ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. cli.

An Act to confer further Powers upon "The *Metropolitan District* Railway Company."

[29th *June* 1865.]

WHEREAS by "The *Metropolitan District* Railways Act, 1864," "the *Metropolitan District* Railway Company" were authorized to make various Railways, whereof One is referred to in the said Act as "Railway No. 8:" And whereas it is expedient that the Company should be authorized to abandon that Railway, and instead thereof to adopt another Line, and that they should have Power to make a Railway from the said substituted Line to the *Hammersmith Road*, and also to acquire certain Lands and Buildings in the Parish of *Saint Margaret, Westminster*, in the Neighbourhood of *Victoria Street*; and in the Parish of *Saint Mary Abbott, Kensington*, near the *Kensington Road* and *Pelham Street*, and to stop up certain Streets and Places in the said first-mentioned Parish: And whereas Plans and Sections showing the Line and Levels of the Railways by this Act authorized, and Plans showing the before-mentioned Lands and Buildings, and a Book of Reference to the Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers of the Lands and other Property for the Purchase of which Powers are by this Act conferred upon the Company,

27 & 28 Vict. c. cccxxii.

Company, were deposited in *November* last with the Clerk of the Peace for *Middlesex*: And whereas it is expedient that the Company should be authorized for the Purposes of this Act to raise additional Capital, and that they and the *Metropolitan* Railway Company should be empowered to enter into mutual Working Agreements, and that some of the Provisions of the recited Act should be amended and enlarged: And whereas the Objects aforesaid cannot be accomplished 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 for any Purpose as "The *Metropolitan District* Railways Act Amendment Act, 1865."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Railways Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part I. (relating to Construction of a Railway), and Part III. (relating to Working Arrangements) of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act—

The Words "the Company" shall mean the *Metropolitan District* Railway Company:

The Words "the Railways" shall mean the Railways and the Works connected therewith by this Act authorized to be constructed:

Where any Matter is authorized or required to be done by Two Justices, the Expression "Two Justices" shall mean Two Justices assembled and acting together, or any Police Magistrate or Justice of the Peace who may by Law have Authority to act alone for any Purpose with the Power of Two Justices:

The Word "Sheriff" in "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," shall, with respect to this Act, so far as the Powers thereof are to be exercised within the City and Liberty of *Westminster*, mean the High Bailiff of *Westminster* in all Cases where the High Bailiff discharges the Duties and Offices usually discharged by the Sheriff:

The Words "Superior Courts" and "Court of competent Jurisdiction" in this Act, or in any Act incorporated herewith, shall mean any Court where the Debt might be recovered if it were merely a Simple Contract Debt, and not a Debt created by Statute.

4. The

Same Meanings to Words, &c. in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Power to raise additional Capital.

5. The Company may from Time to Time raise (in addition to the Sums of Money which they are authorized to raise) any Sums not exceeding in the whole One hundred and fifty thousand Pounds by the Creation of new Ordinary Shares, which Shares shall form Part of the general Capital of the Company.

Shares not to vest until One Fifth Part paid up.

6. It shall not be lawful for the Company to issue any such Share, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share is paid up in respect thereof.

Dividends on new Shares.

7. The Proprietors of any new Shares created under the Powers of this Act shall in respect of the same (except as otherwise provided by or under the Powers of this Act) be entitled to a Dividend with the other Shareholders proportioned to the Amount for the Time being paid up on such Shares.

Votes of Proprietors of new Shares.

8. The Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if such Shares had been original Shares in the Company.

Power to borrow on Mortgage.

9. The Company may from Time to Time, under the Powers of this Act, borrow on Mortgage beyond the Sum now authorized to be borrowed by them any additional Sum of Money not exceeding Fifty thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify, under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such additional Capital has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, and that all the Shares have been issued, and that One Half of the said additional Capital has been paid up, and that Twenty *per Centum* at least paid up on each separate Share, of which Proofs having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

10. Provided

Existing Mortgages to have Priority.

10. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be created by virtue of this Act.

Application of Sums raised under this Act.

11. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or Mortgage shall be applied only to the Purposes authorized by this Act.

Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

12. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the Distribution of the Capital of the Company into Shares," "with respect to the Transfer or Transmission of Shares," "with respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls," "with respect to the Forfeiture of Shares for Nonpayment of Calls," "with "respect to the Remedies of Creditors of the Company against the "Shareholders," "with respect to the borrowing of Money by the Company on Mortgage or Bond," "with respect to the Conversion of the borrowed Money into Capital," "with respect to the Consolidation of Shares into Stock," and "with respect to affording Access to the Special Act by all Parties interested," and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall apply to all Shares created and to Mortgages granted and Monies borrowed under the Powers of this Act.

Company to abandon authorized Railway No. 8.

13. The Company shall abandon the Construction of Railway No. 8 authorized by the recited Act, and all the Powers, Authorities, and Privileges by the said Act granted to the Company for the Construction and Maintenance of the said Railway No. 8. shall from and after the passing of this Act cease and determine.

Compensation to be made where Contracts have been entered into or Notice given.

14. In any Case where, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing or using any Lands which the Company were empowered to purchase for the Purpose of constructing the Railway so required to be abandoned as aforesaid, the Company shall make to the Owners and Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or such Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided that the

the Authority hereby given for abandoning the said Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Power to take Lands.

15. Subject to the Provisions of this Act, the Company may from Time to Time enter upon, take, use, and appropriate all or any of the Lands defined on the said deposited Plans and described in the said deposited Book of Reference.

Powers for compulsory Purchases limited.

16. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Power to make Railways according to deposited Plans.

17. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, in the Line and according to the Levels shown on the said Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use for the Purposes of such Railways.

Describing new Lines of Railway.

18. The Railways hereby authorized are—

1. A Railway commencing by a Junction with Railway No. 7 authorized by the recited Act, and terminating by a Junction with the *West London Extension* Railway near where that Railway joins the *West London* Railway:
2. A Railway (wholly situate in the Parish of *Fulham*) to commence by a Junction with the other Railway by this Act authorized, and to terminate at the *Hammersmith Road*:

And the Railways shall for the Purposes of Tolls and in all other respects be deemed Part of the original Undertaking of the Company.

Power to deviate from Levels of Sections.

19. It shall be lawful for the Company, in the Construction of the Railways, to deviate from the Levels and Gradients as marked on the said Sections to such an Extent as may be found necessary or convenient for avoiding, accommodating, preserving, or improving the Drainage or Sewers or other Works in or under the Streets through which the Railways will be made; and the Company may

alter the Inclination of their Railways accordingly, anything in "The Railways Clauses Consolidation Act, 1845," to the contrary notwithstanding.

As to Execution of Works for Railway under West London Extension Railway.

20. The Railway, where the same will pass under the *West London Extension* Railway, shall be carried under the same according to Plans to be reasonably approved by and executed under the Superintendence and to the reasonable Satisfaction in all respects of the Engineer of the *West London Extension* Railway Company, and at the Expense of the Company; aud such Railway and Works shall be so carried and executed respectively by such Means and in such Manner only as not to interfere with the free, uninterrupted, and safe Use of the *West London Extension* Railway and the Traffic thereon, and so as not to alter the Level of the Rails of the *West London Extension* Railway.

Maintenance of Works.

21. The Company shall at all Times maintain the Arch or other Works by which the Railway shall be carried under the *West London Extension* Railway in substantial Repair and good Order and Condition, to the reasonable Satisfaction in all respects of the Engineer of the *West London Extension* Railway Company; and if and whenever the Company fail so to do the *West London Extension* Railway Company may make and do, in and upon as well the Lands of the Company as their own Lands, all such Works and Things as the *West London Extension* Railway Company reasonably think requisite in that Behalf, and the Sum from Time to Time certified by their Engineer to be the reasonable Amount of their Expenditure in that Behalf shall be repaid to them by the Company, and in default of full Repayment the Amount due may be recovered, with full Costs, by the *West London Extension* Railway Company, in any Court of competent Jurisdiction.

Company to acquire Easement only in Lands of the West London Extension Railway Company.

22. With respect to any Land of the *West London Extension* Railway Company which the Company are by this Act from Time to Time authorized to use, enter upon, or interfere with, for the Purpose of constructing the said Arch or other Works by which the Railway shall be carried under the *West London Extension* Railway, the Company shall not purchase and take the same, but the Company may purchase and take, and the *West London Extension* Railway Company may and shall sell and grant accordingly, a perpetual Easement or Right of using the same for the Purposes for which but for this Enactment the Company might purchase and take the same; but no more of the Land of the *West London Extension* Railway Company shall be used for the Purposes of this Act than shall be

necessary

necessary for the Passage of Lines of Railway under the *West London Extension* Railway or the Construction of the Line of Railway hereby authorized.

Extending to Act certain Sections of recited Act.

23. Sections 64 to 73, both inclusive, of the recited Act, relating to Interference with Streets and with Gas and Water Pipes, and Section 75 of that Act, protecting the Metropolitan Board of Works and other Boards, shall extend to this Act and the Works thereby authorized, as though they had been re-enacted in this Act with reference to those Works.

Extending certain Provisions of 27 & 28 Vict. c. cccxxii. to Works under this Act.

24. The Provisions of the "*Metropolitan* District Railways Act, 1864," comprised in Section 21 thereof, with respect to the Construction of the Railway and Works thereby authorized in the Parish of *St. Mary Abbott's, Kensington*, shall extend and apply, so far as applicable, to the Company and to the Works hereby authorized in that Parish.

Company may stop up certain Streets and Places in Westminster.

25. The Company may stop up and appropriate for the Purposes of this Act and the recited Act the following Streets and Places in the Parish of *Saint Margaret, Westminster*; namely, *Prince's Place, Swan Yard, New Court, Fleece Yard, Cock Yard, Carteret Street, King's Head Court, New Yard, Devonshire Place*, and *New Tothill Street*: Provided that, notwithstanding anything in the said deposited Plans and Sections contained, it shall not be lawful for the Company to close *Dartmouth Street* permanently, and it shall not be lawful for the Company to close the said Street during the Progress of their Works in or in relation to *Tothill Street*, unless between the Hours of Ten at Night and Six in the Morning.

Period for Completion of Railways.

26. The Railways shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways or otherwise in relation thereto shall cease to be exercised, except as to so much of the Railways as shall then be completed.

Money deposited in the Court of Chancery to be forfeited to the Crown in a certain Event.

27. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Seven thousand two hundred Pounds has been deposited, pursuant to the said Act, in respect of the Application to Parliament for this Act, being Eight *per Centum* upon Ninety thousand Pounds, the estimated Cost of the Railways: Be it enacted, That, notwithstanding anything contained in the said recited

Act,

Act, the said Sum of Seven thousand two hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways, either open the Railways for the public Conveyance of Passengers or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid One Half up of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railways for public Conveyance of Passengers or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred, by the Officer or Person in whose Name they shall then be deposited or invested, to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Seven thousand two hundred Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Seven thousand two hundred Pounds if the Company shall not within the Time limited for the Completion of the Railways either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money and the Interest or Dividends thereof shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors

Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to enter into Traffic Arrangements with Metropolitan Railway Company.

28. The Company on the one hand and the *Metropolitan* Railway Company on the other hand may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes or any of them; (that is to say,)

The Management, Use, Working, and Maintenance of their respective Undertakings, or of any Parts thereof respectively; the Supply of any Rolling or Working Stock, and of Officers and Servants, for the Conduct of the Traffic on their respective Railways and the Payments to be made and the Conditions to be performed with respect to the Matters aforesaid:

And the said Companies may also from Time to Time enter into Contracts with respect to the Interchange, Accommodation, Conveyance, and Delivery of Traffic coming from or destined for their respective Undertakings, and the mutual Use of the said Undertakings, and the Division and Appropriation between the said Companies of the Revenue arising from such Traffic.

Saving existing Right to contract.

29. Nothing in this Act contained shall lessen or invalidate the Right to make Contracts which the Company may derive from "The Railways Clauses Consolidation Act, 1845," or from the general Law.

Sect. 11. of first-recited Act repealed, and other Provisions made.

30. Section 11 of the recited Act ("Power to vary Number of Directors") is hereby repealed, and instead thereof it shall be lawful for the Company from Time to Time to vary the Number of Directors; provided that the maximum Number shall not exceed Fourteen, and the minimum Number be not less than Six.

Saving Rights under Sect. 29. of Act of 1864.

31. Nothing in this Act contained shall extend to prejudicially affect any Rights, Privileges, or Protection conferred on Mr. *Thomas Mosdell Smith* by any Notice given by the Company to him under the Provisions of the 29th Section of "The *Metropolitan District* Railways Act, 1864."

Interest on Calls not to be paid out of Capital.

32. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Capital raised under this Act.

33. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

Railways, &c. not exempt from Provisions of present and future General Acts.

34. Nothing herein contained shall be deemed or construed to exempt the Railways or 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 authorized to be taken by the Company, or of the Rates for small Parcels.

Expenses of Act.

35. All the Expenses of applying for and obtaining this Act, or preparatory or incident thereto, shall be paid by the Company.

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