CHAPTER liv.

An Act for conferring further powers on the Crowhurst Sidley and Bexhill Railway Company and for other purposes. [1st July 1898.]

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WHEREAS by the Crowhurst Sidley and Bexhill Railway Act 1897 (herein-after referred to as "the Act of 1897") the Crowhurst Sidley and Bexhill Railway Company (herein-after called "the Company") were incorporated and were empowered to make the railway therein described in the county of Sussex:

And whereas it is expedient that the Company should be empowered to execute the works and exercise the other powers in this Act severally mentioned and to acquire for the purposes of the works by this Act authorised and for extending their station siding and other accommodation and for other purposes connected with their undertaking the lands in this Act also mentioned:

And whereas it is expedient that the Company be authorised to raise further capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is expedient that the South Eastern Railway Company (in this Act called "the South Eastern Company") should be authorised to subscribe towards or to guarantee the capital of the Company and to take and hold shares or stock in and to lend money on mortgage to the Company and to raise the necessary capital for these purposes as herein-after provided:

And whereas it is expedient that other provisions such as are in this Act contained be made:

And whereas plans and sections showing the lines and levels of the works by this Act authorised to be constructed and plans showing the lands by this Act authorised to be acquired and appropriated and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the

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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 which plans sections and books of reference are herein-after respectively referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Act may be cited as the Crowhurst Sidley and Bexhill Railway Act 1898.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (namely):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money upon mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

Parts I. II. and III. of the Companies Clauses Act 1863 (as amended by subsequent Acts) relating respectively to cancellation and surrender of shares to additional capital and to debenture stock:

The Lands Clauses Acts:

And the Railways Clauses Consolidation Act 1845.

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 "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 ;

The expression "the undertaking" means the undertaking authorised by the Act of 1897 as enlarged by this Act.

Power to execute works.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works described in this section and may exercise the powers mentioned therein and in addition to any other lands which they are by this Act authorised to acquire may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say) :—

(1) They may construct a road in the parish of Crowhurst in the county of Sussex commencing by a junction with the public road leading from the Plough Inn to the National Schools at Crowhurst at a point distant four chains or thereabouts measured in a southerly direction from the said schools and terminating on the south side of the South Eastern Railway at a point at or near the mile post indicating 69 miles from London ;

(2) They may divert the public footpath in the said parish of Crowhurst leading from Church Farm across the South Eastern Railway on the west side of the Rectory House to the public road leading from Forewood Lane to Pye's Farm ;

(3) They may stop up and discontinue the whole of Reginald Road in the parish of Bexhill in the county of Sussex provided that the Company shall not stop up the said road until they shall have become the owners of the land on both sides thereof.

Power to deviate.

5. The Company in executing the works by this Act authorised may deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of any of the said works shown on the deposited sections to any extent not exceeding three feet and as regards the construction of the road in the parish of Crowhurst to such further extent as may be agreed between the Company on the one hand and every landowner and the local authority respectively affected

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on the other hand but so as not to increase the gradient of any road.

Extinguishment of rights of way.

6. All rights of way over the road and footpath which shall under the powers of this Act be diverted stopped up and discontinued and over any of the lands which shall be purchased or acquired under the compulsory powers of this Act other than Victoria Road in the parish of Bexhill shall be and the same are hereby extinguished.

Vesting in Company of site and soil of road &c. stopped up.

7. Where the Company are authorised by this Act to divert stop up or discontinue any road or footpath and are or before the road or footpath is diverted stopped up or discontinued become owners of the land on both sides thereof the site and soil of the road and footpath and the fee simple and inheritance thereof shall absolutely vest in the Company for the purposes of the undertaking except so far as it is otherwise provided by this Act and subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway.

Period for compulsory purchase of lands.

8. 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.

Purchase of additional lands &c.

9. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may enter upon take use and appropriate for the purpose of extending the stations sidings warehouses depôts and other accommodation of the Company and for other purposes connected with their undertaking the lands herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say) :—

A block of land and dwelling-houses situate in the parish of Bexhill in the county of Sussex bounded on the east by the road known as Windsor Road and an imaginary line which shall be the line of Windsor Road extended northwards on the west by Reginald Road and an imaginary line which shall be the line of Reginald Road extended northwards on the south by Sackville Road North and on the north by the stream which runs immediately to the south of Beaconsfield Terrace.

Lands for extraordinary purposes.

10. Subject to the provisions of this Act 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 six 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.

Persons under disability may grant easements &c.

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

Period for completion of works.

12. If the works by this Act authorised 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 said works or otherwise in relation thereto shall cease except as to so much thereof respectively as shall be then completed.

Restrictions on displacing persons of labouring class.

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

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

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

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

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall

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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.

(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.

(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 by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to 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

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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 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.

Power to raise additional capital.

14. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole forty-eight thousand pounds by the issue of new ordinary shares or stock but the Company shall not issue any share of less nominal value than ten pounds nor shall any 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 shall have been paid in respect thereof.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

15. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to form part of capital of Company.

16. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

17. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

New shares or stock raised under this Act and

18. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if

they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

any other Act of past sessions may be of same class.

19. The South Eastern Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said company specially convened for the purpose guarantee the capital debentures or debenture stock of the Company or may at their option subscribe towards such capital debentures or debenture stock such sum or sums as they may think fit provided that the total sums so guaranteed or subscribed as aforesaid shall not exceed in the aggregate the sum of two hundred thousand pounds or the said company may in lieu of any such guarantee or subscription as aforesaid guarantee the payment of dividends or interest or other annual payments on any shares stock or loan of the Company provided that they shall not guarantee such payment upon a larger sum than will together with the capital sum or sums guaranteed or subscribed under the foregoing provisions amount in the aggregate to the sum of two hundred thousand pounds and the South Eastern Company may with the like authority contribute and apply in or towards payment of any such guarantee or subscription as aforesaid any moneys which they are already authorised to raise and which will not be required by them for the purposes of their undertaking and also any moneys which they are by this Act authorised to raise and the said company shall in respect of the sums to be subscribed and the corresponding shares in the Company to be held by them have all the powers rights and privileges (except in regard to voting at general meetings which shall be as herein-after provided) and be subject to all the obligations and liabilities of the proprietors of shares in the Company provided always that the South Eastern Company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

Power to South Eastern Company to subscribe and to guarantee interest or dividends.

20. The Company may in respect of the additional capital of forty-eight thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole sixteen thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company have proved to the justice who is to certify under the

Power to borrow.

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fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one-half of such capital 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 until stock for one-half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted (and to the extent aforesaid paid up) bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

Debenture stock.

21. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 20 of the Act of 1897.

Receipts in case of persons not sui juris.

22. If any money be payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Existing mortgages to have priority.

23. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and existing at the passing hereof shall during their continuance and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

For appointment of a receiver.

24. Section 19 of the Act of 1897 (For appointment of a receiver) is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision 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.

Power to South Eastern Company to raise money by the creation of shares or stock.

25. The South Eastern Company may for the purpose of their subscription to the undertaking raise such an amount of capital as may be necessary therefor by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively And the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 (as amended by subsequent Acts) shall extend and apply to the South Eastern Company and to the additional capital which they are by this Act authorised to raise.

Shares of South Eastern Company not to be issued until one-fifth paid.

26. The South Eastern Company shall not issue any share under the authority of this Act of less nominal value than ten pounds nor shall any 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 shall have been paid in respect thereof.

Application of moneys raised by South Eastern Company.

27. All moneys which the South Eastern Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

Votes of South Eastern Company

28. The South Eastern Company whilst shareholders of the Company may by writing under their common seal from time to time appoint some person to attend any meeting of the Company

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general meetings.

and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings and may vote thereat in respect of the capital held by the South Eastern Company.

Company may apply corporate funds.

29. The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise by virtue of any Act relating to the Company and which may not be required for the purposes to which they were by such Act made specially applicable.

Provision as to general Railway Acts.

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

Interest not to be paid on calls paid up.

31. 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.

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

32. The Company shall not nor shall the South Eastern Company 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 to any application to Parliament for the purpose of obtaining an Act authorising the Company or the South Eastern Company to construct any other railway or to execute any other work or undertaking.

Costs of Act.

33. 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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