



CHAPTER clxvi.

An Act to authorise a Deviation in the Kingsbury and Harrow Railway ; the Revival and Extension of Time for the Purchase of Lands in connexion with the Works authorised by the Saint John's Wood Railway Act, 1873, and the Metropolitan Railway Act, 1877 ; the Purchase of other Lands ; the diverting or stopping up of certain bridle road and footpaths ; also to amend the Acts relating to the Hammersmith and City Railway with respect to superfluous Lands, and the Metropolitan and District Railways Act, 1879, with respect to Capital ; and for other purposes. [12th August 1880.]

A.D. 1880.

WHEREAS by the Metropolitan and Saint John's Wood Railway Act, 1873, (in this Act called "the Act of 1873,") the Metropolitan and Saint John's Wood Company (in this Act called "the Saint John's Wood Company") were authorised to make the three railways therein described and to widen part of the then existing railway of the Saint John's Wood Company in the parishes of Saint John, Hampstead, and Saint Marylebone ; to raise by the creation of shares a capital of three hundred thousand pounds ; and it was enacted with reference to a sum of fifteen thousand pounds which had been deposited in the Court of Chancery and is now invested in the sum of sixteen thousand two hundred and sixty pounds three shillings and threepence Consolidated Three per Cent. Annuities, that such sum should not be paid out or transferred to or on the application of the persons therein referred to unless the Saint John's Wood Company should, previously to the expiration of the period limited by that Act for the completion of the railways, either open the railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Saint John's Wood Company had paid up one half of the amount of the capital by that Act authorised to be raised by shares, and had expended for the purposes of the said Act a sum equal in amount to such one half of

36 & 37 Vict.
c. ccxlvii.

A.D. 1880. — the said capital; and by the same Act (section thirty-nine) it was enacted that if the Saint John's Wood Company and the Metropolitan Railway Company should so agree, the powers therein conferred upon the Saint John's Wood Company for the construction of the said railways might be executed by the Metropolitan Railway Company severally or jointly with the Saint John's Wood Company, and either by means of the capital which the Saint John's Wood Company were thereby authorised to raise, or by means of any capital which Parliament might authorise the Metropolitan Railway Company to raise, or by both of those means:

40 & 41 Vict. c. lxxxv.
42 & 43 Vict. c. cxlvii. And whereas the time limited by the Act of 1873 for the completion of the railways thereby authorised was five years from the passing of the said Act, but such time has been extended by the Metropolitan Railway Acts, 1877 and 1879, and will expire on the fifth day of August one thousand eight hundred and eighty-one:

41 & 42 Vict. c. clxxxiii. And whereas by an agreement made between the said two companies, and confirmed by the Metropolitan Railway Act, 1878, it was agreed that the Metropolitan Railway Company (herein-after called "the Company") should construct the railway authorised by the Act of 1873, and therein called Railway No. 3, and should raise the capital for that purpose, and in pursuance of such agreement and in exercise of the powers conferred by the said Acts, the Company have created and issued a share capital of two hundred thousand pounds, nearly the whole of which has been paid up and expended for the purposes of the said Railway No. 3; and it is expedient that the said sum of sixteen thousand two hundred and sixty pounds three shillings and threepence Consolidated Three per Cent. Annuities should be transferred to the parties entitled thereto:

37 & 38 Vict. c. cxlix. And whereas by the Kingsbury and Harrow Railway Act, 1874, (in this Act called "the Act of 1874,") the Company and the Saint John's Wood Company were authorised to make the Kingsbury and Harrow Railway from the Saint John's Wood Railway, in the parish of Willesden, in the county of Middlesex, to Harrow-on-the-Hill in the same county, and provision was made (section sixty) for the powers of the Act being exercised solely by the Company in the event therein mentioned, and by an agreement called "the first agreement," set forth in the schedule to and confirmed by the Metropolitan Railway Act, 1878, (in this Act called "the Act of 1878,") the said railway is being constructed by the Company only:

And whereas it is expedient that the Company should be authorised to divert part of the Kingsbury and Harrow Railway towards

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

the termination thereof in the parish of Harrow-on-the-Hill, and to purchase certain lands and buildings in the neighbourhood of the railways and works authorised by the Act of 1873, in the parishes of Saint John, Hampstead, and Willesden, and to divert part of the bridle road and footpath in the parish of Willesden known as Dog Lane, and to stop up, alter, or divert certain other footpaths in the parish of Saint John, Hampstead, which abut upon or cross the railway authorised by the Act of 1873, and therein called Railway No. 3, near West End Lane, and adjoining the West Hampstead Station, and leading from near the northern end of Canfield Road across the said Railway No. 3: A.D. 1880.

And whereas by the Metropolitan Railway Act, 1877, (in this Act called "the Act of 1877,") the Company were authorised to purchase for stations, sidings, and other purposes connected with their undertaking, certain lands and buildings in the parish of Saint Botolph-Without-Aldgate, in the city of London, and to make a tunnel or covered way under Aldgate Street, to connect their property on both sides of that street, and the respective times limited for the compulsory purchase of lands and construction of works authorised by the Act of 1873 (so far as relates to the railway therein described as Railway No. 2 and the widening of the Saint John's Wood Railway) were extended, and the time so extended for the compulsory purchase of land has expired, and it is expedient that it should be revived and further extended, and that the respective times limited for the purchase of lands and completion of works authorised by the Act of 1877 should be also extended:

And whereas by the Metropolitan Railway Act, 1865, provision is made (section thirty-one) for exempting lands and buildings over or immediately adjoining the railway and works of the Company from the operation of the provisions of the Lands Clauses Consolidation Act, 1845, with respect to superfluous lands, and it is expedient that similar provision should be made with respect to the Hammersmith and City Railway, which belongs jointly and equally to the Company and the Great Western Railway Company, who together constitute the Hammersmith and City Railway Company: 28 & 29 Vict.
c. cxvii.
8 & 9 Vict.
c. 18.

And whereas by the Metropolitan and District Railways (City Lines and Extensions) Act, 1879, (in this Act called "the Act of 1879,") the Company and the Metropolitan District Railway Company (therein and in this Act called "the two Companies") were authorised to make the railways therein described, and to raise the requisite capital by one or other of the several modes therein prescribed (sections fifty-eight to eighty), and it is expedient that the provisions contained in those sections should be amended: 42 & 43 Vict.
c. cci.

A.D. 1880.

And whereas it is expedient that the Company should be empowered for a limited period to apply their reserve fund in payment of interest upon any calls or capital sums expended in carrying out the undertaking authorised by the Act of 1879, and to raise more money for the purposes of this Act and other purposes of their undertaking :

And whereas plans and sections of the railway by this Act authorised, and showing 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 respective clerks of the peace for the county of Middlesex and for the county of the city of London, 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, 1880.

Incorporation of
general Acts.

8 & 9 Vict. c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict.
c. 92.
8 & 9 Vict. c. 16.

2. The Lands Clauses Consolidation Act, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, Parts I. and II. of the Railways Clauses Act, 1863 (relating respectively to construction of railway and extension of time) ;

The clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of the creditors of the Company against shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of shares into stock ;

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 ;

And also Parts I., II., and III. of the Companies Clauses Act, 1863, relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock, are (except where expressly varied by this Act) incorporated with and form part of this Act.

A.D. 1880.
26 & 27 Vict.
c. 118.

3. In this Act—

The expression the “incorporated Acts” shall mean the Acts and parts of Acts incorporated with this Act;

Interpreta-
tion of terms.

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

In the incorporated Acts—

The expression the “special Act” shall mean this Act:

In this Act and the incorporated Acts—

The expression “superior court,” 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.

4. The expressions “parish clerks” and “clerks of the several parishes” in sections seven, eight, and nine of the Railways Clauses Consolidation Act, 1845, shall, with reference to the Company and as regards those parishes in which, by the standing orders of either House of Parliament, plans, sections, and other documents are required to be deposited with the clerk of the vestry of the parish, mean the vestry clerk of the parish.

Further
interpreta-
tion of
terms.

5. Subject to the provisions and for the purposes of the Act of 1873, and this Act, or one of them, the Company may enter upon, take, and use all or any of the lands and buildings in the said parishes of Harrow-on-the-Hill, Willesden, and Saint John, Hampstead, which are delineated on the deposited plans and described in the deposited books of reference.

Power to
take lands.

6. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections, the railway described in this Act, with all proper stations, 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: Provided always, that nothing in this Act contained shall be held or construed to authorise the Company to purchase or take the lands numbered on the said plans 1, 2 and 3, in the parish of Willesden, except by agreement with the Ecclesiastical Commissioners for England, or other the owners for the time being of the said lands. The railway

Power to
make rail-
way.

A.D. 1880. herein-before referred to and authorised by this Act is the following ;
(that is to say,)

A railway, 5 furlongs and 0·70 chains in length, to be wholly situate in the parish of Harrow-on-the-Hill, in the county of Middlesex, commencing by a junction with the authorised line of the Kingsbury and Harrow Railway, now in course of construction, in the field numbered 65 in that parish, on the plans referred to in the Act of 1874, and terminating two-and-a-half chains from and in the same field as the authorised termination of the said railway.

Power to
take ease-
ments by
agreement.

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.

Period for
compulsory
purchase of
lands.

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.

Power to
divert and
stop up Dog
Lane.

9. The Company may divert Dog Lane and any footpaths referred to in this Act and described on the deposited plans as intended to be diverted in the course or direction and to the extent shown upon the said plans with respect to the same respectively, and may stop up any footpaths referred to in this Act and described on the deposited plans as intended to be stopped up at the point indicated on the said plans for the stopping of the same respectively, and from and after any such diversion or stopping up all rights of way over those parts of the said Dog Lane or of the said footpaths respectively as shall have been so diverted or stopped up shall cease and determine.

Period for
completion
of works.

10. 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.

Penalty
imposed
unless the
line is

11. If the Company fail within the period limited by this Act to complete the railway, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period

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

so limited until the railway is completed and opened for public traffic, 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 of Her Majesty's Treasury, and in the same manner as the penalty provided in section three 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 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 such line 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.

A.D. 1880.
opened
within
the time
limited.

17 & 18 Vict.
c. 31.

12. 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 Chancery Division of 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 Chancery Division 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

Application
of deposit.

A.D. 1880. the discretion of the said Division, 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.

Company
may abandon
part of
authorised
line.

13. The Company shall abandon the construction of so much of the railway authorised by the Act of 1874 as lies between the point of junction therewith of the railway by this Act authorised and the termination thereof in the parish of Harrow-on-the-Hill, as shown in the plans referred to in the Act of 1874.

Compensa-
tion for
damage to
land by
entry, &c.
for purposes
of railways
abandoned.

14. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which has been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Act of 1874.

Compensa-
tion to be
made in
respect of
portion of
railway aban-
doned.

15. Where before the passing of this Act any contract has been entered into, or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway authorised to be abandoned by this Act, and which is not required for the purposes of this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Deposit
under the
Act of 1873
to be repaid
to depositors.

16. On the application of the persons named in the warrant or order issued in pursuance of the Act of the ninth and tenth years of Her present Majesty, chapter twenty, with respect to the Bill

for the Metropolitan and Saint John's Wood Railway Act, 1873, or of the survivors or survivor of such persons, or of the majority of such persons or survivors, or of the executors or administrators of the last survivor, by petition in a summary way at any time after the passing of this Act, the Chancery Division of the High Court of Justice may and shall order that the sum of fifteen thousand pounds deposited with the High Court of Chancery under or in pursuance of the said warrant or order, and the stocks, funds, or securities in or upon which the same or any part thereof may have been invested, and the interest and dividends thereof, shall be transferred and paid to the person or persons so applying, or to any other person or persons whom they or he may appoint in that behalf. A.D. 1880.

17. So far as relates to any lands by the Act of 1873 authorised to be taken for the purposes of the Railway No. 2, and the widening of the railway therein respectively referred to, in the parishes of Saint John, Hampstead, and Saint Marylebone, the period limited by the Act of 1873, and extended by the Act of 1877, for the compulsory purchase and taking of any such lands, and the period limited by the Act of 1877 for the compulsory purchase and taking of any lands thereby authorised to be taken, is respectively by this Act extended; and the powers for the compulsory purchase and taking of lands granted by those Acts respectively shall, so far as relates to the lands herein-before referred to, continue in force until the expiration of two years from the passing of this Act. Period extended for purchase of land.

18. The period limited by the Act of 1877 for the completion of the tunnel and works thereby authorised is by this Act extended until the expiration of three years from the twelfth day of July one thousand eight hundred and eighty-two. Extension of time for making certain railways.

19. Any lands immediately adjoining to or houses or buildings now or hereafter acquired, erected, or built immediately adjoining to the railway or works of the Hammersmith and City Railway Company, or any part thereof, and in any way connected with the structure of the said railway or works, and any yards, gardens, or premises attached to such houses or buildings, or any other lands which the engineer for the time being of the Hammersmith and City Railway Company shall certify as likely to be hereafter necessary for the widening of the railway or for stations and sidings connected therewith, shall not be deemed superfluous lands within the meaning of the Lands Clauses Consolidation Act, 1845, and it shall be lawful for the Hammersmith and City Railway Company to hold and let any such lands, houses, or buildings, and to grant leases of the same for any term or number of years as they may think proper: Provided always, that this provision shall apply only Certain land over and adjoining the Hammersmith and City Railway may be held by the Hammersmith and City Railway Company.

A.D. 1880.
18 & 19 Vict.
c. 120.

within the metropolis as defined by the Metropolis Management Act, 1855, and any Act amending the same, and shall not be construed to alter any provision of any Act relating to the Hammersmith and City Railway Company requiring the resale or reconveyance of any houses, buildings, or lands to any person, company, or corporation specially named in such provision. Provided also, that nothing contained in any lease to be granted under the powers of this section shall prejudicially affect or interfere with the working of the undertaking of the said Company, or the accommodation of the traffic thereof, and that in every such lease there be reserved to the said Company a right to re-enter upon, take, and occupy permanently the demised premises or any part thereof which may be required for the purposes of the railway or the works connected therewith, upon their giving at any time to the lessee, his executors, administrators, or assigns, six months notice of their requirements, and paying to him or them such an amount of purchase money or compensation as in case of difference shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, for the settlement of cases of disputed compensation.

Houses, &c.
not to be
deemed part
of under-
taking of
the Ham-
mersmith and
City Rail-
way Com-
pany charged
with mort-
gage debt.
Power to
borrow
money on
mortgage of
buildings.

20. Any lands, houses, or buildings so held or leased by the Hammersmith and City Railway Company shall not be deemed part of the undertaking of that Company charged with the mortgage or bond debt of that Company, except such portion of the mortgage debt of that Company as may be specially charged upon such lands, houses, and buildings under the provisions herein-after contained.

21. The Hammersmith and City Railway Company may borrow on mortgage of any houses, lands, or property let by that Company under the powers of this Act and not forming part of the undertaking of that Company, (except such houses, lands, or property as are immediately over the railway or works, or are connected with the structure of the railway or works and the site thereof,) any sums or sum of money, and the only security for the mortgagee shall be the houses, lands, and property so mortgaged, and the proceeds of the sale of any such houses, lands, or property shall be applied in or towards the discharge of any principal sums of money borrowed on the credit thereof.

Company
may apply
funds and
raise addi-
tional capital.

22. It shall be lawful for the Company to apply towards the purposes of this Act 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, and the Company may from time to time, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise in addition to

the sums of money which they are already authorised to raise any further capital, not exceeding in the whole two hundred and fifty 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 any one or more of those modes respectively, which shares or stock shall form part of the general capital of the Company.

A.D. 1880.

23. The Company shall not issue any share created under the authority 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 of the amount of such share, shall have been paid in respect thereof.

Shares not to vest until one-fifth part paid up.

24. 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.

Calls.

25. 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 shares or stock.

26. 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.

27. 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 persons not sui juris.

28. The Company may from time to time borrow on mortgage, in respect of the additional capital of two hundred and fifty thousand pounds by this Act authorised to be raised, any sums not exceeding in the whole eighty-three thousand three hundred pounds, but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under

Power to borrow on mortgage.

A.D. 1880. the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid that such shares or stock, as the case may be, were issued and accepted, and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns; and also, if the said capital is raised by shares, that such persons or corporations, or 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 shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Existing mortgages of Company to have priority.

29. 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 subject to the provisions of the Acts under which such mortgages were respectively granted, have priority over any mortgage 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.

Repeal of provisions of former Acts as to appointment of a receiver.

30. The provisions of the Act of 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.

31. 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 be not less than ten thousand pounds in the whole.

Company may create debenture stock.

32. 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.

A.D. 1880.

33. The Company may from time to time until but not after the expiration of three years from the day on which any of the railways authorised by the Act of 1879 shall have been commenced apply their reserve fund and the annual income derived therefrom, or any part thereof, in payment of interest upon any calls or capital sums expended in carrying out the undertaking authorised by the Act of 1879, and therein called the joint undertaking.

Reserve
fund.

34. Notwithstanding anything in the Act of 1879 contained,

1. The Metropolitan Railway Company may, at their own option and without any interference or control of the Metropolitan District Railway Company, raise one half of the capital of two million five hundred thousand pounds authorised by the Act of 1879 in the name or upon the credit and as the capital of the Metropolitan Railway Company, in any one or more of the ways authorised by sections 64 and 65 of the Act of 1879.

Provisions as
to raising
capital by
the two
companies.

2. The Metropolitan District Railway Company may, at their own option and without any interference or control of the Metropolitan Railway Company, raise the other half of the said capital of two million five hundred thousand pounds in the name or upon the credit and as the capital of the Metropolitan District Railway Company, in any one or more of the ways authorised by sections 64 65, and 80 of the Act of 1879, and any capital to be raised under the said section 80 by the Metropolitan District Railway Company may be raised by such Company by the creation and issue of a separate guaranteed stock, with a perpetual guaranteed dividend attached thereto, at the rate of four pounds per centum per annum, payable by half-yearly payments on the first day of March and first day of September in every year, or within twenty days before or after such days respectively, and such stock may be called "The Metropolitan District Guarantee Stock," and be a first charge on the share or proportion of the District Company of the revenue of the joint undertaking created by the Act of 1879, after payment thereof of the expenses of and incident to the working, control, management, maintenance, and repair thereof (including rates and taxes and passenger duty, if any), and as regards the other revenues of the District Company, to rank next after the mortgage debt and debenture stocks of the District Company: Provided that such

A.D. 1880. — separate guarantee stock shall not confer on the holders thereof any right of voting at meetings of the District Company.

3. If the two companies mutually agree the whole or any portion more than half of the capital of two million five hundred thousand pounds may be raised in the name and upon the credit and as the capital of the Metropolitan Company, and the remainder (if any) of such capital may be raised in the name or upon the credit and as the capital of the District Company. If by virtue of agreement as aforesaid the Metropolitan Company raise the whole or more than half of the said capital of two million five hundred thousand pounds, they shall be entitled to the payment from the District Company of such a fixed annual sum as may be agreed upon between them upon the sum so raised in excess of one half, and such fixed annual sum shall be payable by equal half-yearly payments on the thirtieth day of June and the thirty-first day of December in every year, and shall be a charge on the share or proportion of the District Company in the net revenues of the joint undertaking, and, in case of deficiency, upon the revenues of the District Company, after payment of their existing debenture interest.

4. Every power conferred upon the Metropolitan Company and the District Company respectively, under the foregoing sections, shall be exercised by resolution of the board of such Company, and shall be confirmed at extraordinary general meetings of the shareholders of such Company convened with due notice of the matter, and by the votes of the proprietors present in person or by proxy holding at least three fifths of the paid-up capital represented at the meeting.

Interest not to be paid on calls paid up.

35. The Company shall not, out of any money by this 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 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.

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

36. The Company shall not, out of any money by this 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 railway, or to execute any other work or undertaking.

Provisions as to general railway Acts.

37. 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 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. A.D. 1880.

38. Nothing contained in this Act shall authorise the taking, using, or in any manner interfering with any land or hereditaments, or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, otherwise than in accordance with the provisions of certain articles of agreements made the twentieth day of June one thousand eight hundred and seventy-three, between the Queen's most Excellent Majesty of the first part, the Honourable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues of the second part, and the Metropolitan and Saint John's Wood Railway Company of the third part; neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. Saving
rights of
the Crown.

39. 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.