



CHAPTER ccii.

An Act for making a Railway in and near the Town of Hastings and a Parade or Roadway and Sea-wall and for other purposes. A.D. 1897.
[6th August 1897.]

WHEREAS the construction of the railways in and near the town of Hastings in the county of Sussex and the parade or roadway and sea-wall in this Act described would be of public and local advantage:

And whereas the persons herein-after named in that behalf with others are willing to carry the undertaking into execution on being incorporated into a company and the requisite powers conferred upon them:

And whereas it is expedient to authorise the Company to enter into and carry into effect such working and traffic agreements with the South Eastern Railway Company as are herein-after provided for:

And whereas plans and sections showing the lines and levels of the railways parade or roadway and sea-wall and works authorised by this Act and a book 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 book of reference:

And whereas it has been found desirable to alter the mode of junction of Railway No. 1 and Railway No. 2 by this Act authorised with the South Eastern Railway and amended sections (in this Act referred to as "the amended sections") showing the lines and levels of such alteration have been deposited with the said clerk of the peace:

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A.D. 1897. — 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:—

Short title. 1. This Act may be cited as the Hastings Harbour District Railway Act 1897.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 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 the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I (relating to construction of a railway) and Part III (relating to working agreements) of the Railways Clauses Act 1863 and section 28 of the Harbours Docks and Piers Clauses Act 1847 for the purposes of which incorporation the parade or roadway and sea-wall by this Act authorised shall be deemed to be a harbour dock or pier 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 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 expressions "the railways" or "the railway" or "the road" mean respectively the railways road and other works by this Act authorised or some or one of them or some part or parts thereof respectively and the expression "the borough" or "the corporation" means the county borough of Hastings or the corporation of that borough as the case may be. And in this Act 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. The Reverend William Carlisle Sayer-Milward Anchitel Piers Ashburnham Frederick William Pigott and Edwin Smith 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 railways parade or roadway and sea-wall and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Hastings Harbour District 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.

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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 and the amended sections the railways parade or roadway and sea-wall and works in the county of Sussex herein-after described with all proper stations sidings bridges viaducts rails tanks tunnels roads buildings yards approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose The railways parade or roadway and sea-wall and other works herein-before referred to and authorised by this Act are as follows :—

Power to
make rail-
ways and
works.

- (1) A Railway (No. 1) one mile seven furlongs eight chains and sixty links or thereabouts in length commencing in the parish of Saint Clement on the foreshore fronting the Old Town of Hastings at a point thirty-five yards or thereabouts measured in a southerly direction from the fish market and terminating by a junction with the Hastings to Ashford Branch Railway of the South Eastern Railway Company in the parish of Ore at a point about one hundred and sixty-five yards south-west of the south entrance to the Ore tunnel :
- (2) A Railway (No. 2) one mile seven furlongs one chain and ten links or thereabouts in length commencing in the parish of Ore at the termination of Railway No. 1 before described and terminating at Silverhill in the parish of Saint Matthew Hastings at a point about seventy yards north-west of the north-western corner of the Upper Shornden reservoir :
- (3) A Railway (No. 3) four furlongs four chains and fifteen links or thereabouts in length commencing in the parish of Saint Mary-in-the-Castle by a junction with the said branch railway of the South Eastern Railway Company at a point about two hundred and seventy yards south-west of the southern entrance to the Mount Pleasant Tunnel and terminating by a junction with Railway No. 2 before described in the parish of Ore at a point about eighty-three yards south of the rectory in Elphinstone Road :

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- (4) A Railway (No. 4) one mile two furlongs seven chains and eighty links or thereabouts in length commencing at the termination of Railway No. 2 before described and terminating in the parish of Hollington by a junction with the Tonbridge and Hastings Branch Railway of the South Eastern Railway Company at a point nine hundred and seventeen yards or thereabouts south-east of the bridge crossing the South Eastern Railway at Wilting Farm :
- (5) A Railway (No. 5) three furlongs and fifty-five links or thereabouts in length commencing in the said parish of Hollington by a junction with Railway No. 4 at a point three hundred and seventy-three yards or thereabouts west of Fernside House Saint Leonard's Green and terminating in the said parish of Hollington by a junction with the said Tonbridge and Hastings Branch Railway at a point three hundred and forty yards or thereabouts to the south of the bridge crossing the said railway near the Hollington Stream :
- (6) A parade or roadway and sea-wall in the parishes of All Saints Hastings and Fairlight commencing on the east side of the No. 1 stone groyne eastward of the Hastings Harbour Works at a point thirty yards or thereabouts to the south of the apron wall of the said groyne and terminating at the south entrance to the Ecclesbourne Glen at a point about eighty yards south-east of the coastguard station.

Power to deviate vertically.

6. In the execution of the works by this Act authorised but subject to the provisions of this Act the Company may deviate vertically from the levels thereof marked on the deposited sections to such an extent not exceeding five feet upwards or seven feet downwards as may be found necessary or convenient.

Capital.

7. The capital of the Company shall be two hundred and twenty-five thousand pounds in twenty-two thousand five hundred shares of ten pounds each.

Shares not to be issued until one fifth paid.

8. 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.

Calls.

9. 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 four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

10. If any money is payable to a shareholder 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.

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 Receipt in
 case of per-
 sons not sui
 juris.

11. 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 of the amount payable thereon) and the residue to the credit of the preferred half share.

Power to
 divide
 shares.

12. 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 half
 shares.

13. 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.

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

14. 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

Half shares
 to be re-
 gistered and
 certificates
 issued.

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Terms of
issue to be
stated on
certificates.

15. 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.

Forfeiture of
preferred
half-shares.

16. 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.

Preferred half
shares not to be
cancelled or
surrendered.

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

Half shares
to be half
shares in
capital.

18. 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.

Power to
borrow on
mortgage.

19. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole seventy-five thousand pounds in respect of the capital of two hundred and twenty-five thousand pounds by this Act authorised and of the said sum of seventy-five thousand pounds they may borrow from time to time not exceeding twenty-five thousand pounds in respect of each seventy-five thousand pounds of their said capital of two hundred and twenty-five thousand pounds but no part of any such sums of twenty-five thousand pounds shall be borrowed until the whole of the respective portion of seventy-five thousand pounds of capital in respect of which it is borrowed 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 or portion of 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 or portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital or portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof:

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Provided always that the Company shall not be entitled to exercise any power of borrowing under the provisions of this section until it shall be certified by two justices on the evidence of the engineer or such other evidence as such justices may think sufficient that the Company have constructed Railway No. 1 to formation level.

20. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver 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 five thousand pounds in the whole.

For appointment of a receiver.

21. 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 Act 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.

Debenture stock.

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

Application of moneys.

23. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the

First and subsequent ordinary meetings.

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- A.D. 1897. — subsequent ordinary meetings in the month of March in each year or in such other month as shall be appointed for that purpose by order of an extraordinary general meeting.
- Number of directors. 24. The number of directors shall be seven but the Company may from time to time alter the number of directors but so that the number shall be never less than five nor more than seven.
- Qualification of directors. 25. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.
- Quorum. 26. The quorum of a meeting of directors shall be three.
- First directors. 27. The Rev. William Carlisle Sayer-Milward Anchitel Piers Ashburnham Frederick William Pigott and Edwin Smith and three other persons to be nominated by them or the majority of them and consenting to such nomination 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 nominated as aforesaid 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 or nominated as aforesaid being (if they continued 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 altering 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.
- Lands for extraordinary purposes. 28. 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 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.
- Period for compulsory purchase of lands. 29. 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.

30. 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 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.

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Power to take easements &c. by agreement.

31. Whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown on the deposited plans will be sufficient for the purposes of the Company and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands buildings or manufactories described in the first schedule to this Act and whereof parts only are required for the purposes of the Company 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 the said properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties 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 persons interested therein by severance or otherwise.

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

32. Where any portion of the railway is in tunnel and the crown of the tunnel is forty feet or more than forty feet below the surface of the ground the Company shall not with respect to the properties shown on the deposited plans which are described or referred to in the Second Schedule to this Act be required wholly to take the same or any part of the surface thereof but they may purchase take and use and the owners of and other persons interested in any such property shall sell and grant an easement or right of using the subsoil or under surface thereof for the purposes for which but for this enactment they might have been required to sell such property and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such subsoil easement or right of user Provided that no such subsoil easement or right of user shall be

Owners may be required to grant easements only under certain properties.

A.D. 1897. deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 But nothing in this section contained nor any dealing with lands in pursuance of this section shall relieve the Company from liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 and every case of compensation under this section shall in case of dispute be ascertained according to the provisions of the Lands Clauses Acts.

Restrictions
on displacing
persons of
labouring
class.

33.—(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 occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or which have been or shall be subsequently so occupied unless and until the Company—

- (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 said fifteenth day of December 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 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. A.D. 1897.

(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 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 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.

A.D. 1897. (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.

(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 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 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.

34. For the protection of the corporation the following provisions shall notwithstanding anything to the contrary contained in this Act or shown on the deposited plans and sections have effect (that is to say) :—

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For protec-
tion of
corporation
of Hastings.

(1) From the commencement of Railway No. 1 as far as the west side of the No. 2 stone groyne forming the eastern arm of the Hastings Harbour Works the said Railway No. 1 shall be constructed by the Company in the line shown in blue on the amended plan dated the twenty-fifth day of March one thousand eight hundred and ninety-seven and signed by the engineer to the corporation on behalf of the corporation and by the engineer to the Company on behalf of the Company (in this section referred to as "the amended plan") and it shall not be lawful for the Company to deviate laterally to any extent whatever from such line in constructing this portion of Railway No. 1:

(2) From the west side of the No. 2 stone groyne forming the eastern arm of the Hastings Harbour Works as far as Foulness the Company shall not in constructing the said Railway No. 1 deviate laterally from the line thereof shown in blue on the amended plan to any greater extent in a northerly direction than the northerly limit of deviation shown by the dotted line in blue on the amended plan:

(3) The Company shall construct two subways under the said Railway No. 1 each having a clear width of not less than nine feet and a clear headway of not less than seven feet. One of such subways shall be constructed at a point immediately adjoining the east end of the proposed harbour station of the Company and the other at a point midway between the eastern end of the proposed harbour station and the westernmost arch of the viaduct herein-after in this section mentioned. The said two subways shall be constructed and thereafter maintained open and unobstructed and in good repair at the expense of the Company and to the reasonable satisfaction of the engineer of the Corporation:

(4) Before commencing to construct any portion of the said Railway No. 1 which will pass across over or above the existing sewage outfall of the corporation the Company shall give twenty-one days notice in writing to the corporation of their intention to commence the construction of the same and in constructing the same the Company shall comply with all such provisions and conditions and adopt all such precautions as may be reasonably required or imposed by the engineer of the corporation for the purpose of protecting the said existing

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sewage outfall and the works and conveniences connected therewith from any damage interruption or interference thereto or therewith by reason of the construction of the said Railway No. 1. If the corporation shall be desirous of repairing altering enlarging or duplicating the said sewage outfall whether as now existing or as altered enlarged or duplicated under the provisions of this subsection it shall be lawful for the corporation after giving fourteen days notice in writing to the Company of their intention in that behalf to enter upon the property of the Company and do and carry out all such works thereon as may be necessary for the purpose of repairing altering enlarging or duplicating (as the case may be) the said sewage outfall whether as now existing or as altered enlarged or duplicated as aforesaid. Provided always that if the corporation shall be desirous of extending the sewage outfall further eastward the Company shall on being requested by the corporation so to do give all reasonable facilities free of charge so as to enable the corporation during the construction by the Company of the parade or roadway and sea-wall authorised by this Act to lay down all necessary sewers and pipes in or under the said parade or roadway and if the corporation shall so require they may lay down in or under the said parade or roadway any gas or water mains or electric wires with all rights of access thereto at all reasonable times for the purpose of maintaining and repairing the same making good to the Company any damage caused by the corporation. Provided also the corporation shall not in any way interfere with the free uninterrupted and safe use in the ordinary manner and at the ordinary rate of speed of the said Railway No. 1 and any siding or convenience connected therewith and after executing such works the corporation shall at their own expense make good and restore the property of the Company affected by such works to the reasonable satisfaction of the engineer of the Company:

- (5) From a point seven hundred feet or thereabouts from the western end of the proposed harbour station for a distance of one thousand one hundred and twenty feet or thereabouts the said Railway No. 1 shall be carried upon a viaduct constructed in accordance with such plans and drawings as shall be previously approved in writing by the engineer of the corporation such approval not to be unreasonably withheld. The arches or openings of such viaduct shall be always maintained open and unobstructed for the passage of the public to and from the foreshore unless the Company shall obtain the consent

of the corporation in writing ~~under~~ their common seal to close such arches or openings or any of them : A.D. 1897.

(6) If the Company shall for the protection of their railway desire to trim slope cut away remove or drain any part of the cliffs at or to the west of Foulness the Company shall give notice in writing to the corporation of such desire and thereupon the engineer of the corporation shall determine how much (if any) of the proposed trimming sloping cutting away removing or draining of such cliffs is reasonably necessary for the protection of the said railway and thereupon it shall be lawful for the Company to carry out such trimming sloping cutting away removing or draining of the said cliffs as may be determined in manner aforesaid to be reasonably necessary complying in so doing with any requirements or conditions which may be reasonably made or imposed by the engineer of the corporation Save in accordance with the provisions of this sub-section it shall not be lawful for the Company to trim slope cut away remove or drain any part of the said cliffs Provided always that if any question shall arise between the engineer of the corporation and the engineer of the Company as to the said trimming sloping cutting away removing or draining the same shall be determined by an engineer to be agreed upon between the said two engineers or failing agreement to be nominated by the President of the Institution of Civil Engineers on the application of either of the said two engineers :

(7) The Company shall at their own expense and to the reasonable satisfaction of the engineer of the corporation construct and thereafter maintain by the side of the bridge on which it is intended to carry Railway No. 1 authorised by this Act over Ecclesbourne Glen a proper and adequate light footbridge for foot passengers together with all necessary and proper parapets railings approaches and other conveniences thereto :

(8) The Company shall construct the said Railway No. 1 where the same will pass over or cross or interfere with any of the reservoirs at Clive Vale the property of the corporation and all the works both temporary and permanent necessary or incident to the construction of the said railway so far as they affect any of the said reservoirs in accordance with plans sections and specifications and of such quality and strength of materials as shall be previously submitted to and approved in writing by the engineer of the corporation and shall not commence the construction of the said Railway No. 1 at any point where the same affects any of such reservoirs or enter upon or interfere

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with any of the said reservoirs until such plans sections and specifications as aforesaid and the quality and strength of the materials of the works have been approved by the engineer of the corporation as herein-before provided :

(9) Railway No. 1 shall be laid out and constructed in such a line that no portion of such railway or of any works connected therewith shall be constructed or pass over through across or under the Sanatorium of the corporation or the grounds gardens lands and premises attached thereto or used or occupied therewith or any part thereof respectively :

(10) From a point as shown on the deposited plans distant one mile three furlongs and one chain from the commencement thereof as far as another point distant as shown on the deposited plans one mile three furlongs and eight chains from the commencement thereof Railway No. 2 authorised by this Act shall be constructed in accordance with the centre line thereof as shown on the deposited plans and it shall not be lawful for the Company in constructing the said portion of the Railway No. 2 to deviate laterally from the centre line thereof as shown on the deposited plans to any extent whatever The viaduct shown on the deposited sections upon which it is intended to carry the said railway over the Alexandra Park of the corporation shall be constructed and completed in all particulars in accordance with such plans elevations and specifications as shall be previously approved in writing by the corporation under their common seal :

(11) For the purpose of carrying the private road known as Beaconsfield Road over Railway No. 3 authorised by this Act the Company shall construct at their own expense a bridge with brick or cast-iron parapets of sufficient width between the parapets to admit of a carriageway of not less than twenty-six feet in width and a footway on each side of such carriageway of not less than seven feet in width Such bridge and the parapets thereof and the approaches thereto and the carriageway and footways thereon shall be constructed formed made up metalled paved and kerbed in every respect in accordance with plans elevations drawings and specifications previously approved by and shall be completed to the reasonable satisfaction of the engineer of the corporation and the Company shall thereafter maintain the said bridge and the parapets thereto at their own expense to the reasonable satisfaction of the engineer of the corporation :

(12) Stations shall be constructed upon the railways authorised by this Act at or near the following points that is to say (i) a station at the Harbour (ii) a station at Clive Vale in Harold

Road near its junction with Athelstan Road (iii) a station at Ore (iv) a station near St. Helen's Road and (v) a station at Silverhill near the Clarence Hotel : A.D. 1897.

- (13) Every bridge for carrying any of the railways authorised by this Act over any public road shall be a girder bridge of a clear span of not less than forty feet and of a clear headway of not less than eighteen feet above the crown of such road throughout the whole length and width of the bridge Provided always that it shall be lawful for the Company with the previous consent in writing of the corporation under their common seal such consent not to be unreasonably withheld to lower any such road in any case where and to such extent as may be reasonably necessary for the purpose of improving the gradients of such railways Provided also that whenever any public road is lowered by the Company pursuant to the foregoing provision the Company shall at their own expense make up reinstate and remetal the portion of the public road so lowered by them to the reasonable satisfaction of the corporation :
- (14) Where the works necessary in the course of construction of the railways authorised by this Act interfere with any sewer drain watercourse subway sewage pipes gas or water or electric or other mains or pipes the property of or used by the corporation the Company shall not commence such works until they shall have given to the corporation twenty-one days' previous notice in writing of their intention to commence the same with all necessary particulars in relation thereto and the Company shall comply with and conform to all reasonable directions and regulations of the corporation in the execution of the said works and shall provide new altered or substituted works in such manner as the corporation shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and other works herein-before referred to by or by reason of the said railways and shall make provision for the placing of additional sewers and other works of the nature herein-before specified in the future and shall save harmless the corporation against all and every the expense to be occasioned thereby and when any new altered or substituted work as aforesaid or any works connected therewith shall be so completed the same shall thereafter be as fully and completely under the direction control and jurisdiction of the corporation and be maintained by them as any existing sewers or works :
- (15) It shall be lawful for the corporation within the period of six months next after the expiration of the first six years from

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the actual completion of the parade or roadway and sea-wall authorised by this Act by notice to the Company in writing under the common seal of the corporation to require the Company to sell to the corporation the said parade or roadway and sea-wall and thereupon the Company shall sell and the corporation shall purchase the said parade or roadway and sea-wall. The consideration for the said sale and purchase shall be the payment by the corporation to the Company of a sum of money equivalent to twenty-five years purchase of the annual amount received by the Company in respect of the tolls authorised by this Act in respect of the user of such parade or roadway and sea-wall after deducting the necessary costs of collecting the same such annual amount to be calculated on the average of the fourth fifth and sixth years next after the actual completion of the said parade or roadway and sea-wall:

- (16) A receipt signed by two directors of the Company for the consideration money payable to the Company by the corporation upon such purchase and sale as aforesaid' pursuant to this Act shall be an effectual discharge and acquittance to the corporation for the said consideration money and from all liability to see to the application of the same :
- (17) The Company shall apply the consideration money payable to them by the corporation upon such purchase and sale as aforesaid pursuant to this Act to or for any of the purposes to or for which the capital of the Company is properly applicable :
- (18) The transfer of the said parade or roadway and sea-wall shall be completed as soon as practicable after the expiration of the said period of six years next after the actual completion of the said parade or roadway and sea-wall (which date is hereinafter referred to as "the date of transfer") and shall be evidenced by a deed which may be in the form set forth in the Fourth Schedule to this Act or to the like effect and the said parade or roadway and sea-wall together with the approaches conveniences and premises belonging to or used or occupied together with the same shall as from the date of transfer by virtue of this Act be transferred to and vested in the corporation freed and discharged from all mortgage and other debts of the Company and all liabilities up to the date of transfer and all liabilities contracts agreements and obligations of the Company in relation to the raising of money entered into by them which relate to or affect the said parade or roadway and sea-wall but subject to all other contracts liabilities agreements and obligations of the Company relating to or affecting the said parade or roadway and sea-wall

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and the Company shall on the date of transfer give possession to the Corporation and thenceforth the Corporation shall in their own name and for their own benefit have and hold the said parade or roadway and sea-wall to them and shall in perpetuity maintain the same in good order and condition. Provided that the corporation shall indemnify the Company from all actions suits claims or demands whatsoever in respect of any of the contracts engagements and obligations last above-mentioned :

(19) From and after the date of transfer all the powers rights and privileges of the Company under this Act in relation to the said parade or roadway and sea-wall shall be by virtue of this Act transferred to and vested in the corporation subject to the provisions of this Act and to the following exceptions :—

(i) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Acts 1863 and 1869 incorporated with this Act shall not apply to the corporation ;

(ii) None of the provisions of this Act or of any Acts incorporated therewith in any manner relating to the share stock or loan capital or the mortgagees or debenture stock holders of the Company or to the constitution meetings or directors of the Company shall apply to the corporation ;

And this Act shall so far as it applies to the said parade or roadway and sea-wall and subject to such exceptions as herein mentioned be read and have effect as though the corporation had been named therein instead of the Company and in construing the provisions of the Acts incorporated with this Act so far as the same relate to the said parade or roadway and sea-wall the expression " the promoters of the undertaking " shall mean the corporation :

(20) The corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money payable by them pursuant to the provisions of this section as the consideration for the sale and purchase of the said parade or roadway and sea-wall :

(21) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the corporation may mortgage or charge the district fund and general district rate :

(22) The powers of borrowing money by this section given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the corporation may borrow under that Act

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any sums which they may borrow under this section shall not be reckoned :

(23) The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this section (that is to say) :—

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ;

Section 238 (Transfer of mortgages) ;

Section 239 (Receiver may be appointed in certain cases) :

(24) The corporation shall pay off all moneys borrowed by them under this section within the period of fifty years from the date or dates of the borrowing of the same (in this section referred to as “ the prescribed period ”) :

(25) (1) The corporation shall pay off all moneys borrowed by them on mortgage under the powers of this section either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made prior to the thirty-first day of March next following the time of borrowing the sum in respect of which the payment is made :

(2) The following provisions shall apply in regard to any sinking fund to be formed under this section :—

(A) The corporation in every year shall appropriate and set apart out of the funds rates and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per cent. per annum be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period ;

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stock debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the corporation annuities and securities transferable by delivery) and if and as often as the rate

of interest by investment is not equal to the prescribed rate of accumulation any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking fund;

- (c) The corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys repayable by such sinking fund in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based;
- (d) Whenever and so long as the yearly income arising from the sinking fund would if the sinking fund were invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such borrowed moneys the corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto:
- (26) If the corporation pay off any moneys borrowed by them under this section otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing:
- (27) A person lending money to the corporation under this section shall not be bound to inquire as to the observance by them of any provisions of this section or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof:
- (28) Moneys borrowed or raised by the corporation under this section shall be applied only to the several purposes in respect

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of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable :

- (29) The town clerk of the corporation shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this section transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year :

In the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner :

If it appear to the Local Government Board by such return or otherwise that the corporation have failed to pay any instalment or to set apart the sum required by this section for the sinking fund or have applied any portion of the money set apart for that fund or any interest thereof to any purposes other than those authorised by this section the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments :

- (30) The corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the corporation shall from time to time be a sufficient discharge to the corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

35. For the protection of Sir Howard Warburton Elphinstone A.D. 1897.
Baronet (who with his successors in title to the Hole Farm Estate in
the county of Sussex are herein-after referred to as "the owner") the
following provisions shall have effect (namely) :—

For protec-
tion of Sir
Howard
Warburton
Elphinstone
Baronet.

(1) Between the points shown on the deposited plans for the said
Railway No. 2 as one mile and one mile two furlongs the railway
shall be carried over the estate of the owner so as to allow of
the construction by the owner of one or two roads under the
railway as may be required by the owner of a width of not less
than forty feet each and the railway shall be carried over such
roads by iron girder bridges each having a clear span of not
less than forty feet and a clear headway of not less than twenty
feet but so that the levels of the said Railway No. 2 be not
altered above the surface level of the ground. Such bridges
shall be constructed at such points as may be agreed on between
the owner and the Company or as in case of dispute shall be fixed
by an engineer to be agreed on between the owner and the
Company or in case of failure to agree for one calendar month
after notice in writing by either party to the other by an
engineer to be appointed by the President of the Institution of
Civil Engineers on the application of either the owner or the
Company and according to plans drawings and specifications to
be submitted to and approved by the engineer to the corporation
of Hastings :

(2) In constructing the said Railway No. 2 over the owner's
estate the Company shall if required by the owner so to do
construct between the points marked one mile two furlongs and
one mile three furlongs on the deposited plans a bridge over the
said railway at such point as the owner may select sufficient
to carry a road of not less than forty feet in width between the
inner sides of the parapets in accordance with plans and drawings
to be submitted to and approved by the said engineer of the
corporation of Hastings and the Company shall when required
so to do by the owner make and form upon and across such
bridge a good metalled road with proper and sufficient approaches
thereto to the reasonable satisfaction of the owner and such bridge
and approaches shall be constructed on a gradient of not more
than one in twenty on each side or such other gradient as may be
agreed on between the owner and the Company if on account of
the formation of the ground it shall be found necessary to alter
such gradient and the said bridge shall at all times be properly
and substantially maintained and repaired by the Company :

(3) The Company shall not stop up or interfere with the existing
footpath leading from the Buckshole Reservoir over the owner's

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property to the Hole Farm thereon until they shall have constructed (to the reasonable satisfaction of the owner) in lieu thereof a proper and sufficient footpath by the side of and along the southerly side of the said railway and such last-mentioned footpath shall be properly and securely fenced off from the railway and shall be at all times properly maintained and repaired by the Company :

(4) The Company shall within eighteen months from the passing of this Act supply to the owner a plan and statement limiting the quantity of land to be taken and used on the owner's estate for the purposes of the railway and showing the situation of such land provided that such plan and statement shall not be deemed to be or have the effect of a notice to treat for the purchase of such land and unless such statement and plan is so supplied the Company shall not be entitled after the expiration of such period of eighteen months to enter upon take or use any land belonging to the owner without the consent of the owner in writing Provided that notwithstanding anything contained in this Act or in the Railways Clauses Acts the Company shall not without the consent of the owner in writing enter upon take or use any land belonging to the owner beyond what is specified in the said statement and shown on the said plan nor shall such statement and plan include more land than is actually required for the construction of the railway and station upon the owner's estate :

(5) The Company shall construct and for ever maintain a proper and sufficient passenger station on the west side of Saint Helen's Road either on the owner's estate or at a convenient spot near thereto with proper and sufficient approaches from Saint Helen's Road :

(6) The Company shall during the construction of the railway and subject to the approval of the engineer of the Company permit the owner to lay down and afterwards maintain sewers drains water and gas pipes and electric apparatus under or by the side of the said railway Provided that in such maintenance the traffic on the said railway shall not be interfered with and the owner shall indemnify the Company against any loss or damage to their railway or works and nothing in this Act contained shall take away abridge or affect any of the rights of the owner under the general Acts of Parliament affecting railways :

(7) The Company shall prior to the opening of the said Railway No. 2 for public traffic plant the slopes of the embankments thereof passing through the owner's estate with gorse and

broom to the reasonable satisfaction of the owner and shall at all times keep the said embankments so planted and shall from time to time as often as may be necessary renew any portion or portions of such plantations as may perish or be destroyed : A.D. 1897.

- (8) Any difference from time to time arising between the Company and the owner or any of his tenants for which provision is not otherwise made by this section shall unless otherwise agreed be determined by arbitration and the provisions of the Arbitration Act 1889 and any Act amending the same shall apply to every such arbitration.

36. The following provisions for the protection of the South Eastern Railway Company (herein-after referred to as "the South Eastern Company") shall apply and have effect :—

For protection of South Eastern Railway Company.

- (1) Notwithstanding anything shown on the deposited plans and sections the Company shall not construct Railways Nos. 1 and 2 so as to cross on the level the South Eastern Railway at Ore but shall carry the same over the said railway in accordance with such plans as shall be approved having regard as well to future as to present requirements by Francis Brady or other the principal engineer for the time being of the South Eastern Company (herein-after referred to as "the said principal engineer") and not otherwise and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the South Eastern Company and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the South Eastern Railway or of any future widening thereof or with the traffic thereon The Company shall not form any junction with the South Eastern Railway except at such point or points within the limits of deviation or on the lands of the South Eastern Company as the said principal engineer shall designate and all works necessary to be executed upon the lands of the South Eastern Company for the purpose of effecting such junctions shall be executed by the South Eastern Company at the request and expense of the Company :

The Company shall not without the previous consent in writing of the said principal engineer construct any works within a distance of two chains from the South Eastern Company's goods sidings at Ore :

- (2) If by reason of the construction of the said railways by this Act authorised it shall become necessary to add to or alter the signal or signals upon the said railway of the South Eastern Company the same shall be so added to or altered by the South

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Eastern Company and the reasonable expenses thereof shall be repaid to that company by the Company :

- (3) The Company shall construct the said railways where the same shall pass over or under or form junctions with the said railway of the South Eastern Company and all the works both temporary and permanent necessary and incident to the construction thereof so far as they affect the property and works of the South Eastern Company in accordance with the provisions of this section according to plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously approved in writing by the said principal engineer and the Company shall not commence the construction of the said railways or enter upon or interfere with any land works or property belonging to or used by the South Eastern Company until such plans sections and specifications have been so submitted and approved. Provided that if the said principal engineer shall for the period of one month neglect or refuse to approve such plans sections and specifications or shall disapprove the same and in case of the said principal engineer and the engineer of the Company failing to agree or of any difference arising between them then the said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed upon or in default of agreement to be appointed at the request of either the Company or the South Eastern Company by the President of the Institution of Civil Engineers :

- (4) The said railways and all works necessary or incident to the construction thereof so far as they affect the property or works of the South Eastern Company may if desired by the South Eastern Company be executed by but in all things at the expense of the Company :

If by means of the execution of any of the works by this Act authorised any obstruction to or interference with the traffic on the South Eastern Railway be caused the Company shall pay to the South Eastern Company full compensation the same to be recoverable with full costs in any court of competent jurisdiction :

- (5) The Company shall not (except with the previous consent of the South Eastern Company under their common seal) purchase or acquire any lands or property of the South Eastern Company but the Company may purchase and take and the South Eastern Company may and shall sell and grant accordingly an easement

or right of using so much of the lands of the latter Company as may be necessary for the construction of the said works by this Act authorised in accordance with the provisions of this section : A.D. 1897.
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- (6) The Company shall bear and on demand pay to the South Eastern Company all expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching their railways and the works thereof during the construction of the said railways and any other works near to or affecting the railways property and works of the South Eastern Company for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise :
- (7) The Company shall at all times maintain the said railways and all the works connected therewith and incident thereto so far as such railways and works form junctions with or cross over or under the railway works and lands of the South Eastern Company in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Company fail so to do the South Eastern Company may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the said principal engineer to be the reasonable amount of such expenditure shall be repaid to the South Eastern Company by the Company or may be recovered with full costs in any court of competent jurisdiction :
- (8) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the South Eastern Company all costs losses damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of the Company's railways and the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the South Eastern Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission :

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Notwithstanding anything in this Act contained or shown on the deposited plans the Company shall not without the consent in writing of the South Eastern Company enter upon take or use or in any way interfere with the enclosure and reservoir belonging to or reputed to belong to the South Eastern Company and numbered 136 on the deposited plans in the parish of Ore and the Company shall cross the said enclosure and reservoir by a bridge to be approved by the South Eastern Company :

(9) If any difference shall arise between the respective engineers of the Company and the South Eastern Company as to the reasonableness of the plans sections and specifications hereinbefore provided for such difference shall be referred to and determined by an engineer to be mutually nominated by such respective engineers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the Company or the South Eastern Company :

(10) The Company and the South Eastern Company may agree for any variation or alteration in the works in this section provided for or the manner in which the same shall be executed :

(11) Notwithstanding anything in this Act contained or shown on the deposited plans the Company shall not construct Railway No. 3 except with the previous consent under seal of the South Eastern Company and then only in accordance with such plans and sections as shall have previously been approved by the principal engineer of the South Eastern Company.

Works below
high-water
mark not to
be com-
menced
without
consent of
Board of
Trade.

37. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges

shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs. A.D. 1897.

38. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Survey of
works by
Board of
Trade.

39. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement
of work
abandoned or
decayed.

40. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of ten thousand two hundred and three pounds four shillings being five per centum upon the amount of the estimate in respect of the railways (in this Act referred to as "the railway deposit fund") and four per centum upon the amount of the estimate in respect of the parade or roadway and sea-wall (in this Act referred to as "the parade deposit fund") 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 Be it enacted that notwithstanding anything contained in the said Act the said railway 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 railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the railways the railway 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 railways for the public conveyance of passengers

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

A.D. 1897. — then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the railway deposit fund which bears to the whole of that fund the same proportion as the length of the railways so opened bears to the entire length thereof the High Court shall on the application of the depositors order the portion of the railway 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.

41. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the railway deposit fund or so much thereof as shall not have been paid or transferred 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 railways 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 railway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the railway 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 retransferred to the depositors Provided that until the railway deposit fund has been repaid or retransferred 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.

42. If the railways parade or roadway and sea-wall 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

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 Period for completion of works.

43. On the application of the depositors or the majority of them in a summary manner at any time after the passing of this Act the High Court may and shall order that the parade deposit fund of three hundred and sixty-four pounds seven shillings and fivepence and any dividends or interest thereon shall be retransferred or repaid to the depositors or to any person or persons whom they may appoint on their behalf.

Release of portion of deposit relating to parade and roadway.

44. On the completion and opening of the parade or roadway and sea-wall the Company may demand and take such tolls for the use of the same as are specified in the Third Schedule to this Act.

Company may take tolls for use of parade.

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

Tolls for use of railway.

46. 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 said Order 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.

47. With respect to small parcels not exceeding five hundred pounds in weight conveyed by passenger train other than small parcels exceeding fifty-six pounds in weight of perishable merchandise as enumerated in Part V. of the schedule to the South Eastern Railway Company (Rates and Charges) Order 1891 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 three-pence ;

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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 ; 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
conveyance
of pas-
sengers.

48. 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.

49. 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.

Restriction
as to charges
not to apply
to special
trains.

50. The restriction 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.

Power to
enter into
working and
traffic
agreements.

51. The Company may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time

enter into agreements and arrangements with the South Eastern Railway Company with respect to the following purposes or any of them (that is to say) :— A.D. 1897.

The working use management and maintenance of some part or parts of the railways and works of the Company and the conveyance of traffic thereon ;

The supply and maintenance under and during the continuance of any such agreement as aforesaid for the working of the railway of the Company of engines rolling stock and plant necessary for the purposes of such agreement and the employment of officers and servants ;

The payments to be made and the conditions to be performed with respect to such working use management and maintenance ;

The fixing subject to the authorised maximum rates and the collection payment division and appropriation of the tolls rates and charges and other income and profits arising from the traffic on the railways or portions of the railways of the contracting companies ;

The interchange transmission forwarding and delivery of traffic coming from or destined for the railways of those companies.

52. During the continuance of any agreement for the railway being worked or used by any other company the railways of the Company and of any other company shall for the purpose 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 railways of the Company and partly on the railways of such other company or companies 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 conveyed partly on the railways of the Company and partly on the railways of such other company or companies 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 Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891.

Tolls on traffic conveyed partly on the railways and partly on other railways.

53. Notwithstanding anything in this Act or 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

Power to pay interest out of capital during construction.

A.D. 1897. — 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 applicable to the railways 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 one-tenth part of the capital applicable to the railways by this Act authorised 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.

Company
not to take
coastguard
station at
Ecclesbourne.

54. Nothing in this Act contained shall authorise the Company to enter upon take or use any portion of the coastguard station at Ecclesbourne belonging to the Admiralty.

Saving
rights of the
Crown in
the fore-
shore.

55. 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. A.D. 1897.

56. Nothing in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods or which may become vested in Her Majesty under the provisions of a grant from the Crown to the Corporation of Hastings dated the eighth day of September one thousand eight hundred and ninety-three without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to 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. *Saving rights of the Crown.*

57. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the South Eastern Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement. *Saving for Postmaster-General.*

58. 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.*

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Provision
as to general
Railway
Acts.

59. Nothing in this Act contained shall exempt any company named 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 any such Company.

Costs of Act.

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

SCHEDULES referred to in the foregoing Act.

A.D. 1897.

FIRST SCHEDULE.

Describing the LANDS BUILDINGS OR MANUFACTORIES of which parts only may be taken.

No. of Railway.	Parish.	No. on deposited Plan.
1	All Saints Hastings -	240 241 244 245 and 246.
1	Ore - - -	106.
2	Ore - - -	127.
2	St. Matthew Hastings	7.
3	St. Mary - in - the - Castle Hastings.	27-38.
3	Blacklands - -	43.
4	St. Matthew Hastings	63 and 76.
4	Hollington - -	31.

SECOND SCHEDULE.

Describing PROPERTIES in respect of which EASEMENTS only may be taken (minimum depth from surface to crown of tunnel 40 feet).

No. of Railway.	Parish.	No. on deposited Plan.
1	All Saints Hastings -	109A 111-115 119 121 and 173-239.
1	Ore - - -	1-107.
1	Fairlight - -	2-6.
3	Blacklands Hastings -	34-42.
3	St. Mary - in - the - Castle Hastings.	1-8.
2 and 4	St. Matthew Hastings	19 22 26 and 27.
4	St. Matthew Hastings	23 24 25 and 28-74 and 82.
4	Hollington - -	1-5.

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THIRD SCHEDULE.

PARADE OR ROADWAY AND SEA WALL.

Schedule of Tolls payable to the Company for the use of the said Parade or Roadway and Sea-wall.

	s.	d.
1. For every foot passenger not exceeding the sum of	0	1
2. For every horse mule ass or other beast not drawing not exceeding the sum of	0	2
3. For every horse mule ass or other beast drawing any vehicle with two wheels not exceeding the sum of	0	3
4. If more than two wheels not exceeding the sum of	0	4
5. For every bicycle or tricycle not exceeding the sum of	0	2
6. For every motor-car and its occupant not exceeding the sum of	0	4
7. For every traction engine or steam road roller not exceeding the sum of	1	0

The Company may compound at reduced rates for periodical tickets.

All officers and servants and all horses and carts and other vehicles of the corporation and all persons exempted under section 28 of the Harbours Docks and Piers Clauses Act 1847 by this Act incorporated with and made applicable to the parade or roadway and sea-wall shall be exempt from the payment of the above tolls.

None of the above tolls shall be payable in respect of any of Her Majesty's mails.

FOURTH SCHEDULE.

In pursuance of and subject to the provisions contained in the Hastings Harbour District Railway Act 1897 and in consideration of the sum of pounds before the execution of these presents paid by the corporation of the county borough of Hastings to the Hastings Harbour District Railway Company the Hastings Harbour District Railway Company hereby grants conveys and assigns unto the corporation of the county borough of Hastings the parade or roadway and sea-wall described in the fifth section of the said Act the marginal note whereof is "Power to make railways and works" together with the approaches works conveniences and premises belonging to or used and occupied together with the said parade

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or roadway and sea-wall to hold unto the corporation of the county borough of Hastings and the corporation of the county borough of Hastings do accept the same accordingly. A.D. 1897.

In witness &c.

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