



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xviii.

An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the *London and Croydon Railway*. [4th June 1839.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from Croydon to join the London and Greenwich Railway near London*: And whereas another Act was passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act to enable the London and Croydon Railway Company to provide a Station and other Works in the Parish of Saint Olave in the Borough of Southwark in the County of Surrey, and to amend the Act relating to the said Railway*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act to enable the London and Croydon Railway Company to enlarge their Station in the Parish of Saint Olave in the Borough of Southwark in the County of Surrey, and to amend the Acts relating to the said Railway*
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5 W. 4. c. 10.
7 W. 4. c. 121.
1 Vict. c. 20.

Powers of
recited Acts
to extend to
this Act.

and Station: And whereas the said Company have proceeded to carry the said recited Acts into execution, and have purchased all the Lands necessary for the Purposes of the said recited Acts, and have made great Progress towards the Completion of the said Railway and Station, and the Works connected therewith: And whereas it is expedient that the said Company should be empowered to raise further Sums of Money for the Purpose of completing the said Undertaking, and that some of the Powers and Provisions of the said recited Acts should be altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Powers, Authorities, Penalties, Forfeitures, Rules, Remedies, Directions, Articles, Matters, and Things therein contained, (except so far as the same are varied, altered, or repealed,) shall be good, valid, applicable, and effectual for carrying this Act into execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted expressly and at length in the Body of this present Act.

Company
empowered
to raise an
additional
Sum by
Shares.

II. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, or by the Admission of new Subscribers, in addition to the Sums of Money which they have already raised and borrowed, or which they are authorized to raise and borrow under and by virtue of the said recited Acts, any further Sum or Sums of Money, not exceeding in the whole the Sum of One hundred thousand Pounds, in such Proportions as they shall think fit; and such Money may be divided into Shares of Twenty Pounds each, and such Shares may be issued and raised at the Price and in the Manner directed by the said last-recited Act with respect to the new or additional Capital therein mentioned, and shall or may be transferred or assigned from Time to Time, and shall or may be forfeited for Nonpayment of the Calls made thereon, and shall be under the same Rules, Regulations, and Restrictions as is provided in and by the said recited Acts with regard to the Shares therein mentioned or referred to; and all Persons whomsoever, and their several and respective Executors, Administrators, and Assigns, who shall severally subscribe for One or more of the said new and additional Share or Shares, and shall pay such Sum or Sums of Money as shall be demanded as the Price thereof, shall be respectively entitled to and receive such proportional Part and Parts of the Profits or Advantage that shall or may arise or accrue from the said Undertaking, and have the like Votes, either personally or by Proxy, in such Way or Manner, to all Intents and Purposes, as is and are enacted and provided in and by the said last-recited Act with regard to the Sums authorized to be raised by such Act.

III. And

III. And be it further enacted, That in case the Money hereby and by the said recited Acts authorized to be raised shall be found insufficient, it shall be lawful for the said Company, from Time to Time, by an Order of any General or Special General Meeting of the said Company, to borrow or take up at Interest any further or additional Sum, not exceeding in the whole the Sum of Thirty-three thousand Pounds, on the Credit of the said Undertaking; and the Directors of the said Company, after an Order shall have been made for that Purpose at any General or Special General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Rates, Tolls, or other Sums arising or to arise by virtue of the said recited Acts, or any Part thereof; and any such Mortgage may be made and transferred in the Manner and Form, and shall be subject to the Rules and Conditions, Regulations and Provisions, contained in the said recited Acts, as if the same were borrowed under the same Acts: Provided always, that it shall not be lawful for the said Company to borrow or take up at Interest any such further or additional Sum of Thirty-three thousand Pounds until One Half of the Capital of the said Company shall have been actually paid up, nor shall the said Company borrow more than One Third of the Capital subscribed for under and by virtue of the said recited Acts and this Act.

Power to borrow an additional Sum by Mortgage.

IV. And be it further enacted, That from and after the passing of this Act it shall not be lawful for the said Company to raise any Money by the Issue of Bonds under the Powers contained in the said last-recited Act, nor shall the said Company, in case they shall hereafter pay off any Bonds already issued, again raise the Amount by the Issue of new Bonds in manner authorized by such Act: Provided always, that nothing herein contained shall extend to prevent the said Company from raising any such Money by Mortgage of the said Undertaking in manner directed by the said last-recited Act and by this Act.

No more Money to be raised by Bonds.

V. Provided always, and be it further enacted, That the Securities for Monies which shall be hereafter raised under or by virtue of the said recited Acts or of this Act, and the Interest to arise thereupon, shall not be transferrable, unless by Instruments duly stamped, in which the Consideration for such Transfer shall be stated; nor shall any Interest be paid upon such Securities, unless to the *bond fide* Holders thereof, or the Parties to whom the same may have been lawfully assigned under an Instrument duly stamped, or to the Agents of such Holders or Parties duly authorized to receive the same.

Securities not to be transferred except by Instruments duly stamped.

VI. Provided always, and be it further enacted, That it shall be lawful for the said Company to agree, on the Creation of any new Shares under the Authority of this Act, that Interest or Dividends to any Amount, not exceeding Five Pounds *per Centum per Annum*, shall be paid on the Sums paid on such new Shares to the Proprietors

Company may agree that new Shares shall have Priority.

tors thereof, out of the Rates and Tolls and other Révenue of the said Company, previously to the Payment of any Dividend on the present Shares in the said Undertaking; and such Interest or Dividends on the Shares created under the Authority of this Act shall be so paid so long as the Rates, Tolls, and other Revenue of the said Company will not enable them to declare on all the then existing Shares in the said Undertaking a larger Dividend than the Interest or Dividend to be agreed on as aforesaid, from which Period an equal Dividend shall be from Time to Time declared and paid on all the Shares in the said Undertaking, in manner as in the said recited Act is mentioned.

Application
of Money to
be raised.

VII. And be it further enacted, That the Money which shall be raised under the Provisions of this Act shall be applied for all or any of the Purposes of the said recited Acts as the said Company may deem expedient.

Bye Laws
to be con-
firmed.

VIII. And be it further enacted, That no Bye Law which the said Company may have heretofore made under the Authority of the said recited Acts (except such as may relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants,) shall be valid or binding for a longer Period than Six Months from the passing of this Act; nor shall any Bye Law (except as aforesaid) which may hereafter be made by the said Company be valid or binding, unless the same shall be allowed by some Judge of One of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace of the County of *Surrey* or the County of *Kent*, which said Justices are hereby authorized and required, on the Request of the said Company, to examine into the Bye Laws which may be tendered to them for that Purpose by the said Company, and to allow of or disallow the same, as to them may seem meet; and all Penalties which may be imposed by virtue of any such Bye Laws shall be so framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid.

First General
Meeting to
choose Audi-
tors.

IX. And be it further enacted, That at the first General Meeting to be held after the passing of this Act, or at some Meeting to be held by Adjournment therefrom, Three Persons who shall be Proprietors and respectively possessed in their own Right of Fifty Shares in the said Undertaking shall be elected Auditors of the said Company by the Proprietors present at such Meeting either personally or by Proxy; and of the Auditors so elected as aforesaid Two shall be competent to act; and the several Persons so to be elected, being neither removed nor disqualified nor resigning, shall continue in Office and be Auditors until the half-yearly General Meeting of the said Company which shall be held in the Month of *February* in the Year of our Lord One thousand eight hundred and forty-one, and until others shall be elected in their Stead in pursuance of this Act.

X. And

X. And be it further enacted, That at the General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and forty-one One of the Auditors who shall have been so elected as aforesaid (to be determined by Lot amongst themselves) shall go out of Office and cease to be an Auditor of the said Company, and the Person who shall be a Proprietor possessed in his own Right of Fifty Shares at the least in the said Undertaking shall be elected by the said Company to be an Auditor in his Place and Stead; and at the General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and forty-two One of the remaining Auditors who shall have been so primarily elected as aforesaid (to be determined as aforesaid) shall go out of Office and cease to be an Auditor of the said Company, and his Place be supplied in like Manner; and at a General Meeting to be held in the Month of *February* which will be in the Year of our Lord One thousand eight hundred and forty-three the remaining Auditor who shall have been so primarily elected as aforesaid shall go out of Office and cease to be an Auditor of the said Company, and his Place be supplied in like Manner; and at the General Meeting to be held in the Month of *February* in every subsequent Year One of the Auditors who shall have been longest in Office shall go out of Office and cease to be an Auditor of the said Company, and his Place be supplied in like Manner.

Auditors to go out annually by Rotation.

XI. Provided always, and be it further enacted, That every Auditor who shall go out of Office on any annual Day of Election may be immediately or at any future Time re-elected by the said Company an Auditor of the said Company, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Auditor.

Auditors going out of Office re-eligible.

XII. And be it further enacted, That when and so often as any Auditor of the said Company shall die, or shall resign, or shall become disqualified or incompetent to act as an Auditor, or shall cease to be an Auditor by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the Directors, if they shall think proper so to do, to elect some other Proprietor duly qualified to be an Auditor; and every such Proprietor so elected to fill up any such Vacancy shall continue in Office as an Auditor so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

For supplying Vacancies among Auditors.

XIII. Provided nevertheless, and be it further enacted, That no Person holding any Office or Place of Trust or Profit under the said Company, or being concerned or interested in any Contract with the said Company, shall be capable of being chosen an Auditor of the said Company, nor shall any Auditor be capable of accepting any other Office or Place of Trust or Profit under the said Company, or of being concerned or interested in any Contract

No Person holding Office capable of being an Auditor.

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with

with the said Company, during the Time he shall be an Auditor of the said Company; and if any Auditor of the said Company shall at any Time subsequently to his Election accept or continue to hold any other Place or Office of Trust or Profit under the said Company, or shall either directly or indirectly be concerned in any Contract with the said Company, or shall participate in any Manner in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Fifty Shares in the said Undertaking, the Office of such Auditor shall thereupon become vacant, and he shall thenceforth be disqualified from voting or acting as an Auditor.

Accounts to be made up half-yearly.

XIV. And be it further enacted, That the Account to be kept and made up twice in every Year, (that is to say,) on the Thirty-first Day of *January* and the Thirty-first Day of *July*, of the Money received by or for the Use of the said Company by virtue of the said recited Acts, and of the Charges and Expences attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Company up to those Periods respectively, and which Account is to be laid before the half-yearly General Meetings of the said Company to be held in the Months of *February* and *August* respectively, as directed by the said first-recited Act, shall be examined and audited by at least Two of the Auditors of the Company; and in order thereto the Auditors, or at least Two of them, with the Assistance of the Secretary, Treasurer, and Clerks of the Company, may inspect and examine all the Books, Papers, and Vouchers of the Company which they shall think necessary, and after a careful Examination of such Account, with such Books, Papers, and Vouchers, and correcting and altering the same (if necessary), shall, previously to the Day of the Half-yearly General Meeting before which such Account is to be laid, sign their Names at the Foot thereof in Testimony of their Approbation of the same; and in order to enable the Auditors the better to perform their Duties, each of them shall at all Times have full Power to inspect and examine the Books and Accounts of the Company, and shall have any Assistance which they may require from the Secretary, Treasurer, or Clerks of the Company.

The Company empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake.

XV. And be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which shall be permanently required for the Purposes of the said recited Acts, and for which they shall *bonâ fide* and without Collusion have paid, deposited, or tendered, according to the Provisions of the said recited Acts, the Purchase Money or Compensation agreed or awarded to be paid in respect of the same, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in, to, or affecting such Lands, which Estate, Right, or Interest the said Company shall have failed or omitted duly to purchase or to pay for by reason of the said Company not having had express Notice of the Existence thereof, or by reason of any other Accident or Mistake, and such Estate, Right, or Interest shall not have been vested in or barred

or

or extinguished for the Benefit of the said Company by virtue of any of the Provisions in this or the said recited Acts contained, and the said Company shall, within the Period of Six Calendar Months after they shall have had express Notice of the Existence of such Estate, Right, or Interest, purchase or pay Compensation for the same, then, notwithstanding such Estate, Right, or Interest, and whether the Period limited by the said Acts for the Purchase of Lands shall then have expired or not, the said Company shall remain in the undisturbed Possession of such Lands for the Purposes of this and the said recited Acts; and the Purchase Money, Compensation, or Satisfaction so to be paid for such Estate, Right, or Interest shall be agreed on, or awarded and paid, and such Estate, Right, or Interest shall be vested in, or barred or extinguished for the Benefit of the said Company, in like Manner as, according to the Provisions in this and the said recited Acts contained, the same respectively would have been agreed on or awarded and paid, and vested, barred, or extinguished, in case the said Company had purchased or paid Compensation or Satisfaction for such Estate, Right, or Interest before their Entry upon such Lands, or as near thereto as Circumstances will admit: Provided always, that nothing herein contained shall extend to any Land belonging to the *London and Greenwich Railway Company* whereon the said *London and Croydon Railway* has been erected, to communicate with the *London and Greenwich Railway* at or near *Corbett's Lane*, according to the Provisions of the said first-recited Act.

XVI. And be it further enacted, That if any Proceedings shall at any Time be had or taken against the said Company, or any Person claiming under them, for the Recovery of the Possession of any Land which may have been purchased or taken in pursuance of the said recited Acts, and for which the said Company shall *bonâ fide* and without Collusion have paid, tendered, or deposited the Purchase Money or Compensation agreed on with the Party in possession of the said Lands, or awarded to be paid for the same, then, within Two Calendar Months after final Judgment, shall be obtained by any Person for the Recovery of the Possession of any such Lands, or the final Determination of any Writ of Error or Appeal from such Judgment, or the final Taxation of the Costs of such Proceedings, there shall be paid or tendered, in lieu of such Lands, to the Person so obtaining such Judgment, or into the Court in which such Proceedings shall be pending, his Costs, to be taxed as aforesaid, of any Proceedings for the obtaining such Judgment, together with such Sum of Money as the Jury shall in like Manner herein-after mentioned find to be the Value of the said Lands, at the Time when the same were purchased and conveyed for the Purposes of the said Acts, or when Possession thereof was taken as aforesaid by the said Company, together with such a Sum of Money as the said Jury shall at the Time find to be the Value of or an Equivalent for such Mesne Rents and Profits of the said Lands, in case the same had not been taken or used for the said Railway, as the Party obtaining such Judgment could have recovered by ordinary Process of Law; or in

Providing
Remedy in
case of Pro-
ceedings for
recovery of
Land pur-
chased by the
Company.

case

case the Person obtaining such Judgment shall be entitled to any partial or less Interest in the said Lands than the absolute Fee Simple thereof in possession, free from Incumbrances, then the Value of the said Lands, to be ascertained as after mentioned, shall be paid into the Bank of *England*, with the Privity of the Accountant General of the Court of Exchequer, or in such other Manner as directed by the said recited Acts with respect to Lands purchased from such Parties; and upon Payment or Tender of such Sum or Sums of Money as herein-before mentioned the said Lands shall be and remain absolutely vested in the said Company, their Successors and Assigns.

The Jury who shall try such Proceedings shall ascertain the Value to be paid in lieu of the Land.

XVII. And be it further enacted, That the Jury who shall try any Proceedings brought for the Recovery of the Possession of such Lands as aforesaid shall at the same Time ascertain the Value thereof at the Time when they were purchased and conveyed for the Purposes of the said recited Acts, or when Possession was taken thereof by the said Company, or in default thereof such Value may be settled and ascertained by a Jury, to be summoned and returned as in manner directed by the said recited Acts, and the Value so found shall be certified by the presiding Judge under his Hand; and such Certificate shall be delivered to the Person seeking to recover Possession of the same Lands, and such Value shall be the Amount to be paid in lieu of the said Lands, and shall be paid and applied in manner directed by this and the said recited Acts.

Extending Compensation to certain Owners.

XVIII. And whereas by the said Act of the First Year of the Reign of Her present Majesty it was enacted, that the Owner, Lessee, or Occupier, or other Person interested in any Property numbered Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, and Twenty-six, to the Corner of *Dean Street* inclusive, on the amended Plan therein referred to, and also contained in the Second Schedule thereunto annexed, should at any Time within Two Years after the passing of the said Act give Notice, to be left at the Office of the said Company, and thereby require the said Company to purchase his Right or Interest in such Property, the said Company shall and are thereby required, within Three Calendar Months next after any such Notice, to treat with the Person giving such Notice, for, and complete the Purchase of his Right and Interest in the said Property, and for Compensation, Recompence, and Satisfaction to be made to him for any Loss, Damage, or Injury sustained or to be sustained in respect of any Goodwill, Improvements, Tenants Fixture, or otherwise: And whereas by the said Act the Time is not fixed from which the Persons respectively interested in the said Premises shall be entitled to Compensation for such Loss or Damage as aforesaid; be it therefore enacted by the Authority aforesaid, That all and every such Person or Persons as are interested in the said above-mentioned Property shall be entitled to such Compensation as aforesaid as from the Day of the passing of the

the said Act of the Seventh Year of the Reign of King *William the Fourth*.

XIX. And be it further enacted, That all Persons shall have free Liberty to pass along and upon and to use and employ the said Railway, with or in Carriages not belonging to the said Company, properly constructed as is by the said recited Acts directed, upon Payment of all such Rates and Tolls as shall be demanded by the said Company, not exceeding the respective Rates and Tolls authorized by the said recited Acts, and also to pass and to convey all Carriages, Animals, and Goods and Merchandize along and upon and to employ and use the said Railway in and upon Carriages belonging to the said Company, upon Payment of all such Rates, Tolls, and Charges as shall from Time to Time be demanded by the said Company, not exceeding the respective Rates and Tolls authorized by the said recited Acts, subject however to the Provisions of the same Acts, and the Rules and Regulations to be from Time to Time made by the said Company in pursuance of the Powers to them thereby granted.

Railway to be free for all Persons on Payment of Rates, subject to the Rules of the Company.

XX. And be it further enacted, That the said Company shall and they are hereby required, in each and every Year, to cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Acts for the Year ending on the Thirtieth Day of *June*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by Two of the Auditors for the Time being of the said Company; and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Surrey*, on or before the First Day of *January* then next; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit or cause to be prepared and transmitted such Account as aforesaid they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

Annual Account to be made up and Copy transmitted to the Clerk of the Peace.

XXI. And be it further enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act shall be defrayed out of the Funds of the said Company in preference to all other Payments whatsoever.

Expences of Act how to be paid.

XXII. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to Railways which may pass during the present or any future Session of Parliament.

Act not to exempt the Railway from Provisions of any General Act.

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XXIII. And

Public Act.

XXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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