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# VICTORIÆ REGINÆ.

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## *Cap. ccxxxiv.*

An Act to enable the *London, Brighton, and South Coast* Railway Company to make new Railways in substitution for Portions of their *Saint Leonard's* Line, and other Works; and for other Purposes. [16th July 1866.]

**W**HEREAS it is expedient that the *London, Brighton, and South Coast* Railway Company should be empowered to construct new Railways in substitution for Portions of the Railways authorized by "The *London, Brighton, and South Coast* Railway (*Saint Leonard's* Line) Act, 1865," and also Station Approaches at *Ashburnham*, all in the County of *Sussex*: And whereas Plans of the said intended Railways and other Works, and of the Lands proposed to be taken for the Purposes of this Act, and Sections showing the Levels of the said Railways and other Works, together with Books of Reference to such Plans, were on or before the Thirtieth Day of *November* last deposited with the Clerk of the Peace for the County of *Sussex*: And whereas it is also expedient that the *London, Brighton, and South Coast* Railway Company should be empowered to raise additional Capital for the Purposes aforesaid: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty

[Local.] 36 B that

28 & 29 Vict.  
c. 1.



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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.

1. This Act may be cited for any Purpose as "*The London, Brighton, and South Coast Railway (Saint Leonard's Deviations) Act, 1866.*"

8 & 9 Vict.  
cc. 18. & 20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. incor-  
porated.

2. "The Railways Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part I., relating to the Construction of a Railway, of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Certain  
Parts of  
8 & 9 Vict.  
c. 16, and  
26 & 27 Vict.  
c. 113. incor-  
porated.

3. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters; (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock; and

With respect to the Provisions to be made for affording Access to the Special Act by all Parties interested;

And Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall in all respects, except where altered by or otherwise provided for in this Act respectively, apply to all Shares and Stock created, and to all Mortgages and Bonds granted, and Monies borrowed under the Powers of this Act; and in the incorporated Parts of the said Acts respectively the Expression "the Company" shall have the same Meaning as in this Act.

Same Mean-  
ings to  
Words in  
incorporated  
Act as in  
this.

4. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something



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something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean "the *London, Brighton, and South Coast Railway Company*," the Expression "the Railways" shall mean the Railways by this Act authorized, or any Part thereof, 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 common Simple Contract Debt, and not a Debt or Demand created by Statute.

Interpreta-  
tion of  
Terms.

5. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections relating thereto the Railways herein-after described, with all proper Stations, 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 relating thereto as may be required for that Purpose. The Railways herein-before referred to and authorized by this Act are,—

Power to  
make Rail-  
ways accord-  
ing to depo-  
sited Plans.

A Railway (No. 1.) Three Miles Four Furlongs and Five Chains or thereabouts in Length to commence in the Parish of *Warbleton* in the County of *Sussex* by a Junction with the Railway authorized by and first described in "The *London, Brighton, and South Coast Railway (Tunbridge Wells and Eastbourne Line)* Act, 1864," and terminating in the Parish of *Herstmonceux* in the same County by a Junction with the Railway authorized by and first described in "The *London, Brighton, and South Coast Railway (St. Leonard's Line)* Act, 1865 :"

A Railway (No. 2.) Four Furlongs or thereabouts in Length to be wholly situate in the Parish of *Hellingly* in the County of *Sussex*, and to commence by a Junction with the Railway authorized by and secondly described in "The *London, Brighton, and South Coast Railway (Ouse Valley Line)* Act, 1864," and to terminate by a Junction with the Railway authorized by and first described in "The *London, Brighton, and South Coast Railway (Tunbridge Wells and Eastbourne Line)* Act, 1864 :"

A Railway (No. 3.) One Mile One Furlong and Five Chains or thereabouts in Length to commence in the said Parish of *Herstmonceux* by a Junction with the first-mentioned intended Railway at a Point near *Cobeech*, and to terminate in the said Parish of *Hellingly* by a Junction with the Railway authorized by and first described in "The *London, Brighton, and South Coast Railway (Tunbridge Wells and Eastbourne Line)* Act, 1864."

6. The



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Power to  
make Roads.

6. The Company may make in the Lines and according to the Levels defined on the deposited Plans and Sections relating thereto respectively, and on the Lands shown on those Plans and described in the Books of Reference thereto, the Roads herein-after described, and may enter upon, take, and use all or any of the Lands defined upon such last-mentioned Plans and described in the Books of Reference thereto. The Roads herein-before referred to and authorized by this Act are,—

A Road to commence in the Parish of *Ashburnham* in the said County of *Sussex* out of and from the public Highway leading from *Mansfield Cross* to the South of *Ashburnham Park* towards *Battle*, near the South Lodge of *Ashburnham Park*, and to terminate in the Parish of *Ninfield* in the same County by a Junction with the Turnpike Road leading from *Hailsham* to *Battle*:

A Road to be wholly situate in the said Parish of *Ashburnham*, and to commence by a Junction with the said public Highway near the Gate of *Ashburnham Park*, called *Pound Gate*, and to terminate by a Junction with the first-mentioned Road about Twenty-seven Chains Southward of *Sheepwash Bridge*.

Power to  
deviate in  
Construction  
of Roads.

7. In constructing the Roads by this Act authorized the Company may deviate laterally from the Lines thereof as shown on the deposited Plans relating thereto respectively to any Extent not exceeding the Limits of Deviation as defined on such Plans, and may also deviate from the Levels thereof as shown on the deposited Sections relating thereto respectively to any Extent not exceeding Five Feet.

Power to  
stop up and  
discontinue  
Portions of  
existing  
Roads.

8. When and so soon as the new Roads by this Act authorized shall have been completed and opened for public Use, so much of the said public Road leading from *Mansfield Cross* to the South of *Ashburnham Park* towards *Battle* as is situate between the Points of Junction therewith of the Roads by this Act authorized, and also the Bridleways leading out of the said public Highway to and past *Kitchenham Farm* in the said Parish of *Ashburnham*, shall cease to be public Thoroughfares, and all Rights of Way over the same shall thereupon be absolutely extinguished, and the new Roads by this Act authorized shall thenceforth be and be deemed to be public Highways, and shall be repairable by the same Persons and by the same Means as other Highways in the Parishes in which the same respectively will be situate.

Application  
of Funds.

9. The Company may apply to the Purposes by this Act authorized any Monies raised or to be raised by them by virtue of any other Act, and not required for the Purposes to which they are by any such other Act made specially applicable.

10. The



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10. The Company from Time to Time may raise by the Creation and Issue of Shares such Sums of Money as they shall think necessary, not exceeding One hundred thousand Pounds, exclusive of the Monies which they are or may be authorized to raise by any other Act or Acts of Parliament, and the Company may create and issue such Shares either wholly or partially as Ordinary or wholly or partially as Preferential Shares, as they may think fit.

Power to raise additional Money by Creation of Shares or Stock.

11. The Company shall not issue any Share created under the Authority of this Act, 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.

Shares not to issue until One Fifth paid up.

12. Any new Shares or Stock created under the Powers of this Act which may be apportioned by the Orders of any Meeting of the Company among the then Shareholders shall vest in and belong to the then Shareholders or Proprietors of Stock who shall by Writing under their Hands accept the same, and pay the Value thereof to the Company at the Time and (as regard Shares) by the Instalments which shall be fixed by the Directors; and if any then Shareholder or Proprietor of Stock for One Month after such Offer of new Shares or Stock fail to accept the same, and pay in the Case of Stock the nominal Value thereof, and in the Case of Shares the Instalments called for in respect thereof, the Directors may dispose of the same in such Manner as they may deem most for the Advantage of the Company.

Vesting or other Disposition of new Shares.

13. Every Person who becomes entitled to any new Share or Stock created under the Powers of this Act shall in respect of the same be a Shareholder or Proprietor in and of the Undertaking of the Company, and (except as otherwise provided by or under the Powers of this Act) shall be entitled to a Dividend with the other Shareholders or Proprietors proportioned to the Amount of such Stock, or to the whole Amount for the Time being paid up on such Share, as the Case may be.

Dividends on new Shares.

14. Except as by or under the Powers of this Act otherwise provided, all such new Stock shall in proportion to the Amount thereof, and all such new Shares shall in proportion to the Amount for the Time being paid up thereon, confer upon the respective Holders thereof the same Qualifications, Rights of voting, and other Privileges as any Ordinary Shares or Stock of the Company.

Qualifications, &c. for new Shares and Stock.

15. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot, a Lunatic, or

Receipts for Persons under or Disability.



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or Person *non compos mentis*, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder.

Power to raise Capital under any other Act of this Session and this Act by new Shares or Stock of One Class.

16. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of Shares or Stock of one and the same Class all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Power to borrow on Mortgage.

17. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Thirty-three thousand Pounds, but no Part thereof shall be borrowed until the whole Capital of One hundred thousand Pounds is subscribed for or taken, 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 the 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 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 Subscribers or their Assigns, and that such Subscribers or their 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.

Existing Mortgages to have Priority.

18. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be granted by virtue of this Act.

Application of Money raised under this Act.

19. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only.

Extending Powers for the Conversion of Shares into Stock.

20. The Powers of the Company for the Conversion of Shares into Stock shall extend to all Shares when the nominal Value thereof is or shall be fully paid up, whether paid up in pursuance of Calls, or wholly or partly in anticipation of Calls.

21. Subject



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**21.** Subject and without Prejudice to any Mortgages or Bonds granted by the Company under any Act of Parliament, and for the Time being in force, the Powers and Provisions of "The London, Brighton, and South Coast Railway Act, 1853," "The London, Brighton, and South Coast Railway Act, 1854," and "The London, Brighton, and South Coast Railway Company's Act, 1859," respectively, with respect to the Conversion of borrowed Capital into Debenture Stock and perpetual Annuities, the Creation and Issue of Debenture Stock, and the Grant and Sale of Debenture Stock and of perpetual Annuities in lieu of and substitution for borrowing or re-borrowing and providing Funds for paying off Mortgages or Bonds, and otherwise relating to such Debenture Stock and Annuities, and the Application and Investment of the Money to arise from the Grant, Sale, and Issue of any Debenture Stock and perpetual Annuities, shall extend and apply to all Monies which the Company are by this Act authorized to borrow as fully and effectually as if all those Monies had been at the Date of the passing of "The London, Brighton, and South Coast Railway Act, 1853," authorized to be borrowed.

Extending to Money borrowed under this Act certain Powers of the Company under other Acts for Conversion of Debt into Debenture Stock and Annuities.

**22.** The Company shall keep accurate and separate Accounts of the Amount of Debenture Stock and Annuities from Time to Time created and disposed of by them, and of the Application of such Debenture Stock and Annuities, and the Monies raised by the Disposal thereof, separate from the Accounts of other Stocks and Shares.

Separate Accounts of Application of Debenture Stock and Annuities to be kept.

**23.** The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Lands for extraordinary Purposes.

**24.** 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.

Powers for compulsory Purchases limited.

**25.** The Railways and Roads shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for the Execution thereof, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

**26.** If the Railways by this Act authorized be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, then (subject to the Provisions herein-after contained) the Company shall be liable to forfeit and pay the Sum of Fifty Pounds for every Day after the Expiration of that Period during which the Railways shall remain unopened, which Amount shall be a

Penalty for Non-completion of Railways within Time limited.

Debt



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Debt from the Company to the Crown, and be recoverable accordingly: Provided always, that no such Penalty shall accrue or be payable for or in respect of any Time during which the Company may be prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control (of which Prevention and of the Time for which it may have endured the Certificate of the Board of Trade shall be sufficient Evidence), and that Board, on the Production of such Proof as they shall deem sufficient, shall grant such Certificate accordingly; provided always, that the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

New Railways to be Part of Undertaking.

27. The Railways by this Act authorized to be constructed by the Company shall be deemed Part of the Undertaking of the Company, and the Byelaws, Rules, and Regulations for the Time being of the Company shall extend and apply thereto.

Tolls.

28. The Company may demand and take for the Use of the Railways herein-before described any Tolls not exceeding the Tolls prescribed by "The *London, Brighton, and South Coast Railway (Mitcham and Tooting Lines, &c.) Act, 1863,*" as if the Railways authorized to be constructed under this Act had been comprised in "The *London, Brighton, and South Coast Railway (Mitcham and Tooting Lines, &c.) Act, 1863.*"

Company to abandon Portions of authorized Line.

29. The Company shall abandon the Construction of so much of the Railway first described in and authorized by "The *London, Brighton, and South Coast Railway (Saint Leonard's Line) Act, 1865,*" as lies between the Junction therewith of the Railway No. 1. herein-before described and the Termination thereof at *Hellingly*, and they shall also abandon the Construction of the Railway secondly described in and authorized by the same Act.

Compensation for Damage to Land by Entry, &c. for Purposes of Railways abandoned.

30. The Abandonment by the Company, under the Authority of this Act, of any Portion of any Railways or Works, shall not prejudice or affect the Right of the Owner or Occupier of any Land to receive Compensation, in accordance with the Provisions in that Behalf of "The *Lands Clauses Consolidation Act, 1845,*" for any Damage occasioned by the Entry of Company on such Land for the Purpose of surveying and taking Levels, or probing 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 may have been temporarily occupied by the Company to receive Compensation, in accordance with the Provisions in that Behalf of "The *Railways Clauses Consolidation Act, 1845,*" for such temporary



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temporary Occupation, or for any Loss, Damage, or Injury which may have 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 last-mentioned Act, or "The London, Brighton, and South Coast Railway (Saint Leonard's Line) Act, 1865."

**31.** Where before the passing of this Act any Contract may have been entered into or Notice given by the Company for the purchasing of any Land for the Purposes of or in relation to any Portions of the Railways or Works authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works by this Act authorized, full Compensation shall be made by the Company to the Owners and Occupiers or other Persons interested in such Lands 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 Consolidation Act, 1845," for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Compensation to be made in respect of Portions of Railways abandoned.

**32.** The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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."

Interest not to be paid on Calls paid up.

**33.** 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 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.

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

**34.** Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made 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 authorized by this Act.

Railways not exempt from Provisions of present and future General Acts.



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Expenses of Act.

35. 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.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1866.