not been constructed thereon and on demand in writing of such waterscots or sewers rates the Company shall pay all such waterscots or sewers rates to the collector thereof.

Saving
rights of
Pevensey
Level Com-
missioners.

36. Except as in this Act otherwise expressly provided nothing in this Act contained shall extend or be deemed or construed to extend to prejudice or diminish alter abridge or take away any of the rights powers privileges or authorities vested in the Commissioners of Sewers for any of the levels within the said rapes of Pevensey and Hastings.

Company to
exhibit
lights.

37. The Company shall on the bridge over the River Cuckmere by this Act authorised exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

38. (1.) The Company shall not under the powers by this Act granted purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until :

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—
Restriction
as to houses
of labouring
class.

(a.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds

A.D. 1886 — in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in

relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. A.D. 1886.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

39. 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 nine thousand two hundred and eighteen pounds one shilling Three Pounds per Centum Consolidated Bank Annuities being equal in value to five per centum upon the amount of the estimate in respect of the railway has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum is in this Act referred to as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same

Deposit
money not
to be repaid
except so
far as rail-
way opened.

A.D. 1886. — proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division of the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

40. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall 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 Chancery Division thinks fit to order on the application of the Solicitor to 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 Chancery Division 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 deposit fund 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 depositors.

41. If the railways are 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 railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

A.D. 1886.
 Period for completion of works.

42. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say) :—

Tolls for passengers and animals.

In respect of passengers and animals conveyed on the railways—

For every person the sum of twopence per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one halfpenny per mile ;

Class 1. For every horse mule ass or other beast of draught or burden threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile ;

Class 2. For every ox cow bull or head of neat cattle the sum of one penny halfpenny per head per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one farthing per mile ;

Class 3. For every calf sheep pig lamb or other small animal one halfpenny per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one farthing per mile.

In respect of goods conveyed on the railways—

Tolls for goods.

Class 4. For all dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways coal coke culm cannel ironstone iron ore limestone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs per ton per mile one penny halfpenny and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny ;

Class 5. For all pig iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron wrought iron charcoal chalk lime bricks minerals salt sand fireclay cinders slag and stone per ton per mile twopence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny ;

Class 6. For all sugar grain corn flour hides dyewood earthenware timber staves deals and metal (except iron) nails anvils vices and chains and for light castings per ton per mile two-

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pence halfpenny and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny;

Class 7. For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things per ton per mile threepence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny;

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 if conveyed on a truck or platform belonging to the Company sixpence per mile and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for
propelling
power.

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

Regulations
as to tolls.

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

Short dis-
tances.

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

Fractional
parts of a
mile.

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 number 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;

Fractional
parts of a
ton.

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;

General
weight.

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

Weight of
stone and
timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak 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. A.D. 1886.

45. With respect to small parcels not exceeding five hundred pounds in weight and single 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):—

Tolls for small parcels and articles of great weight.

For the carriage of small parcels on the railway:—

For any parcel not exceeding seven pounds in weight three-pence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight five-pence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight seven-pence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight nine-pence;

For any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight one shilling and four-pence;

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight one shilling and eight-pence;

For any parcel exceeding two hundred and fifty pounds but not exceeding five hundred pounds in weight the Company may demand any sum they 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 railway:—

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which (including the carriage) shall exceed four tons but shall not exceed eight tons the Company may demand such sum as they think fit not exceeding six-pence per ton per mile;

For the carriage of any single piece of machinery or single piece of timber or stone or other single article the weight of which with the carriage shall exceed eight tons the Company may demand such sum as they think fit.

46. The maximum rates of charges to be made by the Company for the conveyance of passengers on the railways including the tolls for the use of the railways and for carriages and locomotive power

Maximum rates for passengers.

A.D. 1886. and every other expense incidental to such conveyance shall not exceed the following sums (that is to say) :—

For every passenger conveyed in a first-class carriage the sum of twopence three farthings 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 per mile.

Maximum
rates for
animals and
goods.

47. The maximum rates 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 railways including the tolls for the use of the railways 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 every animal in Class 1 fourpence per mile ;

For every animal in Class 2 twopence per mile ;

For every animal in Class 3 three farthings per mile ;

For everything in Class 4 one penny halfpenny per ton per mile ;

For everything in Class 5 twopence per ton per mile ;

For everything in Class 6 threepence per ton per mile ;

For everything in Class 7 fourpence per ton per mile ;

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 sixpence and if weighing more than one ton twopence for every additional quarter of a ton or fraction of a quarter of a ton which such carriage may weigh :

Provided that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge the aggregate of the tolls to be paid for such waggon or truck capable of containing six oxen or twenty-five sheep and not containing more than that number shall not exceed ninepence per mile.

Passengers
luggage.

48. Every passenger travelling on the railway may take with him his ordinary 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 weight for

third-class passengers without any charge being made for the carriage thereof. A.D. 1886.

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

50. 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 express and ordinary trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway. Foregoing charges not to apply to special trains.

51. 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 of the conveyance of animals or goods (other than small parcels) by passenger trains. Company may take increased charges by agreement.

52. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. Classification table to be open for inspection and copies to be sold.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. Terminal charges if any to be specified on application.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered Penalty.

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A.D. 1886. — and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Agreements
with London
Brighton
and South
Coast Rail-
way Com-
pany.

53. The Company and the Brighton Company may subject to the provisions of Part III of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

The management use working and maintenance by either of the contracting companies of the railway or any part thereof ;

The supply during the continuance and for the purposes of any agreement for the working or use of the railway by the Brighton Company of any rolling or working stock and of officers and servants for the conduct of the traffic on the railway ;

The payments to be made and the conditions to be performed with respect to the matters aforesaid ;

The interchange accommodation conveyance and delivery of the traffic coming from or destined for the respective undertakings of the contracting companies ;

The fixing and division between the contracting companies of the receipts arising from such traffic ;

The payments allowances rebates and drawbacks to be paid made or allowed by either of the contracting companies to the other of them for or on account of any of the matters to which the respective agreement relates.

Powers to
run over
other rail-
ways and
works.

54. The Company may run over and use with their engines and carriages and their officers and servants and for the purpose of traffic of every description the portions of railways stations and works following (that is to say):—

So much of the Eastbourne branch of the Brighton Company as is situate and lies between the point of junction therewith of the Railway No. 1. by this Act authorised and the termination of that branch at Eastbourne including the Eastbourne Station ;

So much of the Lewes and Seaford branch of the Brighton Company as is situate and lies between the point of junction therewith of Railway No. 2 by this Act authorised and the Seaford Station including that station ;

together with the platforms sidings roads booking and other offices warehouses watering-places water supplies signals points buildings machinery works and conveniences on or connected with the said portions of railways stations and works respectively and the Brighton Company shall afford all requisite facilities for the purpose.

55. The terms and conditions on which the Company shall be entitled to run over and use the said portions of railways stations and works respectively and the works and conveniences connected therewith shall be such terms and conditions as may from time to time be agreed on between the Company and the Brighton Company or as failing agreement between them are from time to time determined by the Railway Commissioners.

A.D. 1886.
Terms and
conditions
of running
over.

56. The Company may from time to time demand and take for all passengers animals and things conveyed by them on the said portions of railways stations and works respectively and for carriages waggons and trucks respectively conveying the same and provided by them and for locomotive engines or other power provided by them and for all services performed by them thereon and for all other matters with respect to traffic thereon a like amount of tolls fares rates or other charges as by the several Acts relating to the said portions of railways stations and works respectively are authorised to be demanded and taken for like traffic services and matters thereon respectively and in like manner and with and subject to like powers and provisions and where applicable like limitation of maximum charges in all respects.

Tolls on
railways
run over.

57. The Company in running over or using the said portions of railways stations and works respectively in accordance with the provisions herein-before mentioned shall at all times observe the regulations and byelaws for the time being in force on the respective portions of railways stations and works so run over and used so far as such byelaws shall be applicable to the Company.

Byelaws to
be observed.

58. Where under the provisions of this Act or of any agreement made in pursuance of this Act traffic is conveyed partly on the railway of the Company and partly on the railway of the Brighton Company the railway of the Company and the railway of the Brighton Company shall for the purpose of short distance 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 of the Company and partly on the railway of the Brighton 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 of the Company and partly on the railway of the Brighton Company.

Tolls on
traffic con-
veyed partly
on railway
of Company
and partly
on railway of
Brighton
Company.

A.D. 1886.

Saving
rights of
Crown under
Crown Lands
Act.

59. 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 twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving
rights of
the Crown
in the fore-
shore.

60. 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.

Interest not
to be paid
on calls
paid up.

61. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder 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
paid out of
capital.

62. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as
to general
railway
Acts.

63. Nothing in this Act contained shall exempt the Company or the Brighton Company or the railways of either company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the respective Companies.

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64. All the costs charges and expenses preliminary to and of and A.D. 1886.
incident to the preparing applying for obtaining and passing of this Costs of Act.
Act or otherwise in relation thereto shall be paid by the Company.

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