CHAPTER ccvii.

An Act to confer further powers on the Metropolitan District Railway Company. [20th August 1883.] A.D. 1883.

WHEREAS by his Award dated the 10th day of April 1883 Sir John Hawkshaw the Arbitrator to whom certain matters in difference between the Metropolitan Railway Company the Metropolitan District Railway Company (in this Act called "the Company") and the East London Railway Company were referred awarded amongst other things that the Joint Committee therein referred to (meaning the Metropolitan and District Joint Committee constituted by the Metropolitan and District Railways (City Lines and Extensions) Act 1879) should not make the Railway authorised by the said Act on the north side of Whitechapel Road nor the station which they contemplated making adjoining the Whitechapel Station of the East London Railway but that the Company might make at their own expense a terminal station on the north side of Whitechapel Road communicating as described in the said award if they should give notice to the Joint Committee on or before the 1st of May then next that it was their intention to do so and that the Joint Committee should at the expense of the Company exercise their powers to secure the land and that the Metropolitan Railway Company might join in the construction of such terminal station if they should think fit and should give notice that it was their intention to do so on or before the 1st of May then next in which case the land would have to be obtained and the works carried out by the Joint Committee at joint expense the terminal station in either event to be opened if possible simultaneously with the line along the Whitechapel Road from the Inner Circle at Aldgate.

And whereas the Company duly gave notice to the Joint Committee before the said 1st day of May of their intention to make the terminal station referred to in the said award.

And whereas it is expedient that the Company be authorised to purchase and acquire the lands herein-after described in the parish

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of Saint Mary Whitechapel for the purposes of such terminal station.

And whereas it is expedient

West Brompton Junction.

That the time limited by the 8th section of the Metropolitan District Railway Act 1881 to the 7th day of June 1883 for the construction and completion of the "West Brompton Junction" authorised by the said Act should be extended and that the period limited by the 20th section of that Act for the compulsory purchase of lands for the purposes of the said Junction Railway and for the acquisition of certain lands in Middlesex and in the City of London described in the 10th section of the said Act should be also extended;

Correcting date in Act of 1881.

That the 7th section of the Metropolitan District Railway Act 1881 should be varied by substituting the date 1877 for the date of "1875" in reference to the Act regulating the tolls and charges to be taken for the use of the "Ealing Extension;"

Additional Capital.

Passenger Duty.

That the Company should be authorised to raise additional capital by shares or loan for the purpose of satisfying the demands of Her Majesty's Treasury for arrears of passenger duty claimed of the Company;

And that the other provisions herein-after contained should be made:

And whereas Plans of the additional lands which are authorised to be acquired under the powers of this Act and also a Book of Reference to such Plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the Clerk of the Peace for the County of Middlesex and are herein-after respectively referred to as the deposited Plans and Book of Reference.

And whereas the 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:

Short Title.

1. This Act may be cited as the Metropolitan District Railway Act 1883.

Incorporation of General Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 and Part II. (relating to Extension of Time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Extending certain provisions of the Companies Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

And also Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the Cancellation and Surrender of Shares to Additional Capital and to Debenture Stock;

are (except where expressly varied by this Act) incorporated with and form part of this Act and shall apply to the Company and to the capital by this Act authorised to be raised by them.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expressions "Parish Clerks" and "Clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards the parish of Saint Mary Whitechapel in which parish alone by the standing orders of both Houses of Parliament plans sections and other documents are for the purposes of this Act required to be deposited mean the Clerk of the Whitechapel District Board:

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith 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.

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Amending Section 7 of Metropolitan District Railway Act 1875.

5. Section 7 of the Metropolitan District Railway Act 1881 shall be read and interpreted as if the words "the Metropolitan District Railway Act 1875" were "the Metropolitan District Railway Act 1877" and the further words of that section specifying "sections 39 to 42" shall be read and interpreted as if the same were written "sections 18 to 27."

Power to purchase Additional Lands.

6. Subject to the provisions of this Act the Company may enter upon and take compulsorily or by agreement for the purposes of the terminal station aforesaid the lands situate in the parish of Saint Mary Whitechapel in Middlesex and delineated upon the deposited Plans and described in the deposited Books of Reference and thereon numbered:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 39, 40, 46, 47, 48, 50, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 72, 74, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 89A, 94, 104, 106, 107, 108, 109, 110, 111, 112, 116, 118, 119, 120, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134:

Provided always that nothing in this Act shall authorise the Company to stop up the streets numbered 1, 50, 74, and 134 as aforesaid or any of them nor the public way numbered 116 without the consent of the Board of Works for the Whitechapel District.

As to mode of dealing with certain properties in certain events.

7. If the Company shall be compelled to acquire the whole of any of the properties facing the Whitechapel Road, and lying to the eastward of property numbered 10 and if such properties are not required for booking offices and entrances to the station they shall either erect or cause to be erected houses or shops thereon with a depth of not less from south to north than fifty feet or they shall resell the portions of the said properties not required for the works of the station within five years from the passing of the Act.

For protection of East London Railway Company.

8. The Company shall not enter upon or interfere with the East London Railway or any of the lands or works situate to the east of the western side of Baker's Row of the East London Railway Company or execute any works whatsoever affecting the same until there shall have been delivered to that Company by the Company plans drawings and specifications of the works intended to be executed affecting the East London Railway and the lands and works thereof and those plans drawings and specifications shall within one month from the date of such delivery be settled and agreed upon between the engineer of the East London Railway Company and the engineers of the Company and in case the East London Railway Conpany fail to signify their dissent from such

plans within one month from their delivery as aforesaid then the Company may proceed with their works in accordance with the plans as delivered or in case of any difference arising between them the same shall within a further month be settled and determined by Sir John Hawkshaw or failing him by the Standing Arbitrator of the Metropolitan and District Joint Committee and such works shall be carried into effect only in accordance with such agreement or determination and under the superintendence and to the reasonable satisfaction of the engineer of the East London Railway Company.

For protection of Sewers in the Metropolis.

9. Where any works to be done by the Company on or under any lands to be acquired by them by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board of Works or of any Vestry or District Board of Works constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said Boards or Vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the District Board or Vestry as the case may be fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such Board or Vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such Board or Vestry respectively shall have signified their approval of the same unless such Board or Vestry as the case may be do not signify their approval disapproval or other directions within fourteen days after service of the said plan section and particulars as aforesaid Provided that if any difference shall arise as to the said works it shall be referred to an engineer to be appointed by the Board of Trade on the application of any of the said parties interested and the Company shall comply with and conform to all directions and regulations of such reference in the execution of the said works and shall provide by new altered or substituted works in such manner as such Boards or Vestries respectively shall reasonably require and subject to such reference as aforesaid for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said Boards and Vestries respectively

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against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said Metropolitan Board District Board or Vestry as the case may be at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses occasioned by reason of such works of the Company shall be paid by the Company on demand and if any dispute shall arise as to the amount of such costs charges and expenses the same shall be settled by a referee to be appointed by the Board of Trade and be a debt due from the Company to the said Board or Vestry and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board District Board or Vestry as the case may be respectively as any sewers or works now or hereafter may be And nothing in this Act shall except as herein-before provided extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said respective Boards or Vestries or any or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Extending time for construction of West Brompton Junction.

10. The period limited by the Metropolitan District Railway Act 1881 for the construction and completion of "the West Brompton Junction" described in and authorised by the 5th section of the said Act is hereby extended until the twenty-seventh day of June one thousand eight hundred and eighty-five and for the purposes of section 18 of the said Act such extended period shall be deemed to be the period limited by that Act for the completion of the Railway.

Extension of time for purchase of Lands for West Brompton Junction.

11. The powers granted to the Company by the said Act of 1881 for the compulsory purchase of lands for the purposes of "the West Brompton Junction" are hereby extended until the thirty-first day of December one thousand eight hundred and eighty-three.

Extension of Time for acquisition of Land in parishes of Saint George Hanover Square and Saint Bride.

12. The powers conferred upon the Company by the said Act of 1881 for the compulsory purchase of certain lands and buildings in the parishes of Saint George Hanover Square in Middlesex and Saint Bride in the City of London which lands and buildings are referred to and described in the 10th section of the said Act are hereby extended until the twenty-seventh day of June one thousand eight hundred and eighty-four.

Power to take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Period for compulsory purchase of lands.

14. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of one year from the passing of this Act.

Notice to be given of taking houses of labouring classes.

15. The Company shall eight weeks at least before they take in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a 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 they have so made known their intention.

Company to procure accommodation for persons of the labouring class to be displaced.

16. Before taking in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase by agreement such further lands as may be necessary for such purpose and may on such lands erect labouring-class dwellings and may let or otherwise dispose of such lands and dwellings and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

Company may apply their funds towards pur-

17. The Company may apply to the purposes of this Act any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were

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poses of Act and may raise Additional Capital.

authorised to be raised and the Company in addition to the moneys they are already authorised to raise may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise such sum or sums not exceeding twenty-five thousand pounds as may be necessary for satisfying the demands of Her Majesty's Treasury in respect of arrears of passenger duty claimed by the Treasury to be due from the Company by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or of debentures or debenture stock or wholly or partly by any one or more of those methods respectively.

Shares or Stock not to vest until fifth part paid up.

18. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Conditions of New Stock and Shares.

19. The Company may attach to any shares or stock issued under this Act such conditions with respect to voting qualifications and other matters as they from time to time think fit to declare before issuing such shares or stock.

Existing mortgages to have priority.

20. All mortgages granted by the Company in pursuance of any Act of Parliament and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture Stock.

21. Every debenture and every certificate of debenture stock issued under the powers of this Act shall be endorsed with notice that the same is redeemable as herein-after provided and notwithstanding anything contained in Part III. of the Companies Clauses Act 1863 the interest of all debenture stock created and issued by the Company under the powers of this Act shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Repayment and Sinking Fund.

22. All such shares and stock and debentures and debenture stock shall be redeemable and shall be redeemed by the Company at the expiration of twenty years from the passing of this Act and the Company may from time to time re-borrow any sums raised by them on mortgage under the provisions of this section but so that

all moneys so raised shall be payable off and shall be paid off by the Company at the expiration of such twenty years after the passing of this Act and shall not thereafter be re-borrowed The Company shall annually out of their profits applicable to dividend set apart a sum equal to a twentieth part or such other proportionate part of the amount raised by them under the last preceding section as will ensure the payment off of that amount within a period of twenty years from the passing of this Act and the sums so set apart shall form a sinking fund which shall from time to time be invested by and in the name of the Company or in the names of trustees in any securities in which trustees are for the time being authorised to invest trust moneys and the Company shall at the expiration of twenty years from the passing of this Act apply the sinking fund in the redemption of shares or stock or paying off mortgages issued or granted under the powers of this Act and the annual income from the sinking fund for the time being shall form part of the general revenues of the Company.

Receipt in case of persons not sui juris.

23. If any money is payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Interest not to be paid on calls paid up

24. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him But nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposit for future Bills not to be paid out of Capital.

25. The Company shall not out of any money by this Act authorised to be raised 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 of 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.

Provision as to General Railway Act

26. 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.

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Costs of Act.

27. 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.

London: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1883.