CHAPTER clxxxix.

An Act for incorporating the Oxted and Groombridge Railway Company and for other purposes. A.D. 1881.

[11th August 1881.]

WHEREAS the construction of a railway by this Act authorised from the Croydon Oxted and East Grinstead Railway of the London Brighton and South Coast Railway Company (in this Act called "the Brighton Company") and the South-eastern Railway Company (in this Act called "the South-eastern Company") or of one of those companies at Hurst Green in the parish of Oxted in the county of Surrey to the East Grinstead Groombridge and Tunbridge Wells branch of the Brighton Company at Withyham in the county of Sussex with a branch railway to the South-eastern Company's railway at Edenbridge 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 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 clerks of the peace for the counties of Surrey Kent and Sussex respectively and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:—

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Short title.

1. This Act may be cited as the Oxted and Groombridge Railway Act 1881.

Incorporation of general Acts.

8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

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 this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or 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 railways" "the railway" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised and for the purposes of this Act the expressions "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. John Gilbert Talbot, Granville William Gresham Leveson-Gower, Joseph Sawyer Gainsford. William Richard Glasier, James Richard Haig, James Heslop Powell, and Joseph Osbert Whatley, 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 Oxted and Groombridge Railway 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 railways.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper bridges viaducts rails turntables 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:

(1) A railway (No. 1) 12 miles 2 furlongs and 5 chains in length commencing in the parish of Oxted in the county of Surrey by a junction at Hurst Green with and at the termination of the authorised Railway No. 1 now in course of construction of the Croydon Oxted and East Grinstead Railways belonging to the Brighton Company and the South-eastern Company or one of them and terminating in the parish of Withyham in the county of Sussex by a junction with the East Grinstead Groombridge and Tunbridge Wells branch of the Brighton Company at a point about one hundred and twenty yards westward of the west abutment of the railway bridge over the Groombridge and Crowborough Road the said bridge being distant about one thousand three hundred and thirty yards from the west end of the booking office of the Groombridge Railway Station.

(2) A railway (No. 2) 6 furlongs and 2·55 chains in length wholly in the parish of Edenbridge in the county of Kent commencing by a junction with the intended Railway No. 1 at a point about one hundred and forty yards southward of the boundary between the parish of Limpsfield in the county of Surrey and the said parish of Edenbridge in the enclosure numbered 195 on sheet xlix. 1 of the published Ordnance Map of the said parish of Edenbridge to a natural scale of 1 in 2,500 the said point being distant about two hundred and seventy-seven yards from the south-west corner of Batchelor's farm buildings and terminating by a junction with the South-eastern Railway at a point opposite the down distant signal post of that company and six hundred and fifty yards or thereabouts from the booking office of the Edenbridge Railway Station.

Capital.

6. The capital of the Company shall be three hundred and thirty thousand pounds in thirty-three thousand 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 or corporation 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 three months at least shall be the interval

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between successive calls and three fourths 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.

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 shall 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 share 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 half 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

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

certificates issued.

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.

Terms of issue to be stated on certificates.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment 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.

Forfeiture of preferred half shares.

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

Preferred half shares not to be cancelled.

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.

Half shares to be half shares in capital.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole one hundred and ten thousand pounds but no part thereof shall be borrowed until the whole capital of three hundred and thirty 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

Power to borrow.

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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 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.

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 ten thousand 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 three but the Company may from time to time increase the number provided that the number be not greater than five.

Qualification of directors.

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

Quorum.

25. The quorum of a meeting of directors shall be two until increased to five and then shall be three.

First directors.

26. Joseph Sawyer Gainsford and William Richard Glasier and another person to be nominated by them and consenting to such

nomination 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.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid 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 varying 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 nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

27. 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.

28. 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.

Power to deviate.

29. In executing the railways the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding ten feet save where a greater deviation is necessary for avoiding interference with any sewer water main gas main or other work or for the accommodation of the railway to the works already executed on the line thereof and then to such an extent as is necessary Provided that no such deviation to a greater extent than ten feet shall be made without the previous approval of the Board of Trade but no other approval or consent shall be required.

Height and span of bridges.

30. The Company may make the arches of the bridges for carrying the railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans

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herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
	RAILWAY No. 1.			
7	Limpsfield	Public	15 feet	20 feet.
25	Edenbridge	Public	15 feet	20 feet.
40	Edenbridge	Public	15 feet	20 feet.
18	Brasted	Public	15 feet	20 feet.
22	Cowden	Public	15 feet	20 feet.
4	Ashurst	Public	15 feet	20 feet.

Widths of certain roadways.

31. The Company may make the roadway over the bridges by which the following roads will be carried over the railways 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) :—

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
	RAILWAY No. 1.		
3	Limpsfield	Public	20 feet.
18	Limpsfield	Public	20 feet.
36	Limpsfield	Public	20 feet.
4	Brasted	Public	20 feet.
17	Hever	Public	20 feet.
44	Cowden	Public	20 feet.
12	Withyham	Public	20 feet.
44	Withyham	Public	20 feet.
	RAILWAY No. 2.		
7	Edenbridge	Public	20 feet.
12	Edenbridge	Public	20 feet.

Bridge over Medway.

32. The bridge for carrying Railway No. 1 over the River Medway below Ashurst Bridge in the parish of Ashurst shall have a clear waterway of the same width as the river where the railway crosses the same and the Company shall make in and through the embankment on both sides of the said bridge and near to or adjoining the same a land arch of ten feet height and ten feet span and having a sectional area of at least one hundred square feet in such position and at such level as the surveyor for the county of Kent shall deem most convenient for allowing the free passage of flood waters and preventing their being penned back on the Ashurst Bridge Road.

Power to take easements &c. by agreement.

33. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Brighton Company and Company may agree as to sale &c. of certain lands &c.

34. The Brighton Company and the Company may enter into and carry into effect agreements for the sale conveyance and assurance by the Brighton Company to the Company of all or any lands or works purchased or acquired or executed by or belonging to the Brighton Company for the purposes of or in connexion with the Surrey and Sussex Junction Railway and within the limits of deviation shown on the deposited plans and for the transfer to the Company of the benefit of all or any of the Brighton Company's rights under all or any agreements between the Brighton Company and any owner lessee or occupier of or any person having any estate or interest in or rights over or affecting any such lands for or in connexion with the last-mentioned railway.

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

35. 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 sixteen thousand eight hundred and thirty-six pounds consolidated three pounds per centum annuities being upwards of five per centum upon the amount of the estimate in respect of the railway has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the

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portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the recited Act to the contrary notwithstanding.

Application of deposit.

36. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall 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 Chancery Division of the High Court of Justice 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 deposit fund 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 depositors. A.D. 1881.

Period for completion of works.

37. 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.

38. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say):—

Passengers.

In respect of passengers and animals conveyed on the railway:

For any person twopence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile.

Class 1. For any horse mule or other beast of draught or burden threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile.

Class 2. For any ox cow bull or head of neat cattle twopence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile.

Class 3. For any calf pig sheep lamb or other small animal one penny per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one halfpenny per mile.

Goods.

In respect of goods and minerals conveyed upon the railway:

Class 4. For all coals culm slack cinders cannel ironstone iron ore limestone chalk sand slag and clay (except fireclay) dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton per mile one penny and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one halfpenny.

Class 5. For all coke charcoal pig iron bar iron rod iron hoop iron plates of iron wrought iron heavy iron castings railway chairs slabs billets and rolled iron lime bricks tiles slates salt fireclay stone stone for building pitching and paving dressed or broken stone for macadamising roads copper ore lead ore tin ore antimony and manganese and all other ores minerals and semi-metals per ton per mile threepence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny.

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Class 6. For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile threepence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny.

Class 7. For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton per mile fourpence and if conveyed in a carriage belonging to the Company an additional sum per ton per mile of one penny.

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 conveyed on a truck or platform belonging to the Company sixpence per mile and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Toll for propelling power.

39. The toll which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

40. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—

Short distances.

For all passengers animals or goods conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles:

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the numbers 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 an integral number of miles shall be deemed a mile:

Fractional parts of a ton.

For a 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:

General weight.

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. Weight of stone and timber.

41. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :— Tolls for small parcels and articles of great weight.

For the carriage of small parcels on the railway :

For any parcel not exceeding seven pounds in weight threepence :

For any parcel not exceeding fourteen pounds in weight fivepence :

For any parcel not exceeding twenty-eight pounds in weight sevenpence :

For any parcel not exceeding fifty-six pounds in weight ninepence :

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum which they may think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railway :

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 one boiler cylinder or single piece of machinery or single piece of timber or stone 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.

42. The maximum rate 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 for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) : Maximum rates for passengers.

For every passenger conveyed in a first-class carriage the sum of threepence per mile :

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For every passenger conveyed in a second-class carriage the sum of twopence per mile:

For every passenger conveyed in a third-class carriage the sum of one penny and one halfpenny per mile.

Maximum rates for animals and goods.

43. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway including the tolls for the use of the railway and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service 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 threepence per mile:

For every animal in class 3 one penny per mile:

For everything in class 4 one penny halfpenny per ton per mile:

For everything in class 5 twopence per ton per mile:

For everything in class 6 threepence per ton per mile:

For everything in class 7 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 sixpence and if weighing more than one ton one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Passengers luggage.

44. 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.

45. 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.

46. 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.

47. 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.

Power to use portions of other railways &c.

48. The Company and any company or persons for the time being working or using the railway of the Company or any part thereof either by agreement or otherwise may run over work and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description so much and such parts of the railways of the Brighton Company as lie or will lie between the termination of the proposed Railway No. 1 and the junction of the Brighton Company's railway with the South-eastern railway at Tunbridge Wells and so much and such parts of the railways of the Brighton Company and the South-eastern Company (herein-after called "the two Companies") or either of those companies as lie or will lie between the commencement of the proposed Railway No. 1 on the one hand and (by any routes if more than one) the East Croydon station of the Brighton company on the other hand together with that station and all other stations for the time being upon the before-mentioned portions of railways or either of them and all roads platforms points signals water water-engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said portions of railways and stations and as regards traffic conveyed by them the Company or such other company or persons as aforesaid may demand the same tolls and charges upon and in respect of the said portions of railways and stations as they would be entitled to take if such portions of railways and stations were part of the railway by this Act authorised.

Terms of user of portions of other railways &c.

49. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or such other company or persons as aforesaid for and in respect of the use of the portions of railways stations works and conveniences shall be such as are from time to time agreed upon between them and the company or companies for the time

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being owning or working the respective portions of railways run over or used or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies or persons interested and the cost of the arbitration shall be in his discretion and the decisions of the arbitrator shall be final and binding on all parties.

Reciprocal running powers.

50. If the Company or any companies or persons using their railway shall exercise the powers hereinbefore conferred on them of using the Brighton Railway or the railway belonging to the two Companies jointly or any part of the said railways the Brighton Company and the South-eastern Company may thenceforth exercise over the railways hereby authorised and the works and conveniences connected therewith all the powers herein-before granted to the Company over or with respect to the Brighton Railway or the joint lines as fully and effectually and upon such terms and conditions as are herein-before mentioned and prescribed with respect to the use of the Brighton Railway or the joint lines by the Company.

Enlargement of stations &c.

51. If in consequence of the exercise of the running powers herein-before granted to the Company it shall be necessary to increase any station sidings or works belonging to the Brighton Company or belonging to the two Companies jointly the same shall be provided by the Brighton Company or the two Companies as the case may be but at the expense of the Company and if any question shall arise as to the necessity or the nature or extent or the cost of such increased accommodation it shall be settled by arbitration in the manner prescribed by the Railway Clauses Consolidation Act 1845.

Power to enter into working agreements with the two Companies. 36 & 37 Vict. c. 76.

52. The Company on the one hand and the two Companies or either of them on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect and rescind agreements with respect to the following purposes or any of them (that is to say):—

The use by the contracting companies or any or either of them of their respective railways stations and works or of any part or parts thereof respectively.

The supply during the continuance and for the purposes of any agreement for the use of the railway of engines stock and plant and the employment of officers and servants for the conduct of the traffic on the respective railways or any part thereof.

The payments to be made and the conditions to be performed with respect to the matters aforesaid.

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways or stations of the contracting companies or any or either of them.

The fixing collection payment appropriation apportionment and distribution between the said companies of the tolls rates income and profits arising from the respective railways and works of the contracting companies or any or either of them or any part thereof.

Tolls on traffic conveyed partly on railway and partly on railways of the two companies.

53. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway by the two companies or either of them the railways of the Company and of the two companies or the company entering into such agreement 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 railway and partly on the railways of the two Companies or either of them for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miels 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 three 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 railway and partly on the railways of the two companies or either of them.

Interest not to be paid on calls paid up.

54. 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.

55. 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.

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Provision as to general Railway Acts.

56. Nothing in this Act contained shall exempt the Company or 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.

Expenses of Act.

57. 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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