

[60 & 61 VICT.]

*Crowhurst, Sidley, and Bexhill
Railway Act, 1897.*

[Ch. cvii.]



CHAPTER cvii.

An Act for making a Railway from the Tunbridge Wells and Hastings Branch of the South Eastern Railway at Crowhurst to Bexhill and for other purposes. A.D. 1897.

[15th July 1897.]

WHEREAS the making and maintaining of the railway herein-after described and 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 be authorised by agreement to run over and use the portion of railway in that behalf in this Act mentioned :

And whereas plans and sections showing the line and levels of the railway authorised by this Act and also books of reference 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 purposes 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 in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Crowhurst Sidley and Bexhill Short title. Railway Act 1897.

[Price 1s. 6d.]

A.D. 1897. **2.** The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion. **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act the expressions "the railway" and "the undertaking" mean respectively the railway 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 incorporated 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.** John Edward Cranston Leslie Albert Parks James Cooke Anchitel Piers Ashburnham Pelham Rawstorn Papillon 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 Crowhurst Sidley and Bexhill 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
railway. **5.** Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper and necessary stations sidings junctions bridges viaducts roads approaches communications 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 railway herein-before referred to and authorised by this Act is wholly situate in the county of Sussex and is—

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A railway 4 miles 4 furlongs and 4 chains or thereabouts in length commencing in the parish of Crowhurst by a junction with the Tunbridge Wells and Hastings Branch of the South Eastern Railway and terminating in the parish of Bexhill:

Provided always that notwithstanding anything in this Act contained it shall not be lawful for the Company to take of the common or commonable lands known as Bexhill Downs situate in the parish of Bexhill more than half an acre:

Provided also that if and when the Company take any portion of the said common or commonable lands they shall in lieu of paying compensation therefor purchase and add to the common adjoining land at least equal in extent and value to the portion so taken and the land so added to the common shall form part of the common and shall be subject to the common or other rights now enjoyed over or in respect of the portion so taken by the Company and to the Provisional Order of regulation set forth in the schedule to and confirmed by the Commons Regulation (Bexhill) Provisional Order Confirmation Act 1895 and to the award made thereunder For the purpose of giving effect to this provision the Company may subject to the provisions of this Act enter upon take and use any of the lands delineated on the deposited plans and described in the deposited books of reference.

6. The capital of the Company shall be one hundred and thirty-five thousand pounds in thirteen thousand five hundred 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 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 paid.

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

Calls.

9. If any money is payable to a shareholder or mortgagee or debenture stock holder 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.

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

Power to divide shares.

A.D. 1897. — 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 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 pounds 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.

Dividend
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.

Terms of
issue to be
stated on
certificates.

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.

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.

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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 forty-five thousand pounds but no part thereof shall be borrowed until the whole capital of one hundred and thirty-five thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Power to
borrow.

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

For appoint-
ment of a
receiver.

A.D. 1897. — 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 four thousand pounds in the whole.

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 dates 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. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application
of moneys.

21. All moneys raised by the Company under this Act whether by shares debenture stock or borrowing shall be applied only to 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 alter 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 forty shares.

Quorum of
directors.

25. The quorum of a meeting of directors shall be three.

First
directors.

26. Sir George Russell Baronet Henry Cosmo Orme Bonsor the Honourable Alfred Erskine Gathorne Hardy Anchitel Piers Ashburnham and Pelham Rawstorn Papillon 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 they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first

Election of
directors.

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ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of electors) 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.

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 ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Lands for extra-ordinary purposes.

28. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease 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 Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Persons under disability may grant easements &c.

30. In altering for the purposes of this Act the road next herein-after mentioned the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith (that is to say) :—

Inclination of road.

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
29	Crowhurst - -	Public - -	1 in 15.

31. The Company may divert the public highway referred to in the next following table in the manner shown upon the deposited

Power to divert road as shown on deposited plans.

A.D. 1897. plans and sections and when and as the new portion of road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):—

	Parish.	No. of Road on Plan.
	Crowhurst - - -	29

And when and so soon as the said road is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company.

Provision as to repair of new roads &c.

32. Every new or diverted or altered road or footpath made under the powers of this Act (except the stone iron or other structure (if any) carrying such road over the railway which structure shall unless otherwise agreed be repaired and maintained by and at the expense of the Company) shall when completed and opened to the public be maintained by the persons liable to maintain the roads or footpaths of the same nature within the district in which such road or footpath will be situate. If any question shall arise between the Company and any of such persons as to the due completion of any such road or footpath such question shall from time to time be determined by two justices on the application of either of the parties in difference and the certificate of two justices of the due completion of such road or footpath shall be conclusive evidence of the fact so certified.

Company not liable to repair surface of road level of which is not permanently altered.

33. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railway by a bridge or bridges unless the level of such road or highway is permanently altered.

Owners may be required to sell parts only of certain lands and buildings.

34. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the Company and that such portions may be severed from the remainder of the said properties without

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material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described or referred to in the schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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

Restrictions
on displacing
persons of
labouring
class.

(A) 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) 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

A.D. 1897. 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 provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme 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 High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act 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 in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court 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 the 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 date of such scheme be appropriated for the purpose of such 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 which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(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.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of

A.D. 1897. the Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" means and 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 of such persons who may be residing with them.

Agreements
as to junc-
tions &c.

36. The Company and the South Eastern Railway Company may enter into and carry into effect contracts agreements and arrangements for or with respect to the point at which the mode in which and the terms and conditions upon which any junction or junctions between the railways of the two companies shall be made the construction use management and maintenance of stations sidings platforms works and conveniences upon the railways of the two companies or either of them and all incidental matters.

For the
protection
of the
Commis-
sioners of
Sewers for
the levels of
Pevensey
and
Hastings.

37. For the protection of the Commissioners of Sewers for the levels within the Rapes of Pevensey and Hastings (in this section called "the commissioners") the following provisions shall unless otherwise agreed have effect (that is to say) :—

(1) So much of the intended railway as shall pass through the level of Bulverhythe within the jurisdiction of the commissioners shall be carried over the said level by a viaduct in the manner shown on the deposited plans and sections and no pier or other support of such viaduct or any abutment thereof or other work to be executed under the powers conferred by this Act shall be erected constructed or executed in the bed of the main sewer known as the Combe Haven or within the casting way of sixteen feet on either side of the said sewer or in the bed or within eight feet on either side of any ditch gutter or watercourse within the jurisdiction of the commissioners :

(2) In constructing the said railway the Company shall not bridge over dam obstruct or otherwise interfere with either permanently or temporarily any sewer ditch gutter watercourse bank or casting way within the said level without first obtaining the consent in writing of the commissioners under the hand of their clerk and any such bridging over damming obstructing or other interference aforesaid and the subsequent restoration or reinstating of any such sewer ditch gutter watercourse bank or casting way and all works in any way affecting the said level shall be carried out and executed under the supervision and to

the reasonable satisfaction of the expeditor or engineer of the commissioners in accordance with plans sections and specifications approved of by him before the commencement of the work and in such manner as he shall direct Provided that if he fail for twenty-one days after submission of the said plans sections and specifications to disapprove thereof or to state his requirements in writing in relation thereto he shall be deemed to have approved thereof :

- (3) The Company shall pay to such expeditor or engineer reasonable remuneration for his services in relation to the premises such remuneration in case of dispute to be fixed by the President of the Institution of Civil Engineers :
- (4) If any damage shall be occasioned to any sewer ditch gutter watercourse bank or casting way belonging to or under the jurisdiction of the commissioners by the said viaduct or any pier support or abutment thereof or any other work to be executed under this Act or by the Company its contractors or servants during the construction or execution thereof the Company shall forthwith cause such damage to be made good under the supervision and to the satisfaction of the said expeditor or engineer and in such manner as he shall direct and if the Company shall fail to do so forthwith after reasonable notice to that effect the commissioners may make good such damage and the reasonable expenses incurred by the commissioners for that purpose shall be a debt payable on demand to and recoverable by their clerk :
- (5) Except as herein-before mentioned nothing in this Act shall take away abridge or prejudicially affect the jurisdiction rights powers or authorities of the Commissioners.

38. For the protection of the Bexhill Urban District Council (herein-after referred to as "the council") the following provisions shall unless otherwise agreed between the Company and the council have effect:—

For the protection of the Bexhill Urban District Council.

- (1) The footpath which is crossed by the railway at or near the point three miles two furlongs on the deposited plans shall be carried over the railway by means of a footbridge not less than six feet in width :
- (2) The bridge by which the road numbered on the deposited plans 58 in the parish of Bexhill is carried over the railway shall be constructed of a width between the parapets of not less than thirty-six feet :
- (3) The Company may in constructing the railway alter the existing sewer in the said road by raising it for a length of

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—

three hundred feet or for such length as may be required provided that the gradient of the portion of sewer so raised is not made flatter than one in two hundred and that a tumbling bay and manhole are constructed on the east side of the railway at the point where the altered sewer will terminate and rejoin the existing sewer Any house connexion which may be interfered with by such alteration shall be reinstated and made good by the Company :

- (4) The footpath which is crossed by the railway at or near the point three miles seven furlongs three and a half chains on the deposited plans shall be carried over the railway by means of a footbridge not less than six feet in width with steps on each side The Company may divert the footpath so that the said footbridge may cross the railway on the square :
- (5) If it should be found necessary in constructing the railway to interfere with the existing flushing chamber situated on the north side of the footpath known as Chapel Path and near to the line of railway as shown upon the deposited plans the Company shall construct a new chamber near the said Chapel Path and shall make the necessary alterations in the stream and weir at the said point so that the flushing of the sewer may be carried out as effectually as at present :
- (6) The footpath crossed by the railway at or near the point four miles and six chains upon the deposited plans shall be carried under the railway by means of a subway having a clear span of six feet and a clear headway of not less than ten feet :
- (7) The bridge by which the railway will be carried over the roads numbered on the deposited plans 104 and 106 in the parish of Bexhill at the point of junction of those roads shall be constructed with two spans each span to have a width of not less than forty feet the centre pier between the two spans being placed on the piece of waste land at the junction of the roads in such a manner as not to encroach upon the roadways :

In the event of the railway being deviated to the westward of the centre line shown on the deposited plans the bridge carrying the railway over each of the said roads shall be constructed of a clear span of forty feet and with a headway of sixteen feet :

- (8) Where the railway is carried over a stream at or near the point four miles two furlongs nine chains on the deposited plans a proper and sufficient culvert shall be provided having a clear span of eight feet and a height of eight feet from the ground level at the sides of the stream to the soffit of the arch

and where the railway is carried over such stream at any other point in the urban district of Bexhill a like culvert shall be provided with a similar span and with such height not exceeding eight feet as the levels shown on the deposited sections will permit :

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- (9) The footpath which is crossed by the railway at or near the point four miles three furlongs four chains on the deposited plans shall be carried under the railway by a subway having a clear span of six feet and a headway of not less than ten feet :
- (10) At each of the three places where the railway crosses the sewers of the council between Chapel Path and Bragges Wood the Company shall construct proper manholes on the line of the sewer on each side of the railway embankment in a suitable position clear of the property of the Company :
- (11) Any public footpaths within the urban district of Bexhill other than those herein-before mentioned which may be crossed by the railway shall either be carried over the railway by a footbridge not less than six feet in width or under the railway by a subway not less than six feet in width and with a headway of not less than six feet six inches or where the levels as shown on the deposited sections will permit ten feet :
- (12) The foregoing works shall be carried out at the cost of the Company and to the reasonable satisfaction of the surveyor of the council :
- (13) Any dispute or difference which may arise between the council and the Company with reference to this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the council and the Company or either of them.

39. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of six thousand one hundred and seventeen pounds being five per centum upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the 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

Deposit money not to be repaid except so far as railway opened.

A.D. 1897. — 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 completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section 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 proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors 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 High Court 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 if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit

of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred 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. A.D. 1897.

41. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

42. The Company may demand and take for the use of the railway by any other company or person with engines and carriages such reasonable tolls as they think fit. Tolls.

43. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the South Eastern Railway Company (Rates and Charges) Order 1891 which Order is scheduled to and confirmed by the South Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891 shall be applicable and apply to the Company as if it were one of the railway companies named in the appendix to the schedule to the Order confirmed by the said Act Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight. Rates for merchandise.

44. For the conveyance on the railway of small parcels not exceeding five hundred pounds in weight by passenger trains the Company may demand and take any charges not exceeding the following (that is to say):— Charges for small parcels.

- For any parcel not exceeding seven pounds in weight threepence ;
- For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;
- For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;
- For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

A.D. 1897. — And for any parcel exceeding fifty-six 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.

Maximum rates for passengers.

45. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage threepence per mile;

For every passenger conveyed in a second-class carriage twopence per mile;

For every passenger conveyed in a third-class carriage one penny per mile;

For every passenger conveyed on the railway for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

Passengers luggage.

46. Every passenger travelling upon 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.

Foregoing charges not to apply to special trains.

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

Powers to run over and use portion of railway.

48. The Company may on such terms and conditions (if any) as may be agreed by and between the Company and the South Eastern Railway Company run over and use with their engines and carriages and their officers and servants and for the purpose of traffic of every description the portion of railway following (that is to say):—

The Tunbridge Wells and Hastings Branch of the South Eastern Railway from the junction therewith of the railway to the Battle station including that station:

Together with the stations sidings roads booking and other offices
warehouses sheds landing-places watering-places water supplies
signals junctions points works conveniences and appliances on or
connected with the said portion of railway. A.D. 1897.

49. The Company may from time to time demand and take for
all passengers and merchandise (including perishable merchandise
by passenger train) conveyed by them on the said portion of railway
and for carriages wagons 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 fares rates or other charges as by the several Acts
and Orders relating to the said portion of railway 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
railway run
over.

50. The Company in running over or using the said portion of
railway in accordance with the provisions herein-before mentioned
shall at all times observe the regulations and byelaws for the time
being in force thereon so far as such byelaws shall be applicable
to them. Byelaws to
be observed.

51. Where under the provisions of this Act or of any agreement
in pursuance of this Act traffic is conveyed partly on the railway
of the Company and partly on the railway of the South Eastern
Railway Company the railway of the Company and the railway of
the South Eastern Railway Company shall for the purposes of
short-distance rates and charges be considered as one railway and
in estimating the amount of rates and charges in respect of
passengers conveyed partly on the railway of the Company and
partly on the railway of the South Eastern Railway Company for a
less distance than three miles rates and charges may be charged as
for three miles and for every mile or fraction of a mile beyond three
miles as for one mile only and in estimating the amount of rates
and charges in respect of merchandise traffic (including perishable
merchandise by passenger train) conveyed partly on the railway
of the Company and partly on the railway of the South Eastern
Railway Company the Company shall be deemed to be a Company
connected with the South Eastern Railway Company and specified
in the appendix to the schedule to the South Eastern Railway
Company (Rates and Charges) Order 1891 confirmed by the South

Rates and
charges on
traffic con-
veyed partly
on railway
of Company
and partly
on South
Eastern
Railway.

A.D. 1897. Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891.

Power to
pay interest
out of
capital
during con-
struction.

52. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the railway or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same ;
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear ;
- (C) The aggregate amount to be so paid for interest shall not exceed thirteen thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid ;
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares ;
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth 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. A.D. 1897.

53. 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. Deposits for future Bills not to be paid out of capital.

54. Nothing in this Act contained shall exempt any Company mentioned in this Act or the railways of any such 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. Provision as to general Railway Acts.

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

[Ch. cvii.]

*Crowthurst, Sidley, and Beahill
Railway Act, 1897.*

[60 & 61 VICT.]

A.D. 1897.

The SCHEDULE referred to in the foregoing Act.

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