ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. lxxxvi.

An Act for making a Railway from *Wimbledon* to *Croydon* in the County of *Surrey*, to be called "The *Wimbledon and Croydon* Railway," and for other Purposes. [8th *July* 1853.]

WHEREAS the making of a Railway from *Wimbledon* to *Croydon*, both in the County of *Surrey*, would be of public Advantage: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to carry such Undertaking into execution: And whereas such Purpose 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,

The Wimbledon and Croydon Railway Act, 1853.

Short Title.

I. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Wimbledon and Croydon* Railway Act, 1853."

8 & 9 Vict. cc. 16. 18. and 20. incorporated with this Act.

II. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be, so far as the same are not expressly varied by or inconsistent with the Provisions of this Act, incorporated with this Act.

Subscribers incorporated.

III. That *Henry Tootal*, *Alexander Beattie*, *Timothy Rhodes Cobb*, *John Dawson Lowden*, and *William Reed*, and all other Persons and Corporations who have already subscribed or hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purpose of making and maintaining a Railway from the Main Line of the *London and South-western* Railway in the Parish of *Wimbledon* in the County of *Surrey* to the *Epsom* Branch Line of the *London*, *Brighton*, *and South Coast* Railway in the Parish of *Croydon* in that County, with proper Works and Conveniences connected therewith, according to the Provisions of this Act, and for other the Purposes of this Act, and for such Purposes are by this Act incorporated by the Name of "The *Wimbledon and Croydon* Railway Company," and by that Name shall be One 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 but subject to the Restrictions of this Act.

Capital.

IV. That the Capital of the Company shall be Forty-five thousand five hundred Pounds in Four thousand five hundred and fifty Shares of Ten Pounds each.

Calls.

V. That Two Pounds Ten Shillings a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls; and the aggregate Amount of all Calls to be made on any One Share in any Year shall not exceed Three Fourths of the nominal Amount of such Share.

Interest not to be paid on Calls paid up.

VI. That 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 shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

VII. That

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

VII. That the Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum of Money 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.

Power to borrow money.

VIII. That the Company may borrow on Mortgage or Bond any Sums not exceeding in the whole Eight thousand Pounds, but any Part thereof shall not be borrowed until the whole of the Capital have been subscribed for, and One Half thereof paid up: Provided always, that all and every Part of the Money raised under this Act, whether by Shares or Mortgage or Bond, shall be applied only for the Purposes authorized by this Act.

First and other Meetings.

IX. That the First Ordinary Meeting of the Company shall be held within Eight Months next after the passing of this Act.

Number of Directors.

X. That the Number of Directors shall be Four.

Qualification of Directors.

XI. That the Qualification of a Director shall be the Possession in his own Right of Fifty Shares.

Election of Directors at First Ordinary Meeting.

XII. That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act; or a new Body of Directors may be elected to supply their Places, the Directors appointed by this Act being, if qualified, eligible for Election.

First Directors.

XIII. That *Henry Tootal*, *Alexander Beattie*, *John Dawson Lowden*, and *William Reed* shall be the First Directors of the Company.

Quorum.

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

Newspaper.

XV. That the Newspaper for Advertisements shall be any *Surrey* Newspaper.

Power to make Railway according to deposited Plans.

XVI. Whereas Plans and Sections of the Railway and Works, showing the Lines and Levels thereof respectively, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same respectively are intended to pass or be made, have been

been deposited with the Clerk of the Peace for the County of *Surrey*: Therefore, subject to the Provisions of this Act, the Company may make and maintain the Railway and Works in the Lines and upon the Lands delineated on those Plans and described in that Book of Reference, and according to the Levels described on those Sections, and may enter upon, take, and use such of those Lands as shall be necessary for that Purpose.

Lands of South-western Railway not to be taken without Consent.

XVII. Provided always, That the Company shall not enter upon, take, or use any of the Land of or to which the *London and South-western* Railway Company are possessed or entitled, without in every Case the previous Consent of that Company under their Common Seal.

Railway and Works.

XVIII. That the Railway and Works by this Act authorized are the following; (to wit,)

A Railway commencing by a Junction with the Main Line of the *London and South-western* Railway in the Parish of *Wimbledon* in the County of *Surrey* at a Point at or near the *Wimbledon* Station on that Main Line, and terminating by a Junction with the *Epsom* Branch Line of the *London, Brighton, and South Coast* Railway in the Parish of *Croydon* in the County of *Surrey* at or near a Point on that Branch Line One hundred and twenty-five Yards or thereabouts Northward of the Post indicating the Eleventh Mile from *London* on that Branch Line.

Junction with South-western Railway to be made by that Company, but at Expense of Company hereby incorporated.

XIX. Provided always, That the Junction of the Railway with the Line of the *London and South-western* Railway Company, and all Openings in the Rails thereof, and all Signals and other Works and Conveniences for the Purposes of that Junction and incidental thereto, shall be made at the Expense of the Company, but by the *London and South-western* Railway Company, and under the Superintendence and Direction and to the reasonable Satisfaction of their Engineer.

Certain Roads may be crossed on the Level.

XX. That, subject to the Provisions of this Act, the Company may carry the Railway across and on the Level of the several Roads numbered in the Plans deposited for the Purposes of this Act as follows; (to wit,)

The Road numbered 1 in the Parish of *Merton*;

The Roads numbered 33, 111, and 114 respectively in the Parish of *Mitcham*;

The Roads numbered 1 and 12a respectively in the Parish of *Beddington*; and

The Road numbered 10 in the Parish of *Croydon*.

Company to erect a Sta-

XXI. That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or a Lodge

a Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as are from Time to Time made by the Board of Trade; and if the Company fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence continues after such Penalty of Twenty Pounds is incurred.

tion or Lodge at points of crossing, and abide by Regulations of Board of Trade.

XXII. That the Board of Trade, if it appear to them necessary for the Public Safety, may at any Time, either before or after the Railway to be carried across those Roads on the Level is completed and opened for Public Traffic, require the Company, within such Time as the Board of Trade direct, and at the Expense of the Company, to carry any of those Roads either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case appear to the Board of Trade best adapted for removing or diminishing the Danger arising from any such level Crossing.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

XXIII. That the Communication of the Railway with the *Epsom* Branch Line of the *London, Brighton, and South Coast* Railway shall be effected by means of Connexion Rails and Points of the Construction most approved, laid in the Manner most approved, and to the reasonable Satisfaction of the Engineer for the Time being of that Company.

Communication with the London, Brighton, and South Coast Railway;

XXIV. That the Expense of such Communication, and of all requisite Works, and of all Repairs thereof, shall be paid by the Company; and such Works shall on every Occasion be done to the entire Satisfaction of that Engineer, and in such Manner as not to injure that Railway.

and Works to be done to the satisfaction of their Engineer.

XXV. That, notwithstanding anything in this Act contained, it shall not be lawful for the *Wimbledon and Croydon* Railway Company, or for any other Company, or for any Person, under or in execution of this Act or for any other Purpose, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the said *London, Brighton, and South Coast* Railway Company, or which they have Power to take under any of their Acts of Parliament,

Company not to take Land of London, Brighton, and South Coast Railway Company, except for effecting Junction.

or to construct any Railways or Branch Railways across the same, either on the Level or otherwise, or in any Manner to alter, vary, or nterfere with the said *Epsom* Branch Line of the said *London, Brighton, and South Coast* Railway, or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid.

Saving Rights of the Two Companies.

XXVI. That, except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the *London and South-western* and the *London, Brighton, and South Coast* Railway Companies respectively.

Lands for extraordinary Purposes.

XXVII. That the Company may purchase, in addition to the Lands for constructing the Railway, any Quantity of Land not exceeding in the whole Ten Acres, for extraordinary Purposes.

Time for compulsory Purchase of Land limited.

XXVIII. That the Powers hereby given for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XXIX. That the Railway 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 executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as is then completed.

Money deposited in Bank of England to remain there until Railway opened or certain Proofs given.

XXX. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Three thousand four hundred and twelve Pounds Ten Shillings, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with 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 recited Act, the said Sum of Three thousand four hundred and twelve Pounds Ten Shillings so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway

Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized 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 said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall, immediately from and after the Expiration of the said Period, be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Three thousand four hundred and twelve Pounds Ten Shillings shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Three thousand four hundred and twelve Pounds Ten Shillings if the said Company shall not within the Time limited for the Completion of the said Railway either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized 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 such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall 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, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid;

and

and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed, and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

XXXI. That the Company may demand any Tolls for the Use of the Railway, not exceeding the following; (to wit,)

Tonnage on Articles of Merchandise.

In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, and included within the following Classes:

Class 1. For all Coals, Coke, Culm, Charcoal, and Cinders, Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, and all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles, or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 2. For all Sugar, Grain, Corn, Flour, Fish, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 3. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company a further Sum *per* Ton *per* Mile not exceeding One Penny:

Class 4. And for every Carriage, of whatever Description, (not being a Carriage adapted and used for travelling on a Railway, and not weighing more than Two Tons,) *per* Mile not exceeding Fourpence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum

Sum *per* Mile not exceeding One Penny; and the Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding One Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons; and if propelled by an Engine belonging to the Company, a further Sum not exceeding One Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons.

Tolls for Animals, &c.

In respect of Animals conveyed in Carriages upon the Railway, as follows:

Class 5. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

Class 6. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, the Sum of One Penny *per* Mile; and if conveyed in any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

Class 7. For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Tolls for Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Regulations as to the Tolls.

XXXII. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (to wit,)

For Articles or Persons conveyed on the Railway 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 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:

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 Weight, and so on in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weights.

That with respect to small Packages, and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may demand the Tolls following; (to wit,)

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

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

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

For any Parcel not exceeding Twenty-eight Pounds in Weight, Two Shillings;

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings and Sixpence;

And for Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit:

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 any Sum not exceeding Sixpence *per* Ton *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Fourpence; and if propelled by an Engine belonging to the Company,

Company, a further Sum *per* Ton *per* Mile not exceeding Threepence:

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

Passengers Luggage.

XXXIII. That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty 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.

Maximum Rates of Charges for Passengers.

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

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

For every Passenger conveyed in a Second-class Carriage, the Sum of One Penny Three Farthings *per* Mile:

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

Maximum Charges for Goods and Animals.

XXXV. That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance (except the loading and unloading of Goods, when such Service is performed by the Company), shall not exceed the Amounts following; (to wit,)

For the Matters mentioned under Class 1, not exceeding Twopence *per* Ton *per* Mile:

For the Matters mentioned under Class 2, not exceeding Twopence Halfpenny *per* Ton *per* Mile:

For the Matters mentioned under Class 3, not exceeding Threepence Halfpenny *per* Ton *per* Mile:

For any Carriage mentioned under Class 4, not weighing more than Two Tons, not exceeding Sixpence *per* Mile; and if weighing more than Two Tons, not exceeding Twopence *per* Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons:

For everything mentioned under Class 5, not exceeding Fourpence *per* Mile:

For everything mentioned under Class 6, not exceeding Twopence Halfpenny *per* Mile:

For everything mentioned under Class 7, not exceeding One Penny *per* Mile.

Restriction as to Charges not to apply to Special Trains.

XXXVI. That the Restriction as to the Charges to be made for Passengers shall not extend to any special or extra Train that may be required to be run upon the Railway, but shall apply only to the express and ordinary 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.

XXXVII. That this Act, or anything therein contained, shall not prevent the Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Goods of any Description, by Agreement with the Owners or Persons in Charge of such Goods, either by reason of any special Service performed by the Company in relation thereto, or in respect to the Conveyance of any Goods other than small Parcels by Passenger Trains, or in respect of the Conveyance of such Parcels by Express Trains.

As to working Arrangements between Company and London and South-western Railway Company.

XXXVIII. That the Company and the *London and South-western* Railway Company respectively from Time to Time may make all such Arrangements and Agreements as they think fit with respect to the working of the Railway or any Part thereof by the *London and South-western* Railway Company, and with respect to the finding and providing by that Company of Engines, Carriages, Plant, Stock, and Services for the working of the Railway or any Part thereof, and with respect to the Conduct and Regulation of the Traffic on the Railway, or any Part thereof, and with respect to the Consideration to be paid to or by that Company for such Purposes or any of them, or for any other of the Purposes of this Act, and may from Time to Time alter, rescind, and renew such Arrangements and Agreements respectively; and all such Arrangements and Agreements may and shall be carried into effect according to the true Intent thereof and of this Act respectively.

As to Railway passing under Turnpike Road from London to Epsom.

XXXIX. And whereas it is intended to carry the *Epsom* Turnpike Road, numbered *22* in the Parish of *Merton* upon the said Plans, and leading from *London* to *Epsom*, over the said Railway: Be it therefore enacted, That the Bridge for carrying the said Road over the said Railway shall be erected at the Expense of the said Company, and shall be of such Construction and Dimensions as herein-after mentioned.

In the event of the Abandonment of

XL. That in the event of the said Railway being at any Time abandoned or disused by the Company for the Space of Twelve Months, either

either before or after the same shall have been completed, it shall be lawful for the Trustees for the Time being of the said Road under which the said Railway shall pass as aforesaid to require the Company to reinstate the said Road, in the same Condition, as nearly as may be, as the said Road was at the Time or immediately before the said Railway was carried under the same, and the said Company shall not be discharged from their Liabilities to the said Trustees until such full Reinstatement of the said Road shall have taken place.

the Railway, the Turnpike Road to be reinstated.

XLI. That where such Road shall be carried over the said Railway the Inclination thereof shall not exceed One Foot in Forty Feet, and where such Bridge shall be erected as aforesaid, for the Purpose of carrying the said Road over the said Railway, such Bridge shall have Parapet Walls on each Side thereof of not less than Six Feet and Six Inches in Height from the Surface of the Centre of the Road over such Bridge, and that from the Ends of the said Two Parapets of such Bridge the said Company shall make Four Return Walls or Close Fences, each Fifty Feet in Length, along the Sides of the said Railway, and shall carry such Return Walls or Close Fences to the same Height with the said Parapet Walls from the Ends of which the said Return Walls are to be made, (that is to say,) Six Feet Six Inches above the Centre of the said Road over the said Bridge, and that at least the present Width of the Carriageway and Footpath where the same is crossed shall be preserved, provided the same shall not be taken as more than Thirty-five Feet between the Parapet Walls of such Bridge; and the said Company shall not interfere with any Drains or Sewers along the said Bridge, without making the same good at their own Expense, and at the like Expense shall lay all proper and convenient Drains for carrying the Water off the said Bridge and the Approaches thereto; and the said Company shall also, at their own Expense, from Time to Time and at all Times after the said Bridge, Walls, Fences, Drains, and Sewers shall be respectively constructed, built, and set up, maintain, repair, renew, and keep the same in a good and substantial State and Condition: Provided always, that if at or adjoining to such Bridge any Station or Buildings connected with a Station shall at any Time hereafter be erected by the Company, then and in that Case the Company shall not be required to erect or maintain such Parapet Walls and Return Walls or Fences as before mentioned where the said Station or Buildings shall render the same unnecessary.

Regulating the crossing under the Epsom Turnpike Road.

XLII. That during the Progress of the Works by this Act authorized the said Company shall, at their own Expense, do all such Things in the way of watching, lighting, and fencing, and all such other precautionary Measures, as shall be requisite for the Public Safety and Convenience, and the Protection of the said *Epsom* Road and of the Travellers thereon; and the Company shall be answerable and

Company to watch, light, and fence, &c. during Performance of the Works on the Road.

amenable for all Accidents and Damage happening by reason or in consequence of any of the Works and Proceedings of the Company.

All Works connected with the Epsom Turnpike Road to be constructed under the Superintendence of the Surveyor of the Road.

XLIII. That the said Bridge, Parapet and Return Walls, and all other Works connected with the crossing of the said *Epsom* Turnpike Road, and all or any temporary Roads or Road that may be required, and also all Repairs and Renewals of such Bridge, Walls, and Works respectively which shall hereafter be made by the Company on or about the same Roads, shall be constructed and made and formed under the Direction and Superintendence and to the reasonable Satisfaction and Approval from Time to Time of the Surveyor of the same Road for the Time being, and that the Plans and Designs for the said Bridge, and the Works connected therewith, and the Materials whereof the same shall be constructed, shall be such as shall be approved of by the said Surveyor of the same Road for the Time being; and in case, in the Construction of the same Bridge and Works, or temporary Road or Roads, or any of them, the Company shall do or cause any Injury or Damage to the *Epsom* Turnpike Road or any Part thereof, and shall not forthwith proceed to repair and make good such Injury or Damage, to the reasonable Satisfaction of the said Surveyor thereof for the Time being, or if by reason of the Construction of any of the Works hereby authorized or required to be constructed by the Company any Alteration of the said Turnpike Road or of the Drains and Sewers from or passing under the same shall be rendered necessary, then and in any of such Cases it shall be lawful for the said Surveyor for the Time being, after Seven Days Notice in Writing to the Company, to cause all such Repairs and Alterations to be made as he in his Discretion shall see fit, and all Costs and Expenses of such Repairs and Alterations shall be paid, on Demand, by the Company, or in default of Payment for Twenty-One Days after such Demand may be recovered by the Trustees of the said *Epsom* Road from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

As to Railway passing under Turnpike Road from London to Sutton.

XLIV. And whereas it is intended to carry the *Surrey and Sussex* Turnpike Road, numbered 54 in the Parish of *Mitcham* upon the said Plans, and leading from *London* to *Sutton*, over the said Railway: Be it therefore enacted, That the Bridge for carrying the said Road over the said Railway shall be erected at the Expense of the said Company, and shall be of such Construction and Dimensions as hereinafter mentioned.

In the event of the Abandonment of the Railway, the Turnpike Road to be reinstated.

XLV. That in the event of the said Railway being at any Time abandoned or disused by the Company for the Space of Twelve Months, either before or after the same shall have been completed, it shall be lawful for the Trustees for the Time being of the said Road under which the said Railway shall pass as aforesaid to require the Company to

to reinstate the said Road in the same Condition, as nearly as may be, as the said Road was at the Time or immediately before the said Railway was carried under the same; and the said Company shall not be discharged from their Liabilities to the said Trustees until such full Reinstatement of the said Road shall have taken place.

Regulating the Crossings under the Surrey and Sussex Road.

XLVI. That where such Bridge shall be erected as aforesaid for the Purpose of carrying the said Road over the said Railway, such Bridge shall have Parapet Walls on each Side thereof of not less than Six Feet and Six Inches in Height from the Surface of the Centre of the Road over such Bridge, and that from the Ends of the said Two Parapet Walls of such Bridge the said Company shall make Four Return Walls or Close Fences, each Fifty Feet in Length, along the Sides of the said Railway, and shall carry such Return Walls or Close Fences to the same Height with the said Parapet Walls from the Ends of which the said Return Walls are to be made, (that is to say,) Six Feet and Six Inches above the Centre of the said Road over the said Bridge, and that at least the present Width of the Carriageway and Footpath where the same is crossed shall be preserved, provided the same shall not be taken as more than Thirty-five Feet between the Parapet Walls of such Bridge, and that the Ascent or Inclination of the Approaches to every such Bridge shall not exceed in Steepness One Foot in Forty Feet: Provided always, that if at or adjoining to such Bridge any Station or Buildings connected with a Station shall at any Time hereafter be erected by the Company, then and in that Case the Company shall not be required to erect such Parapet Walls and Return Walls as before mentioned where the said Station or Buildings shall render the same unnecessary.

Company to watch, light, fence, &c. during the Performance of the Works on the Road.

XLVII. That during the Progress of the Works by this Act authorized the said Company shall, at their own Expense, do all such Things in the way of watching, lighting, and fencing, and all such other precautionary Measures, as shall be requisite for the Public Safety and Convenience, and Protection of the said *Surrey and Sussex* Road, and of the Travellers thereon; and the Company shall be answerable and amenable for all Accidents and Damage happening by reason or in consequence of any of the Works and Proceedings of the Company.

All Works connected with the Surrey and Sussex Road to be constructed under the Superintendence of the

XLVIII. That the said Bridge, Parapet and Return Walls, and all other Works connected with the crossing of the said *Surrey and Sussex* Turnpike Road, and all or any temporary Roads or Road that may be required, and also all Repairs and Renewals of such Bridge, Walls and Works respectively, which shall hereafter be made by the Company on or about the same Roads, shall be constructed and made and formed under the Direction and Superintendence and to the reasonable Satisfaction

Surveyor of the Roads.

Satisfaction and Approval from Time to Time of the Surveyor of the same Roads for the Time being; and that the Plans and Designs for the said Bridge, and the Works connected therewith, and the Materials whereof the same shall be constructed, shall be such as shall be approved of by the said Surveyor of the same Roads for the Time being; and in case, in the Construction of the same Bridge and Works or temporary Road or Roads, or any of them, the Company shall do or Cause any Injury or Damage to the *Surrey and Sussex* Turnpike Road, or any Part thereof, and shall not forthwith proceed to repair and make good such Injury or Damage to the reasonable Satisfaction of the said Surveyor thereof for the Time being, or if by reason of the Construction of any of the Works hereby authorized or required to be constructed by the Company any Alteration of the said Turnpike Road, or of the Drains and Sewers from or passing under the same, shall be rendered necessary, then and in any of such Cases it shall be lawful for the said Surveyor for the Time being, after Three Days Notice in Writing to the Company, to cause all such Repairs and Alterations to be made as he in his Discretion shall see fit, and all Costs and Expenses of such Repairs and Alterations shall be paid, on Demand, by the Company, or in default of Payment for Twenty-One Days after such Demand may be recovered by the Trustees of the said *Surrey and Sussex* Roads from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

Company to keep in repair Bridge connected with said Turnpike Road.

XLIX. That after the said Bridge shall have been constructed pursuant to the Directions of this Act the said Company shall and they are hereby required at all Times thereafter to keep the said Bridge, and all Parapets, Slopes, Walls, and other Works belonging thereto, except such as are now kept in repair by the said Trustees of the *Surrey and Sussex* Roads, in good and complete Repair to the reasonable Satisfaction of the Surveyor of the same Roads for the Time being; and in case the said Bridge, and the Parapets, Slopes, Walls, and other Works aforesaid, or any of them, shall at any Time hereafter be out of repair, and Notice thereof be given to the said Company by the Surveyor of the same Roads for the Time being, and the said Company shall not for the Space of Three Days after the Service of such Notice commence such Repair, and proceed therein with all reasonable Expedition until the same shall be completed, it shall be lawful for the said Surveyor to proceed to repair and make good the same, causing as little Obstruction to the said Railway in the Progress of such Repair as may be, and all Costs and Expenses of such Repairs shall be paid, on Demand, by the Company, or in default of Payment for Twenty-one Days after such Demand may be recovered by the Trustees of the *Surrey and Sussex* Roads from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

Saving Rights of Commissioners of Sewers.

L. That, notwithstanding this Act, or anything contained in it or in any Act incorporated therewith, any Work shall not be done which in any way interferes with any Sewers, Drains, or Watercourses under the Control of the Metropolitan Commissioners of Sewers, and any new Sewers, Drains, or Watercourses, or Works of Drainage, shall not be made or done under the Powers of this Act, unless the same be previously approved by those Commissioners, and the same shall be carried on and completed under the Direction and Control of those Commissioners and their Officers, and all Sewers, Drains, Watercourses, and Works of Drainage made under this Act shall be and remain subject in all respects to the Jurisdiction of those Commissioners; and whenever any Works of the Company would intersect or interfere with any Sewer, Drain, or Watercourse under the Control of those Commissioners, the Company shall, before any such Works be made, construct such proper Sewers or Works of Drainage, and also comply with such Orders and Regulations as those Commissioners of Sewers make to guard against Injury to the Drainage of the District; and this Act or anything therein contained shall not take away, lessen, prejudice, or affect any of the Rights, Powers, Jurisdictions, or Authorities of those Commissioners.

Railway not exempt from Provisions of future General Acts.

LI. That this Act or anything therein contained shall not exempt the Railway from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act authorized, or of the Rates for small Parcels by this Act authorized.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97.; 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85.; 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

LII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Fourteenth

and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway hereby authorized, or the said Company in respect thereof, from the Provisions of the same several Acts respectively, but that such Provisions shall be in force with reference to the same Railway and Company in respect thereof, so far as the same are applicable.

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