



CHAPTER lxxxix.

An Act to empower the Metropolitan Railway Company to make a branch from their authorised Aylesbury and Rickmansworth Railway to Chesham and to purchase additional lands to extend the time for the completion of their Aylesbury and Rickmansworth Railway to make further arrangements with reference to the capital of the Company and for other purposes. [16th July 1885.]

A.D. 1885.

WHEREAS it is expedient that the Metropolitan Railway Company (in this Act called "the Company") should be empowered to make a branch railway from their Aylesbury and Rickmansworth Railway to Chesham and also to make the deviation herein-after described and that the time limited for the completion of the said Aylesbury and Rickmansworth Railway should be extended:

And whereas it is expedient that the Company should be empowered to acquire for the purposes of their undertaking the lands herein-after described And also to erect station works engine and carriage sheds and other works and conveniences and also to make agreements with other bodies for the erection of workmen's dwellings as herein-after provided:

And whereas it is expedient that provision should be made whereby the Aylesbury and Rickmansworth Railway and the branch railway to Chesham hereby authorised and the capital authorised to be raised for the same may be constituted a separate undertaking and capital:

And whereas under the authority of the Metropolitan Railway Acts 1881 and 1882 the Company constructed at their sole cost that portion of Railway No. 1 (authorised to be made by the Company and the District Railway Company at joint expense by the Metropolitan and District (City Lines and Extensions) Act 1879) which lies between Aldgate High Street Station and the western side of Trinity Square Tower Hill and for that purpose raised and expended a sum in excess of their proportion under the said Act of 1879 and

A.D. 1885.

in exercise of the powers in that behalf conferred upon them by section 20 of the Metropolitan District Railway Act 1884 the Metropolitan District Railway Company elected to become joint owners of the said portion of railway and have paid or become liable to pay to the Company one half of the outlay upon and in connexion with such portion of Railway No. 1 with interest and it is expedient that the Company should be empowered to apply any sums so received and also any moneys received by them from the sale of surplus lands of and in connexion with the railways authorised by the said Act of 1879 in the purchase and extinction of stock of the Company as herein-after provided:

And whereas it is expedient that the Company should be empowered to divide their ordinary stock into two portions which shall be entitled respectively to the revenues arising from the surplus lands and estates of the Company and to the ordinary revenue arising from the working and use of the railways works and stations of the Company:

And whereas plans and sections of the railway deviation and works by this Act authorised and showing the lands which may be taken under the powers of this Act and books of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been duly deposited with the respective clerks of the peace for the counties of Middlesex and Buckingham and are respectively 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 Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Metropolitan Railway Act 1885.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 Parts I. and II. of the Railways Clauses Act 1863 (relating respectively to construction of railway and extension of time):

The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the pay- A.D. 1885.
ment of calls;

The forfeiture of shares for the non-payment of calls;

The remedies of the creditors of the Company against share-
holders;

The consolidation of shares into stock;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act
by all parties interested;

And also Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock are (except where expressly varied by this Act) incorporated with and form part of this Act.

3. In this Act the several words and expressions to which Interpreta-
tion.
meanings are assigned by the incorporated Acts shall have the same respective meanings and the expression "superior courts" or "court of competent jurisdiction" or other like expression 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.

4. The expressions "parish clerks" and "clerks of the several Interpreta-
tion of terms.
parishes" in sections 7 8 and 9 of the Railways Clauses Consolida- tion Act 1845 shall with reference to the Company and as regards those parishes in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

5. Subject to the provisions of this Act and for the purposes of Power to
take addi-
tional lands.
their undertaking the Company may enter upon take and use all or any of the lands and buildings in the parishes of Saint James and Saint John Clerkenwell Saint Marylebone and Hendon all in the county of Middlesex which are delineated on the deposited plans and described in the deposited books of reference Provided always that the Company shall not make any approach or entrance from King's Cross Road to any station to be constructed by them on the said lands in the parish of Saint James and Saint John Clerkenwell.

6. For the protection of the Gaslight and Coke Company (in this For pro-
tection of the
Gaslight and
Coke Com-
pany.
section referred to as "the gas company") the following provisions shall have effect (that is to say) :—

A.D. 1885.

(A.) Whereas in the execution of the works by this Act authorised the mains pipes syphons and other works belonging to the gas company may be intersected or otherwise interfered with and it is expedient that the gas company should have full control over the execution of all works in any way affecting the supply by them of gas so as effectually to provide against the supply thereof being impeded therefore all works matters or things which under the provisions of the Railways Clauses Consolidation Act 1845 or this Act the Company may be empowered or required to do or execute with reference to the mains pipes syphons or other works of the gas company shall be done and executed by and at the cost of the Company but to the reasonable satisfaction and under the direction of and in such manner as shall be reasonably required by the engineer for the time being of the gas company and such works matters or other things shall not be commenced until after fourteen days previous notice thereof in writing shall have been given to the gas company in whose district such works shall be executed Provided always that if the gas company shall elect themselves to execute any portion of the works matters and things which the Company may by this Act be empowered or required to do or exercise with reference to or affecting the mains pipes syphons apparatus or other works of the gas company and of such their election shall give seven days notice in writing to the Company by leaving the same at their head office in London the gas company may themselves execute that portion of the said works matters and things and the reasonable expense of and incident to the executing the same shall be repaid by the Company to the gas company on demand and such expense may be recovered from the Company in any court of competent jurisdiction;

(B.) When the Company for any of the purposes of this Act take any of the mains pipes syphons and other apparatus belonging to the gas company in any streets highways roads footpaths lanes courts passages and other places within the limits shown on the deposited plans which are now used by the gas company for supplying gas to the streets highways roads footpaths lanes courts passages and other places as aforesaid they shall pay to the gas company the value of such mains pipes syphons and other apparatus and the same shall thereupon become the property of the Company and the Company shall also pay to the gas company their reasonable charges of removing or altering any of the mains pipes syphons or other apparatus in immediate communication therewith which the works of the Company shall render useless or which shall be required to be altered;

(c.) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned to or sustained by the gas company by reason of any act or omission of the Company or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to the gas company for such interruption for the use and benefit of the gas company the sum of five pounds for every hour during which such interruption shall continue and in addition shall pay to the gas company the value of the gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction. If the Company shall find it necessary to undermine but not otherwise alter the position of any main pipe syphon or other works belonging to the gas Company they shall temporarily support the same in its position during the execution of their works and on their completion shall provide a good and suitable foundation for every main pipe syphon or other work so undermined ;

(d.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company or to any of their mains pipes syphons apparatus property works and conveniences or of any loss of gas or interruption in the supply of gas by the gas company or otherwise by reason of the execution or failure of any of the intended works or of any act or omission of the Company or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Company will effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission ;

(e.) Any difference arising between the Company and the gas company respecting any of the matters referred to in this enactment shall be settled at the request of either party by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers.

7. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board of Works or of any vestry or district board of works constituted under the

For protec-
tion of
sewers in the
metropolis.

A.D. 1885.

Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said boards or vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-eight days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such board or vestry respectively shall have signified their approval of the same unless such board or vestry as the case may be do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said Metropolitan Board and of the respective district board or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestries respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said boards and vestries respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said Metropolitan Board district board or vestry as the case may be at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said Metropolitan Board or any district board or vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such board or vestry by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board district board or vestry as the case may be respectively as any sewers or works now or hereafter may be. And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said respective boards or vestries or any or either of them or

of their successors but all such rights powers or authorities shall be as valid and effectual as if this Act had not been passed. A.D. 1885.

8. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act fronting any public street within the metropolis any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the Metropolitan Board of Works and if any such placard or advertisement be affixed or exhibited the said Metropolitan Board of Works and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the front of any station placards giving information to the public as to the traffic of the Company. Exhibition of placards.

9. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and works described in this Act with all proper stations sidings approaches works and conveniences connected therewith and may 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 The railways and works herein-before referred to and authorised by this Act are the following (that is to say): Power to make railways.

A railway two miles three furlongs and 9·50 chains in length commencing in the parish of Amersham in the county of Buckingham by a junction with the authorised Aylesbury and Rickmansworth Railway of the Company in the field numbered 55 on the plans deposited with the clerk of the peace for the county of Buckingham in respect of the said railway and terminating in the parish of Chesham Bois in the said county about five chains east of a point on the road leading from Chesham to Bray's Green which point is about eight and a half chains measured in a southerly direction along the said road from its junction with Amy Lane;

A railway five miles two furlongs and 0·80 chains in length being a deviation of the authorised Aylesbury and Rickmansworth Railway of the Company commencing in the parish of Little Missenden in the county of Buckingham by a junction with the said authorised railway in the field numbered 11 in that parish on the plan deposited with the clerk of the peace for the county of Buckingham in respect of that railway and terminating in the parish of Amersham in the same county by a junction with the said authorised railway in the field numbered 55 in that parish on the said deposited plans.

A.D. 1885.

Owners &c.
empowered
to grant
easements.

10. 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.

Period for
compulsory
purchase of
lands.

11. 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.

Inclination
of a certain
road.

12. In altering for the purposes of this Act the road numbered on the deposited plans 46 in the parish of Little Missenden the Company may make the same of any inclination not steeper than one in ten on one side and level on the other.

Height and
span of
bridges.

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

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
			ft.	ft.
76	Great Missenden	Turnpike -	16	30
46	Little Missenden	Parish -	15	20
25	Amersham -	Parish -	15	20
63 and 74	Amersham -	Turnpike -	16	30
5	Amersham -	Parish -	15	20
11	Chesham Bois -	Parish -	15	20

Width of
certain road-
ways.

14. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
			ft.
3	Amersham -	Parish -	20
7	Amersham -	Parish -	20
14	Chesham Bois -	Parish -	20

15. Notwithstanding anything shown upon the deposited plans of additional lands in the parish of Hendon in the county of Middlesex or in this Act contained the Company shall not stop up alter divert or interfere in any manner whatever with the public carriage road called or known as "Shirehall Lane" in the said parish nor with any of the public footpaths (if any) under the jurisdiction or control of the Hendon Local Board which are or may be situated within the limits of land to be acquired in the said parish shown on such deposited plans.

A.D. 1885.
—
For the protection of the Hendon Local Board.

16. If the railways by this Act authorised and described on the deposited plans are 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 same respectively or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for completion of works.

17. If the Company fail within the period limited by this Act to complete the railways or either of them the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted railway or railway are or is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works of the railway in respect of which the penalty is incurred and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railway by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Penalty imposed unless railways opened within the time limited.

18. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "London Gazette"

Application of penalty.

A.D. 1885. 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 uncompleted railway or any portion thereof 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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty 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 to 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 said 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.

Company to abandon part of authorised railway.

19. The Company shall abandon the construction of so much of the Aylesbury and Rickmansworth Railway as lies between the respective points of junction therewith of the deviation of that railway by this Act authorised.

Compensation for damage to land by entry &c. for purposes of railway abandoned.

20. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways

Clauses Consolidation Act 1845 or the Aylesbury and Rickmansworth Railway Act 1881. A.D. 1885.

21. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway authorised to be abandoned by this Act and which is not required for the purposes of this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of portion of railway abandoned.

22. The railways by this Act authorised shall with respect to tolls and in all other respects respectively be deemed part of the Aylesbury and Rickmansworth Railway.

Railways to form part of Aylesbury and Rickmansworth Railway.

23. The period limited by the Aylesbury and Rickmansworth Railway Act 1881 for the completion of the railway and works thereby authorised as extended by the Metropolitan Railway (Various Powers) Act 1884 is by this Act further extended until the eighteenth day of July one thousand eight hundred and eighty-eight.

Extension of time for making certain railway.

24. Notwithstanding anything in this Act contained the Company shall on or before the eighteenth day of July one thousand eight hundred and eighty-five serve notice to treat for the purchase of such portion of the lands of which the Right Honourable Charles Compton William Baron Chesham of Chesham in the county of Buckingham is now the tenant for life as would be required for the purposes of the railway authorised by the Aylesbury and Rickmansworth Railway Act 1881 assuming that railway to be constructed according to the deposited plans and sections referred to in that Act with such deviations as are in accordance therewith and further shall on or before the thirtieth day of June one thousand eight hundred and eighty-six serve notice to treat for the purchase of such further portion of the said lands as would be required for the purposes of the railway firstly described in and authorised by this Act assuming that railway to be constructed according to the deposited plans and sections referred to in this Act with such deviations as are in accordance therewith and if the Company fail to serve such notice in respect of the last-mentioned portion of the said lands on

For the protection of Lord Chesham's estate.

A.D. 1885. or before the said thirtieth day of June one thousand eight hundred and eighty-six the powers of the Company for the compulsory purchase of lands for the purposes of this Act shall forthwith cease and determine so far as regards the said last-mentioned portion of the said lands.

Restriction
on displacing
persons of
labouring
classes.

25. (1.) The Company shall not under the powers of this Act or of the Aylesbury and Rickmansworth Railway Act 1881 purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or in any other city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a.) They shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b.) Shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2.) The approval of the said Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State or the Local Government Board (as the case may be) have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4.) Any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State or the Local Government Board (as the case may be) out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State or the Local Government Board (as the case may be) by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands beyond the metropolis by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such buildings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

A.D. 1885.

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the said Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit.

(8.) All buildings erected or provided by the Company within the metropolis for the purposes of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Acts amending those respective Acts.

(9.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(10.) The said Secretary of State or the Local Government Board (as the case may be) may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the said Secretary of State or the Local Government Board (as the case may be) shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(11.) The Company shall pay to the Local Government Board a sum to be fixed by that board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector and the provisions of this sub-section shall mutatis mutandis apply to the repayment of expenses incurred by or on behalf of the said Secretary of State.

(12.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages

but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

A.D. 1885.

26. The Company on the one hand and any public or local authority (other than the Metropolitan Board of Works) and any Company formed or associated for the purpose of erecting or providing dwellings for persons belonging to the labouring class on the other hand may make and carry into effect agreements with reference to the erection of dwellings for the labouring class upon any lands acquired by them for that purpose or upon any surplus lands of the Company other than and except any lands which the Company are by any Act of Parliament expressly prohibited from using for that purpose or over which any right of pre-exemption exists and with respect to the contribution of capital by the Company or any of such authorities or bodies in connexion therewith.

Power to Company and other bodies to agree as to labouring class dwellings.

27. If the Company shall at an extraordinary general meeting of the Company by the votes of the proprietors present personally or by proxy holding at least three fourths of the paid-up capital represented at such meeting pass a resolution to the effect that it is expedient that the capital authorised to be raised by the Company under the Aylesbury and Rickmansworth Railway Act 1881 or such portion thereof as shall be applied for the purposes of the Aylesbury and Rickmansworth Railway as herein-after defined be constituted a separate capital and that the Aylesbury and Rickmansworth Railway being the railways authorised by the Aylesbury and Rickmansworth Railway Act 1881 commencing at Aylesbury and terminating at Rickmansworth together with the branch railway to Chesham and the deviation authorised by this Act be constituted a separate undertaking then such railway with all lands buildings and property purchased or to be purchased for the purposes thereof shall form a separate undertaking (herein-after referred to as the separate undertaking) distinct and apart from the rest of the Company's undertaking and shall be called the Aylesbury and Rickmansworth undertaking or by some other distinctive name and the Company may accordingly construct work manage and maintain the said railway.

Provision for separate undertaking of Aylesbury and Rickmansworth Railway.

28. The directors of the Company may make such regulations and byelaws as they think necessary as to the control working and management of the separate undertaking and as to the exercise of the powers by the said Act of 1881 and this Act conferred on the Company in respect of such separate undertaking and they and

Management of separate undertaking.

A.D. 1885. any committees appointed by them for the purpose of that undertaking shall have and may exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to any other part of the Company's undertaking.

Exemption of separate undertaking from liabilities affecting general undertaking.

29. The separate undertaking and the revenues arising therefrom shall not be liable for the principal or interest of any mortgage or debenture debt or other charge on any other part of the Company's undertaking nor shall any other part of the Company's undertaking be liable for the principal or interest of any mortgage or debenture debt or other charge on the separate undertaking.

Separate accounts.

30. Separate accounts shall be kept of the capital and revenue of the separate undertaking and of the payments made in respect thereof in the same form and subject to the same conditions as nearly as may be as if the separate undertaking belonged to an independent Company.

Repayment to general undertaking of money spent for purposes of separate undertaking.

31. The directors of the Company may from time to time make such provision as to them seems expedient for repayment by the separate undertaking to the general undertaking of the Company of money expended out of the revenue or capital of the general undertaking for any of the purposes of the separate undertaking before the passing of the resolution constituting the separate undertaking.

Votes of holders of separate capital.

32. In the event of a separate undertaking being constituted under this Act then unless it be otherwise provided by the resolution creating the same the holders of shares or stock in the separate capital shall not be entitled to vote at meetings of the Company except in relation to matters concerning the separate undertaking.

Separate undertaking to be worked in an efficient manner.

33. After the opening of the separate undertaking for public traffic the Company shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic of the district to be served by the said undertaking. In case any difference shall arise between the Company and any of the holders of stock or shares in the separate capital with respect to the working or non-working or insufficient working by the Company of the said undertaking or otherwise in relation thereto whereby the holders of such stock or shares deem themselves to be injuriously affected such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and such arbitrator shall have full power to settle and determine any such difference and to order the Company to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such

arbitration as he shall think just. In case the Company make default in complying with any such order within the time thereby prescribed then and in every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding fifty pounds for every day after the first during which such default shall continue..

A.D. 1885.

34. The Company may if they think fit at any time or times by resolution passed at an extraordinary general meeting by three fourths of the votes of the proprietors present personally or by proxy and on a similar resolution being passed at a like meeting of the proprietors of capital in the separate undertaking and by a like proportion of votes as aforesaid resolve that the separate capital and undertaking or any part thereof shall be merged in the general undertaking of the Company and thereupon the separate capital and undertaking or such part thereof as is specified in the resolution shall be so merged accordingly subject to such terms and conditions as may be specified in such resolution. Provided always that the provisions of this section shall be clearly stated on the certificates of the shares or stock in such separate capital.

Power to merge separate undertaking in general undertaking.

35. The Company may erect and maintain upon lands at New Cross in the county of Surrey which they hold under a lease from the East London Railway Company dated the thirtieth day of June one thousand eight hundred and eighty-four engine and carriage sheds and other works and conveniences and may expend for that purpose any sums not exceeding in the whole twenty-five thousand pounds: And may erect and maintain a new station with all necessary station buildings works and conveniences on the lands by this Act authorised to be acquired by them at Baker Street in the parish of Saint James and Saint John Clerkenwell and may expend for that purpose any sum not exceeding in the whole seventy-five thousand pounds.

Power to erect engine sheds &c. at New Cross.

36. The Company on the one hand and the South-eastern Railway Company on the other hand may enter into agreements as to the provision and use of terminal and other accommodation at New Cross and as to the interchange accommodation conveyance and delivery of traffic coming from or destined for their respective undertakings.

Power to Company and South-eastern Railway Company to make agreements.

37. The Company may with the consent of not less than three fourths of the votes of the shareholders present in person or by proxy at a meeting convened with special notice of the purpose apply from time to time the whole or any part of any moneys paid to them by the Metropolitan District Railway Company under section 20

Power to purchase stock.

A.D. 1885. of the Metropolitan District Railway Act 1884 and the whole or any part of any moneys received by them from the sale of surplus lands acquired under the powers of the Metropolitan and District (City Lines and Extensions) Act 1879 and situate between the Mansion House Station and Saint Mary's Station Whitechapel in the purchase of debenture preference or ordinary stock of the Company and any stock so purchased shall thereupon be extinguished and the certificates thereof cancelled and the capital of the Company shall be and is hereby pro tanto reduced: Provided that the Company shall in the first instance purchase and extinguish or provide for the purchase and extinction of the one hundred and sixty-six thousand five hundred and forty pounds of divided ordinary stock (namely eighty-three thousand two hundred and seventy pounds preferred ordinary stock and eighty-three thousand two hundred and seventy pounds deferred ordinary stock) at such a price as failing agreement in each case shall be the market value of the said stock at the date of the passing of this Act together with a bonus of five per centum calculated upon the nominal value and in case of difference the said market value shall be determined by arbitration in manner provided with reference to arbitrations between railway companies under the Railway Companies Arbitration Act 1859 and no further division of ordinary stock into preferred or deferred ordinary stock shall after the passing of this Act be made: Provided also that subject to the last preceding proviso the debenture stock and the preference and ordinary stock to be from time to time purchased and extinguished by the Company under this section shall be purchased and extinguished in the proportions according to the nominal amount of stock purchased of one third of debenture stock and two thirds of preference and ordinary or preference or ordinary stock.

Trustees &c.
may sell
under pre-
ceding sec-
tion.

38. Any trustee executor or administrator being a holder in that capacity of preferred ordinary stock or deferred ordinary stock is hereby empowered to sell the same under the provisions of the last preceding section of this Act and shall not be liable for a breach of trust in respect of any such sale and the proceeds of any such sale shall be held upon and subject to the same trusts estates rights interests powers authorities and liabilities as the stock sold was subject to and so as not to revoke any deed will or other instrument affecting such stock.

Provisions as
to creation of
surplus lands
stock.

39. The following provisions shall have effect with reference to the separation of the surplus lands of the Company from their railway and works and to the creation and issue of a surplus lands stock (that is to say) :—

- | | |
|---|---|
| <p>1. The directors of the Company shall prepare a plan showing the freehold leasehold copyhold or other lands and rent yielding properties of the Company not in the judgment of the directors actually required or likely to be required for the purposes of the railway undertaking of the Company and shall also prepare a schedule containing a full description of such lands and property (herein-after called "the surplus lands") together with the names and addresses of the lessees or occupiers thereof and particulars of the tenancies and rentals in respect of the same at the date of the preparation of the said plan and schedule ;</p> | <p>A.D. 1885.
Plan and schedule of surplus lands to be prepared.</p> |
| <p>2. The Company may with the consent of not less than three fourths of the votes of the ordinary shareholders present in person or by proxy at a meeting convened with special notice for the purpose separate the surplus lands of the Company and the rents and profits thereof on the one hand from the railway stations and works of the Company and the revenues arising from the working and use of the railways stations and works on the other hand ;</p> | <p>Power to separate surplus lands.</p> |
| <p>3. The Company shall at such meeting as aforesaid fix and determine the amount of capital which shall represent the present and prospective value of the surplus lands and the Company may at such meeting with such consent as aforesaid create and issue a stock to be called the "surplus lands stock" equal in amount to the estimated value of the estates as so fixed and determined ;</p> | <p>Company to fix value of surplus lands and amount of estate stock.</p> |
| <p>4. The Company shall issue the surplus lands stock rateably to the registered holders of the ordinary stock of the Company under such terms of issue regulations and conditions as such meeting may fix and determine ;</p> | <p>Surplus lands stock to be issued rateably to ordinary shareholders.</p> |
| <p>5. The surplus lands stock shall be held by the persons to whom the same is issued subject to the same trusts (if any) and with the same powers and incidents in all respects as the ordinary stock in respect whereof the said surplus lands stock may be issued ;</p> | <p>Surplus lands stock to be held on same trusts.</p> |
| <p>6. Notwithstanding anything in this Act contained the surplus lands shall continue to be vested in the Company and the Company shall at the request and on the demand of the surplus lands committee (herein-after constituted) but not otherwise exercise all such powers of sale and grant such building repairing and other leases and otherwise deal with the surplus lands in like manner and to such extent as the Company are now empowered to deal with superfluous lands but so nevertheless that the following provisions shall apply</p> | <p>Surplus lands to remain vested in the Company but to be under control and management of a surplus lands committee.</p> |

A.D. 1885.

to the control and management of the surplus lands and the application of the rents and profits arising therefrom ;

- (A.) The surplus lands shall be under the control and management of a committee to be called the "Metropolitan Railway Surplus Lands Committee" consisting of five persons three of whom shall be annually appointed by the holders for the time being of the surplus lands stock and two of whom shall be appointed by the directors of the Company ;
- (B.) The committee shall have the sole direction control and management of the surplus lands and the sale lease or other dealing with any part or parts thereof and the directors shall from time to time when so required to do by the committee affix the seal of the Company to all conveyances leases assignments petitions licenses notices or other documents relating to the surplus lands or any parts thereof ;
- (C.) The committee shall keep separate accounts relating to the surplus lands showing the annual income and outgoings in respect thereof and any moneys derived from the sale or other disposal of the same And the committee shall present each half year a report with a statement of account to the holders of the surplus lands stock ;
- (D.) The committee shall apply the net annual income arising from the surplus lands to the payment of interest upon the surplus lands stock and such interest shall be paid half yearly ;
- (E.) The committee shall apply the net proceeds arising from the sale of any part or parts of the surplus lands or which may arise from premiums on the granting or renewal of leases or otherwise in the purchase of freehold lands or buildings or shall invest any such moneys on mortgage of real estate or in the debenture or preference stocks or the mortgage bonds of the Company All such properties shall be purchased and investments made in the name of the Company and not in the name of the surplus lands committee ;
- (F.) The directors may from time to time remove the members of the committee appointed by them. In the event of any vacancy arising in the committee by removal death resignation or otherwise such vacancy if arising among the members of the committee appointed by the holders of the surplus lands stock shall pending the next ordinary half-yearly meeting of such holders be filled up by the

surviving members of the said committee who represent the interests of such holders and any vacancy arising among the members of the committee appointed by the directors shall pending the next half-yearly meeting of the Company be filled up by the directors of the Company. The remuneration of the said committee shall be determined by the holders of the surplus lands stock ;

(G.) All actions suits indictments and other proceedings at law and in equity which might have been brought and prosecuted by or against the Company in respect of or in relation to the surplus lands or any part thereof shall be brought against the committee and the expense of any such proceedings shall be borne by the surplus lands and not by the general railway undertaking of the Company ;

(H.) The provisions contained in the Companies Clauses Consolidation Act 1845 with respect to the appointment and duties of auditors and the provisions contained in the Regulation of Railways Act 1868 with respect to accounts and audit shall so far as they are applicable apply to the separate accounts herein-before provided for ;

7. The first ordinary meeting of the holders of the surplus lands stock shall be held within twelve months after the date of the meeting of the Company at which such stock is created and subsequent ordinary meetings of the said holders shall be held twice in every year in the months of January and July or otherwise as the committee shall appoint ;

Meetings of surplus lands stockholders.

8. Nothing in this Act contained shall in any way alter prejudice diminish limit or otherwise affect the security for or any priorities subsisting between the debentures debenture stocks and mortgage bonds or of any preference stocks charged upon or granted created and issued in respect of the general undertaking of the Company and the revenues thereof and now subsisting ;

Security for existing debenture stocks and mortgages.

9. No debentures debenture stocks mortgage bonds or other securities created granted or issued by the Company after the date of the separation of the surplus lands from the general undertaking of the Company shall be charged upon the surplus lands or upon the revenues thereof.

Future mortgages and debentures not to be charged on surplus lands revenues.

40. And whereas it is desirable to provide for the gradual reduction of the debenture claims upon the Company therefore the directors may to that end from time to time by agreement with any holder or holders of debentures or debenture stocks convert their holdings or portions thereof into annuities or charges having not

Power to convert debenture debt into annuities.

A.D. 1885. more than ninety-nine years to run. Provided always that it shall not be lawful for any trustee executor or administrator being a holder of debenture stock to convert the same into any terminable security under the provisions of this section.

Company may apply their funds.

41. It shall be lawful for the Company to apply towards the purposes of this Act to which capital is properly applicable any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Interest not to be paid on calls paid up.

42. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

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

43. 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 railway or to execute any other work or undertaking.

Provision as to general railway Acts.

44. Nothing in this Act contained shall exempt the railway or the Company from the provisions of any general Act relating to railways or the better or 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.

Costs of Act.

45. 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.