CHAPTER clvii.

An Act to extend the time for purchasing lands and completing the Metropolitan and District Railways (City Lines and Extensions) and for other purposes. A.D. 1882.

[24th July 1882.]

WHEREAS by the Metropolitan and District Railways (City Lines and Extensions) Act 1879 (in this Act called "the Act of 1879") the Metropolitan Railway Company and the Metropolitan District Railway Company (in this Act respectively called "the Metropolitan Company" and "the District Company" and collectively "the two Companies") were authorised to make the railways new street and street improvements therein described and the time for the compulsory purchase of land was limited to two years (section 43) and for the completion of the railways and other works authorised by the said Act (section 50) to three years from the passing of the said Act and provision was (sections 52 and 53) made for the appointment of and vesting in a joint committee the powers conferred by the Act on the two Companies jointly: 42 & 43 Vict c. cci.

And whereas by the Metropolitan and District Railways (City Lines and Extensions) Act 1881 (in this Act called "the Act of 1881") the times so limited were extended for one year and it is expedient that they should be further extended: 44 & 45 Vict. c. lv.

And whereas it is expedient that provision should be made for the payment of contributions for the new street by the Commissioners of Sewers for the City of London (in this Act called "the Commissioners") and the Metropolitan Board of Works (in this Act called "the Metropolitan Board"):

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

A.D. 1882.

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 and District Railways (City Lines and Extensions) Act 1882.

Extending time for compulsory purchase of lands.

2. The period limited by the Act of 1881 for the compulsory purchase and taking of lands shall be extended and such powers shall continue in force until the eleventh day of August one thousand eight hundred and eighty-three.

Extending time for making railways and works.

3. The period limited by the Act of 1881 for the completion of the railways and works authorised by the Act of 1879 and for the accruing of a penalty for the non-completion thereof shall be extended to the eleventh day of August one thousand eight hundred and eighty-four and if the said railways and works shall not on that day be completed the powers by those Acts and this Act granted for making the same shall cease to be exercised except as to so much of the said railways and works respectively as shall then be completed.

Act not to affect certain provisions of the Act of 1881.

4. Nothing in this Act contained shall be held or construed to prejudice or affect the provisions contained in sections four and five of the Act of 1881 or the agreement set forth in the schedule to that Act.

Confirming Agreement with the Commissioners of Sewers of the City of London.

5. The agreement dated the eighteenth day of May one thousand eight hundred and eighty-two made between the railway companies of the one part and the Commissioners of the other part a copy whereof is set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto.

As to contribution by Metropolitan Board of Works.

6. Whereas by section ninety-one of the Act of 1879 the two Companies on the one hand and the Commissioners and the Metropolitan Board on the other hand were empowered from time to time to enter into and carry into effect contracts agreements and arrangements with respect to the construction and maintenance of the new street and works by that Act authorised or any of them or any part or parts thereof respectively and the works and conveniences connected therewith the acquisition and appropriation of lands and property the contribution of funds and any incidental matters and by section ninety-two of that Act it was provided that the Commissioners and the Metropolitan Board might respectively apply their funds and revenues in carrying into effect any of the powers conferred by that Act and might respectively raise any moneys they might require in carrying into effect any such powers by levying one or more rates in the nature of a general district rate or by increasing

any of their existing rates or by mortgage of all or any of their property rates and revenues or by bond or debenture stock on the security of all or any of such property rates and revenues:

And whereas subsequently to the passing of that Act the Metropolitan Board resolved to contribute a sum of five hundred thousand pounds when the new street and works authorised by the Act of 1879 and the sewers and works connected therewith should have been completed to their satisfaction:

And whereas it is desirable that the terms and conditions upon which the Metropolitan Board shall contribute the said sum of five hundred thousand pounds shall be expressly set forth and defined in this Act and the Board are willing that they should be set forth and defined accordingly Be it therefore enacted as follows:—

Plan and section of new street.

1. The new street and works described in the Act of 1879 shall be made and completed by the two Companies in the line and according to the levels shown on a plan and section signed by the Chairman of the Committee to whom the Bill for this Act was in its passage through the House of Commons referred of which plan and section one copy has been deposited at the Parliament Office of the House of Lords one other copy has been deposited at the Private Bill Office of the House of Commons and one other copy shall be retained at the office of the Board for public inspection and upon completion in manner prescribed by this enactment the said new street and works shall be thrown open to the use of the public and become and be a public street;

Width of new street and works.

2. The said new street and works shall be of a clear width of at least sixty feet in every part;

Width of footway and material of carriageway and footway.

3. The several footways of the said new street and works shall be eleven feet in width and shall be paved with York stone and granite kerbs twelve inches in width by eight inches in depth on suitable foundations and the carriageways shall be paved with new three-inch by nine-inch Aberdeen granite cubes with channel on each side formed of granite stones twelve inches wide on bed and seven inches deep the whole laid on a suitable concrete foundation nine inches thick or in such other mode as may be agreed between the two Companies and the Metropolitan Board All old paving and road materials removed in the widening of the streets shall belong to the Companies;

Works to be to satisfaction of Metropolitan Board

4. The new street and works shall be constructed and completed in all respects in a fit and proper manner according to the provisions of this Act and to the reasonable satisfaction of

A.D. 1882.

the engineer for the time being of the Metropolitan Board and any difference which may arise between such engineer and the Companies or either of them as to the construction of any of such works other than the sewers and works connected therewith herein-after mentioned shall be referred to and determined by an engineer to be appointed by the Board of Trade on the application of either of them;

Gradients &c. of connecting streets &c.

5. All side streets courts and places shall be connected with the main thoroughfare formed by the new street and works with suitable gradients and where the footways or carriageways of any such side streets courts and places shall have been disturbed they shall be repaved in the manner hereinbefore provided with respect to the new street or in any case of difference as shall be prescribed by an engineer appointed as aforesaid;

Sewers &c.

6. In making the said new street and works the two Companies or either of them shall not interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board of Works or shall in any way affect the sewerage or drainage of the Metropolis until they shall have given to the Metropolitan Board twenty-eight days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of that Board with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until that Board shall have signified their approval of the same unless that Board do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid The two Companies and each of them shall comply with and conform to all orders directions and regulations of the Metropolitan Board in the execution of the said works and shall provide by new altered or substituted works in such manner as the said Board shall reasonably require for the proper protection of and for preventing injury or impediment to the said sewers and works by reason of the said intended works or any part thereof The two Companies shall construct all such new sewers (if any) and other works as the said Board shall think necessary in connexion with the main sewers of the Metropolis and shall provide for the efficient drainage of the said new street and widened streets. The two Companies and each of them shall save harmless the said Board against all and every the expense to be occasioned

by any of the said works and all such works shall be done by or under the direction superintendence and control of the engineer or other officer of the Metropolitan Board at the costs charges and expenses in all respects of the two Companies and all reasonable costs charges and expenses which the Metropolitan Board may be put to by reason of such works whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to that Board by the two Companies on demand When any new altered or substituted works as aforesaid or any works or defence connected therewith shall have been completed by or at the costs charges or expenses of the two Companies under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the Metropolitan Board as other main sewers in the Metropolis and works connected therewith And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said Board or their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed;

Works to be fenced.

7. No demolition of any house or building in any of the streets to be widened shall be commenced until there shall have been erected by the two Companies in front thereof a strong temporary fence of wood or other equally suitable material which shall encroach as little as practicable in any part upon the present width of such street The said fence shall be continued along both sides of the new street so soon as the ground shall have been sufficiently cleared The said fence shall be maintained throughout in a substantial and efficient manner by the two Companies with the object of protecting (so far as reasonably practicable) the public using those streets but it may be removed in any part by the two Companies when their works or the buildings behind any such part are so far advanced that the removal can be effected without danger or inconvenience to the public;

Street to be free from obstructions.

8. Notwithstanding anything in the Act of 1879 or any other Act relating to either of the two Companies no openings or shafts for the purpose of ventilating or any other work which may obstruct traffic shall be made in any part of the new street or widened streets except with the consent in writing of the Board and the said Commissioners under their common seal;

A.D. 1882.

Arbitration.

9. If any difference should arise between the Board and the two Companies or either of them as to whether the new street sewers and works aforesaid have been completed in accordance with the provisions of this enactment and thrown open to the public such difference shall be determined by arbitration and the provisions of the Railway Companies Arbitration Act 1859 with respect to the settlement of disputes by arbitration shall apply to any such difference as if the Board were a railway company Provided always and it is the intention of this subsection that it shall be expressly limited to any such difference as aforesaid;

22 & 23 Vict. c. 59.

Payment.

10. Within three months after the two Companies shall have completed the said new street and the sewers and works connected therewith in accordance with the provisions hereinbefore contained and the said new street and works shall have been thrown open for the use of the public the Metropolitan Board shall pay to the two Companies the sum of five hundred thousand pounds sterling and no more The said sum shall be raised by the issue of Metropolitan Consolidated Stock or by mortgage of all or any of the property and revenues of the Board.

For protection of Sir Henry William Peek.

7. With respect to the leasehold premises of Sir Henry William Peek situated in the parishes of St. Andrew Hubbard and St. Mary-at-Hill or one of them which the two Companies have power to acquire for the purposes of the Act of 1879 the following provisions shall have effect:—

1. The two Companies shall on the twenty-fifth day of June one thousand eight hundred and eighty-three give to Sir Henry William Peek Baronet the lessee and occupier of the said premises notice to treat and agree for the purchase of his interest in so much of the said premises as will be required for the purposes of the new street and works and the said Sir Henry William Peek shall not avail himself of the provisions contained in section 92 of the Lands Clauses Consolidation Act 1845;

8 & 9 Vict. c. 18.

2. The said Sir Henry William Peek shall not be disturbed in his possession of the portions aforesaid of the said premises before the twenty-fifth day of June one thousand eight hundred and eighty-three but shall give up possession thereof within six weeks after receiving the said notice to treat and agree;
3. The two Companies shall at the expiration of six weeks after Sir Henry William Peek shall have given them possession

of the said premises as aforesaid sell to the said Sir Henry William Peek the freehold and inheritance of and in so much of the said leasehold premises as shall not be required for the purposes of the said new street including the frontage thereof at the same price per square foot as such freehold and inheritance shall have cost them to acquire exclusive of any leasehold or trade interest Provided always that to such price shall be added such part of any compensation to be paid to the said Sir Henry William Peek for disturbance or injury to his business or for his leasehold interest in the premises as shall bear the same proportion to the total amount of such compensation as the land to be sold to the said Sir Henry William Peek bears to the total amount of the said land heretofore held on lease by him;

4. The expression Sir Henry William Peek in this section shall include Sir Henry William Peek his heirs executors administrators or assigns.

Provision as to general Railway Acts.

8. Nothing in this Act contained shall exempt the railways of the two Companies 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.

Costs of Act.

9. 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 two Companies.

A.D. 1882.

SCHEDULE herein-before referred to.

ARTICLES OF AGREEMENT made and entered into this eighteenth day of May one thousand eight hundred and eighty-two between the Metropolitan Railway Company and the Metropolitan District Railway Company (herein-after called "the Companies") of the one part and the Commissioners of Sewers of the City of London (herein-after called "the Commissioners") of the other part.

WHEREAS by the ninety-first section of the Metropolitan and District Railways (City Lines and Extensions) Act 1879 the two Companies on the one hand and the Commissioners and the Metropolitan Board of Works on the other hand were empowered from time to time to enter and carry into effect contracts agreements and arrangements with respect to the construction and maintenance of the new street and works by that Act authorised or any of them or any part or parts thereof respectively and the works and conveniences connected therewith the acquisition and appropriation of lands and property the contribution of funds and any incidental matters but that if no such agreement should be entered into with respect to the new street and works connected therewith within four months from the passing of the said Act the Companies should not be required to construct the new street and works or any of them or any part or parts thereof respectively and by section ninety-two it was provided that the Commissioners and the Metropolitan Board of Works might respectively apply their funds and revenues in carrying into effect any of the powers conferred by that Act and might respectively raise any moneys they might require in carrying into effect any such powers by levying one or more rates in the nature of a general district rate or by increasing any of their existing rates or by mortgage of all or any of their property rates and revenues or by bond or debenture stock on the security of all or any of such property rates and revenues.

And whereas no such agreement as aforesaid has been entered into :

Now it is agreed as follows :

1. The Companies shall before the expiration of the time limited by their pending Bill for the completion of the new street and works thereby authorised or within such extended time as may be authorised by any subsequent Act of Parliament passed before the expiration of their powers but in any case before the thirty-first day of December one thousand eight hundred and ninety-two acquire the absolute fee simple in possession of all the lands forming the site of and construct complete and throw open for public traffic the new street and works authorised by the fifth section of the said Act of 1879.

2. The said new street and works shall in all respects be constructed and completed according to the provisions of the said Act and of this agreement and the following provisions shall be binding on the Companies (namely) :

(A.) The new street and works contemplated by the said Act shall be deemed to be the street shown on the plan hereto annexed and signed by William Haywood and John Wolfe Barry by or on behalf of the parties hereto in four sections namely widening A widening B widening C and new street D and such street and widenings shall throughout be of a clear width of sixty feet in every part including footways.

(B.) The several footways of the said new street and works shall be eleven feet in width and shall be paved with three-inch York stone and granite kerbs twelve inches in depth on suitable foundations and the carriageways shall be paved with new three-inch by nine-inch Aberdeen granite cubes with channel on each side formed of granite stones twelve inches wide on bed and seven inches deep the whole laid on a suitable concrete foundation nine inches thick or in such other mode as may be agreed upon between the Companies the Commissioners and the Metropolitan Board of Works All old materials to belong to the Companies.

(C.) The new street and works shall be constructed and completed in all respects in a fit and proper manner according to the provisions of these presents and to the reasonable satisfaction of the engineer for the time being of the Commissioners or in case of difference in accordance with the directions of an arbitrator to be appointed by the Board of Trade on the application of any or either of the parties.

A.D. 1882.

(D.) The sewers under the said new street and works shall be constructed in all respects in accordance with the provisions of the said Act of 1879 and proper gullies shall be connected with the sewers for carrying off the surface-water of the new street and works.

(E.) All side streets courts and places shall be connected with the main thoroughfare with suitable gradients and in case of difference on this point the question shall be settled by such arbitrator as aforesaid and where the footways or carriageways of any such side streets courts and places shall have been disturbed they shall be repaved in the manner herein-before provided with respect to the new street.

(F.) The Companies shall erect in the new street and along the line of public way to be widened gas standards lamps and fittings similar to those recently adopted in the City of London by the Commissioners and such gas standards and lamps shall be placed upon the footways in the position and manner adopted by the Commissioners in the streets under their jurisdiction and placed in such situations as their engineer may direct There shall not be a greater space left unsupplied by a lamp than sixty feet measuring in a direct line and until the whole of the new street shall have been formed and all streets widened and handed over to the Commissioners as herein-after provided the railway companies shall undertake and pay for the lighting of the said lamps in the manner adopted with regard to other lamps in the City of London.

3. The Commissioners will on the conditions and in the manner herein-after referred to subscribe the sum of three hundred thousand pounds towards the cost of constructing and completing the said new street and works.

4. The said sum of three hundred thousand pounds shall be payable by the Commissioners to the Companies so soon as the whole of the said street and works have been properly constructed and completed and thrown open as aforesaid and the Commissioners shall make advances to the Companies as herein-after provided on the condition that such advances without interest are repaid to the Commissioners in case the said street and works shall not be constructed and completed and thrown open as aforesaid and within the time aforesaid.

5. The instalments are to be paid as follows namely: The sum of sixty thousand pounds so soon as widening A has been completed and thrown open as aforesaid the further sum of sixty thousand

pounds so soon as widening B shall have been completed and thrown open as aforesaid the sum of one hundred and twenty thousand pounds so soon as widening C shall have been completed and thrown open as aforesaid and the sum of sixty thousand pounds so soon as new street D shall have been completed and thrown open as aforesaid Provided always and it is hereby expressly agreed that widening A and new street D shall be first completed and paid for as aforesaid.

6. When the said new street and works shall have been finally completed in accordance with the said Act and with these presents and the street shall have been thrown open as aforesaid and the said sum of three hundred thousand pounds shall have been paid the said new street and works shall become and be a public street and shall vest in and belong to the Commissioners in the same way as the other streets in the City of London and the Companies shall execute any deed necessary to give effect to this clause.

7. Notwithstanding anything in the Act of 1879 or any other Act relating to either of the two Companies the only openings or shafts for the purpose of ventilating or any other work which may obstruct traffic which may be made in any part of the new street or widened streets except with the consent in writing of the Commissioners and of the Metropolitan Board of Works under their common seal shall be one opening or shaft at the widening of Little Tower Street and one at the intersection of the new street D and Great Tower Street and such openings shall be of such dimensions and character as shall be approved by the said Commissioners and the Metropolitan Board of Works or an engineer to be appointed by the Board of Trade if they disagree.

8. So much of Nos. 41 42 43 44 45 46 and 48 as shall not be thrown into the new street according to the plan mentioned in sub-section A of clause 2 shall not be built over but may be used by the Company as ventilation for their railway or station at Tower Hill or as access thereto but this prohibition is not to prevent such access being covered so far as may be necessary.

9. This agreement to be confirmed by a clause to be inserted in the Bill now being promoted by the Companies under the title of the Metropolitan and District Railway Companies (City Lines and Extensions) Bill 1882 and this agreement is conditional upon the Metropolitan Board of Works becoming bound to contribute the sum of five hundred thousand pounds towards the cost of construct-ing and completing the said new street and works.

A.D. 1882.

As witness the common seals of the said Companies and the hands and seals of seven of the said Commissioners:

Signed sealed and delivered by Edward Eyre Ashby, John Cox, Thomas Woodley, John Bennett, Frederick Dadswell, George Manners, and John James Homer, being seven of the Commissioners of Sewers of the City of London, in the presence of

T. G. Vickery,
Solicitor,
Church Court Chambers,
Old Jewry, E.C.

Ed. Eyre Ashby.	(L.S.)
John Cox.	(L.S.)
Thos. Woodley.	(L.S.)
John Bennett.	(L.S.)
Fredk. Dadswell.	(L.S.)
Geo. Manners.	(L.S.)
John James Homer.	(L.S.)

The seal of the Metropolitan Railway Company was hereto affixed in the presence of (L.S.) A.C.

Thos. Smith,
Clerk to the said Company,
32, Westbourne Terrace,
Paddington.

The common seal of the Metropolitan District Railway Company was hereto affixed in the presence of (L.S.) J.M.

Wm. Jones, Chief Clerk,
Met. Dist. Railway Company,
6, Westminster Chambers,
S.W.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.