CHAPTER xcvi.

An Act for conferring further powers on the London, Brighton, and South Coast Railway Company. [29th June 1875.]

A.D. 1875.

WHEREAS it is expedient that the London, Brighton, and South Coast Railway Company (herein-after called "the Company") should be enabled—

To construct a junction railway between their main line at the Preston Station and their line to Shoreham at the Cliftonville Station;

To widen the bridge over Trafalgar Street, in the parish of Brighton; and

To purchase lands in Brighton and near their said Preston Station;

all which railway, bridge, and lands are situate in the county of Sussex:

And whereas plans and sections showing the lines and levels of the railway and works authorised by this Act, and the lands in or through which the same are to be made and maintained, and plans of the additional lands to be taken under the powers of this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Sussex, and are herein-after respectively referred to as the deposited plans, sections, and book 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,

A.D. 1875.

and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as "The London, Brighton, and South Coast Railway Act, 1875."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and (so far as applicable) Part I. of "The Railways Clauses Act, 1863," relating to construction of a railway, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction: the expression "the railway" means the railway by this Act authorised; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly 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.

Power to make railway according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper 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 book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is—

A railway, about one mile and four furlongs in length, commencing in the parish of Patcham by a junction with the main line of the Company's railway between London and Brighton, near the Preston Station, and terminating in the parish of Hove by a junction with the Company's railway between Brighton and Shoreham at the Cliftonville Station.

Power to improve approach to Brighton Station.

5. Subject to the provisions of this Act, and in the manner shown on the deposited plans and sections, the Company may widen the bridge over Trafalgar Street, in the parish of Brighton, which bridge forms the approach to their passenger station, and for the purposes of improving the approaches to their passenger and goods stations at Brighton they may enter upon and take the houses and lands in the Queen's Road, Gloster Road, and Frederick Place respectively,

in the same parish, shown on the said deposited plans and described in the deposited book of reference.

Additional lands at Preston Station.

6. Subject to the provisions of this Act, the Company may also enter upon and take for the purposes of their undertaking the lands in the parish of Patcham, near their Preston Station, which are shown on the deposited plans and described in the deposited book of reference.

Powers for compulsory purchases limited.

7. 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.

Lands for extraordinary purposes.

8. The quantity of land to be taken by the Company by agreement under the powers of this Act for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed two acres.

Power to take easements, &c. by agreement.

9. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege 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.

Protecting lands in Patcham.

10. Nothing contained in this Act or in the deposited plans and book of reference shall enable the Company to enter upon, take, or use, otherwise than by agreement with the owners thereof, any greater part of the lands in the parish of Patcham belonging or reputed to belong to Dame Eliza Sophia Frances Ogle, widow, as tenant for life, and Sir Edward Cholmeley Dering, Baronet, and the Reverend Julius Deedes, as trustees, than is coloured red on a plan signed (in duplicate) by John Brewer on behalf of the Company and Harry Snow on behalf of the said owners.

Penalty if railway not made within time limited.

11. If the Company fail within the period limited by this Act to complete the railway, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works of such railway; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance

A.D. 1875

with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General, on behalf of the Court of Chancery in England, in the bank specified in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

12. Every sum of money so recovered by way of penalty as aforesaid 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 railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purpose of such railway 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 Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, 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 Court of Chancery in England thinks fit to order on the application of the Solicitor of 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 Court, 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.

Notice to be given of taking of houses of labouring classes.

13. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Company to procure accommodation for persons of the labouring class to be displaced.

14. Before taking, under the authority of this Act, in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation when procured, such question shall be determined by a justice, and the Company may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and hold and demise the same, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

Railway to form part of railways of the Company.

15. The railway shall for all purposes (including the levying of tolls, fares, rates, and charges) be deemed to be part of the railways of the Company, and the Company may, in respect of the railway, demand and take any tolls, rates, fares, and charges not exceeding those which by "The London, Brighton, and South Coast Railway (Mitcham and Tooting Lines, &c.) Act, 1863," and any other Act relating to the Company, they are authorised to demand and take upon or in respect of their railways.

Company may apply funds to purposes of Act.

16. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise by virtue of "The London, Brighton, and South Coast Railway Act, 1868," or any other Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

A.D. 1875.

Trains for labouring classes.

17. The following provisions shall apply to any workmen's trains which the Company may establish on their railway within the metropolis, as defined by "The Metropolis Local Management Act, 1855:"

(*a.*) There shall be one train in the morning and one in the evening of every day in the week (Sunday, Christmas Day, and Good Friday excepted), at such hours, not later than seven in the morning or earlier than six in the evening, as may be most convenient for the labouring classes resorting to or returning from their work:

(*b.*) The fares shall not exceed one penny per passenger for each journey:

(*c.*) The said trains shall call at every station which they pass upon the railway of the Company:

(*d.*) The Board of Trade may, in case of any complaint, fix and regulate the hours at which, within the limits aforesaid, the said trains shall run:

(*e.*) The liability of the Company under any claim to compensation for injury, or otherwise, in respect of each passenger travelling by any such train at the fare aforesaid, is by this Act limited to a sum not exceeding one hundred pounds, and the amount of compensation payable in respect of any passenger so injured shall be determined by an arbitrator to be appointed by the Board of Trade, and not otherwise, and his decision shall be final, and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration, shall apply to every such arbitration.

Railway not exempt from provisions of present and future general Acts.

18. Nothing in this Act contained shall exempt 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.

Expenses of Act.

19. 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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