CHAP. lxii.

An Act to grant further powers to the Metropolitan District Railway Company. [24th June 1869.] A.D. 1869.

WHEREAS "The Metropolitan District Railway Company" (who are herein-after referred to as "the Company") were authorized by "The Metropolitan District Railways Act, 1864," to raise a share capital of £3,600,000, and to borrow £1,200,000: 27 & 28 Vict. c. cccxxii.

And whereas by "The Metropolitan District Railways Amendment Act, 1865," the Company were further authorized to raise £150,000 by shares, and to borrow a further sum of £50,000: 28 & 29 Vict. c. xxxi.

And whereas by "The Metropolitan District Railway Act, 1866," reciting that the Company had issued of their capital £2,250,000, and had been paid thereon £1,399,230, the Company were authorized to borrow in part exercise of their said borrowing powers the sum of £750,000: 29 & 30 Vict. c. clxxviii.

And whereas the Company have not as yet issued the remaining portion of their said share capital, but the sum of £1,500,000 remains to be issued; and the Company have borrowed the sum of £750,000, but the remainder of their said borrowing powers, viz., £500,000, remain yet to be exercised:

And whereas no part of the share capital of the company is entitled to any preference or priority of dividend:

And whereas the Company have opened for traffic so much of their undertaking as lies between the commencement thereof at its junction with the Metropolitan Railway at Kensington and Westminster Bridge, but the extension of the said railway from Westminster Bridge along the Thames Embankment to Cannon Street has not been constructed:

And whereas it is expedient that the Company should be empowered to grant such priority in the division of profits and other advantages as is herein-after mentioned to the said unissued capital of £1,500,000, which is herein called extension capital, the share capital of £2,250,000 already issued being herein termed original capital:

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27 & 28 Vict. c. cccxxii.

And whereas it is also expedient that the provisions contained in the 2nd section of "The Metropolitan District Railways Act, 1864," with respect to the powers of the high bailiff of Westminster in cases where he discharges the duties usually discharged by the sheriff should be extended to his deputy, and that acts already bonâ fide done by the said high bailiff, or by his deputy, with respect to the Company, or its transactions, should be confirmed:

And whereas the several purposes 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. In citing this Act for any purpose it shall be sufficient to use the expression "The Metropolitan District Railway Act, 1869."

Same meanings to words in this Act as in incorporated Acts.

2. The several words and expressions to which by the Act partially incorporated herewith meanings are assigned have in this Act the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction.

High bailiff of Westminster.

3. The term "sheriff" used in the provisions of "The Lands Clauses Consolidation Act, 1845," relating to the reference to a jury, shall, as regards any lands which may be hereafter purchased by the Company within the city and liberty of Westminster, be deemed to apply to the high bailiff of the city and liberty of Westminster or his deputy.

As to extension capital.

4. The Company may with the consent of three fifths of the shareholders at any general meeting duly convened, with notice of the matter, determine that the profits of the undertaking applicable to dividend shall be divided between the extension capital and the original capital, in such proportions, with such priorities, and under such conditions, and with or without any power of redemption and re-adjustment, as shall be defined in the resolution creating the said extension capital, and be made applicable either to the whole at one meeting, or to any portion or portions of such extension capital at successive meetings, and the company shall thenceforth pay to the holders of the extension capital, and every or any part thereof, the proportion of profit so assigned to such capital.

As to issue of extension capital.

5. The following provisions shall apply to the issue of the extension capital:

(a.) It shall be offered to the proprietors of the original capital of the Company in proportion as nearly as may be to the

amount of original capital held by such proprietors respectively, such offer being made by letter, signed by the secretary of the Company, sent by post, and addressed to every such proprietor according to his address in the shareholders address book:

(b.) The portion of extension stock so offered shall vest in and belong to the proprietors who accept the same or their nominees:

(c.) If any proprietor fails for fourteen days after such offer to signify his acceptance of the extension stock, or any part of the extension stock so offered to him, he shall at the expiration of that period be deemed to have declined the offer, but for any satisfactory cause shown to the directors they may, notwithstanding such time has elapsed, permit the said proprietor to accept such stock:

(d.) Subject to the foregoing provisions the Company may from time to time dispose of the extension stock to such persons, on such terms and conditions and in such manner as the directors think advantageous to the Company.

To ensure completion of works.

6. The Company shall immediately on the passing of this Act take the necessary steps for creating and issuing the extension capital, and excepting as to the sum of three hundred and fifty thousand pounds shall forthwith with every practicable despatch apply all such monies to complete that portion of the railway which is connected with the works authorized by the "Metropolis Improvement Act, 1863," and also the remainder of the railway from Westminster Bridge to Cannon Street, in order that the said railway shall be completed and opened to the public by the 1st day of January 1870. In case the Metropolitan Board of Works should be of opinion that the Company are not so proceeding with the said railway they may apply to the Board of Trade, who shall have power by any order under the hand of their secretary to direct the Company to take the necessary steps to expedite the construction of such railway, and the Company shall forthwith proceed in conformity with such order if made, and nothing in this Act contained shall in any way vary, alter, or affect the agreement comprised in schedule 2 of the "Metropolitan District Railway Act, 1868," between the Metropolitan Board of Works and the Company, or the 7th article therein, with reference to the payments or periods for payment in that article specified.

As to works between Hungerford

7. With a view to maintaining the land between Hungerford Bridge and Waterloo Bridge as a fit site for a public building, and

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and Waterloo Bridges.

to prevent the same land from being injuriously affected by any works of the Company, be it enacted as follows:—

(a.) The works above the level of the ground for any station which may be constructed by the Company upon the said land shall be of a reasonably ornamental kind, to be approved by the First Commissioner of Her Majesty's Works and Public Buildings:

(b.) Inasmuch as the Company find it indispensable for the purposes of the railway that ventilating shafts or other means of ventilation should be constructed upon the said land, they shall, as soon as possible after the passing of this Act, submit plans and elevations showing the exact position and design of such shafts or other works to the said First Commissioner and to the Metropolitan Board of Works, who may (subject to the conditions herein-after contained) require such modifications in the position or construction thereof as may seem to him or them right, provided the same are compatible with the safe working of the railway and the convenience of the persons using the same, and the works shall be altered or executed accordingly: Provided also, that in any such modifications the openings for the purposes of ventilation shall not be restricted to a less superficial area than that which has been already agreed upon with the Metropolitan Board of Works as shown upon the plan dated the 20th day of July 1868, and signed by John Fowler and Joseph William Bazalgette, and the form of such superficial area shall be in the discretion of the engineer of the Company:

(c.) If the altered or additional works required by the First Commissioner involve a greater expenditure of money than the works proposed by the Company, such excess of expenditure, and the cost of making any alterations in any works already executed, shall be defrayed by the Commissioners of Her Majesty's Works and Public Buildings out of any monies which may be from time to time placed by Parliament at their disposal for that purpose:

(d.) Any difference which may arise between the First Commissioner and the Company touching the works above the level of the ground connected with any such station, or touching any excess of cost occasioned by the requirements by the First Commissioner of the plans of the Company, and any difference which may arise between

the Company and the First Commissioner and the Metropolitan Board of Works, or any of them, under paragraph (b.) of this enactment, shall from time to time be referred to the arbitration of an engineer to be appointed by the Board of Trade, whose award shall be binding: Provided always, that, save as hereby expressly enacted, nothing in this enactment contained shall in anywise alter, prejudice, or affect any right or power of the Metropolitan Board of Works under the 61st section of "The Metropolitan District Railways Act, 1864."

Providing for a certain footway.

8. The Company shall for ever hereafter maintain as a footway to be freely and without obstruction used by the public the strip of land recently acquired from the London, Brighton, and South Coast Railway Company which extends from Buckingham Palace Road to Wilton Road, along the whole front of the houses leased to Mr. Benjamin Holden, and which strip of land is now formed and used as a footway in connexion with the public footway outside the same.

As to powers of high bailiff.

9. The 2nd section of "The Metropolitan District Railways Act, 1864," and the 3rd section of "The Metropolitan District Railways Act Amendment, 1865," shall be deemed to include not only the high bailiff of the city and liberty of Westminster, but the deputy of the said high bailiff in all cases where the high bailiff discharges the duties and offices usually discharged by the sheriff, and particularly in all cases of assessment of purchase monies and compensations before a jury within the city and liberty of Westminster under the provisions of "The Lands Clauses Consolidation Act, 1845," and no act bonâ fide done, or proceeding taken by virtue of the said two sections or either of them, shall be rendered invalid because the same was taken or done by or in the presence of the high bailiff instead of by or in the presence of the sheriff of Middlesex, or by or in the presence of the deputy of the said high bailiff, instead of by or in the presence of the high bailiff himself, excepting where the validity of any such Act has already been questioned.

Notice to be given before streets in city of London are interfered with.

10. No street within the city of London shall be broken up or interfered with by the Company unless twenty-one days previous notice shall have been given by the Company to the Commissioners of Sewers for the city of London.

Railway not exempt from provisions of present and future general Acts.

11. Nothing herein contained shall be deemed or construed to exempt the Company or its undertaking from the provisions of any general Act relating to railways, or to the better or more impartial audit of the accounts of the railway companies now in

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force or which may hereafter pass during this or any future session of Parliament, or from any future revision and alteration under the authority of Parliament of the maximum rates of fares and charges authorized to be taken by the Company, or of the rates for small parcels.

Expenses of Act.

12. All the costs, charges, and expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company.

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