



CHAP. xcix.

An Act to authorize the Crystal Palace and South London Junction Railway Company to make a short Railway in the parish of Saint Mary, Lambeth, in the county of Surrey; and for other purposes. [12th July 1869.]

A.D. 1869.

WHEREAS a railway, in the parish of Saint Mary, Lambeth, in the county of Surrey, from Railway No. 2 (City Section) of the Metropolitan Extensions of the London, Chatham, and Dover Railway Company to the lines of rails allocated to the last-mentioned Company, and now used by them, of the London, Brighton, and South Coast Railway (South London Lines), would be of public advantage, and the Crystal Palace and South London Junction Railway Company (in this Act called the Company) are interested in such railway, and willing to make the same if authorized by Parliament so to do:

And whereas a plan and section of the proposed railway, showing the line and levels thereof and the lands required for the purposes thereof, together with a book of reference to the plan, have been deposited with the clerk of the peace for the county of Surrey, and the same are herein-after respectively referred to as the deposited plan, section, and book of reference:

And whereas the present railway of the Company has, since the opening thereof, been worked and maintained by the London, Chatham, and Dover Railway Company (in this Act called "the Dover Company") under certain agreements, the validity of which is disputed; and it is expedient that the said railway should form part of the system of the Dover Company, and be worked and maintained by that Company:

And whereas the objects aforesaid 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 of

[Ch. xcix.] *The Crystal Palace and South London Junction Railway Act, 1869.* [32 & 33 Vict.]

A.D. 1869. the Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Crystal Palace and South London Junction Railway Act, 1869."

8 & 9 Vict.
cc. 16., 18.,
& 20.,
23 & 24 Vict.
c. 106. and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Railways Clauses Act, 1863," relating to construction of a railway and to working agreements; the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,) the distribution of the capital of the Company into shares; the transfer or transmission of shares; the payment of subscriptions, and the means of enforcing the payment of calls; the forfeiture of shares for nonpayment of calls; the remedies of creditors of the Company against the shareholders; the borrowing of money by the Company on mortgage or bond; the conversion of the borrowed money into capital; the consolidation of the shares into stock, and the giving of notices; and Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares, to additional capital and to debenture stock, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to make railways according to deposited plans.

4. Subject to the provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain in the line and according to the levels shown on the deposited plan and section the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for that purpose. The railway herein referred to is,—

[32 & 33 VICT.] *The Crystal Palace and South London Junction Railway Act, 1869.* [Ch. xcix.]

A railway, two furlongs two chains and a half in length, commencing in the parish of Saint Mary, Lambeth, in the county of Surrey, by a junction with Railway No. 2 (City Section) of the Metropolitan Extensions of the Dover Company, and terminating in the same parish by a junction with the lines of rails allocated to the Dover Company, and now used by the Dover Company, of the London, Brighton, and South Coast Railway (South London Lines).

A.D. 1869.

5. The railway by this Act authorized shall, for the purposes of toll, and in all other respects, be deemed part of the railways of the Company as if authorized by "The Crystal Palace and South London Junction Railway Act, 1862."

Railway to form part of company's undertaking.

6. Nothing in this Act contained shall authorize the Company to take or enter upon any lands belonging to the London, Brighton, and South Coast Railway Company (herein-after called the Brighton Company), or to interfere with any railway or works of the Brighton Company, further or otherwise than is necessary for making the junction with the said allocated lines as shown on the deposited plans and sections, without in each instance the previous consent in writing of the Brighton Company.

Company not to interfere with Brighton Company's property, except for junction.

7. The Company, with the consent of three-fifths of the votes of the shareholders present in person or by proxy at any general meeting or general meetings convened with special notice of the purpose, may raise by the creation of new ordinary or preference shares, or partly by ordinary and partly by preference shares, such additional capital beyond their existing capital as they think fit, not exceeding in the whole seventy-five thousand pounds.

Power to raise capital by shares or stock.

8. All shares to be created by the Company under the authority of this Act shall, subject to the provisions of this Act, form part of the general capital of the Company.

Shares to form part of Company's capital.

9. It shall not be lawful for the Company to issue any share to be created under the powers of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one-fifth part of the amount of such shares shall have been paid up in respect thereof.

Shares not to issue until one-fifth paid up.

10. The Company, in addition to any sums which they are authorized to borrow under other Acts of Parliament, may from time to time borrow on mortgage any sums not exceeding in the whole twenty-five thousand pounds; but no part thereof shall be borrowed until the whole of the said capital of seventy-five thousand pounds is subscribed for, issued, and accepted, and one-half thereof has been

Power to borrow on mortgage.

[Ch. xcix.] *The Crystal Palace and South London Junction Railway Act, 1869.* [32 & 33 VICT.]

A.D. 1869. — paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said capital has been subscribed for, issued, and accepted, and that one-half thereof has been paid up, and that not less than one-fifth of each separate share has been paid on account thereof before or at the time of issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Repealing provisions of existing Acts as to receiver.

11. The provisions of all Acts relating to the Company authorizing the appointment of a receiver for principal or interest monies due upon any mortgages or bonds of the Company are hereby repealed, but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of any such provisions and in force or pending at the time of the passing of this Act.

Arrears may be enforced by appointment of a receiver.

12. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages held by them, whether created under the provisions of the recited Act or this Act, by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than six thousand pounds.

Debenture stock.

Application of money raised under Act.

13. The Company may create and issue debenture stock.

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

Providing fund for security of mortgages and capital under Act.

15. The Company, by any resolution passed with the consent of not less than three-fifths of the votes of the shareholders present in person or by proxy at any general meeting convened with special notice of the purpose, and with the consent of three-fifths in value of the mortgagees, may set apart and appropriate all or any proportion of their tolls, charges, and receipts levied or taken from any railway company, or from any company or person, for the use of or with respect to any traffic upon the railway by this Act authorized, or any part thereof, or for the use of or with respect to any traffic upon such railway or part thereof, and also any other railway of the Company, or any part thereof, as a fund for payment of the interest

or dividends upon any mortgages, shares, or stock to be created or granted under the powers of this Act, and may declare that such mortgages, shares, or stock shall be a first charge upon such fund accordingly, after payment of the current expenses of the Company, and may direct such accounts to be kept, and do and take all such other acts and proceedings as may be necessary or proper to give full effect to such resolution.

A.D. 1869.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Powers for compulsory purchase limited.

17. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion with those roads respectively; (that is to say,)

Height and span of bridges.

No. on deposited plan.	Parish.	Description of road.	Height.	Span.
31	Saint Mary, Lambeth.	Public - -	16 feet.	
58	Saint Mary, Lambeth.	Public - -	15 feet.	

And where the railway is made over a portion of the Flaxman Road, where it joins Cold Harbour Lane, it shall be so made as to give a clear headway of sixteen feet under the girder carrying the bridge, and so as not to lessen the present clear width of the thoroughfare, including the footpath.

18. In the construction of the railway and works the following rules shall be observed :

Construction of bridges over public streets within the limits of the metropolis.

1. Wherever the railway shall be carried across any public carriage road or public street within the limits of the metropolis as defined by "The Metropolis Management Amendment Act, 1862," it shall be made there, and shall thenceforth be maintained so as not to lessen the present clear width of such road or street, including the footway (where a footway now exists) :
2. The arch or girder of the bridges over such roads or streets shall not, without the consent of the Metropolitan Board of Works, in any case be of less span than forty feet, with a headway of the clear height of not less than sixteen feet over Cold Harbour Lane, and not less than fifteen feet over Lewes Road, in the centre, and the arch or girder over such roads

[Ch. xcix.] *The Crystal Palace and South London Junction Railway Act, 1869.* [32 & 33 VICT.]

A.D. 1869.

or streets shall be formed of an ornamental character, to the reasonable satisfaction of the engineer of the Metropolitan Board of Works :

3. No abutments or piers shall project beyond the general line of frontage of the adjoining houses : Provided always, that where there are gardens or forecourts in front of houses, and the distance between the houses is great, the Company shall erect and maintain side openings, supported with columns back to the general line of the frontages of the houses :
4. All bridges shall be, as far as practicable, water-tight, and so constructed as to, so far as is practicable, deaden the sound of engines, carriages, and traffic passing over them :
5. The Company shall not commence the erection of any bridge proposed to be constructed for the purpose of carrying the railway over any road or street or way within the area under the jurisdiction of the Metropolitan Board of Works, until they shall have given to the said Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same, by leaving such notice at the office of the said board, with plans, elevations, sections, and other necessary particulars of the construction of the said bridges, and until the said board shall have signified their approval of the same, unless the board fail to signify such approval or their disapproval, or other directions, within twenty-one days after service of the said notice, and delivery of the said plans, elevations, sections, and other particulars as aforesaid :
6. The Company shall comply with and conform to all reasonable directions and regulations of the said board in the execution and subsequent maintenance of the said bridge and works connected therewith, and shall save harmless the said Metropolitan Board of Works against all and every expense to be occasioned thereby, and all such works shall, subject to the provisions of this Act, be done to the reasonable satisfaction of the engineer, or other officer or officers of the said Metropolitan Board of Works, at the costs, charges, and expenses in all respects of the Company ; and all costs, charges, and expenses which the said Metropolitan Board may be put to by reason of the works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence or otherwise, shall be paid to the said board by the Company on demand.

On sale of
certain
superfluous

19. So much of the one hundred and twenty-eighth section of "The Lands Clauses Consolidation Act, 1845," as exempts lands

situate within a town, or lands built upon or used for building purposes, from the operation of the said section, shall not extend or apply to any lands which Samuel Bamford is entitled to or interested in, or which the Company may acquire under the powers of this Act; and before disposing of any superfluous lands which the said Samuel Bamford is entitled to or interested in, the Company shall offer to sell the same to him, his executors, administrators, or assigns, and the one hundred and twenty-ninth, one hundred and thirtieth, and one hundred and thirty-first sections of the said Act shall apply to such offer of sale made in pursuance of the said Act.

A.D. 1869.
lands first
offer to be
made to
Samuel
Bamford.

20. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of three thousand seven hundred and fifty pounds, being five per centum upon the amount of the estimate in respect 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 seven hundred and fifty pounds, so deposited as aforesaid in respect of the application for this Act, shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the 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 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 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 shall be applied in the manner herein-after specified; and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

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

[Ch. xcix.] *The Crystal Palace and South London Junction Railway Act, 1869.* [32 & 33 VICT.]

A.D. 1869.

Application
of deposit.

21. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, 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: Provided that, until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable, as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for
completion
of works.

22. The railway shall be completed within three years from the passing of this Act; and if the railway shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

As to work-
ing of the
railways of
the Company
by the Dover
Company.

23. The undertaking of the Company, including the railway by this Act authorized, shall be worked and maintained by the Dover Company as an integral part of their undertaking; and all claims, disputes, questions, and differences subsisting between the two Companies, and when and how and out of what funds or stock any balance found to be due by one of the Companies to the other should be paid, shall be referred to and determined by arbitration; and the arbitrator, arbitrators, or umpire under such arbitration shall further ascertain and determine what proportion of the net earnings accruing to the Dover Company from the local traffic of the Company's railways, or traffic passing to and from the Company's railways, or any

portion of the system of the Dover Company, shall be attributed to the Company as rental, and also how and in what manner any further capital required for the completion of all works necessary for the efficient conduct of the traffic of the said railways shall from time to time be provided by the Company, and the arbitrator, arbitrators, or umpire shall, in forming their or his decision, have regard to all the circumstances of the case, and the Dover Company shall pay half-yearly to the Company the amount which shall become due to them under the award in respect of the traffic for the previous half year.

A.D. 1869.

24. Every or any arbitration under this Act between the Company and the Dover Company shall be subject to the provisions of "The Railway Companies Arbitration Act, 1859;" and each Company shall be deemed to have agreed to refer the matter or matters in dispute to arbitration in manner provided by that Act.

Arbitration to be subject to 22 & 23 Vict. c. 59.

25. Provided always, that if a Bill now pending in Parliament, relating to the affairs of the Dover Company, shall be passed into an Act in the present session, and if by the Act so passed provision shall be made for the settlement by the arbitrators therein named of the matters between the Company and the Dover Company by this Act referred to arbitration, the provisions contained in the two preceding enactments shall have no operation.

Provisions of Act as to arbitration to have no operation in certain event.

26. The Dover Company shall render to the Company monthly accounts of all traffic forming the subject of any arbitration between the two Companies under this Act, or any Act which may be passed in the present session of Parliament, and shall duly keep and preserve all accounts, items, and vouchers connected therewith; and all such accounts, vouchers, and items shall, at all reasonable times, be open to the inspection of any director of the Company, or of any person specially appointed by the Company to inspect the same, who respectively may make copies thereof or extracts therefrom; and the Dover Company shall afford to all such directors and persons respectively all proper and sufficient facilities for such inspection and transcription.

Dover Company to keep accounts of traffic to which arbitration relates, and allow inspection, &c.

27. Nothing in this Act contained shall be held or construed to authorize the Dover Company to make any agreement with any other company affecting the rights or interests of the Company without the assent of the Company by writing under their common seal.

As to agreements between Dover Company and third parties.

28. During the working by the Dover Company of the railways of the Company the railways of the Company and of the Dover Company shall, for the purposes of tolls and charges, be considered

Tolls on traffic conveyed partly on the rail-

[Ch. xcix.] *The Crystal Palace and South London Junction Railway Act, 1869.* [32 & 33 VICT.]

A.D. 1869. as one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways or railway of the Company, and partly on the railways or railway of the Dover Company, for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways or railway of the Company and partly on the railways or railway of the Dover Company.

way and partly on the railway of the Dover Company.

Providing for use of railway by Great Northern Railway Company.

29. The powers contained in the forty-second section of "The London, Chatham, and Dover Railway (City Undertaking) Act, 1864," with respect to the use by the Great Northern Railway Company of the portion of the railways of the Company mentioned in the said section, shall be extended and applied to the railway hereby authorized as fully and effectually as though the said railway hereby authorized had been expressly mentioned in the said section, but subject nevertheless to the provisions contained in the said Act with respect to such use, and subject also to the provisions and conditions contained in "Articles of Agreement made the thirtieth day of June one thousand eight hundred and sixty-four, between the Great Northern Railway Company of the first part, the London, Chatham, and Dover Railway Company of the second part, and the Crystal Palace and South London Junction Railway Company of the third part."

Saving rights of Charles Barry and William Garland.

30. Nothing in this Act contained shall be held or construed to take away, alter, prejudice, or affect any of the estates, rights, powers, or remedies of Charles Barry or William Garland, or either of their executors, administrators, or assigns, with respect to any monies claimed to be due to either of them from the Company.

Interest not to be paid on calls paid up.

31. 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 account of the calls made in respect of the shares held by him: Provided, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future bills not to be paid out of capital.

32. The Company shall not, out of any money by any Act authorized to be raised, pay or deposit any sum of money which, by any

[32 & 33 VICT.] *The Crystal Palace and South London* [Ch. xcix.]
Junction Railway Act, 1869.

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 railway, or to execute any other work or undertaking. A.D. 1869.

33. Nothing herein contained shall be deemed or construed to exempt the railways of the Company from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorized by this Act. Railways not exempt from provisions of present and future general Acts.

34. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses of Act.

