CHAPTER cxxxvi.

An Act to confer further powers upon the Metropolitan Railway Company with reference to their undertaking and their surplus lands and other matters; and for other purposes. [19th July 1887.]

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WHEREAS it is expedient that the Metropolitan Railway Company (in this Act called "the Company") should be empowered to stop up or divert the existing footpaths and portions of footpaths and to substitute therefor the other footpaths hereinafter respectively described all in the parish of Rickmansworth in the county of Hertford:

And whereas plans showing the lines of the said footpaths respectively and the lands by this Act authorised to be acquired and appropriated for the purposes thereof and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Hertford which plans and book of reference are in this Act referred to respectively as "the "deposited plans and book of reference":

And whereas by section 39 of the Metropolitan Railway Act 1885 (in this Act referred to as "the Act of 1885") provision was made for the separation of the surplus lands of the Company from their railway and works and for the creation and issue of surplus lands stock:

And whereas a scheme was prepared in pursuance of the said section and (subject to certain modifications thereof) received the consents required by the said section and it is expedient that the said scheme as set forth in the schedule to this Act should be confirmed:

And whereas the Company were authorised to raise sums amounting in the whole to the sum of seven hundred and eighty-two thousand pounds for the purpose of acquiring the undertaking of the Metropolitan and St. John's Wood Railway Company (in

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this Act referred to as "the St. John's Wood Company") and of purchasing the shares in the capital of the said Company and of such sum the Company have raised the sum of two hundred and ninety-three thousand one hundred and seventy pounds only and have otherwise provided the funds necessary for the purpose of such acquisition and purchase and it is expedient that the powers of the Company to raise the unissued balance of the said sum amounting to the sum of four hundred and eighty-eight thousand eight hundred and thirty pounds should be cancelled and repealed:

And whereas by section 11 of the Metropolitan Railway Act 1874 the Company were required in the events therein mentioned to apply the purchase money derived by them from the sale of surplus lands in paying off their mortgage debt to the extent of four hundred and forty thousand pounds:

And whereas the Company have paid off and extinguished under the said provisions the sum of one hundred and thirty-five thousand three hundred and forty-four pounds and ninepence and it is expedient that on the cancellation and repeal of the powers above referred to the obligation to redeem the balance of three hundred and four thousand six hundred and fifty-five pounds nineteen shillings and threepence should be repealed:

And whereas it is expedient that the Company should be empowered to apply their funds as by this Act authorised:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and 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 for all purposes as the Metropolitan Railway Act 1887.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which 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.

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Power to Company to stop up and divert existing footpaths.

4. Subject to the provisions of this Act the Company may stop up and divert the existing footpaths and may substitute therefor the other footpaths herein-after respectively described all in the parish of Rickmansworth in the county of Hertford with all proper works and conveniences in connection therewith respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes (that is to say) :—

(1.) They may stop up so much of the footpath leading from North Wood to Grove Green Lane as lies between the parish boundary of Ruislip and Rickmansworth in the field numbered on the deposited plans referred to in the Rickmansworth Extension Railway Act 1880 4 in the said parish and a point in Grove Green Lane seven chains or thereabouts east of the centre of the said railway as now in course of construction across that lane and may substitute therefor a new or diverted footpath from the point first herein-before described to a point in Grove Green Lane two and a half chains or thereabouts west of the centre of the said railway ;

(2.) They may stop up so much of the footpath leading from the lock of the Grand Junction Canal near Croxley Hall Farm to the north-west corner of the brewery in the High Street of Rickmansworth as lies between the point where the said footpath abuts on the said railway in the field numbered on the said deposited plans 41 in the said parish and a point one chain or thereabouts east of the footbridge whereby the said footpath is carried over the River Chess and may substitute therefor a new or diverted footpath running along the southern boundary of the said railway between the said points ;

(3.) They may stop up so much of the footpath secondly herein-before described as lies between a point seven chains or thereabouts east of the north-west corner of the before-mentioned brewery and a point one chain or thereabouts east of the same corner and may substitute therefor a new or diverted footpath running along the southern boundary of the said railway between the said points ;

(4.) They may stop up so much of the footpath leading from the said footpath secondly herein-before described to Croxley Green as lies between a point two chains or thereabouts north of the north-east corner of Croxley Hall farm buildings and a point seven chains or thereabouts north of the same corner and may substitute therefor a new or diverted footpath running along the new road constructed by the Company through the lands of Gonville and Caius College from a point half a chain or

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thereabouts north of the said corner to the said point seven chains or thereabouts north of the said corner;

(5.) They may stop up so much of the footpath leading from the said footpath secondly herein-before described to Watford as lies between a point two chains or thereabouts north-east of the north-east corner of Croxley Hall farm buildings and a point on the northern side of the said railway where the fence of the said railway intersects the fence dividing the field numbered 41 from the wood numbered 43 on the said deposited plans and may substitute therefor a new or diverted footpath along the northern boundary of the aforesaid railway commencing in the new road herein-before described at a point about three chains north of the north-east corner of Croxley Hall farm buildings and terminating at the said point on the northern side of the said railway;

(6.) They may stop up so much of the footpath leading from Fortune Common to the north-west corner of the before-mentioned brewery as lies between the point where the said footpath abuts on the said railway four chains or thereabouts north-east of the north-west corner of the said brewery and the said corner and may substitute therefor a new or diverted footpath running along the northern boundary of the said railway from the first-mentioned point to a point in the High Street aforesaid two chains or thereabouts measured along that street north of the said north-west corner of the said brewery;

(7.) They may stop up the footpath known as Love Lane between a point half-a-chain or thereabouts from its commencement at the High Street aforesaid and its termination at the end of the Solomon's Hill footpath where it abuts on Rickmansworth Park and may substitute therefor a new or diverted footpath along the southern side of the railway authorised by the Aylesbury and Rickmansworth Railway Act 1881 now in course of construction commencing at a point in the High Street aforesaid one chain or thereabouts south of the centre of the bridge whereby the said railway is being carried over the said street and terminating by a junction with the Solomon's Hill footpath at a point four and a half chains or thereabouts south of its northern termination;

(8.) They may stop up so much of the Solomon's Hill footpath as lies between the said point four and a half chains or thereabouts south of its northern termination and that termination and may substitute therefor a new or diverted footpath commencing at the herein-before described point four and a half

chains or thereabouts south of its said northern termination running along the southern boundary of the said Aylesbury and Rickmansworth Railway in a westerly direction for a distance of eighteen yards or thereabouts thence across the said railway and terminating by a junction with the Solomon's Hill footpath at its northern termination as shown upon the plan signed by the Right Honourable Baron Foxford the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred;

(9.) They may make and dedicate to the public use a new footpath running along the southern boundary of the said Aylesbury and Rickmansworth Railway from a point eighteen yards or thereabouts west of Solomon's Hill footpath to Chorley Wood Lane.

Period for compulsory purchase of lands.

5. The powers of the Company for the compulsory purchase of lands under the powers of this Act for the purposes of the said footpaths shall not be exercised after the expiration of one year from the passing of this Act.

Footpaths not to be stopped up till substituted footpaths completed.

6. The Company shall not stop up any footpath by this Act authorised to be stopped up until they shall have completed and opened to the public the new or diverted footpath as the case may be by this Act authorised to be substituted for the footpath so to be stopped up.

Provisions as to repair of new footpaths.

7. The new and diverted footpaths to be made under the authority of this Act (except the stone iron or other structure carrying any such new or diverted footpath over any railway which structure shall be repaired and maintained by and at the expense of the Company) shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other footpaths in the said parish of Rickmansworth If any question shall arise between the Company and such parties as to the due completion of any such new or diverted footpath such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days' notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of such new or diverted footpath shall be conclusive evidence of the fact so certified.

Extinguishment of rights of way.

8. All rights of way over or along the several footpaths or portions thereof which shall under the provisions of this Act be stopped up and discontinued shall be and the same are as from the

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stopping up purchase or acquisition thereof respectively by this Act extinguished.

Vesting in Company of site and soil of portions of footpaths stopped up.

9. The site and soil of the several footpaths or portions thereof by this Act authorised to be stopped up and discontinued and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company for the purposes of their undertaking subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

Restriction on acquiring houses occupied by labouring class.

10. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in 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 For the purposes of this section the expression "labouring class" includes mechanics artizans 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 of such persons who may be residing with them.

Confirming scheduled scheme for separation of surplus lands.

11. The scheme for the separation of the surplus lands of the Company from their railways and works and for the creation and issue of surplus lands stock as set forth in the schedule to this Act is hereby confirmed and the same shall be carried into effect accordingly Provided always that the scale of voting of the holders of surplus lands stock at all meetings of such holders shall be one vote in respect of each complete sum of ten pounds of such stock held by such holder.

Repealing powers as to issue of capital for purchase of St. John's Wood Railway.

12. All powers of the Company for raising moneys for or in connection with the acquisition by them of the undertaking of the St. John's Wood Company or of the shares in the capital of that Company are hereby cancelled and repealed except so far as the same shall have been exercised prior to the passing of this Act and section 11 of the Metropolitan Railway Act 1874 shall be and the same is hereby repealed.

Power to apply corporate funds to purposes of Act.

13. The Company may apply to any of the purposes of this Act being in every case purposes to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock debenture stock or mortgage by virtue of any Act relating to the Company and which may not be required for the purposes to which they are by any such Act made specially applicable.

Provision as to general railway Acts.

14. Nothing in this Act shall exempt the Company or their railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act.

15. 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.

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The SCHEDULE referred to in the foregoing Act.

SCHEME for the SEPARATION of the RAILWAY and SURPLUS ESTATE PROPERTIES as sanctioned and adopted by the PROPRIETORS at SPECIAL MEETINGS of the COMPANY on 27th July and 23rd November 1886.

Whereas clause 39 of the Metropolitan Railway Act 1885 enacts as follows:—

Provisions as to creation of surplus lands stock.

Clause 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):—

Plan and schedule of surplus lands to be prepared.

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;

Power to separate surplus lands.

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;

Company to fix value of surplus lands and amount of estate stock.

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;

Surplus lands stock to be issued rateably to ordinary shareholders.

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;

Surplus lands stock to be held on same trusts.

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;

Surplus lands to remain vested in the Company but

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

to be under control and management of a surplus lands committee.

(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;

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(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;

Meetings of surplus lands stockholders.

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;

Security for existing debenture stocks and mortgages.

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;

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

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.

It was resolved as follows:—

1. That (as directed by the proprietors) "a plan showing the freehold "leasehold copyhold and 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 "a schedule containing a full description of such "lands and property together with the names and addresses of the "lessees and 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" having been duly prepared the provisions of section 2 of clause 39 of the Act of 1885 separating "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" be hereby adopted;
2. That as provided by section 3 of clause 39 of such Act it is hereby declared and resolved that the amount of capital which shall represent the present and prospective value of the surplus lands be hereby fixed and determined at the sum of 2,640,915*l.* which sum represents one-half the amount of the nominal value of the undivided ordinary stock of the

Company and that there be hereby created and issued a stock to be called "the surplus lands stock" to the amount of the aforesaid sum of 2,640,915*l.*;

3. That under the authority of section 4 of clause 39 of the Act of 1885 such "surplus lands stock" shall be issued rateably to the proprietors of the ordinary stock (other than the preferred ordinary stock and the deferred ordinary stock for the purchase and extinction of which stocks provision has been duly made) registered on the books of the Company on the 30th June 1887 in the proportions of 1*l.* of surplus lands stock to every 2*l.* of ordinary stock of the Company Provided that no allotment shall be made on holdings of 1*l.* of ordinary stock (if any) Subject to the aforesaid conditions the directors are hereby authorised to determine such terms of issue regulations and conditions as may in their judgment be necessary for carrying into effect the scheme as contained in the Act which scheme is to come into operation on the 1st July 1887;
4. That sections 5, 6, 7, 8, and 9 of clause 39 of the Act are hereby confirmed and adopted;
5. That the board of the Metropolitan Company and the surplus lands committee shall covenant that the business of the surplus estate be carried on as heretofore at the offices of the Metropolitan Railway Company at the cost (not to exceed the average cost to the Metropolitan Company in past years) of the surplus lands fund and that such agreed expenditure shall be revisable on a year's notice on either side That the board in the event of the above resolutions being adopted by the proprietors will recommend that Mr. Henry Davis Pochin and Mr. George Morphett be the members of the surplus lands committee to be nominated by the board and that Mr. John Bell Mr. John Meredith Eyles and Mr. Albert George Kitching be recommended for election by the holders of the surplus lands stock as the first elected members of such committee;
6. That a covenant shall be made between the board and surplus lands committee that if any surplus lands hereditaments and premises whether shown upon the plan and described in the schedule herein-before referred to or whether now or hereafter acquired by the surplus lands committee in manner provided by section 6 sub-section (E) or otherwise shall be required by the railway company the Company shall be entitled to acquire such surplus lands hereditaments and premises from the surplus lands committee at a price to be determined by arbitration should the parties differ in manner provided by the Lands Clauses Acts but in such case the railway company shall not be required to pay to the committee any additional sum beyond the ordinary value by reason of compulsory purchase.

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