ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. XXXV.

An Act for the making of a Railway from *Mayfield* in the County of *Sussex* to join the Railway from *Tunbridge Wells* to near *Hastings* of the *South-eastern* Railway Company, and to be called "The *Mayfield* Railway." [5th *June* 1851.]

WHEREAS the following Acts (Local) have been passed with respect to the *South-eastern* Railway Company, to wit, the Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-five, the Act of the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter One hundred and sixty-seven, and the Act of the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, Chapter Sixty-four: And whereas the *South-eastern* Railway Company are proceeding in the Execution of the Undertaking by those Acts authorized: And whereas the making of a Railway from *Mayfield* in the County of *Sussex* to and having a Junction with the Line of the *South-eastern* Railway from *Tunbridge Wells* to near *Hastings* at *Wadhurst* near the intended *Withernden Bridge* Station on that Line would be of local and public Advantage: And whereas the Persons herein-after named, and others, are willing, at their own

6 W. 4. c. 75. 8 & 9 Vict. c. 167. 9 & 10 Vict. c. 64.

Expense, to carry such Undertaking into execution; but the same 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; (that is to say,)

Short Title.

I. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Mayfield* Railway Act, 1851."

Certain Provisions of 8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

II. That the Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, save so far as those Acts respectively are altered by or inconsistent with the Provisions of this Act, shall be incorporated with this Act.

Subscribers incorporated.

III. That *George Drew*, *Michael Forristall*, *Francis Fuller*, and *Robert Henry Hurst* the younger, and all other Persons and Corporations who have already subscribed and shall hereafter subscribe to the Undertaking by this Act authorized, and their respective Heirs, Executors, Administrators, Successors, and Assigns, shall be by this Act united into a Company for the Purpose of making and maintaining the Railway by this Act authorized, with proper Works and Conveniences, and other the Purposes of this Act, according to the Provisions thereof; and for those Purposes the Company shall be by this Act incorporated by the Name of "The *Mayfield* Railway Company," and by that Name shall be One Body Corporate, with perpetual Succession, and with Power to purchase and hold Lands for the Purposes of the Undertaking, according to the Provisions and within the Restrictions of this Act.

Capital.

IV. And whereas the estimated Expense of making the said Railway is Twelve thousand one hundred and fifty-six Pounds: Be it enacted, That the Share Capital of the Company shall be Twelve thousand five hundred Pounds.

Shares.

V. That the Capital shall be divided into One thousand two hundred and fifty Shares of Ten Pounds each.

Calls.

VI. That Two Pounds Ten Shillings on a Share shall be the greatest Amount of any One Call, and Three Months at the least shall be the Interval between successive Calls; provided that the aggregate Amount of the Calls in any One Year shall not exceed Three Fourths of the Amount of the Shares respectively.

VII. That

Interest not to be paid on Calls paid up.

VII. That the Company shall not, out of any Money by this Act authorized to be raised by Calls or borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of any Share held by him: Provided always, that the Company may, if they think fit, pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in that Behalf of the Companies Clauses Consolidation Act, 1845.

Deposits for future Bills not to be paid out of Company's Capital.

VIII. That the Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum which by any Standing Order of either House of Parliament, now or to be hereafter in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Power to borrow on Mortgage.

IX. That the Company may borrow on Mortgage or Bond any Sum not exceeding in the whole Four thousand Pounds, but any Part of that Sum shall not be borrowed until the whole of the Capital shall have been subscribed for, and One Half thereof have been actually paid up.

Arrears may be enforced by Appointment of a Receiver.

X. That the Mortgagees may enforce the Payment of Arrears of Principal and Interest by the Appointment of a Receiver; and the Amount requisite to authorize an Application for the Appointment of a Receiver shall be One Tenth Part of the Amount of the Money actually borrowed by the Company.

Money raised to be applied for Purposes of Act.

XI. That all the Money to be raised by the Company, whether by Subscriptions of the Shareholders, or by Mortgage or Bond, or otherwise, shall be applied solely to the Purposes of this Act.

Directors.

XII. That the Number of Directors shall be Four, and the Qualification of a Director, other than the Directors herein-after named, shall be the Possession in his own Right of Fifty Shares.

First Directors.

XIII. That *George Drew*, *Michael Forristall*, *Francis Fuller*, and *Robert Henry Hurst* the younger shall be the First Directors.

Quorum of Directors.

XIV. That the Quorum of a Meeting of Directors shall be Three.

Quorum of Committees.

XV. That the Quorum of a Committee of the Directors shall be Three.

XVI. That

Remuneration of Directors and Auditors.

XVI. That the Remuneration of the Directors and the Auditors respectively shall from Time to Time be fixed by a General Meeting of the Shareholders, and be paid out of the Funds of the Company.

Directors to make a General Report to every Annual Meeting.

XVII. That the Directors shall make and produce at every Annual Meeting of the Shareholders a General Report in Writing of the State and Prospects of the Undertaking; and such Report, in addition to any other Particulars which the Directors think desirable, shall contain all such Particulars as are requisite for the complete Explanation of the Balance Sheet to be produced at such Meeting.

Power to make Railway according deposited Plans.

XVIII. And whereas Plans and Sections of the intended Railway, showing the Lines and Levels thereof, and a Book of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Sussex*: Be it enacted, That, subject to the Provisions of this Act, the Company may make and maintain the intended Railway in the Lines and upon the Lands delineated on those Plans and described in that Book of Reference, and according to the Levels described on those Sections, and may enter upon, take, and use such of those Lands as shall be necessary for the Purpose.

Line of Railway.

XIX. That the Railway shall commence at or near a Field in the Parish of *Mayfield* in the County of *Sussex* in the Occupation of *Benjamin Austen*, and shall pass thence through or into the several Parishes, Townships, and Extra-parochial and other Places following, (that is to say,) *Mayfield*, *Burwash*, and *Wadhurst* in the County of *Sussex*, and shall terminate by a Junction with the Line of the *South-eastern* Railway from *Tunbridge Wells* to join the *Rye and Ashford* Extension of the *Brighton, Lewes, and Hastings* Railway near *Hastings* at or near a Point thereon in the Parish of *Wadhurst* situate at or about Forty Chains Westward of the intended *Withernden Bridge* Station on that Line.

As to crossing Roads on the Level.

XX. That in making the Railway the Company may construct the same across and on the Level of the following public Carriage Roads numbered on the Plans as follows, (that is to say,) in the Parish of *Mayfield*, Thirty-six, One hundred and four, and One hundred and seventeen, and may alter the Level of the public Carriage Road numbered Fifty-six on the Plan by raising the said Road to the Height of Four Feet above its present Level, and may construct the Railway across and on the Level of the said public Carriage Road numbered

numbered Fifty-six when it shall have been so raised as aforesaid; and the Ascent of such public Carriage Road, when so raised, shall not exceed One Foot in Twenty Feet.

Company to erect a Station or Lodge at Points of crossing, and to abide by Rules, &c. of Commissioners of Railways.

XXI. That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Commissioners of Railways may require a Bridge to be erected in lieu of level Crossing.

XXII. That it shall be lawful for the Commissioners of Railways, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Commissioners shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on a Level, and to execute such other Works as under the Circumstances of the Case shall appear to the said Commissioners best adapted for removing or diminishing the Danger arising from any such level Crossing.

As to Communications with South-eastern Railway.

XXIII. That all Communications between the Railway and the *South-eastern* Railway, and all such Openings in the Ledges or Flanches thereof as may be necessary or convenient for effecting such Communication, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *South-eastern* Railway Company.

Period for compulsory Purchase of Lands.

XXIV. That the Powers of the Company for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for extraordinary Purposes.

XXV. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Five Acres.

Period for Completion of Works.

XXVI. That after the Expiration of Five Years from the passing of this Act all the Powers granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall be then completed.

Tolls for Articles.

XXVII. That the Company may demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

In respect of the Tonnage of Articles conveyed on the Railway or any Part thereof, as follows:

Class 1. For all Coals, Coke, Culm, Charcoal, and Cinders, Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, and all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile not exceeding One Penny Halfpenny:

And if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

And if propelled by motive Power provided by the Company, a further Sum *per* Ton *per* Mile not exceeding One Farthing:

Class 2. For all Sugar, Fish, Corn, Grain, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence Halfpenny:

And if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

And if propelled by motive Power provided by the Company, a further Sum *per* Ton *per* Mile not exceeding One Farthing:

Class 3. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Threepence Halfpenny:

And if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

And if propelled by motive Power provided by the Company, a further Sum *per* Ton *per* Mile not exceeding One Farthing:

Class

Class 4. For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, if not weighing more than Two Tons, any Sum *per* Mile not exceeding Sixpence:

And if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

And if propelled by motive Power provided by the Company, a further Sum *per* Mile not exceeding One Halfpenny:

And if weighing more than Two Tons, then for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons which such Carriage may weigh, an additional Sum *per* Mile not exceeding Threepence:

And if conveyed on a Truck or Platform belonging to the Company, a further additional Sum *per* Mile not exceeding One Halfpenny:

And if propelled by motive Power provided by the Company, a further additional Sum *per* Mile not exceeding One Halfpenny:

In respect of Animals conveyed in or upon Carriages on the Railway or any Part thereof, as follows: **Tolls for Animals.**

Class 5. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, any Sum *per* Mile not exceeding Fourpence:

And if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

And if propelled by motive Power provided by the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

Class 6. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, any Sum *per* Mile not exceeding One Penny Halfpenny:

And if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing:

And if propelled by motive Power provided by the Company, an additional Sum *per* Mile not exceeding One Farthing:

Class 7. For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, any Sum *per* Mile not exceeding One Halfpenny:

And if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing:

And if propelled by motive Power provided by the Company, an additional Sum *per* Mile not exceeding One Farthing:

In

Tolls on Passengers.

In respect of Passengers conveyed in or upon Carriages on the Railway or any Part thereof, as follows:

For every Person conveyed in or upon any such Carriage, any Sum *per* Mile not exceeding Twopence Halfpenny:

And if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing:

And if propelled by motive Power provided by the Company, an additional Sum *per* Mile not exceeding One Farthing.

Regulations as to Tolls.

XXVIII. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles, Animals, or Persons conveyed on any Part of the Railway, except as to Passengers conveyed in a Third Class Carriage, the Company may demand Tolls and Charges as for the whole Length of the Railway:

For every Fraction of a Ton the Company may demand Tolls according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XXIX. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels on the Railway, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, Two Shillings:

For Parcels exceeding Fifty-six Pounds in Weight, any Sum the Company think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, any Sum not exceeding *per* Ton *per* Mile Ninepence:

And if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Sixpence:

And if propelled by motive Power provided by the Company, a further Sum *per* Ton *per* Mile not exceeding Fourpence:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, any Sum the Company think fit.

Passengers Luggage.

XXX. That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Fifty-six Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Maximum Charges for Articles and Animals.

XXXI. That the Rates of Charge to be made by the Company for the Conveyance of Articles and Animals upon the Railway, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, (except the loading and unloading of Goods, when such Service is performed by the Company,) shall not exceed the Amounts following; (that is to say,)

For the Articles specified in Class 1. the Sum of, *per* Ton *per* Mile, Twopence:

For the Articles specified in Class 2. the Sum of, *per* Ton *per* Mile, Threepence:

For the Articles specified in Class 3. the Sum of, *per* Ton *per* Mile, Fourpence:

For any Carriage specified in Class 4. not weighing more than Two Tons, the Sum of, *per* Mile, Sixpence; and if weighing more than Two Tons, for every Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons, the Sum of, *per* Mile, Fourpence:

For every Animal specified in Class 5. the Sum of, *per* Mile, Fivepence:

For every Animal specified in Class 6. the Sum of, *per* Mile, Twopence:

For every Animal specified in Class 7. the Sum of, *per* Mile, One Penny.

Maximum Charges for Passengers.

XXXII. That the Rates of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of, *per* Mile, Threepence:

For every Passenger conveyed in a Second-class Carriage, the Sum of, *per* Mile, Twopence:

For every Passenger conveyed in a Third-class Carriage, the Sum of, *per* Mile, One Penny.

Restriction as to Charges not to apply to Special Trains.

XXXIII. Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any special or extra Train that may be required to be run upon the Railway, but shall apply only to the ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers, Animals, and Articles upon the Railway.

Power to take increased Charges under Special Agreements.

XXXIV. Provided always, That the Company may take any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Articles and Animals of any Description, by Agreement with the Owners of or Persons in charge of such Articles and Animals respectively, or in respect of the Conveyance of Animals, or any Goods other than small Parcels, by Passenger Trains, except Express Trains, or in respect of small Parcels by Express Trains, or by reason of any other special Service performed by the Company in relation thereto.

Power for Company and South-eastern Railway Company to enter into Contracts.

XXXV. That, subject to the Provisions of this Act, and the Railway Clauses Consolidation Act, 1845, the Company and the *South-eastern* Railway Company may from Time to Time make and enter into such Contracts and Agreements for the working and using of the Railway or any Part thereof, either separately or in connexion with the *South-eastern* Railway or any Part thereof, and the Regulation of the Traffic on the Railway and on the *South-eastern* Railway, or such Part thereof as shall be worked and used in connexion with the Railway respectively, and the Tolls and Charges in respect of such Traffic, as those Companies from Time to Time think advisable; and every such Contract or Agreement, subject as aforesaid, may contain any Covenants, Clauses, Powers, Provisions, and Conditions mutually agreed on between those Companies, and may be modified or abandoned by any subsequent Contract or Agreement; and every such Contract or Agreement made according to the Provisions of this Act shall, until so modified or abandoned, be valid and in full Force, and may be carried into effect accordingly.

XXXVI. Pro-

Consent of Extraordinary Meetings to Contracts.

XXXVI. Provided always, That nothing in this Act contained shall authorize the Company to lease the Railway hereby authorized to be made to the *South-eastern* Railway Company; and that the Company and the *South-eastern* Railway Company respectively shall not exercise the Power by this Act conferred on them respectively, of entering into Contracts, except as regards each Company, with the Authority of the Votes of Three Fifths of the Shareholders voting personally or by Proxy at an Extraordinary Meeting of the respective Companies.

Railway and Company subject to Provisions of 1 & 2 Vict. c. 98., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXXVII. That this Act, or anything therein contained, shall not exempt the Railway or the Company from the Provisions of the Acts of the First and Second Years of the Reign of Her present Majesty, Chapter Ninety-eight, of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Fifty-five, of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-five, and of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapters Fifty-seven and One hundred and five respectively, but those Provisions shall be in force with respect to the Railway and the Company, so far as the same are applicable thereto.

Railway not exempt from Provisions of future General Acts.

XXXVIII. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to such Act, or from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expenses of Act.

XXXIX. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.