



CHAPTER cvi.

An Act to confer further powers on the Metropolitan District Railway Company. A.D. 1880.
[2nd August 1880.]

WHEREAS it is expedient—

That the provisions herein-after contained should be made with respect to lands acquired by the Metropolitan District Railway Company (who are herein-after called “the Company”) under the powers of their several Acts;

That the time limited by the Metropolitan District Railway Act, 1878, for the purchase of lands for the purpose of the junction railway therein described should be extended; 41 & 42 Vict. c. cliv.

And that the Company should be authorised to purchase certain additional lands:

And whereas in pursuance of the 22nd section of the said Act of 1878 the Company have acquired and laid into Eel Brook Common, in the parish of Fulham, so much of the lands in the said parish as are coloured blue on the plan referred to in the said section, and they have also afforded access from the Fulham Road to the said common by constructing a road upon the land coloured yellow upon the said plan, and in consideration of the foregoing facts the Company have acquired the portion of the common coloured red and yellow on the said plan and have constructed their railway thereon; but doubts have arisen whether the said portion of the common is vested in the Company, and it is fit that such doubts should be removed:

And whereas it is also expedient that the other provisions herein-after contained should be made:

And whereas plans showing the lands which are authorised to be acquired under the powers of this Act, and also a book of reference to such plans 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

[Ch. cvi.] *Metropolitan District Railway* [43 & 44 VICT.]
Act, 1880.

A.D. 1880. Middlesex, and are herein-after respectively referred to as the deposited plans and book of reference :

And whereas the purposes 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 :

Short title. 1. This Act may be cited as the Metropolitan District Railway Act, 1880.

Incorporation of general Acts. 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and Part II. (relating to extension of time) of the Railways Clauses Act, 1863, 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 partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly incorporated herewith, 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 purchase lands at Fulham. 4. Subject to the provisions of this Act, the Company may enter upon and take compulsorily for the purposes of their undertaking certain lands in the parish of Fulham, in the county of Middlesex, abutting on Parson's Green Lane and near Park House, which lands are delineated upon the deposited plans and described in the deposited book of reference :

Provided that the Company shall set back the fence or boundary of the said lands fronting upon Parson's Green Lane so as to make the said lane forty feet clear in width opposite the said lands, and upon this being done any portion of such lane beyond the forty feet of width shall be vested in fee in the Company in exchange for the portion of the Company's land so thrown into the said lane.

Power to take easements, &c. by agreement. 5. 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 last-mentioned 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. A.D. 1880.

6. The period limited by the 30th section of the Metropolitan District Railway Act, 1878, for the compulsory purchase of lands for the purposes of the junction railway described in the 5th section of that Act, is hereby extended until the eleventh day of August one thousand eight hundred and eighty-two. Extension of time as to junction railway.

7. So much of Eel Brook Common, in the parish of Fulham, as is coloured red and yellow upon the plan referred to in the 22nd section of the Metropolitan District Railway Act, 1878, is hereby declared to be vested in the Company and in fee simple, and the said piece of land coloured blue on the said plan, which has been given in exchange for the said portion of Eel Brook Common, shall be deemed and held and used for all purposes as part of that common. If at any time hereafter any party shall appear to be entitled to any estate, right, or interest or charge affecting the said piece of land coloured blue which the Company have failed or omitted to purchase or pay compensation for, the Company shall purchase or pay compensation for the same in accordance with the provisions of the Lands Clauses Consolidation Act, 1845, with respect to interests in lands which have by mistake been omitted to be purchased, and shall at their own cost indemnify and keep indemnified the Metropolitan Board of Works and the Ecclesiastical Commissioners for England and Wales, and each of them, against all costs, charges, and expenses incurred by them in consequence of any omission of the Company in acquiring absolutely the said piece of land and laying it into the common. Vesting portion of Eel Brook Common in Company.

8. The following provisions shall apply to any lands, buildings, or hereditaments within the present area of the Metropolis, as defined by the Metropolis Management Act, 1855, (18 and 19 Vict. Cap. 120) which may have been acquired by the Company under the powers of the several Acts relating to them or under the powers of this Act, and which are not required to be used for the working or accommodation of the traffic of the undertaking of the Company, and which the Company shall under their common seal declare to be not likely to be so required, and the same lands, buildings, and hereditaments are in this section referred to as "the premises," and the premises shall not be subject to the provisions of the Lands As to certain superfluous lands.

A.D. 1880. Clauses Consolidation Act, 1845, relating to the sale of superfluous lands :

1. The Company may from time to time sell and demise and otherwise dispose of any of the premises, or any estate or easements therein, now held or hereafter acquired by or in trust for them ;
2. The Company may hold and let the premises, and may grant building and repairing leases of the same, for any term they may think fit ;
3. The premises shall not be deemed part of the undertaking of the Company charged with the general mortgage debt or debenture stock thereof ;
4. The Company may from time to time borrow on mortgage of the premises or any part thereof any sums of money, and the only security of the mortgagee shall be the said premises or the part thereof specially mentioned in his mortgage :
Provided that nothing contained in this enactment shall be construed to alter any of the provisions contained in the special Acts relating to the Company or any agreement entered into by the Company which require the re-sale or re-conveyance of any of the premises to any person named in such provision or agreement :

Provided always, that the above provisions shall not apply to any lands which are by any existing Act of the Company specially appropriated for particular purposes.

Period for
compulsory
purchase of
lands.

9. 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.

Provision as
to general
Railway
Acts.

10. Nothing in this Act contained shall exempt the Company or the 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.

Expenses of
Act.

11. 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.