CHAP. xciv.

An Act to enable the Metropolitan District Railway Company to make a Station near Bread Street, and for other purposes with respect to the same Company. [4th July 1870.]

A.D. 1870.

WHEREAS it is expedient that the Metropolitan District Railway Company (who are herein-after referred to as "the Company") should be enabled to construct a station at Bread Street, and it is also expedient that the powers and obligations contained in the 90th section of the Metropolitan District Railways Act, 1864, with respect to trains for labouring classes, should be amended and enlarged:

27 & 28 Vict. c. cccxxii.

And whereas plans describing the situation of the said station, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of the proposed station, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the city of London, and are in this Act referred to as the deposited plans and book of reference:

And whereas the Metropolitan District railway was originally authorised to form part of what was known as an inner circle of railways north of the Thames, and with that view to terminate by a junction with the Metropolitan railway at Trinity Square, Tower Hill, but the period for the compulsory purchase of land for the construction of the railway between Bread Street and Trinity Square will expire on the second day of August one thousand eight hundred and seventy, and only a small portion of the said lands have been purchased, and the funds of the Company will be exhausted in constructing their railway to Bread Street and Cannon Street, and it is expedient that the provisions herein-after contained should be made to facilitate the future completion hereafter of the said inner circle of railways:

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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,)

Short title.

1. This Act may be cited as "The Metropolitan District Railway Act, 1870."

Provisions of general Acts herein named incorporated.

2. The following Acts (as far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act; (namely,)

"The Lands Clauses Consolidation Acts, 1845 and 1860:"

"The Railways Clauses Consolidation Act, 1845."

Interpretation of terms.

3. With respect to the interpretation of terms in and for the purposes of this Act the following provisions shall have effect; (namely,)

In this Act and in any Act incorporated therewith the term "the Company" shall be taken to mean the Metropolitan District Railway Company:

The term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which that term is used was a common simple contract debt, and not a debt or demand created by statute; and the term "superior courts" shall be taken to include all courts of competent jurisdiction within the meaning of this Act:

Subject to the foregoing interpretations, words to which meanings are assigned by any Act incorporated with this Act, or which have therein special meanings, have in this Act the same meanings.

Power to make station at Bread Street.

4. Subject to the provisions of this Act, the Company may make and maintain—

A station on the authorised course of the railway under Queen Victoria Street, with all the necessary approaches and works connected therewith, at Bread Street, between Lambeth Hill and Great Trinity Lane.

Extending certain provisions of the Act of 1864.

5. The following provisions of the Metropolitan District Railways Act, 1864, shall, so far as they are applicable, apply to and form part of this Act:

Section 65. "Notice to be served on persons having control, &c. "before breaking up streets."

Section 66. "If the persons having the control, &c. fail to super-
" intend, Company may perform work without them."
Section 67. "Streets broken up to be reinstated without delay."
Section 68. "Penalty for delay in reinstating streets, &c."
Section 69. "In case of delay other parties may reinstate and
" recover expenses."
Section 70. "All works affecting water and gas companies to be
" executed to the satisfaction of their engineers."
Section 71. "Penalty for intercepting supply of water or gas."
Section 72. "Repairs of water and gas pipes to be borne by Com-
" pany in certain cases."
Section 73. "Water and gas companies empowered to lay and
" repair pipes on lands of railway company."
Section 74. "Providing for extension of water supply."
Section 79. "Works affecting sewers in the city of London to be
" under superintendence of Commissioners of Sewers of the city
" of London."

Period for completion of works.

6. If the works authorised by this Act are not completed before the first day of July one thousand eight hundred and seventy-one, the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Deposit money to be repaid on application.

7. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of seventeen thousand three hundred and fifty pounds, being five per centum upon the amount of the estimate in respect of the railway originally proposed to be authorised by this Act, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act; but inasmuch as the railway so proposed to be authorised has not been sanctioned, be it enacted that the said sum so deposited as aforesaid in respect of the application for this Act shall be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them.

Power to take lands.

8. Subject to the provisions of this Act, the Company may from time to time enter on, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for the purposes of this Act.

Houses of labouring classes.

9. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or

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lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have so made known their intention to take the same.

Powers for compulsory purchases limited.

10. The powers of the Company for the compulsory purchase of lands authorised to be taken by this Act shall not be exercised after the expiration of nine months from the passing of this Act.

Works to be part of undertaking.

11. The works by this Act authorised shall form part of the Company's undertaking.

Plans and sections of station and works to be approved by Metropolitan Board of Works.

12. Before the Company shall construct any station or works belonging thereto underneath the said street they shall submit plans and sections thereof to the Metropolitan Board of Works for the reasonable approval of the board, and the same station and works shall be constructed in conformity with the plans and sections so approved, and under the superintendence of the board: Provided, also, that the board shall not exercise the powers granted to them by this enactment so as to prevent either the due ventilation or light of the same station and works.

Arbitration between board and Company.

13. Subject to the provisions of this Act, if any difference shall arise between the engineer of the Metropolitan Board of Works and the engineer of the Company with respect to the mode of construction of the station and works in connexion with the said street, such difference shall from time to time be determined by an engineer to be appointed by the common consent of the board and the Company, or, in default of such consent, by the Board of Trade: Provided that if the engineers of the board and the Company shall, before commencing such works or afterwards, from time to time determine on an engineer as standing arbitrator, the differences from time to time arising as aforesaid shall be settled by such arbitrator so long as he continues in office.

Company empowered to break up streets.

14. Subject to the provisions of this Act, the Company may in making and maintaining the station and works enter upon and use so much of the streets shown upon the said plans and mentioned in the said books of reference as may be necessary, and the Company may open and break up the soil and pavement of the streets for the purpose of making and maintaining the said station and works, and as often as occasion shall require, for the purpose of repairing and maintaining the same, and for the purposes aforesaid, or any of them, the Company may remove and use all earth and materials in and

under such streets, and do all other acts which the Company shall from time to time deem necessary for making, repairing, or maintaining the said station and works.

Company may apply their funds towards purposes of Act.

15. 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.

As to trains for labouring classes.

16. The provisions contained in the 90th section of the said Act of 1864, with respect to trains for the labouring classes, shall be read and have effect as though the words "Bread Street and Queen Street stations" were inserted therein in addition to "Trinity Square:" Provided that the liability of the Company under any claim for compensation for injury or otherwise in respect of each passenger travelling under the said provision in a train of the Company at a fare not exceeding one penny shall be limited to a sum not exceeding one hundred pounds; and the amount of compensation payable in respect of any passenger so injured shall be determined by an arbitrator to be appointed by the Board of Trade, and not otherwise, and the decision of such arbitrator shall be final, and he may call for the production of any document in the possession or power of either party which he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose; and the manner of holding every such arbitration, and the costs (to be determined by the arbitrator) of and attending the same, shall be in the discretion of the arbitrator.

Facilitating completion of inner circle.

17. If at any time hereafter a company shall be formed, or powers shall be sought from Parliament, for the purpose of completing the said inner circle of railways by the formation of a railway between Bread Street and the eastern terminus of the Metropolitan railway, the Company shall not oppose any such application to Parliament or the grant of any such powers, but, on the contrary, shall concur in a junction between the Metropolitan District railway and such proposed new railway, and when such railway shall have been formed the Company shall afford all due facilities for the working of traffic thereon, and for the use of the Bread Street and Queen Street or Cannon Street stations for the purposes of such traffic, and so that there may be a continuous through communication and service of trains between and over the said new railway and the Metropolitan and Metropolitan District railways, and that an inner circle of metropolitan railways north of the Thames as originally contemplated by Parliament shall be completed: Provided, nevertheless, that the Company may oppose any

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mode of joining the railway on the ground of physical injury to the same, but upon that ground alone.

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

18. Nothing herein contained shall be deemed or construed to exempt the Company from the provisions of any general Act relating to railways, or to 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 and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorised to be taken by the Company, or of the rates for small parcels.

Expenses of Act.

19. 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.

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