



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. cxcviii.

An Act for making a Railway from the *Manor Street* Terminus of the authorized *Westminster Terminus* Railway in the Parish of *Clapham* in the County of *Surrey* to *Norwood* in the Parish of *St. Mary Lambeth* in the same County, connecting the *Westminster Terminus* Railway with the *West End of London and Crystal Palace* Railway.

[14th August 1855.]

WHEREAS the making of a Railway from the *Manor Street* Terminus of the authorized *Westminster Terminus* Railway in the Parish of *Clapham* in the County of *Surrey* to *Norwood* in the Parish of *St. Mary Lambeth* in the same County, connecting the *Westminster Terminus* Railway with the *West End of London and Crystal Palace* Railway, would be of great public Advantage: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to carry such Undertaking into execution, if authorized by Parliament so to do: 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

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Advice

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8 & 9 Vict.
cc. 16., 18.,
and 20. in-
corporated.

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railway Clauses Consolidation Act, 1845," except so far as the same are limited by any of the Provisions of this Act, shall be incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

II. That in this Act the Words "the Company" shall mean the Company hereby incorporated, and the Words "the Railways" shall mean the Railways by this Act authorized to be constructed, unless there be something in the Context repugnant to such Construction.

Short Title.

III. That this Act may be cited for all Purposes as "The Westminster Terminus Railway Extension Act, Clapham to Norwood, 1855."

Subscribers
incorporated.

IV. That *Andrew Hook, William Moxon*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railways herein-after particularly mentioned, with all proper Works and Conveniences connected therewith, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The Westminster Terminus Railway Extension Company, Clapham to Norwood," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions herein and in the said recited Acts contained.

Capital.

V. That the Capital of the Company shall be One hundred and forty-eight thousand Pounds.

Number and
Amount of
Shares.

VI. That the Number of Shares into which the Capital shall be divided shall be Fourteen thousand eight hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

VII. That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at least shall be the Interval between successive Calls, and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Five Pounds in the whole.

VIII. That

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VIII. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to 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," in that Behalf contained.

Interest not to be paid on Calls paid up.

IX. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purpose of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be 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 the Company's Capital.

X. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum or Sums of Money not exceeding in the whole the Sum of Forty-nine thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and forty-eight thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to borrow on Mortgage.

XI. That all Moneys raised under this Act shall be applied only to the Purposes of this Act.

Application of Money.

XII. That the First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly on the First Day of *February* and the First Day of *August*, or within One Month before or after those Days respectively.

First and other Meetings.

XIII. That the Number of Directors shall be not less than Three nor more than Eight, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares.

Directors.

XIV. That *Andrew Hook, William Moxon, Samuel Beale, Richard Till, Charles Henry John Rich, James Andrew Durham, and James Rhodes* shall be the First Directors of the Company.

First Directors.

XV. That

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Election of Directors at First Ordinary Meeting.

XV. That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be 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 any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

XVI. That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of Directors then retiring from Office, agreeably to the Provisions in the "Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the "Companies Clauses Consolidation Act, 1845."

Quorum of Directors.

XVII. That the Quorum of a Meeting of Directors shall be Three, and when the Number of Directors shall not exceed Three such Quorum shall be Two.

Newspaper for Advertisements.

XVIII. That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be a Newspaper published in the County of *Middlesex*.

Power to make Railways according to deposited Plans.

XIX. And whereas Plans and Sections of the Railways and Works, and showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Land through which the same are intended to pass, have been deposited with the Clerk of the Peace for the County of *Surrey*: Be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the Railways and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railways.

XX. That the Railways to be constructed under the Authority of this Act shall be the following; that is to say,

First, a Railway commencing by a Junction with the *Manor Street* Terminus of the *Westminster Terminus* Railway as at present authorized

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authorized to be made at a Point situate within and about Two Chains from the Eastern End of the Garden attached to the House numbered 19, *Manor Street*, in the Parish of *Clapham* and County of *Surrey*, and numbered 85 in the Plans of the said *Westminster Terminus* Railway deposited for the said Parish of *Clapham*, and terminating at or near the West Side of the *Bedford Road* about Seven Chains and Fifty Links North from the Junction of *Acre Lane*, *Loats Road*, and *Park Road* with the said *Bedford Road*, and which Point is situate on the Boundary Line separating the said Parish of *Clapham* from the Parish of *St. Mary Lambeth*, which said intended Railway will pass in, through, or into the several Parishes, Townships, Extra-parochial or other Places following, or some of them; that is to say, *High Street, Clapham*, in the Parish of *Clapham*, and *Bedford Road* in the Parish of *St. Mary Lambeth*, both in the County of *Surrey* :

Second, a Railway commencing by a Junction with the said first-mentioned intended Line of Railway at the Point where the same is described as intended to terminate, and terminating by a Junction with the authorized Line of the *West End of London and Crystal Palace* Railway at or near the Point where the same Line is intended to pass the *York Road* at its Junction with *York Crescent* at *Norwood* in the Parish of *St. Mary Lambeth* in the County of *Surrey*, and passing wholly within the said Parish of *St. Mary Lambeth* in the County of *Surrey*.

XXI. That the Railway authorized by this Act shall be, and be deemed and construed to be, an Extension of the *Westminster Terminus* Railway from the Terminus at *Clapham* to a Junction with the authorized Line of the *West End of London and Crystal Palace* Railway in a South-easterly Direction from such Terminus, so as to be a Compliance with the Condition contained in the Nineteenth Section of "The *Westminster Terminus* Railway Act, 1854."

Description of the Line hereby authorized.

XXII. That it shall be lawful for the said Company to form Junctions, and add such Stations, Side Lines, and Works, in connexion with the authorized Line of the *West End of London and Crystal Palace* Railway at or near the Point where the same Line is intended to pass the *York Road* at its Junction with *York Crescent* at *Norwood*; and also with the *Westminster Terminus* Railway at the *Manor Street* Terminus thereof, as to allow of the Passage of Engines and Carriages from one Railway to the other, and as may be necessary for the Reception and Accommodation of the Traffic of the respective Lines, such Junctions, Stations, Side Lines, and Works being

Company to form Junctions with the West End of London and Crystal Palace Railway and the Westminster Terminus Railway.

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made

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made under the Superintendence and to the Satisfaction of the Engineers for the Time being of the respective Companies.

All Commu-
nications
with other
Lines of
Railway to
be made
under the
Superinten-
dence of
their respec-
tive Engi-
neers.

XXIII. That all Communications between the proposed Railway and the *West End of London and Crystal Palace* Railway, and the *Westminster Terminus* Railway, and all Openings in the Rails of the respective Railways, and other Works and Conveniences for the Purposes of such Junctions, and all Stations, Side Lines, and other Works at and near the respective Points of Junction, shall be made and for ever maintained and kept in good Repair at the sole Expense of the Company, and shall not only be in the first instance made, but shall also from Time to Time be altered, amended, repaired, and maintained, by the Company, under the Superintendence and Direction and to the Satisfaction of the Engineers of the *West End of London and Crystal Palace* Railway Company and *Westminster Terminus* Railway Company respectively, and in such Manner and by such Means only as shall not in anywise injure or prejudice the respective Railways of such Companies, or the Stations, Works, or Property thereof, or interfere with the Traffic on those Railways, or the free and uninterrupted Use thereof by the *West End of London and Crystal Palace* Railway Company and *Westminster Terminus* Railway Company respectively.

Saving
Rights of
certain
Railway
Companies.

XXIV. That this Act or anything therein contained shall not take away, alter, lessen, or prejudice any of the Rights, Powers, Privileges, or Authorities of the *West End of London and Crystal Palace* Railway and the *Westminster Terminus* Railway Companies, but all such Rights, Powers, Privileges, and Authorities may be exercised and enjoyed by those Companies respectively, as fully as if this Act were not passed.

Company
empowered
to make
Contracts
with other
Companies.

XXV. That, subject to the Provisions of this Act and the "Railway Clauses Consolidation Act, 1845," it shall be lawful for the Company hereby incorporated, and the *South-eastern* Railway Company, the *West End of London and Crystal Palace* Railway Company, and the *Westminster Terminus* Railway Company respectively, or any of them, from Time to Time to make and enter into such Contracts and Agreements for using the Railways or any Part thereof, and the Regulation of the Traffic on and from the same, and the Tolls and Charges in respect of such Traffic, as those Companies or any of them may from Time to Time think advisable; and every such Contract or Agreement, subject as aforesaid, may contain any Covenants, Clauses, Powers, Provisions, and Stipulations as may be mutually agreed upon between those Companies or any of them, and may be modified or abandoned by any subsequent Contract
or

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or Agreement; and every such Contract or Agreement made according to the Provisions of this Act shall, until so modified or abandoned, be valid and in full Force: Provided always, that such Contracts or Agreements shall not be for a longer Term than Ten Years from the making or entering into the same; and no such Contracts or Agreements shall have any Operation until the same shall have been approved by the Board of Trade, which Board shall not approve of the same without being satisfied that the same has been assented to (as regards each Company) by Three Fifths of the Shareholders, voting personally or by Proxy, at an Extraordinary Meeting of the respective Companies: Provided also, that no such Contracts or Agreements shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Contracts or Agreements, be entitled to the Use and Benefit of the Railways to which the said Contracts or Agreements may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Contracts or Agreements had been entered into.

XXVI. That at the Expiration of any such Contracts or Agreements the said Companies or any or either of them, with the Consent in Special Meeting of Three Fifths of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid; provided that before such Companies shall enter into any such further Agreement as aforesaid they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Agreements may be renewed with Approval of Board of Trade.

Public Notice to be given of Intention to enter into Agreements.

Agreement inoperative until approved.

XXVII. That it shall be lawful for the said Company to purchase by Agreement, in addition to the Lands herein-before authorized to be purchased by them for constructing the said Railways, any Quantity of Land not exceeding in the whole Five Acres for any of the extra-

Lands for Extraordinary Purposes.

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extraordinary Purposes specified in the said "Railway Clauses Consolidation Act."

Period for
Completion
of Works.

XXVIII. That the Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act and the recited Acts granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways as shall be then completed.

Security for
Completion
of the Rail-
ways within
the Time
limited.

XXIX. 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 Eleven thousand seven hundred and sixty-five Pounds Ten Shillings Three Pounds *per Centum* Consolidated Bank Annuities (being the Produce of Ten thousand nine hundred and twelve Pounds Ten Shillings Sterling), being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railways authorized by this Act, has been transferred, pursuant to the said Act, 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 Stock or Annuities so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends thereof, 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 Survivor or Survivors of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways hereby authorized to be made, either open the said Railways 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 Railways 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 Stock or Annuities transferred 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

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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 Ten thousand nine 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 Ten thousand nine hundred and twelve Pounds Ten Shillings if the Company shall not, within the Time limited for the Completion of the said Railways, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the 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 the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Stock or Annuities, 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 Survivor or Survivors 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 Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Stock or Annuities, 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 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.

XXX. That it shall be lawful for the Company to levy and demand **Tolls,** Rates, Tolls, and Duties for the Use of the Railways not exceeding the following; (that is to say,)

In respect of the Tonnage of all Articles conveyed upon the Railways or any Part thereof, as follows:

For all Coals, Coke, Ironstone, Iron Ore, Pig Iron, Rod Iron, Bar Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and Rolled Iron, Limestone, Lime, Bricks, Salt, Sand, Fire Clay, Cinders, Slag, and Stone, *per* Ton Eightpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton not exceeding Fourpence:

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For

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For all Dung, Compost, and all Sorts of Manure, and for all undressed Materials for the Repairs of public Roads or Highways, and for heavy Iron Castings, including Railway Chairs, and for all Culm, Charcoal, and all Stones for building, pitching, and paving, all Tiles, Slates, and Clay (except Fire Clay), Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Castings, and for all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per* Ton not exceeding Sixpence; and if conveyed in Carriages belonging to the Company, an additional Sum not exceeding Sixpence:

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 not belonging to the Company, not exceeding One Shilling and Threepence; and a Sum of Fourpence for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which such Carriage may weigh.

In respect of Passengers and Animals conveyed in Carriages on the Railways, as follows:

For any Person conveyed in or upon any such Carriage for a less Distance than Two Miles, not exceeding Threepence; and for a greater Distance than Two Miles, not exceeding Sixpence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, not exceeding One Shilling; and if conveyed in any Carriage belonging to the Company, an additional Sum not exceeding Sixpence:

For every Ox, Bull, Cow, or Neat Cattle conveyed in or upon any such Carriage, not exceeding Sixpence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Twopence:

For every Calf or Pig, Sheep or Lamb, or other small Animal, conveyed in or upon any such Carriage, not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Halfpenny.

Tolls for
propelling
Power.

XXXI. That the Toll which the Company may demand for the Use of Engines or other Power for propelling Carriages on the Railway shall not exceed One Third of the Sum herein-before allowed for the Use of the Railway, for each Passenger, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

XXXII. That

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

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

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

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

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

For the Carriage of small Parcels the Company may demand any Sum which they think fit, not exceeding the Rate following:

Not exceeding in Weight Seven Pounds, Twopence; exceeding Seven and not exceeding Fourteen Pounds, Threepence; exceeding Fourteen and not exceeding Twenty-eight Pounds, Sixpence; exceeding Twenty-eight and not exceeding Fifty-six Pounds, One Shilling; exceeding Fifty-six and not exceeding Five hundred Pounds, such Sum as they think proper: Provided always, that Articles sent in large Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they shall think fit, not exceeding Five Shillings *per* Ton:

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

XXXIV. That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, and of Carriages, and Maximum
Rate of
Charges for
Passengers,
for

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for locomotive Power, and for every other Expense incidental to such Conveyance, shall not exceed the following Sums :

For every Passenger conveyed in a First-class Carriage for a less Distance than Two Miles, the Sum of Fourpence ; and for a Distance of or exceeding Two Miles, Eightpence :

For every Passenger conveyed in a Second-class Carriage for a less Distance than Two Miles, the Sum of Threepence ; and for a Distance of or exceeding Two Miles, Sixpence :

For every Passenger conveyed in a Third-class Carriage for a less Distance than Two Miles, the Sum of Twopence ; and for a Distance of or exceeding Two Miles, the Sum of Threepence :

Provided always, that it shall be lawful for the Company, if they think fit, to take uniform Charges upon the whole or any Part of the Railway for the Conveyance of Passengers, but in such Case the maximum Rate of Charge upon the Conveyance upon the whole or any Part of the Railways shall not exceed the Sum of Sixpence for every Passenger conveyed in a First-class Carriage, the Sum of Fourpence for every Passenger conveyed in a Second-class Carriage, and the Sum of Threepence for every Passenger conveyed in a Third-class Carriage.

Maximum
Rate of
Charges for
Cattle,
Goods, &c.

XXXV. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, be it enacted, That the maximum Rates of Charge to be made upon the Railways by the Company, including the Tolls for the Use of the Railways, and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance, shall not exceed the following Sums :

For every Horse, or other Beast of Draught or Burden before classed with Horses, the Sum of One Shilling :

For Cattle, the Sum of Ninepence *per* Head :

For Calves and Pigs, the Sum of Sixpence each :

For Sheep and small Animals, Threepence each :

For every Carriage, the Sum of One Shilling and Sixpence :

For Coals, Coke, Ironstone, and other Articles herein-before classed therewith, the Sum of Sixpence *per* Ton :

For Manure, Culm, Cotton, and other Articles herein-before classed therewith, the Sum of Ninepence *per* Ton.

Restriction
as to Charges
not to apply
to Special
Trains.

XXXVI. Provided always, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the Railways, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the said Railways.

XXXVII. Pro-

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XXXVII. Provided always, That nothing herein contained shall be held to prevent the Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods (except small Parcels) by Passenger or other Trains, or by reason of any other special Service performed by the Company in relation thereto.

Company
may take
increased
Charges by
Agreement.

XXXVIII. That every Person travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve 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.

Passengers
Luggage.

XXXIX. That it shall be lawful for the *South-eastern* Railway Company and the *West End of London and Crystal Palace* Railway Company, or either of them, with the Consent of Three Fifths of the Shareholders of the said Companies respectively assembled, either in Person or by Proxy, at any Special Meeting to be called for the Purpose, to subscribe towards and become Shareholders in the said Undertaking, and may apply any Capital or Moneys which they have raised or are now authorized to raise by Shares or Mortgage under the Provisions of any Act or Acts relating to the said *South-eastern* Railway Company and the *West End of London and Crystal Palace* Railway Company, or may raise all or any Part of the Money so authorized to be subscribed by them by the Creation of new Shares in their Undertaking of such Amount as shall be determined at such Meeting; and also that it shall be lawful for the *South-eastern* Railway Company, with the Consent of Three Fifths of the Shareholders of the said Company as aforesaid, to guarantee to the intended Company such Interest, Dividends, annual or other Payments as may be agreed upon between such Companies respectively: Provided always, that the said *South-eastern* Railway Company and the *West End of London and Crystal Palace* Railway Company shall not by such Means increase the Amount which may be owing by them at any One Time on the Credit of their Undertaking beyond the Proportion of One Third of their then existing Capital in Shares: Provided also, that it shall not be lawful for the said *South-eastern* Railway Company or the said *West End of London and Crystal Palace* Railway Company to attach any special Right or Privilege to any Shares which they may create under the Authority of this Act, or to subscribe Funds which shall or may be required for the Purposes

Other Com-
panies em-
powered to
subscribe,
&c.

[Local.]

37 E

of

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of the said *South-eastern* Railway Company or the said *West End of London and Crystal Palace* Railway Company.

Other Companies may appoint a Person to vote for them.

XL. That it shall be lawful for the said *South-eastern* Railway Company and the *West End of London and Crystal Palace* Railway Company, or the Directors of those Companies, from Time to Time, so long as those Companies continue Shareholders in the said Undertaking, respectively to appoint One or more Person or Persons (whether such Person or Persons shall hold Shares in the Company or not) to vote on behalf of the said *South-eastern* Railway Company and the *West End of London and Crystal Palace* Railway Company respectively at any Meeting or Meetings of the Company, and may from Time to Time revoke any such Appointments, and appoint another Person or Persons in that Behalf; and the Person or Persons so for the Time being appointed shall during his or their Appointment have the same Right of voting at any such Meeting as he or they would have if the Shares in the Undertaking for the Time being held by the *South-eastern* Railway Company and the *West End of London and Crystal Palace* Railway Company respectively were held by such Person or Persons in his or their own Right: Provided always, that every such Appointment or Revocation shall be in Writing, and under the Seal of such Companies respectively, or under the Hand of the Chairman for the Time being of the Directors of those Companies.

As to the Surrey and Sussex Roads.

XLI. And whereas it is intended by means of Cuttings to carry the said Railway under Two of the Turnpike Roads belonging to the Trustees of the *Surrey* and *Sussex* Roads; that is to say, first, under the *Clapham Road* (numbered 10 upon the deposited Plans in the Parish of *Clapham* in the County of *Surrey*), and, secondly, under the *Brixton Road* at *Brixton Hill* (numbered 47 upon the deposited Plans in the Parish of *Saint Mary Lambeth* in the said County of *Surrey*): Be it therefore enacted as follows, That it shall not be lawful for the said Company to alter the present Width of either of the said *Surrey* and *Sussex* Roads under which the said Railway is to be carried as aforesaid, or of the Footpaths of such Roads, or any Part thereof, and the Bridges to carry the Roads over the Railway respectively shall have Parapet Walls on each Side thereof of not less than Six Feet in Height above the Surface of the Roads, and from the Ends of the Parapet Walls of both Bridges the Company shall make Screen Walls or close Fences, all of which shall be at least Fifty Feet in Length along the Sides of the said Railway, and shall carry all the said Screen Walls or Fences to the same Height with the said Parapet Walls respectively, that is to say, Six Feet above the Surface of the Roads, and the Company shall lay down Curb Stones at the Edges of

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of the Footpaths along the Sides of both Bridges, and extend the said Curb Stones respectively Ten Feet beyond the Bridges on both Sides thereof, and shall relay and make good all the Drains of the Roads which may be interfered with, to the Satisfaction of the Surveyor for the Time being of the Trustees of the Roads, and that all such Works shall be done by and at the Expense of the Company.

XLII. In altering the Level of the Road numbered 47 in the Parish of *Saint Mary Lambeth* upon the Plans deposited as aforesaid it shall not be lawful for the Company to make the Inclination thereof greater than One in Forty.

Company not to alter Level of Brixton Road to more than 1 in 40.

XLIII. That in constructing the Bridges and Works in connexion with the carrying of the said Railway under the said *Surrey* and *Sussex* Roads only One Half of the Surface of such Roads and One Footpath shall be first interfered with, leaving the other Half of such Road and One Footpath for the Passage of the Public until such Time as it is certified in Writing by the Surveyor to the said Trustees for the Time being that the Half of such Road and Footpath first interfered with has been restored to a good and proper State for the Safety and Convenience of the Public, when it shall be lawful for the Company to shut up the other Half of such Road and Footpath respectively temporarily for the Purpose of completing the Alterations, and that all such Measures of Precaution for the Public Safety during the Progress of the Works of the said Railway, including the fencing of the said Works, and lighting and watching the same by Night, shall be adopted by and at the Expense of the Company, as shall from Time to Time be required by the said Surveyor for the Time being; and such Roads and Footpaths, and Channels thereof, shall be preserved or restored with such Materials, and of such Quantity and Quality of such Material, and in such Manner in all respects as shall be from Time to Time directed or required in Writing by the said Surveyor.

Only Part of the Roads to be interfered with at once.

XLIV. That the Company shall finish and complete to the Satisfaction of the said Surveyor for the Time being of the said *Surrey* and *Sussex* Roads the Bridges, Roads, Footpaths; Parapet Walls, Return Walls, Screen Fence Walls, and all other Works, Matters, and Things herein-before mentioned, and required to be made or done by the Company, and restore and give to the Public the full Use of the Roads and Footpaths respectively as theretofore within Six Months from the Day on which the Roads respectively shall be first broken up or interfered with, or the Use of the Roads by the Public in any way interrupted or made less convenient than heretofore, or within such extended Time as may be agreed upon between the said Trustees and the said Company.

All Works connected with the Bridges, &c. to be completed within Six Months from Commencement.

XLV. That

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Surveyor
may require
temporary
Roads to be
substituted.

XLV. That it shall not be lawful for the Company to commence any Work or Works in any way connected with the said *Surrey* and *Sussex* Roads until Ten Days after the Company shall have given Notice of their Intention to commence such Work or Works, and shall have delivered Plans and Drawings of the same to the Surveyor for the Time being of the Trustees of the Roads, and shall have explained in Writing to such Surveyor in what Way it is proposed to carry on such Work or Works, and how far the carrying on the same will interfere with the Safety and Convenience of the Passengers on the Roads, or without having first obtained such Surveyor's Consent in Writing to the said Plans and Drawings; and if the Surveyor shall thereupon require a sufficient temporary Road or Roads to be made by the Company, instead of the Road or Roads interfered with, that then the Company shall make and substitute such sufficient temporary Road or Roads before they interfere with the existing Road or Roads, and shall maintain the same until the Restoration of the existing Road or Roads, and be liable to the same Penalties for failing to make such substituted Road or Roads as is and are provided by "The Railways Clauses Consolidation Act, 1845," with respect to substituted Roads, and the Failure to make the same.

All Works
connected
with the
Surrey and
Sussex Roads
to be con-
structed
under the
Superinten-
dence of the
Surveyor of
the Trust.

XLVI. That the said proposed Bridges, Alterations of Roads, Walls, Fences, Drains, and all other the Works aforesaid, and also all Repairs and Renewals of the said Bridges, Roads, Walls, Fences, Drains, and Works respectively, which shall hereafter be made by the Company in connexion with the said *Surrey* and *Sussex* Roads, shall be constructed and made and formed to the Satisfaction and under the Direction and Superintendence from Time to Time of the Surveyor of the Trustees for the Time being, and that the Plans and Designs for the Bridges and the Works connected therewith shall be such as shall be approved of by the said Surveyor for the Time being, and the Materials whereof the Roads, Bridges, and Works shall be constructed shall be good and sufficient for the respective Purposes for which such Materials shall be used, and of such Description respectively as shall be approved of by the Surveyor for the Time being; and in case, in the Construction of such Roads, Bridges, and Works, or any of them, the Company shall do or cause any Injury or Damage to the Turnpike Roads or Footpaths, or any of them, or any Part thereof respectively, and shall not forthwith proceed to repair and make good such Injury or Damage to the Satisfaction of the said Surveyor 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 Roads or Footpaths respectively of the said *Surrey* and *Sussex* Roads, or of the Drains and Sewers under the same, shall, in the Judgment of the said
Surveyor

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Surveyor for the Time being, be rendered necessary, and the Company shall not, upon being required so to do by the said Surveyor for the Time being, proceed forthwith to make such Alteration to the Satisfaction of the said Surveyor, then and in any of such Cases it shall be lawful for the said Surveyor to cause all such Repairs and Alterations to be made as he in his Discretion shall think 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 Roads from the Company, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

XLVII. That the Company shall also pay, on Demand, to the Trustees of the aforesaid Roads, such Sum, not exceeding One Shilling for every Superficial Yard of those Roads removed or disturbed by reason of the Works of the Company (and over and above all Costs of remaking or relaying those Roads, and of Repairs and Alterations incurred by those Trustees), as those Trustees deem proper to be paid for the continued Labour and Supply of Materials necessary to restore effectively those Roads, and also the reasonable Charges of the Surveyors of the said Trustees for such Superintendence and Inspection of the Works hereby authorized, from Time to Time, until the Completion of the said Works (such Charges not to exceed the Sum of Thirty Pounds); and in default of Payment for Twenty-one Days after such Demand the same may be recovered by those Trustees from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

Regulating the Payment to be made for Damages done to the Roads.

XLVIII. That if and so often as the Company shall fail to repair and keep in good and complete Repair to the Satisfaction of the said Surveyor for the Time being the said Bridges, Walls, Screens, Fences, and other Works connected with the Crossings under the said *Surrey* and *Sussex* Roads, and if, after Notice thereof given to the Company by or on behalf of the said Trustees, the Company shall not for the Space of Three Days commence such Repairs, and proceed therein with all reasonable Expedition until the same shall be completed, it shall be lawful for the Trustees of the Roads to proceed to repair and make good the same, causing as little Obstruction to the said Railway in the Progress of such Repairs as may be; and all the Costs, Charges, and Expenses incurred by the said Trustees in and about such Repairs shall be paid, on Demand, by the Company, or on Failure of Payment for Twenty-one Days after such Demand, the same may be recovered from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

If the Company fail to keep Works in repair, the Trustees may do so, and charge the Company.

XLIX. That the Road known as *Lower Tulse Hill*, situate in the Parish of *Lambeth*, and now under the Charge of the Surveyors of
 [Local.] 37 F Highways

As to Roads in Parish of St. Mary

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Lambeth
under Charge
of Surveyors
of Highways.

Highways of the said Parish, shall be crossed by a Bridge constructed of Iron, of a Span equal to the present Width of such Road, and the clear Height of the Arch of such Bridge from the Surface of the Road shall not be less than Sixteen Feet for a Space of Twelve Feet, and the present Width of the Footways and Carriageways of *Bedford Road, Acre Lane, and Tulse Hill Road* shall not be diminished.

Saving
Rights of the
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
present and
future General
Acts.

LI. That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or the Company, 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, or to the Conveyance of small Parcels by Railways, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or of the Rates for small Parcels.

Expenses of
Act.

LII. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

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