CHAP. xliii.

An Act to abandon one of the railways authorised by "The Muswell Hill Estate and Railways Act, 1866," and part of another of the said railways; and to extend the time for the purchase of land and for the construction of so much of the said railways as are not to be abandoned; and for other purposes. [16th June 1871.] A.D. 1871.

WHEREAS by "The Muswell Hill Estate and Railways Act, 1866," (in this Act called "the Act of 1866,") the Muswell Hill Estate and Railways Company (Limited) (in this Act called "the Company") were authorised to make the railways therein and in this Act respectively called railway No. 1, railway No. 2, and railway No. 3, whereof railway No. 1 was to commence in the parish of Tottenham in the county of Middlesex, near the building called the Alexandra Palace, then in course of construction, and now completed, and to terminate in the same parish five hundred and fifty yards or thereabouts from Tottenham Wood House; and railway No. 2 was to commence by a junction with railway No. 1, and to terminate by a junction with the Alexandra Park branch of the Edgware, Highgate, and London Railway; and railway No. 3 was to commence by a junction with railway No. 1, and to terminate in the parish of Saint Mary, Hornsey, by a junction with railway No. 2 and the said Alexandra Park branch of the Edgware, Highgate, and London Railway, or one of them: 29 & 30 Vict. c. ccxc.

And whereas the object of railway No. 1 and railway No. 2 was to give access by railway to the Alexandra Palace, belonging to the Company, but leased to the Alexandra Palace Company (Limited), from the eastern parts of the metropolis by means of the Alexandra Park branch of the Great Eastern Railway Company, and other railways of the Great Eastern Railway Company in connexion with that branch:

And whereas the Great Eastern Railway Company did not proceed with the construction of their Alexandra Park branch, and the same

A.D. 1871.

is now abandoned by Act of Parliament, and the construction of the railways of the Company was postponed in consequence of the uncertainty as to the construction of the Alexandra Park branch of the Great Eastern Railway, and the abandonment of that branch renders useless the construction of so much of railway No. 1 as lies between the junction therewith of railway No. 2 and the termination thereof near the Tottenham Wood House, and also the construction of railway No. 2; and it is expedient that the part aforesaid of railway No. 1 and the whole of railway No. 2 should be abandoned, and that the time for the compulsory purchase of lands with respect to the remaining portion of railway No. 1, and with respect to railway No. 3, and also the time for the completion of the last-mentioned portion of railway No. 1 and of railway No. 3, should be extended:

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 of the 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 for all purposes be cited as "The Muswell Hill Estate and Railways Act, 1871."

26 & 27 Vict. c. 92. incorporated.

2. Part II. of "The Railways Clauses Act, 1863," relating to extension of time (except where expressly varied by this Act), shall be incorporated with and form part of this Act.

Abandonment of part of railway No. 1 and railway No. 2.

3. The Company shall abandon the construction of so much of railway No. 1 as lies between the point of junction therewith of railway No. 3 and the termination of railway No. 1, near the Tottenham Wood House, and also the construction of railway No. 2.

Compensation for damage to land by entry, &c. for purposes of railways and works abandoned.

4. The abandonment by the Company under the authority of this Act of any portion of any railway or work shall not prejudice or affect the right of the owner or occupier of any land to receive compensation, in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," 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 or work; and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation, in accordance with the provisions in that

behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have 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 last-mentioned Act or in the Act of 1866, or either of them.

Compensation to be made in respect of portions of railways and works abandoned.

5. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, and which shall not be required by the Company for other purposes of their undertaking, 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," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extending time for compulsory purchase of lands.

6. The time limited by the Act of 1866 for the compulsory purchase and taking of lands shall, so far as relates to so much of railway No. 1 as is not by this Act authorised to be abandoned, and to railway No. 3, be prolonged and extended to the period of two years from the passing of this Act, but so that such powers shall not be exercised after the expiration of two years from the passing of this Act.

Extending time for completion of works.

7. The time limited by the Act of 1866 for the completion of the railways thereby authorised shall, so far as relates to the part of railway No. 1 not by this Act authorised to be abandoned, and so far as relates to railway No. 3, be prolonged and extended to the period of three years from the passing of this Act; and if on the expiration of that period the said part of railway No. 1 and railway No. 3 shall not be completed, the powers by this Act authorised for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Railways not exempt from provisions of present and future general Acts.

8. Nothing herein contained shall be deemed or construed to exempt the railways of 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

A.D. 1871.

Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by any Act relating to the Company.

Expenses of Act.

9. 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.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1871.