

[43 & 44 VICT.] *Woodside and South Croydon Railway* [Ch. cl.]
Act, 1880.



CHAPTER cl.

An Act for making a Railway from Woodside to South Croydon, in the County of Surrey; and for other purposes. A.D. 1880.
[6th August 1880.]

WHEREAS the making and maintaining of the railway herein-after described would be of public and local advantage :

And whereas the several persons in this Act named, with others, are willing at their own expense to carry the undertaking into execution on being incorporated into a company for the purpose :

And whereas it is expedient that the Company incorporated by this Act (herein-after called the "Company") and any company or persons for the time being working or using the railway of the Company, or any part or parts thereof, should be authorised to run over, work, and use the portion of railway and station herein-after in that behalf mentioned :

And whereas it is expedient that the Company on the one hand and the South-eastern Railway Company (herein-after called the "South-eastern Company") on the other hand should be empowered to enter into and carry into effect working and other agreements as herein-after provided :

And whereas plans and sections showing the lines and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Surrey, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

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

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with

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A.D. 1880. — the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the Woodside and South Croydon Railway Act, 1880.

Incorporation
of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict.
c. 118.
8 & 9 Vict. c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict.
c. 92.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction : the expression "the Company" means the Company incorporated by this Act ; the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised ; and for the purposes of this Act the expression "superior courts" or "courts of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Incorpora-
tion of Com-
pany.

4. George Furness and William Stenning, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Woodside and South Croydon Railway Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to
make rail-
way.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper bridges, viaducts, stations, sidings, approaches, junctions, roads, yards, works, and conveniences connected therewith, and may

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enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose, but so that in constructing the railway through the lands of the Right Honourable Louisa Caroline Lady Ashburton and William Henry Witherby respectively the centre line shall not be deviated nearer to Addiscombe Park Farm House or Pitt Place House respectively than the centre line shown on the deposited plans, and so that the level of the railway through the same lands of the said Lady Ashburton shall not be raised above the level shown on the deposited sections. The railway herein-before referred to and authorised by this Act is wholly situate in the county of Surrey, and is—

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A railway two miles two furlongs nine chains and twenty links in length, situate in the parish of Croydon, commencing by a junction with the South-eastern Railway on the south-western side of a three-arched bridge which carries the footpath from Woodside Green to Strood Green Road over the said railway, and terminating by a junction with Railway No. 1 authorised by the London, Brighton, and South Coast (Croydon, Oxted, and East Grinstead Railways) Act, 1878, at Selsdon Road, otherwise Selsdon Lane, at the northernmost side thereof.

41 & 42 Vict.
c. lxxii.

6. The capital of the Company shall be ninety-six thousand pounds, in nine thousand six hundred shares of ten pounds each.

Capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Shares not
to be issued
until one
fifth paid.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in
case of
persons not
sui juris.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty-two thousand pounds, but no part thereof shall be borrowed until the whole capital of ninety-six thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who

Power to
borrow on
mortgage.

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A.D. 1880. is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Appoint-
ment of a
receiver.

11. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Debenture
stock.

12. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application
of moneys.

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

First ordi-
nary meet-
ing.

14. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of
directors.

15. The number of the directors shall be three.

Qualification
of directors.

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

Quorum.

17. The quorum of a meeting of directors shall be two.

First
directors.

18. George Furness and William Stenning, and one other person to be nominated by them and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act.

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At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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Election of directors.

19. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed one acre.

Lands for extraordinary purposes.

20. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act: Provided always, that as regards the lands of William Henry Witherby such powers shall not be exercised after eighteen months from the passing of this Act.

Period for compulsory purchase of lands.

21. The Company shall construct, to the satisfaction of the surveyor of the Right Honourable Louisa Caroline Lady Ashburton, her heirs or assigns, and in case of difference to the satisfaction of the President for the time being of the Institute of Civil Engineers, a girder bridge over the private road at the corner of St. James' Road and Ashburton Road as now subsisting and formed some time since by Lady Ashburton, with a clear headway of not less than fifteen feet over the whole width of the road, for which purpose the roadway be lowered not more than two feet, with a span of not less than forty feet between the abutments, and such bridge shall be constructed, so far as may be practicable, to prevent the leakage of water and to deaden the sound of engines, carriages, and traffic passing over it, and shall keep the said bridge and appurtenances when constructed in thorough repair, including drainage.

Bridge to be erected on Lady Ashburton's estate.

22. The Company shall not construct on the lands belonging or reputed to belong to the said Lady Ashburton any goods station or depôt whatever or any sidings, nor take any of such lands for the purposes mentioned in the 32nd section of the Railway Clauses Consolidation Act, 1845.

No goods station, &c. to be constructed on Lady Ashburton's lands.

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Notice to
treat to be
served on
Lady Ash-
burton
within
twelve
months.

As to works
affecting
Lady Ash-
burton's
lands.

For pro-
tection of
Whitgift's
Hospital
Estate.

Power to
take ease-
ments, &c.
by agree-
ment.

23. The Company shall serve their notice to treat with the section showing the intended construction of the line through Lady Ashburton's lands within twelve months from the Bill receiving the Royal assent, and complete the purchase within eighteen months after such assent unless such failure to complete shall arise from some cause other than the default of the Company.

24. The works of the Company through the lands of the said Lady Ashburton shall be wholly executed and completed within three years from the Act receiving the Royal assent, and the Company shall provide during the progress of their works sufficient temporary means of access to the portions of the estate severed from each other by the said railway to the satisfaction of the surveyor of Lady Ashburton.

25. For the protection of the Warden and Poor of the Hospital of the Holy Trinity in Croydon of the foundation of John Whitgift, Archbishop of Canterbury, or other the owner or owners for the time being (herein-after called the owners) of the Woodbury Farm Estate at Addiscombe, Croydon aforesaid (herein-after called the estate), the following provisions shall have effect; that is to say,

(a.) In carrying the railway across the Upper Addiscombe Road, at or near the point of junction of that road with the Ashburton Road, the Company shall construct and ever after maintain a bridge over the railway and into the estate with a protecting parapet forty feet at least in width, and in a straight line with the Ashburton Road, upon a level with the Upper Addiscombe Road at such point of crossing, and the gradient of such bridge over the railway shall be not greater than 1 in 50.

(b.) In carrying the railway through the estate and across the intended and partly constructed Radcliffe Road the Company shall construct and for ever after maintain a skew bridge of at least forty feet in width between the parapets.

(c.) The owners and the public shall have free access to, from, and over the said bridges when made.

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

in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively. A.D. 1880.

27. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of four thousand seven hundred and seventy-two pounds six shillings and one penny Consolidated Three Pounds per Cent. Annuities, being equal to five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which persons, survivors, or survivor are or is in this Act referred to as the depositors, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Chancery Division shall, on the application of the depositors or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

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

28. If the Company do not, previously to the expiration of the period limited for the completion of the railway, complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof,

Application of deposit.

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A.D. 1880. — or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Period for
completion
of works.

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

Construction
of bridges
within the
district of
Croydon
Local Board.

30. In the construction of the railway and works authorised by this Act, and situate within the district of the Croydon Local Board, the following regulations with respect to the construction of bridges under and over public roads, subject to such modifications as may be agreed on between the Company and the Croydon Local Board, shall be observed:

1. Wherever the railway shall be carried over any public road within the district of the Croydon Local Board, such railway shall be constructed on girder bridges, each bridge to give a clear heading of not less than fifteen feet, with spans of not less than forty feet between the abutments, and such bridges shall be so constructed, as far as may be practicable, as to

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deaden the sound of engines, carriages, and traffic passing over them : A.D. 1880.

2. Wherever the railway shall run under any public roads within the district of the said Croydon Local Board, the bridges carrying the railway shall be constructed so as not to be of a less width between each parapet than forty feet, such parapets to be of not less than five feet six inches in height.

31. If the South-eastern Railway Company and the London, Brighton, and South Coast Railway Company shall within four months after the passing of this Act give notice in writing under their respective common seals to the Company of their desire that the powers of this Act shall be transferred to them jointly and equally, and shall in the said notice undertake (subject to the approbation of Parliament) to take upon themselves in equal shares the costs, duties, and liabilities involved in or attaching to the undertaking, including therein the costs of passing this Act and incidental thereto, and shall also undertake to apply to Parliament in the next session thereof for the necessary powers for those purposes, then the Company shall consent to the transfer to the said two companies of the said undertaking, and shall concur, but at the expense of the two companies, in any such application to Parliament as aforesaid.

Providing for future transfer of undertaking to South-eastern and Brighton Railway Companies.

32. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

Tolls for passengers, animals, and goods.

In respect of passengers and animals conveyed on the railway :

For any person, threepence per mile ; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile :

Class 1. For any horse, mule, or other beast of draught or burden, fourpence per mile ; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny :

Class 2. For any ox, cow, bull, or head of neat cattle, threepence per mile ; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one penny :

Class 3. For any calf, pig, sheep, lamb, or other small animal, twopence per mile ; and if conveyed in or upon a carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny.

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In respect of goods and minerals conveyed upon the railway :

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

Class 5. For all coke, charcoal, pig iron, bar iron, rod iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, slates, salt, fireclay, and stone, copper ore, lead ore, tin ore, antimony, and manganese, and all other ores, minerals, and semi-metals, per ton per mile threepence ; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one halfpenny :

Class 6. For all sugar, grain, corn, flour, hides, dye-woods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile fourpence ; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of one penny :

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

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform, sixpence per mile, and a sum of one penny halfpenny per mile for every additional quarter of a ton, or fractional part of a quarter of a ton, which any such carriage may weigh.

Tolls for
propelling
power.

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

Regulations
as to tolls.

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

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

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For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals, goods, and minerals 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; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

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For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction; and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

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

Tolls for small parcels and articles of great weight.

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight, three-pence;

For any parcel, not exceeding fourteen pounds in weight, five-pence;

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

For any parcel not exceeding fifty-six pounds in weight, nine-pence;

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

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

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

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall

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exceed four tons but shall not exceed eight tons, the Company may demand such sum as they think fit, not exceeding sixpence per ton per mile :

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum
rates for
passengers.

36. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,)

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

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

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

Maximum
rates for
animals and
goods.

37. The maximum rate of charge to be made by the Company for the conveyance of animals, goods, and minerals (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,)

For every animal in Class 1, fourpence per mile ;

For every animal in Class 2, threepence per mile ;

For every animal in Class 3, one penny per mile ;

For everything in Class 4, one penny halfpenny per ton per mile ;

For everything in Class 5, twopence per ton per mile ;

For everything in Class 6, threepence per ton per mile ;

For everything in Class 7, fourpence per ton per mile ;

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a truck or platform, per mile sixpence ; and if weighing more than one ton, one penny halfpenny for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

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38. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. A.D. 1880.
 ———
 Passengers
 luggage.

39. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee. Terminal
 station.

40. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they may think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway. Foregoing
 charges not
 to apply to
 special
 trains.

41. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods other than small parcels by passenger trains. Company
 may take
 increased
 charges by
 agreement.

42. The Company and any company or person for the time being working or using the railway of the Company, or any part or parts thereof, may run over, work, and use with their engines, carriages, and waggons, officers and servants, whether in charge of engines and trains or for any other purpose whatsoever, and for the purposes of traffic of every description, the portion of railway and station herein-after mentioned, or some part or parts thereof; that is to say,
 So much of the South-eastern Railway as lies between the point of junction therewith of the railway by this Act authorised and the Woodside Station, including the said station;
 and all sidings, approaches, water, watering-places, buildings, works, and conveniences upon or connected with the said portion of railway and station; and as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said portion of railway and station as the South-eastern Company are entitled to take in respect of such railway and station. Power to
 use portion
 of South-
 eastern
 Railway, &c.

43. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, charges, rent, or other consideration to be paid by the Company, or such other company or person as aforesaid, for Terms of
 such user.

[Ch. cl.] *Woodside and South Croydon Railway* [43 & 44 Vict.]
Act, 1880.

A.D. 1880.

and in respect of the use of the said portion of railway and station, and other works and conveniences, shall be such as are from time to time agreed upon between them and the South-eastern Company, or, failing such agreement, as may from time to time be determined by the Railway Commissioners on the application of any or either of the companies interested; and the costs of the arbitration shall be in their discretion, and the decisions of the said Commissioners shall be final and binding on all parties.

Power to enter into working agreements with South-eastern Company.
36 & 37 Vict. c. 73.

44. The Company on the one hand and the South-eastern Company on the other hand may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into and carry into effect, vary, and rescind agreements with respect to the following purposes, or any of them; that is to say,

The working, use, management, and maintenance of their respective railways, stations, and works, or any part or parts thereof respectively:

The supply and maintenance, under any agreement for the respective railways being worked and used by the working company, of engines, stock, and plant, and the employment of officers and servants for the conduct of traffic on the respective railways or any part thereof, necessary for the purposes of such agreement:

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

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

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

Tolls on traffic conveyed partly on the railway and partly on the South-eastern Railway.

45. During the continuance of any agreement to be entered into under the provisions of this Act between the Company and the South-eastern Company, the railways of the Company and of the South-eastern Company shall for the purposes of short-distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railways of the South-eastern Company for a less distance than three miles, tolls and charges may

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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 railway and partly on the railways of the South-eastern Company. A.D. 1880.

46. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845. Interest not to be paid on calls paid up.

47. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

48. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better 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, authorised by this Act. Provision as to general Railway Acts.

49. 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.