CHAPTER xcv.

An Act to further amend the Metropolitan District Railway Act, 1881; and for other purposes in relation thereto. A.D. 1884.

[3rd July 1884.]

WHEREAS under powers conferred on them by section twelve of the Metropolitan District Railway Act 1881 the Metropolitan District Railway Company have made an opening for the purpose of ventilating their railway in the roadway of the Victoria Embankment about two hundred and ten yards from the eastern end of Westminster Bridge Station And it is expedient to provide for the closing thereof and for the substitution of another opening as in this Act mentioned:

And whereas the objects of this Act 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:—

Short title.

1. This Act may be cited as the Metropolitan Board of Works (District Railway Ventilators) Act 1884.

Interpretation of terms.

2. In this Act—

The term "the Board" means the Metropolitan Board of Works as constituted by the Metropolis Management Act 1855;

The term "the Company" means the Metropolitan District Railway Company;

The term "the metropolitan engineer" means the engineer for the time being of the Board.

Partial repeal of section 12 of the Metropolitan District Railway Act 1881.

3. On the expiration of nine months from the passing of this Act section twelve of the Metropolitan District Railway Act 1881 shall be and the same is hereby repealed as respects the maintenance of the opening or shaft made by the Company on the roadway of

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the Victoria Embankment opposite Montague House about two hundred and ten yards from the eastern end of Westminster Bridge Station.

Removal of the ventilating opening on the Victoria Embankment.

4. As soon as conveniently may be after the passing of this Act the Company may and shall construct subject to and in accordance with the following provisions an opening from their railway to the Victoria Embankment for the purpose of ventilating their railway:

(1.) The opening shall commence at a point thirty-three feet south of the northern end of the steps leading from the Westminster Pier to the footway on the Victoria Embankment and shall extend thence northward for a clear distance of eighty feet and shall be constructed and maintained by the Company (unless otherwise agreed within one month from the passing of this Act between them and the Metropolitan Board) in the position and of the dimensions and in accordance with the particulars shown on the plan and drawings thereof of which a copy signed by Sir Lyon Playfair the Chairman of the Committee to whom the Bill for this Act was referred has been deposited at the Private Bill Office of the House of Commons.

(2.) The opening shall be five feet in clear width and shall be inclosed by a stone wall five feet and nine inches in height with plinth and moulded cap and four projecting pilasters as shown on the said plan and drawings.

(3.) The Company may if they find it necessary for the protection of their railway add on the top of the wall above mentioned an ornamental screen of a design reasonably approved by the metropolitan engineer not exceeding one foot and six inches in height.

(4.) As soon as the said opening shall be complete the Company shall close the opening or shaft on the Victoria Embankment described in this Act and remove all the materials thereof and fill in and reinstate and make good the road opened or broken up for the purpose of such opening or shaft and restore the same to the reasonable satisfaction of the metropolitan engineer to the condition in which the same was before the making of such opening or shaft.

(5.) In case the Company fail or omit to close such opening or shaft or to remove such materials or to fill in and reinstate and make good the road or to restore the same to the reasonable satisfaction of the metropolitan engineer within nine months from the passing of this Act they shall be liable to a penalty

of fifty pounds for every day during which such default continues which penalty may be recovered in a summary manner by the Board.

(6.) If any such default occur the Board may (without prejudice to any other remedy) close such opening or shaft and remove the materials and fill in and reinstate the road and the expense of executing the same shall be repaid by the Company to the Board and may in case of nonpayment be recovered in a summary manner.

Expenses of Company to be paid by Board.

5. If and when the Company have completed to the reasonable satisfaction of the metropolitan engineer the work which by this Act they are required to execute and perform the Board shall forthwith pay to the Company all the reasonable costs and expenses incurred by them in such work and in complying with the provisions of this Act with reference to such work and in case of difference between the Board and the Company as to the amount of such costs and expenses or as to the mode of execution of the work or as to any other matter connected therewith such difference shall be determined by an arbitrator to be appointed by the Board of Trade at the request of either party whose decision shall be final and binding on the parties and the arbitrator may make such order as to the payment of the costs of any arbitration under this Act as he may think just.

Costs of Act.

6. 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 Board.

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