

**CHAPTER liii.**

An Act to confer further powers upon the Metropolitan Railway Company with reference to their Aylesbury and Rickmansworth Railway and their surplus lands; and for other purposes. A.D. 1889.
[5th July 1889.]

WHEREAS the Metropolitan Railway Company (in this Act called "the Company") were by the Metropolitan Railway Act 1885 (in this Act called "the Act of 1885") empowered to constitute the railway authorised by the Aylesbury and Rickmansworth Railway Act 1881 including the deviation thereof and the branch railway therefrom to Chesham authorised by the said first-mentioned Act a separate undertaking with a separate capital:

And whereas it is expedient that the Company should be authorised to construct the new railway herein-after described in extension of the said branch railway to Chesham and that further provisions should be made as to constituting the portion of the Aylesbury and Rickmansworth Railway between the junction therewith of the said branch railway to Chesham and Aylesbury (in this Act referred to as "the Aylesbury section") a separate undertaking:

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 whereas the Company have acquired or served notice to treat for the lands required for the construction of the Aylesbury section and it is expedient that the period for the completion thereof should be extended as provided by this Act:

And whereas it is expedient that further powers should be conferred upon the Company and the Metropolitan Railway Surplus Lands Committee (in this Act referred to as "the Surplus Lands Committee") with respect to the purchase and sale of lands and the investment of the proceeds thereof and that provision should be made for the retirement of the members of the said committee

A.D. 1889. — nominated by the holders of surplus lands stock as herein-after contained :

And whereas it is expedient that the Company should be empowered to apply their funds including any moneys arising from the sale of surplus lands still belonging to the Company and not transferred to the Surplus Lands Committee in or towards the purposes by this Act authorised :

And whereas plans and sections of the railway and works by this Act authorised and plans of 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 clerk of the peace for the county of 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 1889.

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 and Parts I. and II. of the Railways Clauses Act 1863 (relating respectively to construction of railway and extension of time) 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.

Power to take additional lands.

4. Subject to the provisions of this Act and for the purposes of their undertaking the Company may enter upon take and use all or any of the lands and buildings in the parishes of Great Missenden and Little Missenden or one of them in the county of Buckingham which are delineated on the deposited plans and described in the deposited books of reference.

5. 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 railway herein-after described 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 railway herein-before referred to and authorised by this Act is—

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Power to make new railway at Chesham.

A railway seven furlongs and one chain in length commencing in the parish of Chesham Bois in the county of Buckingham by a junction with the Company's branch to Chesham now in course of construction and terminating in the parish of Chesham in the same county in a field numbered 1293 on the large-scale ($\frac{1}{2500}$ inch) Ordnance Map.

6. Notwithstanding anything in this Act contained the Company shall not acquire for the purposes of the railway by this Act authorised any greater quantity in the aggregate than thirty-three perches of the common or commonable land known as "the Moor" in the parishes of Chesham Bois and Chesham in the county of Buckingham.

Limiting quantity of common land to be taken.

7. 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.

Owners &c. empowered to grant easements.

8. 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.

Period for compulsory purchase of lands.

9. If the railway by this Act authorised and described on the deposited plans be not completed within three 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 except as to so much thereof as is then completed.

Period for completion of works.

10. If the Company fail within the period limited by this Act to complete the railway by this Act authorised 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 railway is completed

Penalty imposed unless railway opened within the time limited.

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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 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 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.

Application
of penalty.

11. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "London Gazette" 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 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 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 court 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 court 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. A.D. 1889.

12. The railway by this Act authorised shall with respect to tolls rates and charges and for all other purposes be part of the railway of the Company. Railway to form part of Company's railway.

13. The period limited by the Aylesbury and Rickmansworth Railway Act 1881 as amended by the Metropolitan Railway (Various Powers) Act 1884 and the Act of 1885 for the completion of the Aylesbury section being a portion of the railway by the first-mentioned Act authorised is hereby further extended for the period of two years from the passing of this Act and subject to the provisions of the said Acts the powers thereby conferred upon the Company for the construction of the Aylesbury section may be exercised by the Company for that period as fully and effectually as if that period had been the period prescribed by the first-mentioned Act for the exercise thereof and sections 18 and 19 of the said Act of 1881 shall be read and construed accordingly: Extension of time for making a certain railway.

If the Aylesbury section be not completed within the said period of two 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 or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall be then completed.

14.—(1.) The Company shall not under the powers of this Act purchase or acquire in any 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— Restriction on displacing persons of labouring class.

(A.) They shall have obtained the approval 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 Local Government Board 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

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(B.) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board 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 Local Government Board 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 Local Government Board 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 Local Government Board out 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 Local Government Board 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 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 dwellings 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 :

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 Local Government Board 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.) 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.

(9.) The Local Government Board 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 Local Government Board 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.

(10.) 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.

(11.) 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.

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Provision for separate undertaking of Aylesbury section.

15. And whereas at a general meeting of the Company held on the twenty-seventh day of July one thousand eight hundred and eighty-six it was resolved that the portion of the Aylesbury and Rickmansworth Railway commencing in the parish of Amersham in the county of Buckingham at the junction of the said railway with the Chesham Branch Railway and terminating at Aylesbury in the county of Buckingham by a junction with the Aylesbury and Buckingham Railway (being the portion thereof herein-before referred to as the Aylesbury section) should be constituted a separate undertaking distinct and apart from the rest of the Company's undertaking and that such portion of the capital authorised by the Aylesbury and Rickmansworth Railway Act 1881 and the Act of 1885 as might be required for the purposes of the said railway from Amersham to Aylesbury should be raised as a separate capital in the manner provided by the said Acts and it is expedient that effect should be given to such resolution Therefore the provisions contained in the Act of 1885 with reference to constituting the Aylesbury and Rickmansworth Railway a separate undertaking and the capital authorised to be raised for the purposes thereof a separate capital shall unless the Company otherwise determine extend and apply and may be put in force with respect to the Aylesbury section and the said resolution shall be valid and take effect as if it had been passed under the powers of the Act of 1885 as amended by this section.

Power to Company to purchase lands from Surplus Lands Committee.

16. The Company may from time to time purchase from the Surplus Lands Committee and the said committee may and shall sell to the Company at a price to be agreed between the committee and the Company or failing agreement to be settled by arbitration in the manner provided by the Lands Clauses Consolidation Acts but in such case without payment by the Company of any additional sum beyond the ordinary value by reason of compulsory purchase any lands tenements hereditaments and premises belonging to or held by the Surplus Lands Committee and which may be required by the Company for the purposes of their undertaking.

Power to Surplus Lands Committee as to investments.

17. The provisions contained in sub-section 6 (E) of section 39 of the Act of 1885 with reference to the application by the Surplus Lands Committee of the net proceeds therein referred to shall extend to and include the purchase of the leasehold interests in any lands and buildings of which the Company have acquired the freehold And any leasehold interests so acquired shall be subject to the same provisions so far as applicable as freeholds are or may for the time being be subject to.

Providing for retirement of

18. Notwithstanding anything contained in sub-section 6 (A) of section 39 of the Act of 1885 the members of the Surplus Lands

Committee nominated by the holders of the surplus lands stock shall retire from office at the times and in manner following the individual to retire being in each instance to be determined by ballot amongst such members as aforesaid unless they shall otherwise agree (that is to say) :—

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members of
Surplus
Lands
Committee
nominated by
the surplus
lands stock-
holders.

At the end of the year of office which shall be unexpired at the passing of this Act one such member to be determined as aforesaid shall go out of office. At the end of the next following year of office one other such member to be determined in like manner shall go out of office. And at the end of the next following year of office the remaining member nominated as aforesaid shall go out of office :

And in each instance the place of the retiring member shall be supplied by the holders of the surplus lands stock and at the first ordinary meeting of the committee in every subsequent year the member who has been longest in office shall go out of office and his place be supplied in like manner. Nevertheless every member so retiring from office may be re-elected immediately or at any future time and after such re-election shall with reference to the going out by rotation be considered as a new member.

19. 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 including any moneys arising from the sale of surplus lands still belonging to the Company and not transferred to the Surplus Lands Committee.

Company
may apply
their funds.

20. 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.

Provision as
to general
Railway Acts.

21. 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.

Costs of Act.

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