CHAPTER ccxxvi.

An Act for incorporating the Tunbridge Wells and Eastbourne Railways Company; and for other purposes. A.D. 1873.

[5th August 1873.]

WHEREAS the making and maintaining of the railways by this Act authorised would be of public and local advantage:

And whereas the several persons herein-after named, with others, are willing, at their own expense, to carry the undertaking into execution on being incorporated into a company for the purpose:

And whereas it is expedient that the London, Brighton, and South Coast Railway Company (in this Act called the Brighton Company) should afford such facilities for traffic as in this Act provided:

And whereas it is expedient that the Company and the Brighton Company should be empowered to enter into and carry into effect agreements as in this Act provided:

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

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

1. This Act may be cited for all purposes as "Tunbridge Wells and Eastbourne Railways Act, 1873." Short title.

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Incorporation of general Acts.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised; the word "traffic" shall include passengers and animals, as well as goods, wares, merchandise, articles, matters, and things; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. The Right Honourable Lord Claud Hamilton, Sir Charles William Blunt, Baronet, Sir George Rendlesham Prescott, Baronet, Louis Huth, and James George Boucher, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the Tunbridge Wells and Eastbourne Railways Company, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway.

5. 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 railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences

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

A railway (on the deposited plans and sections called No. 2) (7 miles 3 furlongs and 2 chains or thereabouts in length) commencing in the parish of Rotherfield in the county of Sussex by a junction with the Brighton, Uckfield, and Tunbridge Wells Railway of the Brighton Company, and terminating in the parish of Mayfield in the county of Sussex, in a field numbered 2,339 on the tithe map of the parish of Mayfield, being part of a farm called Clayton's, occupied by William Tooth, and at a point distant fourteen chains and a half or thereabouts in a northerly direction from Clayton's Farmhouse:

A railway (on the deposited plans and sections called No. 3) (13 miles and 1 furlong or thereabouts in length) commencing in the parish of Mayfield in the county of Sussex, at or near the point of termination of the said intended railway (on the deposited plans and sections called No. 2) as before described, and terminating in the parish of Hailsham in the county of Sussex by a junction with the Hailsham line of the Brighton Company.

And, notwithstanding anything contained in the deposited plans and sections, it shall not be lawful for the Company to construct any part of the railway shown on the said plans and thereon described as railway No. 1.

Capital.

6. The capital of the Company shall be one hundred and fifteen thousand pounds in eleven thousand five hundred shares of ten pounds each.

Shares not to be issued until one fifth paid.

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

Calls.

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

Receipt in case of persons not sui juris.

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

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Power to divide shares.

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

Dividends on half shares.

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

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

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

Half shares to be registered and certificates issued.

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

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

Terms of issue to be stated in certificate.

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

Forfeiture of preferred shares.

15. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

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

Power to borrow.

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

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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 shall be sufficient evidence thereof.

For appointment of a receiver.

19. 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 three thousand eight hundred pounds in the whole.

Debenture stock.

20. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

25. The quorum of a meeting of directors shall be three so long as the number of the directors is five, and two when it is less than five.

First directors.

26. The Right Honourable Lord Claud Hamilton, Sir Charles William Blunt, Baronet, Sir George Rendlesham Prescott, Baronet, Louis Huth, and James George Boucher shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

27. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or direc-

tors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845;" and the several persons elected at any such meeting, being neither removed or disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

28. 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 ten acres.

Period for compulsory purchase of lands.

29. 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.

Inclination of roads.

30. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
	Railway (on the deposited plans and sections called No. 2).		
59	Rotherfield - -	Public carriage road -	1 in 7.
51	Mayfield - -	Do. - -	1 in 7.
54	Do. - - -	Do. - -	1 in 10.
60	Do. - -	Do. - -	1 in 12.
71	Do. - - -	Do. - -	1 in 7.
	Railway (on the deposited plans and sections called No. 3).		
99	Waldron - -	Do. - -	1 in 16 on one side and level on the other.
31	Heathfield - -	Do. - -	1 in 14.

Widths of certain roadways.

31. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

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No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
	Railway (on the deposited plans and sections called No. 2).		
44	Rotherfield - -	Public carriage road -	21 feet.
75	Do. - -	Do. - -	21 feet.
	Railway (on the deposited plans and sections called No. 3).		
9	Waldron - -	Turnpike road -	30 feet.
99	Do. - -	Public carriage road -	21 feet.
31	Heathfield - -	Do. - -	21 feet.
61	Do. - -	Do. - -	21 feet.
144	Do. and Hellingly	Do. - -	30 feet.
125	Do. - -	Do. - -	21 feet.
6	Hailsham - -	Do. - -	21 feet.
58	Do. - -	Do. - -	21 feet.
65	Do. - -	Do. - -	21 feet.

Notice to be given of taking houses of labouring classes.

32. 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, hand-bills, 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 house until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

33. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of six thousand two hundred and fifty pounds stock in the three pounds per centum consolidated Bank annuities, purchased for the sum of five thousand seven hundred and twenty-four pounds one shilling and sixpence, being five per cent. upon the amount of the estimate in respect of the railways, has been transferred into the name of the Paymaster General on behalf of the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the sum of six thousand two hundred and fifty pounds stock so transferred as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons or the majority of persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the

railways, either open the railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of stock transferred as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so 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. A.D. 1873.

Application of deposit.

34. The said sum of stock transferred 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 railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of stock, 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: Provided that until the said sum

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of stock has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

35. If the 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 making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

36. The Company may demand and take for the use of the railways, and for the supply of carriages, waggons, or trucks, any tolls not exceeding the following; (that is to say,)

For passengers.

First. In respect of passengers conveyed upon their railways, or any part thereof, as follows:

For every person, twopence per mile;

and if conveyed in or upon a carriage provided by the Company, an additional sum of one halfpenny per mile.

For animals.

Secondly. In respect of animals conveyed upon their railways, or any part thereof, as follows:

Class 1. For every horse, mule, or other beast of draught or burden, threepence per mile;

and if conveyed in or upon a carriage provided by the Company, an additional sum of one penny per mile:

Class 2. For every ox, cow, bull, or neat cattle, one penny halfpenny per head per mile;

and if conveyed in or upon a carriage provided by the Company, an additional sum of one farthing per mile:

Class 3. For every calf, pig, and other small animal (except sheep and lambs), one halfpenny per mile;

and if conveyed in or upon a carriage provided by the Company, an additional sum of one farthing per mile:

Class 4. For sheep and lambs, fourpence per score per mile, and so in proportion for any number greater or less than a score.

Tonnage on articles of merchandise.

Thirdly. In respect of goods and other things conveyed upon their railways, or any part thereof, as follows:

Class 5. For all alkali, alum, bark, bricks, bones for manure, brooms and handles, bran, bullets, cannel, cement, chalk, clay, coal, coke, compost, cement, culm, dung, fireclay, flint, flour, fullers earth, grain, guano, iron ore, ironstone, lead, lime, limestone, manure of all sorts, metalling for road repairs,

nitrate of soda, oil cakes in casks or bags, pig iron, potatoes, pollard, sand, salt for manure, slates, spelter, stones for paving or building, tiles, per ton per mile one penny farthing;

and if conveyed in a carriage provided by the Company, an additional sum per ton per mile of one farthing:

Class 6. For all ale and porter in casks, bacon, butter in casks, charcoal, cider, dyewoods, eggs, earthenware, gas and water pipes, hair, hemp, hides, hop-poles, hops, hoofs; iron, rod, hoop, bar, or plate; undamageable iron castings, lard, lead (white or red), marble in blocks, malt, meal, molasses, nails, paints, pitch and tar, rags, resin, rice, salt, saltpetre, seed, soap, soda, spirits and wine in casks; steel, rough or cast; sugar, raw; sulphur, tallow, timber, staves and deals, tin, vices, chains, and anvils, vinegar, whiting, wool, per ton per mile one penny halfpenny;

and if conveyed in a carriage provided by the Company, an additional sum per ton per mile of one farthing:

Class 7. For all ale and beer in bottles, canvas, cordage, flax, floorcloth; fruit, dried; fish, salted; groceries, hay, hardware; herrings, dried; leather, damageable iron castings, light machinery, mats, mineral waters, oil in casks, oil cakes (loose), paper, rope, snuff, spirits and wine in bottles, stationery, tow, turpentine, varnish, veneers, per ton per mile twopence;

and if conveyed in a carriage provided by the Company, an additional sum per ton per mile of one halfpenny:

Class 8. For agricultural implements, books, bonnets; butter, fresh; carboys, china, cork, drapery, drugs; fish, fresh; fruit, fresh; furniture, glass, haberdashery, hats, harps, hosiery, joiners work, millinery, linens, luggage, musical instruments, meat, oil in jars, pianos, pictures, poultry alive, poultry dead, silks; sugar, refined; tinned ware, wearing apparel, and all other merchandise, articles, matters, or things, except such as are included in the above classes, per ton per mile threepence;

and if conveyed in a carriage provided by the Company, an additional sum per ton per mile of one halfpenny:

For every carriage, of whatever description, not being a carriage adapted for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform belonging to the Company, sixpence per mile;

and a like sum of one penny for every additional quarter of a ton, or fractional part of a quarter of a ton, which any such carriage may weigh.

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Tolls for propelling power.

37. The Company may demand for the use of engines for drawing or propelling carriages on their railways any sum not exceeding one penny per mile for each passenger or animal, or for each ton of goods or other articles.

Regulations as to the tolls.

38. The following provisions and regulations shall be applicable to the fixing of such tolls and charges; (that is to say,)

For goods, articles, animals, or persons conveyed on their railways for a less distance than four miles, the Company may demand tolls and charges as for four miles:

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls on animals and merchandise for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every fraction of a mile beyond four miles, or beyond any greater number of miles, shall be deemed a mile:

For a fraction of a ton the Company may demand toll 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, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

39. With respect to small packages and single articles of great weight, notwithstanding the rates of toll prescribed by this Act, the Company may lawfully demand the tolls following; (that is to say,)

For the carriage on their railways or any part thereof of any parcel not exceeding seven pounds in weight, threepence:

For the carriage of any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence:

For the carriage of any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence:

For the carriage of any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence:

And for the carriage of any parcel exceeding fifty-six pounds but not exceeding five hundredweight, the Company may demand any sum which they 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 the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding sixpence per ton per mile:

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

Maximum rates of charge for passengers.

40. The maximum rates of charge to be made by the Company for the conveyance of passengers along their railways, including the tolls for the use of the railways and of carriages, and for locomotive power, and every other expense incidental to such conveyance (except Government duty), shall not exceed the following sums; (that is to say,)

For every passenger conveyed in a first-class carriage by an express or fast train, twopence three farthings per mile:

For every passenger conveyed in a second-class carriage by an express or fast train, twopence farthing per mile:

For every passenger conveyed in a first-class carriage by an ordinary train, twopence farthing per mile:

For every passenger conveyed in a second-class carriage by an ordinary train, one penny three farthings per mile:

For every passenger conveyed in a third-class carriage, one penny per mile.

Maximum rates of charge for animals and goods.

41. The maximum rates of charges to be made by the Company for the conveyance of animals and goods, including the tolls for the use of their railways and waggons or trucks, and for locomotive power, and every other expense incidental to such conveyance (except a reasonable sum for loading, covering, and unloading of goods at any terminal station of such goods, and for delivery and collection, and any other services incidental to the duty or business of a carrier, where such services or any of them are or is performed by the Company), shall not exceed the following sums; that is to say,

For every animal in Class 1, fourpence per mile:

For every animal in Class 2, one penny farthing per mile:

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For every animal in Class 3, three farthings per mile:
For every animal in Class 4, fourpence per score per mile (and so in proportion for any greater or less number):
For everything in Class 5, one penny halfpenny per ton per mile:
For everything in Class 6, twopence per ton per mile:
For everything in Class 7, threepence per ton per mile:
For everything in Class 8, fourpence per ton per mile:
And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sevenpence.

Passengers luggage.

42. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

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

Foregoing charges not to apply to special trains.

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

Company may take increased charges by agreement.

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

Saving rights of Brighton Company.

46. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, or powers of the Brighton Company otherwise than is herein expressly provided.

Brighton Company to afford facilities for the Company's traffic.

47. The Brighton Company shall from time to time afford all proper and sufficient facilities for the reception, accommodation, forwarding, interchange, and delivery of all traffic, of whatever description, passing or intended to pass to or from any railway of the Company from or to any railway of the Brighton Company, and that company shall from time to time duly receive, accommodate, and transmit on their own railways, and deliver accordingly, all such traffic, and in all respects on an equality with their own proper traffic.

Nature and extent of traffic facilities.

48. The traffic facilities to be so afforded by the Brighton Company shall include through booking, through invoicing, through carriages, trucks, and such arrangements as to the number of trains, times of arrival and departure of trains, and other arrangements and facilities, as the Brighton Company and the Company may agree on, or, failing such agreement, as shall be determined by arbitration.

Terms, &c. on which facilities shall be given.

49. The terms and conditions, pecuniary and otherwise, on which the Brighton Company shall afford to the Company, and the Company shall enjoy, the traffic facilities by this Act prescribed, and the through fares and rates for the traffic for which the facilities are afforded, shall be such terms and conditions and such lawful through fares and rates respectively as the Company and the Brighton Company from time to time agree on, or, failing such agreement, as shall be from time to time determined by arbitration.

Power to enter into agreements with Brighton Company.

50. The Company, on the one hand, and the Brighton Company, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," from time to time enter and carry into effect agreements with respect to the following purposes, or any of them; (that is to say,)

The use of the railways or railway of the Company, or of any part thereof, and the conveyance of traffic thereon:

The transmission, interchange, forwarding, setting down, and taking up of traffic to and from the railways of the Company, and the payments to be made and conditions to be performed with respect thereto, and with respect to the user of such railways or railway, and all other incidental matters:

The fixing, collecting, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic:

The adaptation of any existing stations and works for the purposes of this Act, and for user by the Company.

A.D. 1873.

Tolls on traffic conveyed partly on the railway and partly on the railways of the Brighton Company.

51. During the continuance of any agreement to be entered into under the provisions of this Act for the user of the railways by the Brighton Company, the railways of the Company and of the Brighton Company shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways and partly on the railway of the Brighton Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways and partly on the railway of the Brighton Company; and for small parcels carried by the Brighton Company on any railway of the Company and also on any railway of the Brighton Company (and whether the transit begins on any railway of the Brighton Company or on any railway of the Company), the Brighton Company may take any tolls not exceeding the respective tolls for small parcels limited by "The London, Brighton, and South Coast Railway (Mitcham and Tooting Lines, &c.) Act, 1863."

Interest not to be paid on calls paid up.

52. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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.

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

Provision as to general Railway Acts.

54. Nothing in this Act contained shall exempt 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 by this Act.

Costs of Act.

55. 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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