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# VICTORIÆ REGINÆ.

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## *Cap. ccxc.*

An Act to enable the *Muswell Hill Estate Company* (Limited) to make certain Railways over their Estate, for giving Access thereto from neighbouring Railways, and to enter into Arrangements for the Use thereof; and for other Purposes. [30th July 1866.]

WHEREAS the *Muswell Hill Estate Company* (Limited) claim to be Owners of certain Lands in the Parishes of *Tottenham Saint Mary, Hornsey, and Saint James, Clerkenwell* (detached) in the County of *Middlesex*, whereof Part (hereinafter called the *Alexandra Palace* Grounds,) is let for a Term of Nine hundred and ninety-nine Years to the *Alexandra Palace Company, Limited*, and is being laid out in an ornamental Manner and for public Resort and Recreation, and Part is being laid out as Building Ground, and it is expedient that Railways for giving Access to the said Places of public Resort should be made in convenient Directions over the said Estate, and that the said Company, in consideration of their allowing the Part laid out for public Resort and Recreation being so used in perpetuity, should be authorized to make and maintain the said Railways, and should have Power to enter into Agreements, with respect to the Use thereof, with the *Great Eastern Railway Company,*

[*Local.*]

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the

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the *Great Northern* Railway Company, and the *Edgware, Highgate, and London* Railway Company, or any of them: And whereas a Plan and Section of the proposed Railways, showing the Line and Levels thereof respectively, and the Lands upon which the same are proposed to be made, together with a Book of Reference to such Plan, have been deposited with the Clerk of the Peace of the County of *Middlesex*: And whereas it is expedient that the Company should be authorized to divert certain Footpaths within the Limits of the said Estate: 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:

Short Title. 1. This Act may be cited for all Purposes as "The *Muswell Hill* Estate and Railways Act, 1866."

8 & 9 Vict. cc. 16. & 20. and 26 & 27 Vict. cc. 92. & 118. incorporated. 2. "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Railways Clauses Act, 1863," relating respectively to Construction of a Railway and to Working Arrangements, the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several Matters following; (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Non-payment of Calls, the Remedies of Creditors of the Company against the Shareholders, the Consolidation of the Shares into Stock, and the Provision to be made for affording Access to the Special Act, and Parts I. and II. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, and to additional Capital, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction:

The Expression "the Special Act" shall mean this Act:

The Expression "the Company" shall mean the *Muswell Hill* Estate Company (Limited):

The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

4. Subject

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4. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections, and upon Lands belonging to the Company, the Railways herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively. The Railways herein-before referred to are,—

Power to make Railways accord- to deposited Plans.

1. A Railway (in this Act called Railway No. 1.), One Mile Two Furlongs and Nine Chains in Length, commencing in the Parish of *Tottenham* in the County of *Middlesex*, near the Building (called the *Alexandra Palace*) now in course of Construction, and terminating in the same Parish Five hundred and fifty Yards or thereabouts North of the *Tottenham Wood House*:

2. A Railway (in this Act called Railway No. 2.), Two Furlongs in Length, commencing in the Parish of *Tottenham* in the County of *Middlesex*, by a Junction with Railway No. 1., and terminating in the Parish of *Saint Mary, Hornsey*, in the same County, by a Junction with the *Alexandra Park Branch* of the *Edgware, Highgate, and London Railway*:

3. A Railway (in this Act called Railway No. 3.), Two Furlongs and Five Chains in Length, commencing near the said *Alexandra Palace* by a Junction with Railway No. 1., and terminating in the said 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.

5. The Company, with the Consent of Three Fourths of the Votes of the Shareholders present in person or by proxy at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise, by the Creation of new Ordinary Shares or Stock, such additional Capital for the Construction of the Railways and Works by this Act authorized as they think fit, not exceeding in the whole Seventy thousand Pounds, and all such Shares shall be of not less nominal Amount than Ten Pounds each.

Power for Company to raise Capital by Shares or Stock.

6. It shall not be lawful for the Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid up in respect thereof.

Shares not to issue until One Fifth paid up.

7. All Shares and Stock to be created by the Company under the Powers of this Act shall form a separate Class of Shares or Stock in the Capital of the Company, and be kept distinct from the other Shares

Shares and Stock to form a separate

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Capital, and called Railway Shares or Stock.

Application of Monies raised by Railway Shares or Stock to Costs of Act and Construction of Railways.

Separate Accounts of Receipts from Railways; Application thereof to current Expenses with respect to Railways and Dividends upon Railway Shares and Stock.

Period for Completion of Works.

Deposit Money not to be repaid until Line is opened or Half the Capital paid up and expended, except on Execution of Bond, &c.

Shares of the Company, and are herein-after called the Railway Shares and Railway Stock.

8. All Monies raised by the Company by means of the Railway Shares and Railway Stock shall be applied in Payment of the Costs, Charges, and Expenses of applying for and obtaining this Act, and in the Construction of the Railways and Works by this Act authorized, including the building of such Station or Stations as the Company think fit, and separate Accounts shall be kept by the Company of their Receipts of such Monies and of the Expenditure thereof.

9. The Company shall keep a separate Account of all their Receipts from the Railways and Works by this Act authorized, including such Station or Stations as aforesaid; and such Receipts shall be exclusively applicable in the Payment of the Company's current Expenses, with respect to the said Railways and Works, and subject thereto to the Payment of Dividends upon the Railway Shares and Railway Stock, and the Holders of the Railway Shares and Railway Stock shall not be entitled to Dividends out of any other Receipts or Revenues of the Company.

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

11. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Four thousand four hundred Pounds, being not less than Eight *per Centum* on Fifty-four thousand seven hundred and sixty-four Pounds Eighteen Shillings and Fourpence, the Amount of the Estimate of the Expense of the Railway by this Act authorized, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum so deposited as aforesaid, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, that the Company have paid up One Half of the

Amount

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Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the Sum so deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the Sum so deposited shall have been executed by the Company, with One or more Surety or Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for the Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

12. During the Use of the Railways, or any of them, of the Company by the *Great Eastern Railway Company*, or by the *Great Northern Railway* *[Local.]*

Tolls on Traffic conveyed partly on the Railway

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Company's  
Railway  
and partly  
on the  
Railway of  
another  
Company.

Railway Company, or by the *Edgware, Highgate, and London* Railway Company, as the Case may be, the Railways or Railway of the Company so used shall, for the Purposes of Tolls and Charges, be deemed Part of the Railway of that One of the said Companies by whom the same shall be so used; and that Company may levy the same Amount of Toll or Charge in respect thereof and of their own Railway, and no more, as they would have been entitled to charge if the Railways or Railway used, and by this Act authorized, had been originally authorized to be constructed by them with and as Part of their own Railway: Provided always, that it shall not be lawful for any of the said Companies to levy a Short-distance Toll or Charge with respect to any such Traffic.

As to Junction  
with  
Great  
Northern  
Railway.

**13.** If the *Great Northern* Railway Company shall obtain Powers from Parliament, or otherwise shall be enabled to make Railways from the Neighbourhood of their *Wood Green* Station to the Termination herein-before described of Railway No. 1., the Company shall afford all proper Facility for effecting good and efficient Junctions between such Railways and Railway No. 1., and Sections 9, 10, 11, and 12 (with respect to Junctions) of "The Railways Clauses Act, 1863," shall, so far as they are applicable, apply to such Junctions; and if for the Purposes of making such Railways it shall be necessary for the *Great Northern* Railway Company to enter upon, take, or use any of the Lands of the Company, the Company shall grant to the *Great Northern* Railway Company such Lands, or such Rights and Powers over the same, as shall be necessary for the Purposes of the said Railways; and the Price to be paid to the Company by the *Great Northern* Railway Company for such Lands, or the Exercise and Enjoyment of such Rights and Powers, and incidental thereto, shall, if not agreed on between the Companies, be determined by an Arbitrator to be appointed, on the Application of either Company, by the Board of Trade.

Powers as to  
Great  
Northern  
Railway  
Company  
and other  
Companies.

**14.** The *Great Northern* Railway Company, the *Great Eastern* Railway Company, and the *Edgware, Highgate, and London* Railway Company may respectively use with their Engines, Carriages, and Servants the Railways hereby authorized, and the Works, Stations, and Conveniences connected therewith, for the Purpose of conveying Passengers to and from the said Estate, and the said Use shall be upon such Terms and Conditions, and upon the Payment of such Rates, Tolls, and Charges, not exceeding the Rates, Tolls, and Charges by this Act authorized, and of such Rents, and upon such other Considerations as shall be agreed upon between the Company and the said Three other Companies, or such of them as desire to use the said Railways, or as, in default of Agreement, shall be settled from Time to Time by an Arbitrator to be appointed, upon the Application of either

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either Company, by the Board of Trade; and the Arbitrator so appointed may prescribe by his Award that the Matters in Difference may be reconsidered at some Period or Periods to be fixed by his Award, and the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall apply to every such Arbitration and Award.

15. The Company on the one hand, and the *Great Eastern Railway Company*, the *Great Northern Railway Company*, the *Edgware, Highgate, and London Railway Company*, or any One or more of them, on the other hand, may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes, or any of them; (that is to say,)

Power to enter into Traffic Arrangements.

The Management, Use, Working, and Maintenance of the Railways or of any Part or Parts thereof:

The Supply of any Rolling or Working Stock, and of Officers and Servants, for the Conduct of the Traffic on the Railways:

The Payments to be made and the Conditions to be performed with respect to the Matters aforesaid:

The Interchange, Accommodation, Transfer, Transmission, Conveyance, and Delivery of Traffic coming from or destined for the Undertakings of the contracting Companies, and the fixing and Division between the said Companies of the Receipts arising from such Traffic.

16. The Company may divert and turn Three several Footpaths now used by the Public through their said Estate, or Parts thereof, to the Extent and subject to the Conditions herein-after mentioned; (that is to say,) One of the said Footpaths, which passes over the Site of the proposed Racecourse and Stand, may be diverted for a Distance of not exceeding Six hundred and thirty-three Yards, measured along the present Footpath, and to an Extent not exceeding Seventy-three Yards at any Point from the present Footpath, and the new Footpath shall not exceed Six hundred and thirty-three Yards in Length; and another of the said Footpaths which now passes from *Muswell Hill Road*, near *Mus Well* and *Saint Dunstan's Well*, and over the *Great Northern Railway*, may be diverted for a Distance not exceeding Fifteen hundred and sixteen Yards, measured along the present Footpath, and to an Extent not exceeding Two hundred and ten Yards at any Point from the present Footpath, and the new Footpath shall not exceed Fifteen hundred and eighty-six Yards in Length; and the Third of the said Footpaths, which now passes from the *Muswell Hill Road* through the *Muswell Hill Lodge Field*, may be diverted for a Distance not exceeding Two hundred and sixteen Yards, measured along the present Footpath, and to an Extent not exceeding Fifty-eight Yards at any Point from the present Footpath, and the new Footpath shall

Power to divert Footpaths.

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shall not exceed Two hundred and forty-three Yards in Length: Provided always, with respect to the first-mentioned Footpath, that if the Company shall make a Third Footpath in the Line shown upon the Plan herein-after mentioned, and thereon described as "occasional Footpath," and shall allow to the Public the free Use thereof, they may, upon all or any Days on which the Racecourse is used for racing, shut up the diverted Footpath herein-before first authorized (and which is on the said Plan described as "ordinary Footpath") so as to exclude the Public from the Use thereof.

Company to make new Footpaths before stopping up the old.

17. And whereas a Plan has been deposited in the Private Bill Office of the House of Commons, signed by *William Scholefield* Esquire, the Chairman of the Committee of the House of Commons, to whom this Act was referred, on which the existing Footpaths, and the Portions thereof to be diverted as aforesaid, are delineated: Be it enacted, That before stopping up any Part of the Footpaths to be so diverted, the Company shall make the new Footpaths to be used in lieu of the Portions of the Footpaths to be stopped up in the Lines shown by the said Plan, and good and convenient for walking upon; and when such new Footpaths shall be so completed they may stop up the old Portions of the Footpaths to be diverted, and the Public shall thenceforth, subject as herein-before provided, have the same Right of Way over the new Footpaths as they theretofore had over the Portions of the Footpaths so stopped up, and their Right of Way and all other Rights over the last-mentioned Portions of Footpaths shall cease and determine.

New Footpath, if fenced on both Sides, to be Eight Feet wide, and repaired by the Company.

18. If the Company shall fence on either Side any new Footpath which they are authorized to make under this Act, or any Part of any such new Footpath, the Width of the Footpath throughout the whole Length thereof so fenced shall be not less than Eight Feet, and shall be at all Times maintained and kept in good Order and Repair by the Company.

Providing for Access to St. Dunstan's Well.

19. Before stopping up the Footpath which passes near *Saint Dunstan's Well*, so as to prevent the Use thereof by the Public, the Company shall provide an Access for Foot Passengers to such Well as good as the present Access thereto, either from the proposed Diversion of the said existing Footpath near *Saint Dunstan's Well*, or from any Footpath or Road nearer to the said Well which the Company may hereafter make, and the Company may from time to Time alter the Course or Direction of such Access as Circumstances may require; but they shall at all Times provide an Access to the said Well as good as the present Access thereto, and allow Persons on Foot to go to and from the said Well by means of the Access for the Time being provided.

20. The



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**20.** The Company shall so construct the Railways and Works by this Act authorized as not to intercept the Water supplying the *Mus Well*, or draw off the Water therefrom; and if at any Time it shall be found that the making of Railway No. 1, or any of the Operations of the Company in carrying into effect the Objects and Purposes of this Act, has had the Effect of intercepting or drawing off such Water, so that the said Well is not supplied with pure Water as amply as theretofore, the Company shall provide pure Water from some other Source for such Well, and shall keep the said Well at all Times supplied therewith for a Depth of Two Feet Three Inches at the least, and at any Time after the Supply shall be so intercepted or drawn off, the Company shall make Compensation to all Parties entitled to the Use of such Water until such fresh Supply shall be furnished, the Amount of such Compensation in case of Dispute to be settled in manner provided by "The Lands Clauses Consolidation Act, 1845," for the Settlement of Cases of disputed Compensation.

Water of Mus Well not to be intercepted.

**21.** Nothing in this Act contained shall extend to prejudice, derogate from, or diminish any of the Rights and Privileges of the said *Tottenham* Local Board of Health, under and by virtue of the "Public Health Act, 1848," or any other Act or Acts of Parliament, but the same shall be and remain in as full Force and Effect as if this Act had not been passed.

The Rights and Privileges of the *Tottenham* Local Board of Health not to be prejudiced.

**22.** The Company shall not, out of any Money by this Act authorized to be raised by Calls, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him; Provided always, that this Act shall not 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."

Interest not to be paid on Calls paid up.

**23.** The Company shall not, out of any Money by this Act authorized 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 authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

Deposit for future Bills not to be paid out of Capital.

**24.** Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made 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

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

[*Local.*]

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Parliament,

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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 authorized by this Act.

Alexandra  
Palace  
Grounds to  
continue  
appropriated  
as a Place of  
public Resort  
after Expira-  
tion of  
Lease.

**25.** That Part of the Estate of the Company which is herein called the *Alexandra Palace Grounds* shall, after and notwithstanding the Expiration or other sooner Determination of the said Lease, be and continue a Place for public Resort and Recreation, and the Public shall have Access thereto at all reasonable Times, subject to the Observance of such Rules and Regulations as may from Time to Time be prescribed by the Company, or other the Owners or Lessees for the Time being of the said Grounds, for the proper Order, Preservation, and Management thereof, and of the Palace, Buildings, Works, and other Property therein, and subject also to the Payment of such reasonable Sums as may from Time to Time in like Manner be prescribed for Admission to the said Grounds, Palace, or other such Buildings or Works, or to any Exhibitions or Sights therein.

Expenses of  
Act.

**26.** 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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