



CHAPTER xxxv.

An Act for incorporating into a separate company the holders of shares and stock in the railway undertaking of the Muswell Hill Estate Company Limited and for other purposes. A.D. 1886.
[25th September 1886.]

WHEREAS by the Muswell Hill Estate and Railways Act 1866 (in this Act called "the Act of 1866") after reciting amongst other things that the Muswell Hill Estate Company Limited (in this Act called "the Estate Company") claimed to be the owners of certain lands in the parishes of Tottenham Saint Mary Hornsey and Saint James Clerkenwell (detached) in the county of Middlesex whereof part (therein-after and in this Act called "the Alexandra Palace Grounds") was let for a term of nine hundred and ninety-nine years to the Alexandra Palace Company Limited and was being laid out in an ornamental manner and for public resort and recreation and part was being laid out as building ground and that it was 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 Estate Company in consideration of their allowing the part laid out for public resort and recreation being so used in perpetuity should be authorised 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 the Great Northern Railway Company and the Edgware Highgate and London Railway Company or any of them the Estate Company were authorised (section 4) to make and maintain the following railways with all proper stations approaches works and conveniences (that is to say) :—

- (1.) A Railway No. 1 commencing near the Alexandra Palace then in course of construction and terminating 550 yards or thereabouts north of Tottenham Wood House ;
- (2.) A Railway No. 2 commencing by a junction with Railway No. 1 and terminating by a junction with the Alexandra Park branch of the Edgware Highgate and London Railway ; and

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(3.) A Railway No. 3 commencing by a junction with Railway No. 1 and terminating by a junction with Railway No. 2 and the said Alexandra Park branch of the Edgware Highgate and London Railway or one of them;

and (section 5) the Estate Company were authorised to raise additional capital not exceeding in the whole £70,000 by the creation of new ordinary shares (of not less nominal amount than £10 each) or stock for the construction of the railways and works thereby authorised and it was provided (section 7) that all shares and stock so to be created by the Estate Company (herein-after called "the railway shares and railway stock") should form a separate class of shares or stock in their capital and be kept distinct from their other shares and (section 8) it was provided that all moneys raised by the Estate Company by means of the railway shares and railway stock should be applied amongst other things in the construction of the railways and works by the reciting Act authorised including the building of such station or stations as the Estate Company should think fit and that separate accounts should be kept by the Estate Company of their receipts of such moneys and of the expenditure thereof and (section 9) it was provided that the Estate Company should keep a separate account of all their receipts from the railways and works by that Act authorised including such station or stations as aforesaid and that such receipts should be exclusively applicable in the payment of the Estate 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 that the holders of the railway shares and railway stock should not be entitled to dividends out of any other receipts or revenues of the Estate Company and (section 12) it was provided that during the use of the railways or any of them of the Estate Company by the Great Eastern Railway Company or the Great Northern Railway Company or the Edgware Highgate and London Railway Company (herein-after referred to as "the three railway companies") as the case might be the railways or railway of the Estate Company so used should for the purposes of tolls and charges be deemed part of the railway of that one of the said companies by whom the same should be so used except that it should not be lawful for any of the said companies to levy a short distance toll or charge with respect to any such traffic and (section 14) power was given to the three railway companies respectively to use the railways by the reciting Act authorised and the works stations and conveniences connected therewith for the purpose of conveying passengers to and from the said estate upon terms and conditions to be agreed or settled by arbitration and (section 15) the Estate Company on the one hand and the three

railway companies or any one or more of them on the other hand A.D. 1886.
were authorised to enter into working and other contracts and
agreements :

And whereas by the Muswell Hill Estate and Railways Act 1871 (in this Act called "the Act of 1871") after reciting (amongst other things) that the Great Eastern Railway Company did not proceed with the construction of their Alexandra Park branch and that the same was then abandoned by Act of Parliament it was provided (section 3) that the Estate Company who were in that Act called by mistake the Muswell Hill Estate and Railways Company Limited should abandon the construction of so much of Railway No. 1 authorised by the Act of 1866 as lay between the point of junction therewith of Railway No. 3 authorised by that Act and the termination of the said Railway No. 1 near the Tottenham Wood House and also the construction of Railway No. 2 authorised by the Act of 1866 :

And whereas under the powers of the Act of 1866 the Estate Company have created and issued railway stock to the amount of £70,000 :

And whereas the railways of the Estate Company are at present used exclusively by the Great Northern Railway Company who run trains on the same from time to time as and when they think fit for the conveyance of passengers to and from the palace only but no constant or regular communication with the metropolis is thereby provided for persons residing in the neighbourhood of the Alexandra Palace and having occasion to resort to the metropolis and all such persons are unable to use the said railway station without the payment of an admission fee of one shilling to the palace grounds in addition to the ordinary railway fares :

And whereas it is expedient that the said railways should be vested in a company having the powers and being subject to the obligations of an ordinary railway company and that the holders of the railway stock of the Estate Company should be incorporated into such a company :

And whereas the objects aforesaid cannot be attained 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 Muswell Hill and Palace Short title.
Railway Act 1886.

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Incorporation of
general Acts.

Interpretation of
terms.

2. The Companies Clauses Consolidation Act 1845 and Part III. relating to debenture stock of the Companies Clauses Act 1863 and the Railways Clauses Consolidation Act 1845 are (except where expressly varied by this Act) incorporated with and form part of this Act.

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 and in this Act and for the purposes of this Act in the Acts wholly or partially incorporated herewith the expression "the Company" shall mean the Company incorporated by this Act the expression "the undertaking" or "the railway" means the railway and works by this Act vested in the Company and the expression "superior courts" or "court 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 were a common simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. All persons who at the passing of this Act are holders of railway stock of the Estate Company shall be united into a company for the purpose of maintaining the railway and for other the purposes of this Act and for those purposes shall be incorporated by the name of "The Muswell Hill and Palace Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and their undertaking shall be called "The Muswell Hill and Palace Railway."

Vesting the
railway of
the Estate
Company in
new Company.

5. Subject to the provisions of this Act and the Acts and part of Act incorporated therewith on and from the passing of this Act the railway of the Estate Company (being a railway commencing at or near the Alexandra Palace and terminating by a junction with the Alexandra Park branch of the Great Northern Railway) and all lands acquired or held by the Estate Company as part of or in connexion with the said railway and all rails signals junctions stations platforms buildings works and conveniences connected with the said railway (all which things are included in the expression "the railway" where that expression is herein-after used) and all the powers rights and privileges conferred on the Estate Company by the recited Acts for the maintenance of the railway and undertaking or for any other purpose with relation thereto together with the benefit of all contracts and agreements are by this Act vested in the Company and all such powers rights and privileges may be exercised

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by the Company as fully and effectually as though the same powers rights and privileges had been originally conferred upon them and in like manner all the duties and liabilities imposed upon or attaching to or incurred by the Estate Company with respect to the railway or undertaking shall be performed by and attached to the Company.

6. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Estate Company or the holders of railway shares or railway stock of that company in relation to the railway shall be as valid as if the Company had not been incorporated and the railway had not been vested in them by this Act and such incorporation and vesting and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said vesting were not effected and this Act were not passed would be incident to or consequent on any and everything so done or suffered and with respect to all such rights liabilities claims and demands the Company and its stockholders and property shall to all intents and purposes represent the Estate Company and the holders of railway stock of that company and the property of the Estate Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Nothing to affect previous rights and liabilities.

7. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made in relation to the railway before the passing of this Act by to or with the Estate Company or any trustees or persons acting on behalf of that company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Estate Company or the trustees or persons acting on behalf of that company the Company had been a party thereto.

Contracts prior to Act to be binding.

8. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which was pending by or against the Estate Company or any member thereof in relation to the railway or to which that company or any member thereof in relation to the railway were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the

Actions &c. not to abate.

A.D. 1886. same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Estate Company or any member thereof if this Act had not been passed the Company and the stockholders therein being in reference to the matters aforesaid in all respects substituted for the Estate Company and its members respectively.

Trustees of
Estate
Company
to be in-
demnified.

9. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Estate Company and forming part of or connected with the railway were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Estate Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to
satisfy
liabilities of
Estate Com-
pany.

10. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Estate Company immediately before the passing of this Act were subject in relation to the railway and shall indemnify the members directors officers and servants of the Estate Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of
debts, &c.

11. All debts and sums of money which immediately before the passing of this Act were due or accruing to the Estate Company in relation to or connected with the railway shall be payable to and may be collected and recovered by the Company.

As to pay-
ment of debts
owing before
passing of
Act.

12. All persons who immediately before the passing of this Act owed any money to the Estate Company or to any person on their behalf in relation to or connected with the railway shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Estate Company or for the payment of which that company were or but for this Act would be liable in relation to or connected with the railway shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates
&c. to re-

13. Notwithstanding the vesting all certificates (until cancelled under the powers of this Act) and all sales transfers and disposi-

tions heretofore made or executed under them for and with respect to any railway stock of the Estate Company shall remain in full force and continue and be available in all respects as if they had not been avoided. A.D. 1886.
main in
force.

14. All documents books and writings which if the vesting had not taken place would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere notwithstanding the vesting. Books &c.
continued.
evidence.

15. All officers and servants of the Estate Company employed upon or in connexion with the railway who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act. Officers to
continue until
removed.

16. The books kept by the Estate Company for entering the names and designations of the holders of railway shares or railway stock of that company shall and may continue to be kept for the same purpose by the Company and shall until some other register of shareholders shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845. Present re-
gisters of
members to
be con-
tinued.

17. The capital of the Company shall be seventy thousand pounds and shall consist wholly of capital stock to be deemed fully paid up. Capital.*

18. The said capital stock is by this Act vested in the several persons who immediately before the passing of this Act were the registered holders of the railway stock in the capital of the Estate Company in proportion to their respective holdings of and in substitution for their said stock and every portion of stock so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the stock for which the same is substituted and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same. Vesting of
capital stock
in present
holders.

19. The Company shall call in and cancel the existing certificates of railway stock in the Estate Company and issue in lieu thereof Company
shall call in
and cancel

A.D. 1886. certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of stock shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Rights of stockholders. **20.** The several holders of the capital stock of the Company vested by this Act as aforesaid shall be entitled to participate in the dividends and profits of the Company and to the same privileges and advantages for the purpose of voting at meetings of the Company as regards qualification for the office of directors and for other purposes as if the stock had been formed by the conversion or consolidation into stock of fully paid up shares of the Company.

Power to borrow. **21.** The Company may at any time and from time to time after the passing of this Act borrow on mortgage of their undertaking any sum or sums not exceeding in the whole ten thousand pounds.

For appointment of receiver. **22.** 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 one thousand pounds in the whole.

Debenture stock. **23.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall (subject to the provisions of any subsequent Act) rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys. **24.** All moneys raised under this Act whether by debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

25. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. A.D. 1886.

First ordinary meeting.

26. The number of directors shall be four.

Number of directors.

27. The qualification of a director shall be the possession in his own right of stock to the amount of not less than one thousand pounds. Qualification of directors.

28. The quorum of a meeting of directors shall be two.

Quorum.

29. James Goodson, John Alldin Moore, John Winterbotham Batten and James Murray shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the stockholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the stockholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

30. The Company may demand and take such tolls and charges upon and in respect of the railway as the Great Northern Railway Company are authorised to demand and take in respect of their railways but the Company shall be entitled to demand and take short distance tolls and charges as for three miles only and no more than one short distance toll or charge as for three miles shall be taken in respect of traffic conveyed partly on the railway of the Company and partly on the railway of any other railway company: Provided that nothing in this section shall affect or repeal any provisions of the Act of 1866 with respect to the tolls to be taken on the railway during the use thereof by any of the companies named in section 12 of that Act. Tolls.

31. The agreement dated the thirteenth day of May one thousand eight hundred and eighty-six and made between the London Financial Association Limited of the one part and the Muswell Hill Estate Company Limited of the other part a copy of which is set forth in the schedule to this Act annexed is hereby confirmed and

Confirming scheduled agreement.

A.D. 1886. made binding upon the parties thereto and upon the Company and full effect shall be given thereto.

Power to
take lands
by agree-
ment for ex-
traordinary
purposes.

32. The Company may for the extraordinary purposes mentioned in section 45 of the Railways Clauses Consolidation Act 1845 purchase and take (by agreement but not otherwise) and hold any lands and hereditaments not exceeding in the whole one and a half acres.

Restriction
on displacing
persons of
the labouring
class.

33. The Company shall not under the powers of this Act or of the recited Acts without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

The expression "labouring class" in this section includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Classification
table to be
open to in-
spection and
copies to be
sold.

34. The books tables or other documents in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such books tables or other documents as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Terminal
charges (if
any) to be
specified on
application.

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered

and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873. A.D. 1886.

35. Nothing in this Act contained shall operate or be construed to prejudice or set aside the obligation imposed by section 25 of the Act of 1866 upon the owner or owners for the time being of the Alexandra Palace Grounds as defined in the said Act of 1866 except so far as such obligation is affected by the Alexandra Palace Act 1877. Saving obligation under Act of 1866.

36. The Company shall not out of any money by this Act authorised to be borrowed 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 to 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 borrowed money.

37. 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 authorised by this Act. Provision as to general Railway Acts.

38. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

A.D. 1886.

The SCHEDULE referred to in the foregoing Act.

MEMORANDUM OF AGREEMENT made this 13th day of May 1886 between
THE LONDON FINANCIAL ASSOCIATION LIMITED (herein-after called
the Association) of the one part and THE MUSWELL HILL ESTATE
COMPANY LIMITED (herein-after called the Estate Company) of the
other part.

WHEREAS the Estate Company are promoting a Bill in the present session of
Parliament to vest the railways of the Estate Company and the works and
conveniences connected therewith in the railway stockholders of the Estate
Company who are to be incorporated for that purpose into a company under the
style and title of the "Muswell Hill and Palace Railway Company" (herein-
after called the new company).

And whereas much greater advantage will accrue to the public and to the
parties hereto from the opening of the Estate Company's Alexandra Park
Station as an ordinary railway station if free access be provided thereto over
lands now belonging to the Association.

Now therefore it is agreed by and between the parties hereto as follows (that
is to say):—

1. When and so soon as the Estate Company or the new company shall give
to the Association notice in writing that they are prepared ~~on and after the date~~
specified by the notice to open and use the said Alexandra Palace Station as a
pub railway station in connexion with the railways of the Great Northern
Railway Company or any other railway company the Association will allow the
Estate Company or the new company and their respective officers and servants
to enter at all reasonable times upon the lands of the Association coloured pink
on the plan referred to in the second section of the Alexandra Palace Act
1877 for the purposes of constructing metalling and fencing the roadway
indicated upon the said plan as running through the middle of the said lands
coloured pink in a straight line from the boundary of the said lands to the
Alexandra Palace.

2. The Estate Company or as the case may be the new company shall
construct metal and fence the said road and maintain the same and the fences
thereof at their own expense and to the satisfaction of the surveyor of the
Association and the Association will from and after the opening of the said
station grant to all persons with their horses and other animals carriages and
vehicles free and uninterrupted access along the said road to and from the
said station.

3. This agreement shall be scheduled to the above-mentioned Bill intituled
the Muswell Hill Estate and Railways Act 1886 which the Estate Company are

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1886.

promoting in the present session of Parliament and shall be subject to such alterations or modifications thereof as Parliament may see fit to introduce. A.D 1886.

The common seal of the London Financial Association Limited was affixed in the presence of

EDWIN H. GALSWORTHY,
FRANCIS JOS. BLADON,
Directors.
C. J. HAYTER, Secretary.



This seal was affixed in the presence of

J. A. MOORE,
JAMES GOODSON,
Members of the Committee
of Management.
FREDERIC PROPERT, Secretary.



LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1886.