CHAPTER c.

An Act for making a railway from Brighton to Rottingdean and Newhaven in the county of Sussex and for other purposes. A.D. 1886.

[25th June 1886.]

WHEREAS the construction of the railways herein-after described would be of local and public advantage:

And whereas the persons herein-after named with others are willing to carry the undertaking into execution and it is expedient that they be incorporated into a company and the requisite powers conferred upon them:

And whereas it is expedient that the Company and the London Brighton and South Coast Railway Company be empowered to enter into and carry into effect working and traffic agreements as herein-after provided:

And whereas it is expedient that the Company should be empowered to pay interest out of capital as herein-after provided:

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

1. This Act may be cited as the Brighton Rottingdean and Newhaven Direct Railway Act 1886. Short title.

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Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (herein-after called the Lands Clauses Acts) the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with 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 expression "the Company" means the Company incorporated by this Act the expression "the undertaking" means the undertaking of the Company by this Act authorised the expressions "the railways" and "the railway" mean respectively the railways by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Steyning Beard Charles Brand Pierre George Dupuch and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Brighton Rottingdean and Newhaven Direct Railway Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the railways next herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and

use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are:—

1. A railway (in this Act and on the deposited plans called Railway No. 2) 5 furlongs and 3 chains in length wholly in the parish of Brighton commencing at a point distant 123 yards or thereabouts measured in a northerly direction from the northernmost boundary fence of the field numbered 52 on the 25-inch ordnance map thence proceeding in a west and south-westerly direction and terminating by a junction with the Kemp Town Branch of the London Brighton and South Coast Railway at a point distant 6 chains or thereabouts measured along the centre line of the said branch railway from the northern end of the platform ramp of the Kemp Town Railway Station:
2. A railway (in this Act and on the deposited plans called Railway No. 3) 7 miles 7 furlongs 2 chains and 40 links in length commencing in the parish of Brighton by a junction with Railway No. 2 at the commencement thereof before described thence proceeding in an easterly direction and terminating in the parish of Denton by a junction with the Lewes Newhaven and Seaford Branch of the London Brighton and South Coast Railway 150 yards or thereabouts north of the distance post thereon denoting 56 miles from London:

Provided always that the bridge carrying the railway over the River Ouse above Newhaven shall be constructed with an opening span or movable leaf of not less than 50 feet in the clear over the navigable channel of the river.

Capital.

6. The capital of the Company shall be one hundred and eighty thousand pounds in eighteen thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

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

Calls.

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

Receipt in case of persons not sui juris.

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

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Power to divide shares.

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

Dividends on half shares.

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

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

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

Half shares to be registered and certificates issued.

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

is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificate.

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

Forfeiture of preferred shares.

15. The provisions of the Companies Clauses Consolidation Act 1845 and Part I. of the Companies Clauses Act 1863 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 shares not to be cancelled or surrendered.

16. 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.

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

Power to borrow.

18. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole sixty thousand pounds but no part thereof shall be borrowed until the whole capital of one hundred and eighty thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to

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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.

For appointment of a receiver.

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

Debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

23. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

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

Quorum.

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

First directors.

Election of directors.

26. Steyning Beard Charles Brand Pierre George Dupuch and two 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 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 reducing 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.

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

Period for compulsory purchase of lands.

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

Power to take easements &c.

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

Lateral and vertical deviation.

30. In making the railways the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet: Provided always that no deviation from the lines and levels shown on the deposited plans shall be made below high-water mark without the consent in writing of the Board of Trade.

For the protection of the London Brighton and South

31. In constructing the junctions hereby anthorised with the railway of the London Brighton and South Coast Railway Company (in this section called "the Brighton Company") the Company shall conform to the following conditions:—

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Coast Railway Company.

A. The junctions shall be made at such points within the limits of deviation or on the lands of the Brighton Company as the engineer of the Brighton Company shall designate and all works necessary to be executed upon the lands of the Brighton Company for the purposes of effecting such junctions shall be executed by the Brighton Company at the request and expense of the Company;

B. The Brighton Company may from time to time erect maintain and alter such signals and other works and conveniences as may reasonably be found requisite in consequence of the construction of the said junctions and may appoint and remove such watchmen pointsmen switchmen or other persons as may reasonably be necessary for the prevention of danger or detention to or interference with traffic at or near the said junctions between the railways hereby authorised and the railways of the Brighton Company by the construction of the intended railways and the working of such signals works and conveniences and the control and direction of such watchmen pointsmen switchmen and other persons shall belong exclusively to that Company and all the costs and expenses of erecting and maintaining such signals works and conveniences and the wages of such watchmen pointsmen switchmen and other persons shall at the end of every half year be repaid by the Company to the Brighton Company on demand and in default of such repayment the amount of such costs expenses and wages may be recovered from the Company by the Brighton Company in any court of competent jurisdiction;

C. The Company shall not without in every case obtaining the previous consent of the Brighton Company under their common seal purchase or take any of the lands or property from time to time belonging to or in the possession or under the power of that company but they may purchase and take and the Brighton Company may and shall sell and grant accordingly an easement or right of using such part or parts of such lands and property as shall be necessary for the purposes of the junctions and works by this Act authorised;

D. With respect to the junction of Railway No. 2 by this Act authorised with the Kemp Town Branch of the Brighton Company the Company shall pay to the Brighton Company the capital cost of such alterations to their Kemp Town Station and sidings as may be rendered necessary by the construction of the said railway and in default of agreement

between the two companies as to such alterations as aforesaid the same shall be referred to an engineer to be appointed by the Board of Trade and the works so to be agreed upon or determined by arbitration shall be executed by the Brighton Company at the cost of the Company and such cost may be recovered from the Company in any court of competent jurisdiction.

For the protection of the corporation of Brighton.

32. Notwithstanding anything in this Act or shown on the deposited plans the Company shall (unless otherwise agreed between the Company and the mayor aldermen and burgesses of the borough of Brighton) carry the Railway No. 3 over the road in the parish of Brighton known as the White Hawk Road by means of a bridge having a clear span throughout of fifty feet and constructed in other respects to the reasonable satisfaction of the surveyor of the said borough.

For protection of estate of Steyning Beard.

33. In making the Railway (No. 3) and works connected therewith in the parishes of Ovingdean and Rottingdean the Company shall unless otherwise agreed between them and Steyning Beard Esquire of Rottingdean construct and maintain the following bridges and other works for the accommodation of the estate of the said Steyning Beard:

(1.) The width of the roadway over the bridge for carrying the road numbered 3 on the deposited plans in the parish of Ovingdean over the railway shall not be less than forty feet between the parapets.

(2.) The railway shall be carried over the road numbered 6 on the deposited plans in the parish of Ovingdean by a bridge of not less than thirty-five feet span and sixteen feet headway above the present level of the road.

(3.) A bridge of the width of thirty-five feet between the parapets shall be constructed over the railway in line with the road numbered 4 on the deposited plans in the parish of Rottingdean in order to permit the continuation of that road to the property on the north-eastern side of the railway.

(4.) The occupation road numbered 15 on the deposited plans in the parish of Ovingdean shall be diverted to join the continuation of the last-mentioned road instead of being crossed by the railway as shown on the said plans.

(5.) At or about the distance of one mile one furlong and seven chains from the commencement of the railway a bridge or opening of thirty-five feet span and sixteen feet high shall be formed in the railway embankment.

(6.) At or about the distance of one mile six furlongs and two chains from the commencement of the railway a bridge sixteen

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feet wide between the parapets shall be constructed for carrying a proposed new road over the railway.

(7.) The bridge for carrying the railway over the road numbered on the deposited plans 18 in the parish of Rottingdean and 21 in the parish of Ovingdean shall be thirty-five feet span and sixteen feet in height above the present level of the road at the point of crossing.

(8.) The bridge for carrying the railway over the road numbered 30 on the deposited plans in the parish of Rottingdean shall be thirty-five feet span and sixteen feet in height above the present level of the road at the point of crossing.

(9.) The roadway over the bridge for carrying the road numbered 31 on the deposited plans in the parish of Rottingdean over the railway shall be thirty feet between the parapets.

(10.) At or about the distance of three miles four furlongs and three chains from the commencement of the railway a bridge or archway twenty-five feet span and sixteen feet high shall be formed in the railway embankment near Saltdean Barn.

(11.) The road forming the boundary between the parishes of Rottingdean and Telscombe to be carried over the railway by a bridge sixteen feet in width between the parapets.

(12.) At or about the distance of four miles one furlong and seven chains from the commencement of the railway a bridge twenty-five feet in width between the parapets shall be constructed for a road over the railway.

(13.) The bridges referred to in the foregoing sub-sections 5 6 7 10 and 11 shall not be abandoned or the dimensions thereof as stated decreased unless with the consent of the Marquess of Abergavenny.

(14.) All such works shall be constructed formed and maintained at the expense of the Company and in case of any difference with respect to such works or any of them the same shall unless otherwise agreed be determined by an engineer to be named for the purpose by the president of the Institution of Civil Engineers on the application of either party and the decision of the engineer so named shall be final and binding on both parties and the costs of the reference shall be in his discretion.

For protection of the Marquess of Abergavenny.

34. In making the Railway (No. 3) and works connected therewith in the parish of Rottingdean the Company shall unless otherwise agreed between them and the Marquess of Abergavenny construct and maintain the following bridges and other works for the accommodation of the estate of the said Marquess in that parish:

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(1.) If the railway passes through the properties numbered on the deposited plans 10 and 11 in the parish of Rottingdean a bridge sixteen feet in width between the parapets shall be constructed for carrying a road over the railway at or about the fence or boundary between those properties.

(2.) At or about the distance of three miles and two chains from the commencement of the railway an accommodation level crossing shall be provided for agricultural purposes with gates in the fence on either side of the railway.

(3.) At or about the distance of three miles six furlongs five chains from the commencement of the railway a bridge sixteen feet wide between the parapets shall be formed for carrying the existing occupation road over the railway and at or about the distance of four miles seven chains from such commencement an archway sixteen feet wide and sixteen feet high shall be formed in the railway embankment.

(4.) At or about the distance of three miles seven furlongs and seven chains from the commencement of the railway a siding capable of standing five waggons or trucks shall be formed on the south side of the railway.

(5.) All such works shall be constructed formed and maintained at the expense of the Company and in case of any difference with respect to such works or any of them the same shall unless otherwise agreed be determined by an engineer to be named for the purpose by the president of the Institution of Civil Engineers on the application of either party and the decision of the engineer so named shall be final and binding on both parties and the costs of the reference shall be in his discretion.

Works on tidal lands not to be constructed without previous consent of Board of Trade.

35. The Company shall not 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 re-flows 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 to 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

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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.

Saving rights of the Crown in the foreshore.

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

Vessels not to be unnecessarily detained at bridge over River Ouse.

37. It shall not be lawful for the Company or any person or persons acting under them to detain at the said bridge any vessel barge or boat navigating the River Ouse and having masts or chimneys from any cause not then capable of being lowered with safety to the vessel or without risk of damage to the cargo and in case the Company or any person or persons acting under them shall wilfully or negligently detain any such vessel barge or boat contrary to the provisions of this Act or demand take or receive any toll for the passage of any person or persons vessel barge or boat through or under the said bridge the Company or every person so offending shall be liable to any penalty not exceeding the sum of ten pounds which penalty shall be recoverable by summary process in the manner directed by the Railways Clauses Consolidation Act 1845 for the recovery of penalties incurred by the Company but nothing in this Act shall prevent any remedy for damages which any party may sustain in respect of any such detention as aforesaid: Provided always that the master or person having command or charge of any such vessel barge or boat shall before such vessel barge or boat comes within half a mile of the said bridge show or make some signal to be determined from time to time by the Board of Trade which shall indicate to the person in charge of the bridge that such vessel barge or boat requires and is entitled under this section to pass the bridge with fixed masts or chimneys and if the master or person having the command or charge of any vessel barge or boat having masts or chimneys capable of being then lowered with safety to the vessel or without risk to the cargo shall show or make such signal such master or person shall be liable to pay to the Company

any sum not exceeding ten pounds to be recovered as any penalty may be recovered under the Acts incorporated herewith.

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

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

For protection of trustees of Newhaven Harbour and Ouse Lower Navigation.

39. In constructing Railway No. 3 by this Act authorised the following provisions shall have effect for the protection of the trustees of Newhaven Harbour and Ouse Lower Navigation (in this section referred to as "the trustees"):—

(1.) The bridge carrying the Railway No. 3 over the River Ouse near Newhaven (herein-after referred to as "the bridge") shall unless the Company and the trustees otherwise agree be constructed with an opening span or movable leaf of not less than fifty feet in the clear over the navigable channel of the river and with a clear headway of twelve feet at least above the level of the highest spring tides in time of flood such level being ascertained by the expenditor of the trustees and marked by a post to be placed in the river as near the site of the bridge as conveniently may be and shall also be constructed in such a manner as to provide for such a towing-path of not less than five feet wide under the bridge as can be conveniently used with the towing-path above and below the bridge;

(2.) During such time as the bridge shall be building or repairing the Company shall keep the navigation of the river and towing-path at and about the bridge free and clear so that vessels and barges navigating upon the river may have sufficient and convenient room to navigate and pass thereon;

(3.) If during such time or times as the bridge shall be building or repairing the Company shall fail to keep the navigation of the river and the towing-path at and about the bridge free and clear so that vessels and barges navigating upon the river have not sufficient and convenient room to navigate and pass thereon

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the Company shall forfeit twenty pounds for every day that the river and towing-path at and about the bridge shall not be kept free and clear as aforesaid which penalty shall be paid to the trustees expenditor or other person having the management of the navigation and be applied for the purposes of the navigation and shall be recoverable by action in any court of competent jurisdiction;

(4.) The opening span or movable leaf of the bridge shall be opened by some person or persons appointed expressly for that purpose by and at the expense of the Company for the passage of barges and other vessels and under such regulations as shall from time to time be made by the trustees;

(5.) The Company shall upon the request in writing of the trustees set up and erect a sufficient number of mooring posts at proper distances as well above as below the bridge for the convenience of vessels and barges navigating on the river and from time to time to repair or renew the said mooring posts as occasion shall require;

(6.) The Company shall at their own expense make and for ever maintain and keep free from obstruction a proper and sufficient towing-path under the bridge over the river above Newhaven connected and to be used with the towing-path above and below the bridge for the drawing and hauling of vessels and barges to and through the bridge;

(7.) It shall not be lawful for the Company to lay any stone or other materials at the foot of the piers or abutments of the bridge so as to impede the flowing of the water in an easy and uninterrupted current and for more effectually preserving undiminished the waterway or space for the current of the river and the free flowing of the tides thereof the Company are hereby authorised and required to widen the river by cutting away such part of the land and removing such part of the flood banks on either side of the river at or near the spot where the bridge crosses the river as the expenditor of the navigation and the engineers of the Company or their umpire in case of disagreement shall agree and decide upon to be advisable and necessary;

(8.) During the construction of the bridge and works connected therewith the Company shall cause to be hung out or exhibited every night from sunset to sunrise a light to be kept burning by and at the expense of the Company for the navigation and safe guidance of vessels and barges and for ever after the completion of the bridge the Company shall cause to be hung

out or exhibited upon or near to the centre of the bridge every night from sunset to sunrise a good and sufficient light to be kept burning by and at the expense of the Company for the navigation and safe guidance of vessels and barges and which lights shall be from time to time altered by the Company in such manner and be of such description and be so used and placed as the trustees shall by writing under the hand of the expenditor approve And in case the Company shall neglect to exhibit and keep any or either of such lights burning as aforesaid they shall forfeit and pay for every such neglect the sum of ten pounds such sum to be paid to the trustees expenditor or other person having the management of the navigation and shall be recoverable by action in any court of competent jurisdiction; A.D. 1886.

(9.) Nothing in this Act contained shall extend or be construed to extend to defeat lessen or diminish take away prejudice or affect all or any of the rights privileges or powers or authorities given to or vested in the trustees for the time being authorised or acting under or by virtue of an Act of Parliament passed in the tenth year of the reign of Her present Majesty Queen Victoria intituled "An Act for more effectually maintaining the "harbour of Newhaven and the navigation of the River Ouse "between Newhaven and Lewes and for draining the low lands "lying in Lewes and Laughton Levels all in the county of Sussex" and an Act of Parliament passed in the twenty-seventh year of the reign of Her said Majesty Queen Victoria intituled "An Act "to enable the trustees of Newhaven Harbour and Ouse Lower "Navigation to form a new cut for diverting the channel of the "River Ouse and to construct a road tramway and other works "for the improvement of the said harbour and navigation and "for other purposes" save only and except so as not in any manner to prevent hinder or prejudice the due execution of this Act or of all or any of the powers and authorities hereby given and vested in the Company.

For protection of the Commissioners of Sewers for the Lewes and Laughton Levels.

40. The following provisions shall have effect for the protection of the Commissioners of Sewers for the Lewes and Laughton Levels for the time being (in this section referred to as "the commissioners"):—

(1.) In constructing the railways authorised by this Act across the sewer drain or waterway leading to the Horseshoe or Horseshoe Gut Sluice the Company shall carry that sewer drain or waterway under the railway by means of a culvert to be made and maintained by the Company and to be of such size and

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capacity that the free flow of water in and along the said sewer drain or waterway shall not be in any way impeded or interfered with;

(2.) In constructing the railways by this Act authorised across any other sluices sewers drains ditches or waterways within the jurisdiction of the commissioners the Company shall make and maintain all such culverts cuts arches ditches and other works as may be necessary for the free flow of water from and drainage of the lands within the Lewes and Laughton Levels in as ample a manner as those lands are now drained;

(3.) The Company shall before commencing any works by this Act authorised within the jurisdiction of the commissioners affecting sluices sewers drains ditches or waterways submit to the commissioners for their approval plans sections and detailed drawings of all such works showing the mode or modes of dealing with those sluices sewers drains ditches or waterways and the provisions to be made for the free flow of water and drainage of the lands and in case the commissioners shall neglect to signify their approval or disapproval of those plans sections and detailed drawings for the space of one calendar month after the same shall have been so submitted the same shall be deemed to be approved;

(4.) Any difference arising between the Company and the commissioners respecting any of the matters referred to in this enactment shall be settled at the request of either party by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers;

(5.) Except as by this Act otherwise provided nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the commissioners or to prohibit defeat alter or diminish any powers authorities or jurisdiction which at the time of the passing of this Act the commissioners did or might lawfully claim use or exercise.

Provision respecting houses occupied by labouring class.

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

(A.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such

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

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

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

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

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

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

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any such 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 of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that the court may if it thinks 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

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purchase such further lands as they may require and for the purposes of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

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

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be indorsed with notice of this enactment: Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

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

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that board under the Public Health Act 1875.

(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

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incurred by that board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector.

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

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

42. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty chapter twenty a sum of nine thousand and sixty-five pounds Consolidated Three per Centum Annuities being five per centum upon the amount of the estimate in respect of the railways distinguished on the deposited plans as Railway No. 1 Railway No. 2 Railway No. 3 and Railway No. 4 proposed to be authorised by the Bill for this Act as introduced into Parliament has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act: And whereas Railway No. 1 and Railway No. 4 were struck out of the Bill during its progress through Parliament and the proportion of the said annuities representing five per centum upon the amount of the estimate in respect of those railways is three thousand one hundred and fifty-eight pounds and the proportion representing five per centum upon the amount of the estimate in respect of Railway No. 2 and Railway No. 3 authorised by this Act is five thousand nine hundred and seven pounds (which last-mentioned sum is in this Act referred to as "the deposit fund"): Be it enacted that notwithstanding anything contained in the said recited Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the 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 railways for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance

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of passengers then on 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 deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the Chancery Division of the High Court of Justice in England shall on the application of the depositors order the portion of the deposit fund so specified in the certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by a secretary or by an assistant secretary of the said board 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 recited Act to the contrary notwithstanding.

Application of deposit.

43. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railways complete and open the same for the public conveyance of passengers then in every such case the 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the said Chancery Division of the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators

of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid to the depositors or shall have 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.

Repayment of portion of deposit applicable to railways proposed but not authorised by Act.

44. On the application of the persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act of the ninth and tenth years of Her present Majesty chapter twenty or of the survivors or survivor of them or the executors or administrators of the survivor at any time after the passing of this Act the Chancery Division of the High Court of Justice may and shall order that the said sum of three thousand one hundred and fifty-eight pounds Consolidated Three per Centum Annuities (being the proportion of the said sum of nine thousand and sixty-five pounds like annuities applicable to Railways No. 1 and No. 4 struck out of the Bill as aforesaid) and the dividends thereon shall be transferred and paid to the person or persons so applying or to such other person or persons as he or they may appoint in that behalf.

Period for completion of works.

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

Tolls for passengers and animals.

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

In respect of passengers and animals conveyed on the railway:

For any person threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile:

Class 1. For any horse or mule or other beast of draught or burden fourpence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny:

Class 2. For any ox cow bull or head of neat cattle threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum per mile not exceeding one penny:

Class 3. For any calf pig sheep lamb or other small animal one penny per mile and if conveyed in or upon a carriage belonging

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to the Company an additional sum per mile not exceeding one halfpenny :

Tolls for goods.

In respect of goods and minerals conveyed upon the railway :

Class 4. For all coals culm cinders cannel ironstone iron ore limestone chalk sand slag and clay (except fire clay) dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton per mile one penny halfpenny and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny :

Class 5. For all coke charcoal pig iron bar iron rod iron hoop iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron lime bricks tiles slates salt fire clay and stone copper ore lead ore tin ore antimony and manganese and all other ores minerals and semi-metals per ton per mile twopence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny :

Class 6. For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile threepence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny :

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

For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton conveyed on a truck or platform belonging to the Company sixpence per mile and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power

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

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

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

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

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

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight : General weight.

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

49. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight or length notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :— Tolls for small parcel and articles of great weight or length.

For the carriage of small parcels on the railway :

For any parcel not exceeding seven pounds in weight threepence :

For any parcel not exceeding fourteen pounds in weight fivepence :

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

For any parcel 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 which they may think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar

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coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages:

For the carriage of single articles of great weight on the railway:

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

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

For the carriage of any single consignment of timber stone machinery or other single article which on account of the length thereof may require more than one carriage the Company may demand such sum as they think fit.

Maximum rates for passengers.

50. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls for the use of the railway and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):—

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

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

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

Maximum rates for animals and goods.

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

For every animal in Class 1 fourpence per mile:

For every animal in Class 2 threepence per mile:

For every animal in Class 3 one penny per mile:
For everything in Class 4 one penny halfpenny per ton per mile:
For everything in Class 5 twopence per ton per mile:
For everything in Class 6 threepence per ton per mile:
For everything in Class 7 fourpence per ton per mile:
And for every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform per mile sixpence and if weighing more than one ton one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh:

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

Passengers luggage.

52. 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.

Terminal station.

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

Foregoing charges not to apply to special trains.

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

Company may take increased charges by agreement.

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

Classification table of goods to be

56. The book tables or other document in use for the time being containing the general classification of goods carried by goods or

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open to inspection and copies kept for sale.

merchandise train on the railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

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

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty may be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

Agreements with London Brighton and South Coast Railway Company.

57. The Company on the one hand and the London Brighton and South Coast Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect and rescind contracts and agreements with respect to the following matters or any of them (that is to say):—

The working use management and maintenance of the railway of the Company or of any part or parts thereof:

The supply under any agreement for the railway being worked and used by the London Brighton and South Coast Railway Company of engines rolling stock and plant necessary for the purposes of such agreement and the employment of officers and servants for the conduct of the traffic on the railway:

The providing of terminal and other accommodation offices buildings signals and other conveniences for the traffic of the Company:

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies:

The fixing collection payment division and appropriation of the tolls fares rates charges and other income and profits arising from such traffic.

Tolls on traffic conveyed partly on railway and partly on the London Brighton and South Coast Railway.

58. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway by the London Brighton and South Coast Railway Company the railways of the Company and of the London Brighton and South Coast Railway Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the London Brighton and South Coast Railway for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway and partly on the London Brighton and South Coast Railway.

Saving rights of Crown under Crown Lands Act 1866.

59. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Power to pay interest on capital during construction.

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

(A.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same;

(B.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear;

(C.) The aggregate amount to be so paid for interest shall not exceed twenty thousand pounds and the amount so paid shall

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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 have power 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 Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposit for future Bills not to be paid out of capital.

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

Provision as to general railway Acts.

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

Costs of Act.

63. 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.

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