



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. CCCXXV.

An Act for making and maintaining “*The Tooting, Merton, and Wimbledon Extension Railway;*” and for other Purposes. [29th July 1864.]

WHEREAS the making of Railways from the *Wimbledon and Croydon* Railway in the Parishes of *Merton* and *Wimbledon* in the County of *Surrey* to the *London, Brighton, and South Coast* Railway in the Parish of *Streatham* in the same County, as herein-after described, would be of great public and local Advantage: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to carry the said Undertaking into execution if authorized so to do, and are desirous of being incorporated into a Company for that Purpose: And whereas it is expedient that the Company hereby incorporated (and herein-after called “the Company”) on the one hand, and the *London and South-western* Railway Company, the *London, Brighton, and South Coast* Railway Company (herein-after called “the Two Companies”), on the other hand, should be empowered to enter into such Arrangements as are herein-after mentioned with respect to the Railways and Works by this Act authorized: And whereas Plans and Sections of the proposed Railways showing the Lines and Levels thereof, and the Lands which may be taken for the Purposes of this Act, and also

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Surrey*, and those Plans, Sections, and Books of Reference are in this Act referred to as "the deposited Plans, Sections, and Books of Reference:" And whereas the Objects 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 the Advice and Consent of the Lords Spiritual and Temporal, and of 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 Tooting, Merton, and Wimbledon Extension Railway Act, 1864.*"

8 & 9 Vict. cc. 16., 18., & 20.,
23 & 24 Vict. c. 106., and
26 & 27 Vict. cc. 92. & 118.
incorporated. 2. "The Companies Clauses Consolidation Act, 1845," and Part I., relating to Cancellation and Surrender of Shares, of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "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," (save so far as any of the Sections and Provisions of those Acts respectively are by this Act expressly varied or excepted,) are incorporated with this Act.

Same Meaning to Words in incorporated Acts as in this Act. 3. The Expression "the Railway" used in this Act means the Railways and Works by this Act authorized; the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act, 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; the Words "Share" and "Shareholders" shall include, where requisite, Stock and Stockholders; the Word "Traffic" has the Meaning assigned to that Word by "The Railway and Canal Traffic Act, 1854;" and the several other Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Subscribers incorporated. 4. *John Smith Mansfield, Charles Robert Smith, John Leach Bennett, William Shears,* and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purpose of

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

of making and maintaining the Railway to be called "The Tooting, Merton, and Wimbledon Extension Railway," and for other the Purposes of this Act, and for such Purposes are by this Act incorporated by the Name of "The Tooting, Merton, and Wimbledon Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and to put this Act in all respects into execution.

5. The Capital of the Company shall be Ninety-five thousand Pounds, and the Number of Shares into which the Capital shall be divided shall be Nine thousand five hundred, and the Amount of each Share shall be Ten Pounds.

Capital, and
Number and
Amount of
Shares.

6. It shall not be lawful for the Company to issue any Share, nor shall any 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 Share shall have been paid up in respect thereof.

Shares not to
issue until
One Fifth
paid up.

7. Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall intervene between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

Calls.

8. The Company may borrow on Mortgage any Monies not exceeding in the whole Thirty-one thousand six hundred Pounds, but no Part thereof shall be borrowed until the whole of the Capital of Ninety-five thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and until they shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that Shares for the whole of the Capital have been issued or taken *bonâ fide*, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares are *bonâ fide* held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable (of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence).

Power to
borrow
Money on
Mortgage.

9. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any Mortgage by the Appointment

Arrears may
be enforced
by Appoint-

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

ment of
Receiver.

Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Five thousand Pounds.

Application
of Monies.

10. All Monies raised under this Act, whether by Shares or by borrowing, shall be applied only for the Purposes of this Act.

Interest not
to be paid
on Calls
paid up.

11. The Company shall not, out of any Money by this Act authorized to be raised, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him; provided that the Company may pay 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 the
Company's
Capital.

12. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

First and
subsequent
General
Meetings.

13. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held twice in every Year, in the Months of *February* or *March* and *August* or *September*, as the Directors may appoint.

Quorum of
General
Meetings.

14. The Quorum of General Meetings of the Company shall be Five Shareholders present personally or by proxy, holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Number and
Qualification
of Directors.

15. The Number of the Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Capital of the Company.

Quorum of
Directors.

16. The Quorum of a Meeting of Directors shall be Three.

First Direc-
tors.

17. *John Smith Mansfield, Charles Robert Smith, John Leach Bennett, and William Shears* shall be Four of the First Directors of the Company.

Election of
Directors at
Firstordi-

18. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act,

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

nary Meeting.

19. At the First Ordinary Meeting in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf; 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 said last-mentioned Act.

Subsequent Election of Directors.

20. The Newspaper for Advertisements shall be any Newspaper published in the County in which the principal Office for the Time being of the Company shall be situate.

Newspaper for Advertisements.

21. Subject to the Provisions of this Act, the Company may make and maintain the Railway herein-after described, with all proper Works, Approaches, Stations, and Conveniences connected therewith, in the Lines and upon the Lands delineated on the deposited Plans, and described in the deposited Books of Reference, and according to the Levels defined on the deposited Sections, and may enter upon, take, and use such of those Lands as shall be necessary for such Purpose: Provided, that the Company shall not, without the Consent in Writing of the Owners of the *Merton Abbey* Estate, in any way interfere with, affect, or prejudice the Flow of the River *Wandle* or any of the Streams or Waters flowing to or from such River, and shall not, without such Consent as aforesaid, take any Part of the Pleasure Grounds or Lands in the Occupation of Captain *James Barber*, except Part of the Meadow numbered 100 on the deposited Plans and Book of Reference for the Parish of *Merton*, or take or interfere with any of the Walls or Fences of such Pleasure Grounds or Lands visible from the House in his Occupation, and that before making any Opening in the Walls or Fences of the same Meadow the Company shall, at their own Expense, erect and construct, and for ever after maintain in good Condition, a Wall or Fence, at the Option of the Company, not less than Six Feet high, along the North Side of the Portion of such Meadow required for the Purposes of the Railway.

Power to make Railway according to deposited Plans.

*Tooting, Merton, and Wimbledon Extension Railway Act, 1864.*Description
of Railway.

22. The Railway and Works by this Act authorized comprise the following:

A Railway (No. 1.) commencing in the Parish of *Merton* in the County of *Surrey* by a Junction with the *Wimbledon and Croydon* Railway, and terminating in the Parish of *Streatham* in the said County by a Junction with the Railway authorized by "The *London, Brighton, and South Coast* Railway (*Mitcham and Tooting* Lines, &c.) Act, 1863:"

A Railway (No. 2.) commencing in the Parish of *Wimbledon* in the County of *Surrey* by a Junction with the *Wimbledon and Croydon* Railway, and terminating in the Parish of *Tooting Graveney* in the said County by a Junction with Railway No. 1.

Works to be
done in re-
spect of the
Epsom
Turnpike
Road.

iv Vict. c.

23. Whereas it is proposed to carry the Railway No. 1. under the *Morden Road* about midway between the present Railway Bridge at the double Gates at a Point marked in the deposited Plan 21 in the Parish of *Saint Mary Merton* in the County of *Surrey*, and it is also proposed to carry the Railway No. 2. under the *Merton Road* about midway between the Waterfall and the Entrance to *Collier's Wood* at a Point marked as aforesaid 8 in the Parish of *Mitcham* in the said County of *Surrey*: And whereas the said *Morden Road* and *Merton Road* are both Turnpike Roads under the Care of the Trustees appointed under an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for repairing the Road from Epsom to Tooting, and other Roads communicating therewith, all in the County of Surrey*: Therefore it shall not be lawful to raise the Level of *Morden Road* more than Sixteen Feet, or the Level of *Merton Road* more than Fifteen Feet Nine Inches; and the Company shall make and for ever thereafter keep, repair, and maintain Bridges under the same Roads, to carry the same over the Railways, and the Company shall make the Arches of such Bridges, so far as the raised Roads and Footpaths shall be carried over the same, of a Length enough to support the present Width of the Roads measured on the Square, and shall lay not less than Twelve Inches in Depth of Earth and Road Materials between the Crown of the Arch and the Surface of the same Roads respectively when raised, and shall make the Roads so to be raised of a Width of not less than Forty Feet to the Extent of the Alteration of the Roads, and shall form the same of such Materials and of such Quantity and Quality of each Material as shall be required by the Trustees or their Surveyor, and shall form so much of the same Roads respectively into Carriageway and so much into raised Footpaths by the Sides thereof respectively as shall be required by the Surveyor, and shall make and for ever thereafter keep, repair, and maintain a sloped Embankment

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

ment by the Sides of the same Roads respectively, when raised, of an Inclination not greater than One and a Half to One, and so as effectually to secure the same Roads when raised, and shall arch over with proper Brickwork the Brook or Sewer on the East Side of *Merton Road* to the full Extent of the raising of the same Road, in the same Manner as is done by the Arch by which the same Brook or Sewer is crossed in going from *Merton Road* to *Collier's Wood House*, except under the Railway where the Company may substitute Iron or other Material, and shall also make and do all such Alterations as shall be necessary to enable the Trustees and their Servants or Agents to obtain from such Brook or Sewer such Supply of Water to water the Roads under their Care as the Brook will from Time to Time afford, and shall for ever thereafter keep, repair, and maintain the said Arch over the said Brook or Sewer and the Works last mentioned, and the Company shall do all the Works aforesaid, as well original as of Maintenance, at their own Expense.

24. The Company shall not, in carrying the Railway under the *Mitcham Road* at *Bigging Farm Wood*, numbered 7 upon the deposited Plans in the Parish of *Tooting Graveney* in the County of *Surrey*, or over or under any other of the Roads being respectively Parts of the Roads under the Jurisdiction of the Trustees of the *Surrey* and *Sussex* Roads, alter the present Level of the said Roads, or of the Footpaths thereof, or any Part thereof respectively, save and except as follows; (that is to say,) the Company may raise the Surface of the said Road and Footpaths which are proposed to be carried over the Bridge, numbered 7 on the deposited Plan aforesaid, Twelve Feet and no more, and the Company shall lengthen the present Bridge over the Brook near where they cross the Road sufficiently to afford the full Width of the present Road and Footpaths when raised, and shall rebuild Parapet Walls and erect Fences, and do all necessary Works for the Protection of the Public and Preservation of the full Width of the said Road and the Footpaths, not less than Forty-five Feet, and so as to preserve the Waterway, and the altered Roads and Footpaths shall be reconstructed with the same Description and Depth of Materials as the same are now composed of, to the Satisfaction of the Surveyor of the Trustees of the *Surrey* and *Sussex* Roads.

Works to be done in respect of the *Sussex* and *Surrey* Roads.

25. The Company in raising the said Roads and Footpaths shall carry the same on both Sides from the Surface thereof respectively, over the Crown of the Arches of the Bridges supporting the same respectively, at uniform Inclinations not steeper than One Foot in Forty Feet, and shall erect and place and for ever thereafter keep, repair, and maintain Parapet Walls on each Side of the said Bridges, and from both Ends of such Parapet Walls, Screen Walls, or Close Fences

Roads when raised to be carried at an uniform Inclination, and Walls, &c. to be erected at Sides thereof

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

Fences for One hundred and fifty Feet in continuation of such Parapet Walls along both Sides of the said Roads, and shall make all such Parapet Walls, Screen Walls, and Close Fences throughout of the Height of Six Feet Six Inches at least from the Level of the Centre of the Surface of the said Roads, and shall erect and place and for ever thereafter keep, repair, and maintain good and substantial Fences in continuation of such Screen Walls or Close Fences on both Sides of the said Roads when raised to the full Extent of the Alteration of the said Roads, and shall set along the said Roads over the Bridges and for One hundred Feet on each Side thereof Granite Curbs Twelve Inches by Eight, and over the Arches of the said Bridges paved Water Channels Eighteen Inches wide at the Edges of the Footpaths by the Sides of the said Roads, and shall restore all Drains interfered with, or substitute other good and sufficient Drains, so that the said Roads may be effectually drained.

Regulating
the Works
connected
with cross-
ing the
Roads.

26. It shall not be lawful for the Company to commence any Works connected with the raising of the said Turnpike Roads, or either of them, until Ten Days after the Company shall have given Notice of their Intention to do so, and shall have delivered Plans and Drawings of the same to the Surveyor or Surveyors of the said respective Trustees, and shall have explained in Writing to him or them in what Way it is proposed to carry on such Works, and if such Surveyor or Surveyors shall thereupon require a sufficient temporary Road to be made by the Company, instead of the Road to be interfered with, then the Company shall make and substitute such sufficient temporary Road before they interfere with the existing Road, and shall maintain the same until the Restoration of the existing Road, and be liable to the same Penalties for failing to make or after Notice to maintain such substituted Road as is and are provided by "The Railways Clauses Consolidation Act, 1845," with respect to substituted Roads and the Failure to make the same; and, unless such temporary Road shall be required, the Company shall, during the making of the said Bridges and the raising of the said Roads respectively, at all Times keep open and uninterrupted for the Traffic of the Public a clear Width of Twenty-five Feet on each of the present Roads, and One Footpath; and all necessary Measures of Precaution for the public Safety during the Progress of the Works of the Railways, and of raising the Roads, including the fencing of the Works, and lighting and watching the same, shall be adopted by and at the Expense of the Company; and the Company shall be answerable for all Accidents and Damages which may happen by reason of any of the said Works of the Company, and shall save harmless the said Trustees respectively in respect thereof; and the Company shall finish and complete all Works, Matters, and Things connected with raising the said Roads, and restore and give to the Public the uninterrupted Use

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

Use of the said Roads and Footpaths so to be raised as aforesaid, within Nine Months from the Day on which the same Roads respectively shall be interfered with, and all such Works shall be done under the Direction and Superintendence from Time to Time and to the Satisfaction of such Surveyor or Surveyors, and the Materials thereof shall be good and sufficient for the Purposes for which such Materials shall be used, and of such Descriptions respectively as shall be approved of by such Surveyor or Surveyors; and in case the Company shall fail to do or to maintain and repair any Works according to the Provisions herein-before contained, and the Company shall not, upon being by such Surveyor or Surveyors required so to do, proceed forthwith to do or to repair such Works to his or their Satisfaction, then and in any of such Cases it shall be lawful for such Surveyor or Surveyors to cause all such Works and Repairs to be done and made as he or they at his or their Discretion shall think fit; and all Costs and Expenses of such Works and Repairs shall be paid, on Demand, by the Company, or, in default of Payment for Twenty-one Days after such Demand, may be recovered by the Trustees respectively from the Company, with full Costs of Suit, by Action in any Court of competent Jurisdiction.

27. If in the Execution of any of the Works the Company do or cause any Injury or Damage to any of the said Roads or Carriage-ways or Footpaths, or any of them, or any Part thereof respectively, or to any Brick or other Drain, Sewer, Cesspool, Water Channel, or other Convenience connected with any of the said Roads or Footpaths, and do not forthwith proceed to repair and make good such Injury or Damage to the Satisfaction of such Surveyor or Surveyors, then and in such Case such Surveyor or Surveyors may do all such Repairs, and make good such Injury or Damage as aforesaid, as he or they in his or their Discretion may think fit, and all Expenses of such Repairs and making good shall be paid by the Company to the Trustees respectively on Demand, or in default of Payment for Twenty-one Days after the Demand the same may be recovered by the Trustees respectively from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

Company to
make good
Damage to
Roads.

28. If and so often as the Company shall fail to repair and keep in good and complete Repair, and to maintain to the Satisfaction of such Surveyor or Surveyors, the said Bridges, Walls, Screens, Fences, Sewers, Drains, and other Works connected with the Crossings of the Roads or Footpaths, and if after Notice thereof given to the Company by or on behalf of the Trustees respectively the Company fail for Seven Days to begin such Repairs, and proceed therein with all reasonable Expedition until the same shall be completed, the Trustees respectively may repair and make good the same, causing as little

If the Com-
pany fail to
repair Roads,
Trustees
may repair.

[Local.]

57 F

Obstruction

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

Obstruction to the Railway in the Progress of such Repairs as may be, and all the Costs, Charges, and Expenses incurred in that Behalf by the Trustees respectively shall be paid to them, on Demand, by the Company, or, on Failure in Payment for Twenty-one Days after such Demand, the same may be recovered from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

Alterations
may be made
in the Works,
with the
Consent of
the Trustees.

29. It shall be lawful for the said Trustees respectively and the Company to agree with each other for the carrying of the said Roads over the said Railways in any other Manner than is herein-before mentioned or provided for, and for the making, doing, and maintaining by the Company of all such Works as may be necessary or expedient for the Purposes aforesaid; and in case of any such Agreement it shall not be binding on the Company to do such of the Works, Matters, and Things by this Act required to be done by them as shall be by such Agreement expressly dispensed with by such Trustees respectively.

For Protec-
tion of the
Works of the
Company of
Proprietors
of Lambeth
Waterworks.

30. Before the Company construct the Railway across or otherwise interfere with the Main Pipe of the Company of Proprietors of *Lambeth Waterworks* laid along the Turnpike Road, numbered on the said Plan 8 in the Parish of *Mitcham*, intended to be crossed by the Railway, the Company shall give to the said Company of Proprietors or their Engineer Three clear Days Notice of their Intention so to do, and they shall, previously to interfering with such Main Pipe, lay down another Main Pipe, so as to be free from any abrupt Bends or Sinuosities, of such Dimensions, in such Direction, at such Level, and in such Manner as shall be required by the Engineer of the said Company of Proprietors, and shall carry the same from and out of the said Road and under the Railway into the Road again, and construct a substantial Subway under the Railway of sufficient Dimensions to admit the said Pipe, and at least Three more Pipes of the same Size, being carried through such Subway, and also to admit of Workmen entering such Subway for the Purpose of placing and repairing such Pipes, and shall also provide sufficient Space of Land clear of the Slopes of the Road Approaches, and permit the said Company of Proprietors at any future Time to lay down Three other Main Pipes of equal Size with the present Main Pipe by the Side of the Main Pipe so required to be laid as aforesaid, and to carry the same through the said Subway under the said Railway and thence into the Road again, and the Company shall adopt such Precautions and do such Works, Matters, and Things as the Engineer of the said Company of Proprietors shall require for the Purpose of preventing, as far as possible, any Injury or Impediment to the Works or Water Supply of the said Company of Proprietors, the whole of the said Works, Matters, and Things to be done under the

Super-

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

Superintendence and to the Satisfaction of the Engineer of the said Company of Proprietors, but at the Expense (except as to the laying of the additional Pipes to be laid at any future Time as aforesaid) in all respects of the Company, and the Company shall in all other respects do such Works, Matters, and Things as are required by and subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," and the other Acts herewith incorporated.

31. The Company may construct and maintain a proper Siding from the said Railway No. 1. to the Copper Mills in the Parish of *Merton* in the Occupation of Messieurs *Shears* and Sons, and may take and acquire by Agreement any Lands necessary for such Purpose, in addition to the other Lands hereby authorized to be taken.

Company may construct Siding to Copper Mills at Merton.

32. The Company may purchase by Agreement, and not compulsorily, for extraordinary Purposes, as defined in "The Railways Clauses Consolidation Act, 1845," any Quantity of Lands not exceeding Two Acres.

Lands for extraordinary Purposes.

33. The Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

34. The Railway and Works shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways and Works as shall then be completed.

Period for Completion of Works.

35. If and while the Company are possessed under this Act of any Land assessed or liable to be assessed to any Sewers Rate, General Rate, Consolidated Rate, Poor Rate, Police Rate, Main Drainage Rate, District Rate, Church Rate, or other Parochial or Ward Rate, they shall from Time to Time, until the Railway or Works thereof are completed and assessed or liable to be assessed, be liable to make good and shall make good the Deficiency in the Assessment for such Rates, or of any of them, by reason of those Lands being taken or used for the Purposes of the Railway or other Works by this Act authorized, and the Deficiency shall be computed according to the Rental at which those Lands, with any Buildings thereon, were rated at the Time of the passing of this Act.

Local Rates to be made good.

36. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Seven thousand six hundred Pounds,

Restrictions as to Transfer of certain Monies deposited pur-

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

suant to
Standing
Orders.

Pounds, being Eight *per Centum* on Ninety-five thousand Pounds, the Amount of the Estimate of the Railway by this Act authorized, has been deposited with the Court of Chancery in *England* in respect to the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the 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, open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of 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 Capital; and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum so deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum shall have been executed by the Company, with One or more Surety or Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then the said Sum so deposited as aforesaid, and the Interest and Dividends thereof, shall be paid and transferred 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,

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

them, and it shall not be necessary to produce a Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum so deposited as aforesaid would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

37. The Company may demand any Tolls for the Use of the Tolls. Railway by this Act authorized, and for the Supply of Carriages, Waggon, or Trucks, not exceeding the following; (to wit,)

First, in respect of Passengers conveyed upon their Railways or any Part thereof; (as follows,) For Passengers.

For every Person, Twopence *per* Mile; and if conveyed in or upon a Carriage provided by the Company, an additional Sum of One Penny *per* Mile:

Secondly, in respect of Animals conveyed upon the Railway or any Part thereof; (as follows,) For Animals.

Class 1. For every Horse, Mule, or other Beast of Draught or Burden, Threepence *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 2. For every Ox, Cow, Bull, or Neat Cattle, Twopence *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 3. For every Calf, Pig, Sheep, Lamb, and other small Animal, One Penny *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Halfpenny *per* Mile:

Thirdly, in respect of Goods and other Things conveyed upon the Railway or any Part thereof; (as follows,) Tonnage on Articles of Merchandise.

Class 4. For all Coals, Cinders, Dung, Compost, and all Sorts of Manure, Lime and Limestone, all undressed Materials for the Repair of the public Roads or Highways, *per* Ton *per* Mile One Penny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

Class 5. For all Coke, Culm, Cannel, Charcoal, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and rolled Iron,

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57 G

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Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

and Iron Castings, not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* One Penny Halfpenny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny:

Class 6. For all Sugar, Grain, Corn, Flour, Salt, Hides, Dyewood, Earthenware, Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence; and if conveyed in a Carriage 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* Threepence; and if conveyed in a Carriage 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, if conveyed on a Truck or Platform belonging to the Company, Sixpence *per Mile*, and a like 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.

38. The Company may demand for the Use of Engines for drawing or propelling Carriages on their Railways any Sum not exceeding One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles.

Maximum
Rates of
Charge for
Passengers.

39. The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers along their Railway, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, (except Government Duty,) shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, Threepence *per Mile*:

For every Passenger conveyed in a Second-class Carriage, Twopence *per Mile*:

For every Passenger conveyed in a Third-class Carriage, One Penny Halfpenny *per Mile*.

Maximum
Rate of
Charge for
Animals and
Goods.

40. The maximum Rates of Charges to be made by the Company for the Conveyance of Animals and Goods, including the Tolls for the Use of their Railways and Waggon or Trucks, and for locomotive Power, and every other Expense incidental to such Conveyance, (except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection,

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

Collection, and any other Services incidental to the Duty or Business of a Carrier, where such Services or any of them are or 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 Halfpenny *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 Halfpenny *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, carried or conveyed on a Truck or Platform, *per* Mile Sixpence, and for every additional Quarter of a Ton in Weight One Penny Halfpenny *per* Mile.

41. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and maximum Rates of Charge; (to wit,) Regulations as to Tolls.

For Goods, Articles, Animals, or Persons conveyed on the Railway for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three Miles:

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand in respect of Passengers Tolls and Charges as for One Mile, and in respect of Animals and Articles Tolls and Charges in proportion to the Number of Quarters of a Mile contained in such Fraction, and for this Purpose a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile:

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

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

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

42. With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, Tolls for small Parc and single the

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

Articles of
great
Weight.

the Company may demand any Tolls not exceeding the following ;
(to wit;)

For the Carriage of small Parcels on the Railway or any Part thereof, as follows :

For any Parcel not exceeding Seven Pounds in Weight, Three-pence :

For any Parcel exceeding Seven Pounds in Weight but not exceeding Fourteen Pounds in Weight, Fivepence :

For any Parcel exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, Sevenpence :

For any Parcel exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, Ninepence :

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

Provided that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Terms shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or any One Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per Ton per Mile*, including the Carriage or Truck for carrying the same, and the locomotive Power :

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

Passengers
Luggage.

43. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight if a First-class Passenger, One hundred Pounds in Weight if a Second-class Passenger, and Sixty Pounds in Weight if a Third-class Passenger, without any Charge being made for the Carriage thereof.

Definition of
Terminal
Station.

44. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

45. The

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

45. The Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to run upon the Railway, 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.

Restriction as to Charges not to apply to Special Trains.

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

Company may take increased Charges by Agreement.

47. The Company on the one hand, and the "Two Companies" on the other hand, from Time to Time may make and carry into effect Contracts and Arrangements with respect to all or any of the following Purposes; (to wit,)

Working Arrangements between Company and other Companies.

The Management, Maintenance, Working, and Use of all or any Part of the Railway by the contracting Companies respectively :

The Payments to be made and the Conditions to be performed by the contracting Companies respectively with respect to the same Management, Maintenance, Working, and User :

The Interchange, Accommodation, and Conveyance by the contracting Companies respectively of Traffic coming from or destined for their respective Railways :

The fixing and collecting by the contracting Companies respectively, and the Division and Appropriation, of the Tolls, Rates, Charges, Receipts, and Revenues arising from that Traffic :

And any such Contract or Arrangement may be made for the same Period of Time with reference to all the Purposes of the Contract, or different Periods with reference to different Purposes.

48. During the Continuance of any Contract entered into under the Authority of this Act the Railways of the contracting Companies shall, for the Purposes of Tolls and Charges, be considered One Railway; and in estimating the Amount of Tolls or Charges in respect of Traffic conveyed partly on the Railway and partly on the Railways of the other Companies Parties to the Agreement for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles; and in respect of Passengers, for each Mile or Fraction of a Mile beyond Three Miles, Tolls and Charges as for One Mile only; and in respect of Animals, Minerals, 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 than for Three Miles shall be made for

During Continuance of Contract, Railways of contracting Companies to be considered Part of Railway.

Tooting, Merton, and Wimbledon Extension Railway Act, 1864.

the Conveyance of Passengers, Animals, Minerals, and Goods, or other Matters, partly on the Railway and partly on the Railways of the other Companies Parties to the Agreement.

Railway not exempt from Provisions of present and future General Acts.

49. Nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Tolls for small Parcels and the maximum Rates of Fares and Charges by this Act authorized.

Expenses of Act.

50. All the Costs, Charges, and Expenses of and attending the passing of this Act, and preliminary or incidental thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.