CHAPTER ccxl.

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An Act to authorise the Hastings Harbour District Railway Company to construct deviation railways and new railways to raise additional capital and for other purposes. [14th August 1903.]

WHEREAS by the Hastings Harbour District Railway Act 1897 (in this Act called "the Act of 1897") the Hastings Harbour District Railway Company (in this Act called "the Company") was incorporated and authorised to make and maintain certain railways in the county of Sussex (in this Act referred to as "the railway"):

And whereas by the Hastings Harbour District Railway (Extension of Time) Act 1902 the powers of the Act of 1897 for the compulsory purchase of lands for the purposes of that Act were revived and the period limited for their exercise and the period limited for the completion of the railway were extended:

And whereas it is expedient that the Company should be authorised to make and maintain the deviation or substituted railways and the new railways in this Act described and to abandon the railways and portions of railway authorised by the Act of 1897 which will be rendered unnecessary by the construction of the said deviation railways:

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of the undertaking:

And whereas plans and sections showing the line and levels of the deviation railways and new railways authorised by this Act and also books of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the

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clerk of the peace for the county of Sussex and are hereinafter 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Hastings Harbour District Railway Act 1903.

Incorporation of general Acts.

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

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845; and

Part I. (construction of a railway) of the Railways Clauses Act 1863;

The 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 borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

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;

The giving of notices; and

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

Parts I. II. and III. (relating respectively to the cancellation and surrender of shares to additional capital and to debenture

stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Power to make new and deviation railways.

3. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the deviation railways and new railways hereinafter described with all proper stations sidings junctions roads approaches works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for those purposes The deviation railways and new railways hereinbefore referred to and authorised by this Act are—

Deviation Railway (No. 1) One mile 3 furlongs and 3·3 chains or thereabouts in length commencing in the parish of All Saints by a junction with Railway No. 1 authorised by the Act of 1897 at or about a point 2 furlongs from the commencement of that railway and terminating in the parish of St. Helens by a junction with Railway No. 2 authorised by the Act of 1897 at or about a point 6 furlongs 7·40 chains or thereabouts from the commencement of that railway :

Deviation Railway (No. 2) One mile 3 furlongs and 7·75 chains or thereabouts in length commencing in the parish of St. Matthew by a junction with the said authorised Railway No. 2 at or about a point 1 mile 4 furlongs and 8 chains from the commencement thereof and terminating in the parish of Hollington Rural by a junction with the South Eastern Railway (Tunbridge Wells and Hastings branch) at a point in the rails thereof two hundred and ninety-four yards or thereabouts from the south-eastern corner of the house known as "The Grove" measured in a south-easterly direction and three hundred and thirty-seven yards or thereabouts from the point where the western fence of Harley Shute Road crosses the said railway and branch :

Railway (No. 4) Five furlongs and 3·75 chains or thereabouts in length commencing in the parish of Hollington St. John by a junction with Deviation Railway No. 2 hereinbefore described of the authorised Railways Nos. 2 and 4 at a point 1 mile 6·30 chains from the commencement of said Deviation Railway No. 2 such point being distant two hundred and forty yards or thereabouts from the southern side of Gillsman's Hill where it crosses Hollington Stream measured in a south-westerly direction and two hundred and

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forty-seven yards or thereabouts from the junction of Harley Shute Road with Gillsman's Hill measured in a south-easterly direction and terminating in the parish of St. Leonard at a point situate thirty-four yards or thereabouts from the northern edge of the bridge carrying Filsham Road over the Tunbridge Wells and Hastings branch of the south Eastern Railway measured in a north-westerly direction and one hundred and ninety yards or thereabouts from the south-western corner of West St. Leonards passenger station house measured in a north-westerly direction:

Railway (No. 5) One furlong and 4·90 chains or thereabouts in length commencing in the parish of St. Leonard at the point of termination of Railway No. 4 hereinbefore described and terminating in the parish of St. Leonard by a junction with the London Brighton and South Coast Railway at a point in the rails thereof situate one hundred and twenty yards or thereabouts from the south-western corner of the London Brighton and South Coast Railway passenger station house measured in a westerly direction or seventy yards or thereabouts from the north-eastern corner of said railway's goods shed measured in a north-easterly direction:

Railway (No. 6) One furlong and 2·20 chains or thereabouts in length commencing in the parish of St. Leonard at the point of junction of Railways Nos. 4 and 5 hereinbefore described and terminating in the parish of St. Leonard at a point situate thirty-three yards or thereabouts from the south-eastern corner of West St. Leonards station house measured in a southerly direction and ninety yards or thereabouts from the north-western corner of Hertfordshire Convalescent Home measured in a north-westerly direction.

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

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

any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

For protection of London Brighton and South Coast Railway Company.

5. Notwithstanding anything in this Act contained the Company shall not without the previous consent in writing of the London Brighton and South Coast Railway Company under their common seal take enter upon use or in any way interfere with the lands numbered upon the deposited plans 20 and 21 in the parish of St. Leonards in the county borough of Hastings.

For protection of South Eastern Railway Company and South Eastern and Chatham Railway Companies' Managing Committee.

6. The following provisions for the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee (hereinafter together referred to as "the South Eastern Company") shall unless otherwise agreed between the Company and the South Eastern Company apply and have effect (that is to say):—

(1) Notwithstanding anything shown on the deposited plans and sections the Company shall not construct the railways by this Act authorised where the same are intended to pass under or over or be situate upon any lands of the South Eastern Company except in accordance with such plans as shall be approved (having regard as well to future as to present requirements) by the engineer of the South Eastern Company and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the South Eastern Company and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the South Eastern Railway or of any future widening thereof or the traffic thereon The Company shall not form any junction with the South Eastern Railway except at such point or points within the limits of deviation or on the lands of the South Eastern Company as the engineer of the South Eastern Company shall designate and all works necessary to be executed upon the lands of the South Eastern Company for the purpose of effecting such junctions shall be executed by the South Eastern Company at the request and expense of the Company:

(2) The Company shall construct the railways by this Act authorised where the same shall pass over or under or form junctions with the railway of the South Eastern Company

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and all the works both temporary and permanent necessary and incident to the construction thereof so far as they affect the property and works of the South Eastern Company according to plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously approved in writing by the engineer of the South Eastern Company and the Company shall not commence the construction of the said railways or enter upon or interfere with any land works or property belonging to or used by the South Eastern Company until such plans sections and specifications have been so submitted and approved Provided that if the said engineer shall for the period of one month neglect or refuse to approve such plans sections and specifications or shall disapprove the same and in case of the said engineer and the engineer of the Company failing to agree or of any difference arising between them such difference shall be settled in manner hereinafter provided:

(3) The said railways and all works necessary or incident to the construction thereof so far as they affect the property or works of the South Eastern Company may if desired by the South Eastern Company be executed by them but in all things at the expense of the Company If by means of the execution by the Company of any of the works by this Act authorised any obstruction to or interference with the traffic on the South Eastern Railway be caused the Company shall pay to the South Eastern Company full compensation therefor:

(4) The Company shall not in constructing Deviation Railway No. 1 between the points marked respectively 7 furlongs and 1 mile 1 furlong on the deposited plans deviate laterally from the centre line shown on the deposited plans or vertically from the levels shown on the sections attached to such plans to any extent whatever without the consent of the South Eastern Company:

(5) The Company shall at their own expense and to the reasonable satisfaction of the engineer for the time being of the South Eastern Company construct so much of the Deviation Railway No. 1 as is situate between a point 50 feet measured in a south-easterly direction along the centre line of that railway from the centre line of the existing Ashford and Hastings Branch Railway of the South Eastern

Company at the intersection thereof and the eastern side of Parker Road as cut and cover in such manner and of sufficient strength as will allow for the laying thereover by the South Eastern Company of additional railway lines platforms roadways and sidings and the Company shall at their own cost and to the like satisfaction for ever maintain the same :

(6) If by reason of the construction of the works by this Act authorised the existing large brick culvert passing through the property of the South Eastern Company at Ore Station shall be interfered with or obstructed in any way the Company shall at their own expense construct a new culvert of equal sectional area to the existing culvert and shall carry out all works in connection therewith to the reasonable satisfaction of the engineer for the time being of the South Eastern Company and shall for ever maintain the same :

(7) If by reason of the construction of the railways by this Act authorised it shall become necessary to add to or alter the signal or signals upon the railway of the South Eastern Company the same shall be so added to or altered by the South Eastern Company and the reasonable expenses thereof shall be repaid to that company by the Company :

(8) The Company shall not (except with the previous consent of the South Eastern Company under their common seal) purchase or acquire any lands or property belonging to the South Eastern Company or which they have powers to acquire under the South Eastern and London Chatham and Dover Railways Act 1902 but the Company may purchase and take and the South Eastern Company may and shall sell and grant accordingly an easement or right of using so much of the lands of the latter Company as may be necessary for the construction of the works by this Act authorised in accordance with the provisions of this section :

(9) The Company shall bear and on demand pay to the South Eastern Company all expenses of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching their railways and the works thereof during the construction of the said railways and any other works near to or affecting the railways property and works of the South Eastern Company for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the

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acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise:

(10) The Company shall at all times maintain the said railways and all the works connected therewith and incident thereto so far as such railways and works form junctions with or cross over or under the railway works and lands of the South Eastern Company in substantial repair and good order to the reasonable satisfaction in all respects of the engineer of the South Eastern Company and if and whenever the Company fail so to do the South Eastern Company may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the said engineer to be the reasonable amount of such expenditure shall be repaid to the South Eastern Company by the Company:

(11) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the South Eastern Company all costs losses damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of the Company's railways and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the South Eastern Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission:

(12) If any difference shall arise under the provisions of this section between the Company and the South Eastern Company such difference shall be referred to and determined by an engineer to be agreed upon between the Company and the South Eastern Company or failing agreement by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of the Company or the South Eastern Company.

For protection of corporation of Hastings.

7. For the protection of the corporation of Hastings (in this section called "the corporation") the following provisions shall notwithstanding anything to the contrary contained in this Act

or shown on the deposited plans and sections have effect (that is to say):—

(1) The provisons of subsections 13 and 14 of section 34 of the Act of 1897 and the other subsections of that section so far as applicable shall extend and apply to the railways and works by this Act authorised and the provisions of subsection 11 of the said section 34 shall extend and apply to the bridge carrying the Harley Shute Road over the Deviation Railway No. 2 by this Act authorised:

(2) The abutments of all bridges carrying any of the railways authorised by this Act over public roads within the borough of Hastings shall if required by the corporation be faced with white glazed bricks:

(3) The public footpath between Shornden Reservoir and Catt's Tank shall be carried over the Deviation Railway No. 2 by this Act authorised by means of a footbridge to be constructed by the Company at their expense according to plans and specifications previously approved by the engineer of the corporation and to his reasonable satisfaction:

(4) If in the construction of the Deviation Railway No. 1 by this Act authorised the Company shall between a point 22 yards south-east of Harold Road and the north-west side of Harold Road find it necessary to cut open the land they shall recover the whole and where required re-lay the same with best turf or sow with best grass seed on soil spread to a depth of three feet and otherwise make good and restore the existing surface of the land including the public footpath crossing the same to the reasonable satisfaction of the engineer of the corporation and the Company shall in any event make good any subsidence for a period of twelve months from the date of completion of the portion of the said Deviation Railway No. I between the aforesaid points or of such re-laying or sowing as the case may be as certified by the said engineer and to his reasonable satisfaction The whole of the said works contemplated by this subsection shall be done in accordance with plans and sections and specifications previously submitted to and approved by the engineer of the Corporation and to his reasonable satisfaction:

(5) The Company shall before commencing any works on the said piece of land lying between the point 22 yards south-east of Harold Road and Harold Road erect a temporary fence along and on each side of the land so far as the Company

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interfere with the same so as to protect the remainder of the said land from any inconvenience which may arise by reason of the construction of the Company's works and maintain the said fence or any part thereof during the progress of the works until the removal of the whole or any part thereof at the request of the corporation:

(6) The Company shall not except with the consent of the corporation make or maintain any opening or ventilator in their railway between the southerly commencement of the tunnel under East Hill and the north-west side of Harold Road other than such as may be temporarily necessary during the construction of the said Deviation Railway No. 1:

(7) Any difference arising between the corporation and the Company respecting any works which under this section are required to be executed to the reasonable satisfaction of the engineer of the corporation 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.

For protection of governors of Hastings Grammar School Foundation.

8. For the protection of the governors of Hastings Grammar School Foundation (hereinafter called "the governors") the following provisions shall (unless otherwise agreed between the Company and the governors) apply and have effect (that is to say):—

(1) Notwithstanding anything in this Act contained or shown upon the deposited plans and sections the Company shall carry the road known as Parker Road in the parish of St. Helens over Railway No. 1 by this Act authorised by means of a bridge not less than 40 feet in width between the parapets measured on the square with approaches thereto of equal width at a gradient not exceeding one in ten or the Company may at their option carry the said railway under the said road by means of a tunnel to the reasonable satisfaction in all respects of the governors:

(2) Unless within eighteen months after the passing of this Act the Company serve notice to treat for the purchase of the lands of the governors shown in blue colour on the plan hereinafter mentioned the powers of the Company for the compulsory purchase thereof shall cease and in the event of the Company carrying out the construction of the said railway without acquiring the lands lying to the west of Parker Road and shown in blue colours upon the plan hereinafter mentioned and numbered 22 upon the deposited

plans in the parish of St. Helens they shall notwithstanding anything in this Act contained or shown upon the deposited plans and sections carry an intended road coloured brown on the plan signed in duplicate by Sir Douglas Fox on behalf of the Company and by the chairman of the grammar school foundation on behalf of the governors (one copy of which plan is in the custody of the Company and the other copy is in the custody of the governors) over the railway at a point marked C on the said plan by means of a bridge not less than 40 feet in width between the parapets measured on the square with approaches thereto of equal width at a gradient not exceeding one in ten to the reasonable satisfaction of the governors :

(3) The Company shall when necessary and whenever reasonably required by the governors make provision by culverts or otherwise at or near the said bridges for the purpose of conveying any existing or future flow of water or sewage from the portions of the drainage district on each side of the railway and such works shall be constructed at the expense of the Company in accordance with such plans and sections and of such materials as the governors may reasonably require :

(4) The governors shall have the right so far as is practicable at all times to use any such culverts when made for the purpose of laying therein sewers drain-pipes water gas and electric and other mains and pipes for the purposes of their estate :

(5) The parapets of the said bridges shall be carried up to a height of not less than five feet above the formation level of the roadway in each case the roadway of the said bridge shall be paved channelled and kerbed and the approaches thereto shall be securely fenced channelled and kerbed to the reasonable satisfaction of the governors :

(6) The Company shall for ever maintain the structure of the said bridges and culverts in substantial repair and good order to the reasonable satisfaction of the governors :

(7) The Company shall not affix or exhibit or permit to be affixed or exhibited on any piers abutments or parapets of the said bridges or on any part of the governors' land adjacent thereto any placards or advertisements :

(8) Any dispute or difference arising between the Company and the governors with regard to the foregoing provisions or any of them shall be determined by an arbitrator to be

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agreed upon between the parties or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Power to deviate vertically.

9. In the execution of the works by this Act authorised but subject to the provisions of this Act the Company may deviate vertically from the levels thereof marked on the deposited sections to such an extent not exceeding five feet upwards or seven feet downwards as may be found necessary or convenient Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Deviation railways and new railways to form part of Company's undertaking.

10. The deviation railways and new railways shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the undertaking of the Company.

Period for compulsory purchase of lands.

11. The powers of the Company for compulsory purchase of lands for the purposes of the deviation railways and new railways and works connected therewith shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

12. If the deviation railways and new railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for the making and completion of the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to take easements &c. by agreement.

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

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

14. Where any portion of the railway is in tunnel and the crown of the tunnel is thirty-five feet or more than thirty-five feet below the surface of the ground the Company shall not with respect to the properties shown on the deposited plans which are described or referred to in the Schedule to this Act be required wholly to take the same or any part of the surface thereof but they may purchase take and use and the owners of and other persons interested in any

such property shall sell and grant an easement or right of using the subsoil or under surface thereof for the purposes for which but for this enactment they might have been required to sell such property and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such subsoil easement or right of user Provided that no such subsoil easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 But nothing in this section contained nor any dealing with lands in pursuance of this section shall relieve the Company from liability to compensation under section 68 of the Lands Clauses Consolidation Act 1845 and every case of compensation under this section shall in cases of dispute be ascertained according to the provisions of the Lands Clauses Acts.

Restriction on taking houses of labouring class.

15. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions 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.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and 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.

Certain sections of Act of 1897 to apply.

16. Section 40 of the Act of 1897 the marginal note whereof is "Deposit money not to be repaid except so far as railway is opened" except so far as the said section relates to the railways and portions of railway by this Act authorised to be abandoned and section 41 of the Act of 1897 relating to the application of the

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deposit shall respectively apply to the new railways and to the deviation railways by this Act authorised and have effect as fully and effectually as if such sections had been specifically re-enacted in this Act.

As to deposit under Act of 1897.

17. Notwithstanding anything contained in the Parliamentary Deposits Act 1846 or in sections 40 and 41 of the Act of 1897 the High Court may after due notice to the depositors on the application from time to time of the Company issue a direction to the Paymaster-General to carry over the deposit funds in court to an account to be opened in the names of persons to be approved by the court and thereafter those persons shall for all purposes be deemed to be the depositors within the meaning of the sections above-mentioned.

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

18. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of four thousand six hundred and twenty-eight pounds three shillings and ninepence being five per centum upon the amount of the estimate in respect of the railways by this Act authorised so far as such estimate exceeds the amount of the original estimate for the railway undertaking authorised by the Act of 1897 has been deposited with the Paymaster General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the railways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate to 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 that fund the same proportion as the length of the railways so opened bears to the entire length thereof the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them

or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

19. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as hereinbefore 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.

Abandonment of portions of authorised railway.

20. The Company shall abandon the construction of such portions of the railway as will be rendered unnecessary by reason of the construction of the deviation railways by this Act authorised.

Compensation for damage to land by entry &c. for purposes of railway abandoned.

21. The abandonment by the Company under the authority of this Act of any portion of the railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing

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or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1897 or the Act of 1902.

Compensation to be made in respect of railways to be abandoned.

22. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said portions of railway or any part thereof the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

Additional capital and application of funds.

23. The Company may apply towards the construction of the works by this Act authorised and other purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise for the general purposes of their undertaking or which may not be required for the purposes for which the same were authorised to be raised and may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred and thirty-five 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 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.

New shares or stock to be subject to same incidents as other shares or stock.

24. 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.

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

Dividends on new shares or stock.

26. 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 and existing shares or stock may be of same class.

27. 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 and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock 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.

Section 19 of Act of 1897 repealed.

28. Section 19 of the Act of 1897 (the marginal note whereof is "Power to borrow on mortgage") is hereby repealed.

Power to borrow.

29. The Company may in respect of the capital of two hundred and twenty-five thousand pounds which they are by the Act of 1897 authorised to raise from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole seventy-five thousand pounds and they may in respect of the additional capital of one hundred and thirty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole forty-five thousand pounds Provided that in respect of each sixty thousand pounds of capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum not exceeding in the whole twenty thousand pounds but no part of any of such sums shall be borrowed until shares for so much of the capital in respect of which the borrowing powers are to be exercised 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 fortieth section of the Companies Clauses Consolidation Act 1845

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before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of 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 such portion of 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 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 Provided also that the Company shall not exercise the powers to borrow conferred upon them by this Act in respect of the first twenty thousand pounds so authorised to be borrowed unless and until they shall have constructed a tunnel extending from 0 miles 1 furlong 1 chain to 0 miles 3 furlongs $6\frac{1}{2}$ chains as shown on the deposited sections of Deviation Railway No. 1.

Appointment of a receiver.

30. Section 20 of the Act of 1897 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced under that section prior to the passing of this Act 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 five thousand pounds in the whole.

Debenture stock.

31. The Company may create and issue debenture stock subject to the provisions of section 21 of the Act of 1897 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

32. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of

such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

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

Receipt in case of persons not sui juris.

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

Interest out of capital during construction.

35. Section 53 of the Act of 1897 the marginal note whereof is "Power to pay interest out of capital during construction" shall be read as if the words "shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the company" were substituted for the words "shall have obtained a certificate from the Board of Trade" and the said section as amended shall have effect and apply to the deviation railways and new railways and works by this Act authorised as though the same had been specifically re-enacted in this Act except that the words "until the expiration of the time limited by this Act for the completion of the railway" shall be read and construed to mean the time limited by this Act for the completion of the deviation railways and new railways by this Act authorised.

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

36. The Company shall not out of any money which they are by any Act authorised to raise 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.

Saving rights of Crown.

37. Nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that

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purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein 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 King's Majesty.

Provision as to general Railway Acts.

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

Expenses of Act.

39. All the 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.

SCHEDULE.

DESCRIBING PROPERTIES IN RESPECT OF WHICH EASEMENTS ONLY MAY BE TAKEN (MINIMUM DEPTH FROM SURFACE TO CROWN OF TUNNEL 35 FEET).

No. of Railway.	Parish.	Nos. on deposited Plans.
Deviation Railway No. 1	All Saints - - - -	1d to 12 inclusive.
" "	St. Clement - - - -	3 to 14 inclusive.
	St. Mary-in the-Castle Hastings -	1 to 29 inclusive.
	St. Helens - - - -	1 to 3 inclusive.
Deviation Railway No. 2	St. Matthew - - -	23 to 43 inclusive.

Printed by EYRE and SPOTTISWOODE,
FOR
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