

[43 & 44 VICT.] *Rickmansworth Extension Railway* [Ch. cxxxiv.]
Act, 1880.



CHAPTER cxxxiv.

An Act to authorise the Metropolitan Railway Company to make a railway in extension of the Kingsbury and Harrow Railway to the town of Rickmansworth; and for other purposes. A.D. 1880.
[6th August 1880.]

WHEREAS it is expedient that the Metropolitan Railway Company (in this Act called "the Company") should be authorised to make a railway from the Kingsbury and Harrow Railway to the town of Rickmansworth:

And whereas plans and sections describing the line, situation, and levels of the intended railway, and books of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands which may be taken for the purposes of this Act, were duly deposited with the clerks of the peace for the counties of Middlesex and Hertford (which respectively are in this Act referred to as the deposited plans, sections, and books of reference):

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,)

1. This Act may be cited as the Rickmansworth Extension Short title. Railway Act, 1880.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869; the Railways Clauses Consolidation Act, 1845; Part I. of the Railways Clauses Act, 1863, relating to construction of a railway; 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

Incorporation of
general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
28 & 29 Vict. c. 92.
8 & 9 Vict. c. 18.

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A.D. 1880. — means of enforcing the payment of calls, the forfeiture of shares for the nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of the borrowed money into capital, the consolidation of the shares into stock, the general meetings of the Company and the exercise of the right of voting by the shareholders, the making of dividends, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested; Parts I., II., and III. of the Companies
26 & 27 Vict. c. 118. Clauses Act, 1863, relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock, shall, except where expressly varied by this Act, be incorporated with and form part of this Act, and the Acts and parts of Acts so incorporated are in this Act referred to as the incorporated Acts.

Interpretation of terms.

3. In this Act—

The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings :

In the incorporated Acts, for the purposes of this Act, and in this Act—

The expression “superior courts,” or “courts of competent jurisdiction,” or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used was a simple contract debt, and not a debt or demand created by statute ;

unless in any of the before-mentioned cases there is something in the subject or context repugnant to such construction.

Power to execute works and take lands.

4. Subject to the provisions of this Act, the Company may from time to time make, execute, and maintain, in the line and according to the levels shown on the deposited plan and section, the railway described in this Act, with all proper stations, sidings, approaches, works, and conveniences in connexion therewith, and may from time to time enter on, take, and use such of the lands delineated on and described in the deposited plans and books of reference as they may require for the purpose of this Act.

Description of new railways.

5. The railway authorised by this Act is the following; (that is to say,)

A railway, seven miles one furlong and eight chains in length, commencing in the parish of Harrow-on-the-Hill, in the county of Middlesex, by a junction with the Kingsbury and Harrow Railway, at or near the termination thereof, as now authorised or as may be authorised by any Act to be passed in

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the present session of Parliament, and terminating at or near the road leading through and from Rickmansworth, in the county of Hertford, to Croxley Green, near Messrs. Sutton and Co.'s Brewery in Rickmansworth. A.D. 1880.

6. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, in connexion with the railway by this Act authorised, shall not exceed two acres. Lands for extraordinary purposes.

7. 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.

8. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith respectively; (that is to say,) Inclination of roads.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
11	Pinner - -	Public road -	{ 1 in 13 on one side and level on the other.
33	Ruislip - -	Public road -	

9. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,) Widths of certain roadways.

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
11	Pinner - -	Public road -	25 feet.
12	Ruislip - -	Public road -	20 feet.
33	Ruislip - -	Public road -	20 feet.
5 and 6	Rickmansworth -	Public road -	20 feet.

Eighteen feet in width of the roadway over the bridge by which the said Road No. 11, in the parish of Pinner, shall be carried over the railway and of the approaches thereto shall be metalled. If the Company carry the railway over the Road No. 25 or the Road No. 26, in the parish of Pinner, the bridge by which the same shall be so

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A.D. 1880. — carried over shall be so constructed as to give a width of roadway between the abutments of not less than twenty feet clear, and headway of not less than fifteen feet; but if the Company divert either of the said roads the substituted road shall be of the same width between the fences as the existing roads, and eighteen feet in width thereof shall be metalled, and the level of the same shall be two feet higher than the highest point of the existing roads. The bridge by which the railway shall be carried over the Public Road No. 32, in the parish of Pinner, shall be so constructed as to give a width of roadway between the abutments thereof of not less than thirty feet clear, of which twenty feet in width shall be metalled, and a headway of not less than fifteen feet. If the Company carry the railway over the Public Road No. 41, in the parish of Pinner, the bridge by which the same shall be carried over shall be so constructed as to give a width of roadway between the abutments of not less than thirty feet clear; but if the Company divert the said road the width of the substituted road shall be not less than thirty feet clear between the fences, and not less than twenty feet in width of such roadway or substituted road, as the case may be, shall be metalled. The Company shall divert the Public Road No. 61, in the parish of Pinner, and carry the same over the railway by means of a bridge in the direction shown upon a plan already approved and signed by the engineers of the Company and the guardians of the poor of the Hendon Union, and dated the day of 1880, and the width of the roadway by which the substituted road shall be carried over the railway, and of the approaches thereto, shall be not less than forty feet between the parapets, and the inclination of such approaches shall be not less than one in thirty. If the Company divert the said Road No. 41, in the parish of Pinner, instead of carrying the railway over the same, they shall construct a subway by means of an arch under the embankment of the railway, so as to afford communication between the public footpaths leading respectively from Horn End Lane and Horn End into West End Lane, Pinner, and passing respectively through the field No. 46, in the parish of Pinner, and the adjoining close, and the substituted road and the width of such arch shall not be less than six feet, and the height of the same not less than eight feet in the centre, and the length of the subway under the said embankment shall not exceed twelve yards. The Company shall carry the footpaths leading respectively from Cuckoo Hill opposite Woodlands and from Cuckoo Hill to the back of the Bell public-house, and passing respectively through the fields Nos. 55 and 57, in the parish of Pinner, over the railway by means of bridges, the width of the footways on such bridges to be

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not less than five feet, with approaches to the same by means of steps of the same width, with eleven inches clear tread and seven inches rise, and the edges of the said steps to be squared. All the bridges or subways to be constructed by the Company as aforesaid for carrying the said footpaths over or under the railway shall be constructed at right angles to the line of railway.

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10. If the Company divert any of the roads or footpaths in the parish of Pinner along which the Hendon Rural Sanitary Authority have power to construct and lay down sewer pipes or other drainage works the said authority shall have full and unrestricted power to construct and lay down such sewers and pipes and execute all other necessary drainage works along the course of such diverted roads or footpaths in all respects similar to that which the said authority now possess along the existing roads and footpaths. If the said authority shall have constructed their said sewers and works along the course of the existing roads or footpaths before the Company can give them legal possession of the land along the course of such diverted roads or footpaths, the said authority shall have a perpetual right of entry on the existing roads or footpaths along which they now have power to execute their works as aforesaid for the purposes of construction, repairs, or alterations, notwithstanding that the same may have been abandoned, and that free and kept indemnified by the Company from and against all damages and expenses sustained or incurred by the said authority by reason or in consequence of any such entry, construction, repairs, or alterations, or the Company shall, if they so determine, at their own expense, construct new sewers along such diverted roads or footpaths equal in all respects, as to capacity and level, to those which may have been constructed by the said authority on the existing roads or footpaths, and in substitution for the same; and if any difference of opinion shall arise as to such capacity and level the same shall be determined by an engineer to be appointed by the Board of Trade.

Rights of
Hendon
Rural Sani-
itary Autho-
rity with
respect to
diverted
roads or foot-
paths.

11. The Company shall construct brick culverts over the sewers of the said authority wherever the same shall cross the line of the railway, and all new sewers, culverts, and other works to be constructed by the Company as aforesaid shall be constructed to the reasonable satisfaction of the engineer of the said authority for the time being.

Company to
construct
brick cul-
verts over
sewers.

12. Whereas the railway is intended to be carried across the Grand Junction Canal at a point in the parish of Rickmansworth, in the county of Hertford, and it is expedient that the following

Protection of
Grand
Junction
Canal.

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provisions should be made in relation to such crossing : Be it therefore enacted, as follows ; that is to say,

- (1.) Except as herein-after mentioned, nothing in this Act contained shall take away, diminish, or affect any of the rights, privileges, or powers vested in the Company of Proprietors of the Grand Junction Canal (herein-after referred to as "the canal company"), and the Company shall not (except as herein-after mentioned), without the consent of the canal company under their common seal, alter the line or level of the Grand Junction Canal (herein-after called "the canal") or of the towing-path thereof, or obstruct or impede the navigation of the canal, or divert, intercept, cut off, take, use, or diminish any of the waters of or in the canal, or which may be taken for the use of or which supply the canal, or injure or interfere with any of the works of the canal, or, except for the limited purposes herein-after mentioned, or as otherwise agreed, take or use any of the land belonging to the canal company in the parish of Rickmansworth, or any part of the canal, or of the towing-paths, locks, feeders, lay-byes, wharves, warehouses, banks, bridges, or other works connected with the canal, and nothing in this Act contained shall compel the canal company to convey the fee simple of the land belonging to them over which any works by this Act authorised are to be constructed to the Company, but the same shall remain vested in the canal company, subject nevertheless to the right of the Company and their successors for ever to construct and maintain the said railway and works, and have, use, and possess such way and passage for the said railway as are hereby provided for, together with all rights and easements necessary for the due use and enjoyment of the same :

For the purpose of carrying the railway over the canal the Company shall, unless otherwise agreed with the canal company, make and maintain a bridge of brick, stone, or iron, or any of those materials combined, over the canal and the towing-path thereof, and no part of the underside of the bridge shall be less than ten feet clear above the weir level of the canal at the point where the railway is carried over the canal, and the bridge shall be constructed so as to be carried over the whole of the said canal and the towing-path thereof, and other property adjoining thereto in which the canal company are interested, by a single span, of not less than sixty feet, measured at right angles

to the face of the abutments, so as to leave a clear, uniform, and uninterrupted opening over the same, and the width of such bridge shall not exceed twenty-five feet between the parapets: Provided always, that the Company shall not be required to make the bridge over the canal and towing-path and other property of a greater span than sixty feet, measured at right angles to the face of the said abutments, but (subject to that limitation) such abutments shall be placed in such positions as shall be determined by the engineer of the canal company:

- (3.) The said bridge and works connected therewith shall be carried on and completed in such manner as that no obstruction shall be caused to the steam vessels, boats, or barges navigating the canal, or the horses towing such boats or barges, and the Company shall not during the progress of constructing the bridge and works diminish the open and uninterrupted navigable waterway in the canal, including the width of the towing-path, to less than twenty feet, nor leave a clear headway above the level of the surface of such water and towing-path of less than eight feet. The said bridge and works shall be constructed and for ever maintained in good and substantial repair by the Company, and so far as relates to all necessary precautions for the preservation of the canal and the towing-path thereof, the water in the canal and the works connected with the canal, and of a free and uninterrupted passage along the canal and towing-path, the said bridge and all the works connected therewith, and all future repairs thereof that may be required from time to time, shall be constructed and performed according to plans and specifications to be submitted to and to be subject to the reasonable approval of the engineer for the time being of the canal company previously to the commencement of the works, and such works shall be commenced, carried on, and completed under the superintendence and to the reasonable satisfaction of such engineer, whose reasonable expenses in respect of such superintendence shall be paid by the Company; and in case during the progress of the said bridge, or of any of the works connected therewith, any damage shall be occasioned to the canal or towing-path or works thereof respectively, the Company shall, under such superintendence and to such reasonable satisfaction as aforesaid, restore the same to the same state and condition as before the happening of any such damage; and if the said bridge or any of the works connected therewith

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or any part thereof shall be imperfectly constructed, or if at any time or times hereafter the bridge or works or any part thereof shall be out of repair, or if in sinking the foundations for the abutments of such bridge or otherwise any loss of water or any obstruction of the navigation of the said canal shall occur, and notice thereof in writing shall be given by any officer or agent of the canal company to the Company or their secretary, and the Company shall not for the space of fourteen days after such notice shall have been given, or forthwith if the nature of the case shall require it, sufficiently and effectually amend such construction, or repair such bridge or works, or prevent such loss of water, or remove such obstruction (as the case may be), under such superintendence and to such reasonable satisfaction as aforesaid, and complete the same with all reasonable expedition, it shall be lawful for the canal company from time to time to make good such construction, to perform such repairs, to prevent such loss of water, or to remove such obstruction as the case may require, and the Company shall from time to time pay to the canal company within fourteen days after demand all the costs and expenses which may be incurred by them from time to time in and about the superintendence and the construction of all the herein-before mentioned works and repairs, and the said bridge and all the works connected therewith shall be completed within the period of twelve months from the day on which the same shall be commenced, and if the said bridge and works shall not be completed within that period the Company shall forfeit and pay to the canal company as and for liquidated damages the sum of ten pounds for every day after the expiration of that period until the bridge and works connected therewith shall be completed :

- (4.) If in the execution of any of the works by this Act authorised, or if by reason or in consequence of any act, neglect, or omission of the Company, or of their agents, contractors, servants, or workmen, or if in sinking the foundations of the abutments of the said bridge or in consequence of any of the works when made, the water of the canal shall leak, escape, or run to waste from the canal, the Company shall pay to the canal company the sum of twenty shillings as and for liquidated damages for every reasonably estimated one thousand cubic feet of water which shall have leaked, escaped, or run to waste, and in the same proportion for any greater or less quantity, and if by reason or in consequence

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of any of the circumstances or causes aforesaid the navigation of the canal or the passage along the towing-path thereof shall be obstructed or interrupted so that steam vessels, boats, or barges navigating the canal, or the horses towing such boats or barges, shall be impeded in their passage or shall not be able to pass uninterruptedly along the canal or towing-path; then and in any and every such case the Company shall pay to the canal company the sum of ten pounds as and for liquidated damages for every hour during which any and every such obstruction or interruption shall continue after notice thereof shall have been given by any officer or agent of the canal company to the Company or their secretary; but if any such obstruction or interruption shall continue for the space of more than seventy-two consecutive hours after such notice, or shall be caused by any wilful act, neglect, or otherwise on the part of the Company, or of any of their agents, contractors, servants, or workmen, then and in every such case the Company shall pay to the canal company the sum of twenty pounds as and for liquidated damages for every hour during which such obstruction or interruption shall continue:

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- (5.) Nothing herein contained shall extend to prevent the canal company from recovering beyond the amount of such liquidated damages aforesaid, or to prevent any owner of steam vessels, boats, or barges, or any other person whomsoever, using or navigating the canal from recovering from the Company any special damage that may be sustained by them, or any of them, or that they or any of them may be liable to pay or shall pay for or in consequence of the wilful acts, neglects, or defaults of the Company, their contractors, agents, servants, or workmen, or in consequence of the flowing or escape of the water out of the said canal, if the same shall be caused or happen by reason of the making or maintaining the works by this Act authorised; and the canal company and any such owner or other person are hereby authorised to sue for and recover such liquidated and special damages in any court of competent jurisdiction.

13. In executing the powers of this Act the following provisions for the protection and benefit of Charles Clement Walker and William Thomas Walker shall apply and have effect; that is to say,

Protection
of Messrs.
C. and W.
Walker.

1. Notwithstanding anything in this Act contained, the Company shall not enter upon, take, use, or otherwise interfere with the gasworks, lands, and property numbered on the deposited plans relating thereto 33, in the parish of Pinner, without the

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previous consent in writing of Charles Clement Walker and William Thomas Walker, or the survivor of them, their or his heirs or assigns :

2. The Company may, subject to the provisions of this Act, remove and interfere with, but shall not take or use, any of the mains, pipes, syphons, plugs, apparatus, or other works in or under any street, road, or public place belonging or reputed to belong to the said Charles Clement Walker and William Thomas Walker, forming part of their gas undertaking, without the previous consent in writing of the said Charles Clement Walker and William Thomas Walker, or of the survivor of them, or of their or his heirs or assigns.
3. The provisions of the Railway Clauses Consolidation Act, 1845, contained in sections 18 to 23, both inclusive, shall, subject, to the provisions of this Act, extend and apply to the gas mains, pipes, and apparatus of the said Charles Clement Walker and William Thomas Walker, and wherever in those sections the words company or society are used the same shall, for all the purposes of this Act, be held to extend to and include the said Charles Clement Walker and William Thomas Walker.
4. If by reason of the execution of any of the powers of this Act the said Charles Clement Walker and William Thomas Walker, or the survivor of them, or their or his heirs or assigns, shall necessarily incur any additional cost in laying or altering any gas main, pipe, or apparatus, the Company shall repay to the said Charles Clement Walker and William Thomas Walker, or their successors in title, such additional cost, which shall be a debt due from the Company to them, and shall be recoverable accordingly.
5. If by reason of the execution of any of the powers of this Act any increased length of gas mains or pipes or any additional apparatus shall become necessary, the same shall be forthwith laid by the Company upon such plan and in such manner as shall be approved of by the said Charles Clement Walker and William Thomas Walker, or the survivor of them, or their or his heirs or assigns, or their or his engineer for the time being, or in case of difference as shall be determined by an engineer to be appointed by the Board of Trade.

14. 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

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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. A.D. 1880.

15. If the Company fail within the period limited by this Act to complete the railway by this Act authorised they 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 and opened for public traffic, or until the sum received in respect of such penalty shall amount 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 of 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 and with the privity of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice, in the bank 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. Penalty imposed unless the railway is opened within the time by this Act limited. 17 & 18 Vict. c. 31.

16. Every sum of money so recovered by way of penalty for the non-completion of the railway by this Act authorised shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of such railway or any portion thereof, or who may 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 shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion Application of penalty.

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A.D. 1880. of the sum or sums of money so recovered by way of penalty as aforesaid shall have 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 Chancery Division of the High Court of Justice thinks fit to order, on the application of the Solicitor of 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 Chancery Division of the said 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 to liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for
completion
of works.

17. If the railway by this Act authorised and described on the deposited plans is not completed within five 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 railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls on
railway to
be part of
Company's
undertaking.

18. The railway authorised by this Act shall, with respect to tolls, rates, and charges, be deemed part of the Kingsbury and Harrow Railway, and in all other respects shall, subject to the provisions of this Act, be part of the undertaking of the Company.

Power to
apply exist-
ing autho-
rised capital.

19. The Company may raise and apply to the purposes of this Act any money which they are authorised to raise by any other Act, and which may not be required for purposes to which by that Act it is authorised to be applied.

Power to
raise capital
by shares or
stock.

20. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any further capital, not exceeding in the whole two hundred thousand pounds, by the creation and issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partly by one or more of those modes respectively, which shares or stock shall form part of the general capital of the Company.

One-fifth
part of shares
to be paid
on issue.

21. The Company shall not issue any share to be created under the powers of this Act, nor shall any such share 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 shall have been paid up in respect thereof.

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22. Twenty per centum on the amount of any share to be issued by the Company under the authority of this Act shall be the largest amount of any call which may be made thereon, and there shall be an interval of not less than three months between any two successive calls, and the Company shall not call up more than three fourths of a share in any year. A.D. 1880.
Calls.

23. The proprietors of any shares or stock to be issued by the Company under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Company. Votes of
proprietors
of new shares
or stock.

24. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act, the Company may, if they think fit, raise, by the creation and issue of new shares or stock of one and the same class, all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock. New shares
or stock
raised under
this Act and
any other
Act may be
of same class.

25. If any money is payable to a holder of shares or stock in the Company who is a minor, idiot, or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt
clause in
case of per-
sons not
sui generis.

26. The Company, in addition to any sums which they are authorised to borrow under other Acts of Parliament, may from time to time borrow on mortgage any sums not exceeding in the whole sixty-six thousand six hundred pounds, but no part thereof shall be borrowed until the whole capital of two hundred thousand pounds is issued and accepted and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share, or the whole amount in the case of stock, has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he Power to
borrow on
mortgage.

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which certificate shall be sufficient evidence thereof.

Saving
priority of
existing
mortgages.

27. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages and as regards the undertaking comprised in and assigned by such mortgages, and subject to the provisions of the Acts under which such mortgages were respectively granted, have priority over all mortgages to be granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Provisions of
40 & 41 Vict.
c. lxxxv. as
to appoint-
ment of a
receiver
repealed.

28. The provisions of the Metropolitan Railway Act, 1877, with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal, or principal and interest, shall be and the same are hereby repealed, but subject and without prejudice to any appointment of a receiver which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

Appointment
of a receiver.

29. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture
stock.

30. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application
of moneys.

31. All moneys raised under this Act, whether by shares or stock or debenture stock or borrowing, shall be applied for the purposes of this Act only.

Interest not
to be paid
on calls paid
up.

32. The Company shall not, out of any money by this or any other Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the

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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. A.D. 1880. —

33. The Company shall not, out of any money by this or any other Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

34. Nothing in this Act contained shall exempt the railway by this Act authorised 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 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 by this Act. Provision as to general Railway Acts.

35. 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. Expenses of Act.