ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lviii.

An Act for enabling the *Metropolitan* Railway Company to acquire additional Lands for the Construction of the Railway and for Station Accommodation; for amending the Acts relating to the Railway; and for other Purposes.

[25th *May* 1860.]

WHEREAS by "The *Metropolitan* Railway Act, 1854," in this Act called "the Act of 1854," the *Metropolitan* Railway Company, in this Act called "the Company," were incorporated, and were empowered to make a Railway from the *Great Western* Railway at *Paddington* to the General Post Office in *Saint Martin's-le-Grand*: And whereas by various other Acts, that is to say, "The *Metropolitan* Railway (Deviations) Act, 1855," "The *Metropolitan* Railway (*Great Northern* Branch and Amendment) Act, 1856," "The *Metropolitan* Railway Amendment Act, 1857," and "The *Metropolitan* Railway Act, 1859," which last-mentioned Act is herein-after called "the Act of 1859," Deviations were authorized in the Line of the *Metropolitan* Railway, and the Company were authorized to construct a Branch to the *Great Northern* Railway, and the Termination of the Railway in the City of *London* was altered from the General Post Office to the Eastern Side of *Victoria* Street:

17 & 18 Vict. c. ccxxi.
18 & 19 Vict. c. cii.
19 & 20 Vict. c. cix.
20 & 21 Vict. c. cxxv.
22 & 23 Vict. c. xcvii.

Street: And whereas the Time for making the Railway was extended by the Act of 1859 for the Period of Three Years from the passing of that Act: And whereas the Company are proceeding in the Execution of the said Acts, and have, in the Exercise of their compulsory Powers of purchasing Lands, entered into Contracts for the Purchase of certain Lands required to be used or interfered with in the Construction of the Railway; but with reference to other of those Lands so required, save such as are authorized to be taken by the Act of 1859, the Period limited for their compulsory Purchase has expired: And whereas the Company find that in the Execution of their Railways and Works it will be necessary to take and interfere with certain Lands, some of which were within the Limits of lateral Deviation described upon the Plans referred to in the said Acts, but in respect of which the compulsory Powers have expired without the Company having given any Notice to treat and agree to the Owners, Lessees, and Occupiers thereof, and others of which were not included in those Limits, but may be required or interfered with in the Construction of the Railway as authorized by the recited Acts, and for Station Accommodation: And whereas it will be necessary in the Construction of the Railway to alter the Level of *Burne Street*, and to divert the Street called *Mitcham Street*, both in the Parish of *Marylebone:* And whereas Plans have been deposited with the Clerk of the Peace for the County of *Middlesex*, and are herein-after referred to as "the Plans of the additional Lands," whereon are delineated as well certain Lands for the Purchase of which Contracts have been entered into, and in respect of which no further Powers are taken by this Act, as the additional Lands which the Company require, and which are numbered on such Plans and described in the Book of Reference thereto: And whereas the Mayor, Aldermen, and Commons of the City of *London* are promoting a Bill in Parliament for the Formation of a Dead Meat Market in *Smithfield*, and it is expedient that certain Arrangements should be authorized between them and the Company with reference to the Communication between that Market and the Railway: And whereas it is expedient to extend the Time for the Completion of the Main Line of Railway, and the Works connected therewith, from *Victoria Street* to *Paddington*, including the Branch to the *Great Western* Railway, and which is herein-after referred to as the Main Line of Railway: And whereas under the Act of 1859 the Company paid into the Court of Chancery, within the Period specified by such Act, the additional Sum of Five thousand five hundred Pounds: And whereas Two separate Sums of Money, including such last-mentioned Payment, have been deposited, and are now standing to the Credit of the Company, in the Court of Chancery, for securing the Completion of the Undertaking; but inasmuch as the Amount and Distribution of the Capital of the Company, and the Works to be executed, have been altered by the various Acts before referred to, it is reasonable that the Obligations imposed on the Company, with reference to the raising and Expenditure of their Share Capital before

they can receive Repayment of such Money, should be revised and clearly defined: And whereas it is expedient to alter and amend the Provisions of the recited Acts; but the Purposes aforesaid 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,)

Interpretation of Terms.

I. In this Act, whenever the Words "the Company" are used, the same shall be held to mean the *Metropolitan* Railway Company; and the Expression "the Railway" means the *Metropolitan* Railway and the Branches and Works connected therewith, as authorized to be made under the Provisions of this Act and the *Metropolitan* Railway Acts as altered by this Act; and the Expression "the *Metropolitan* Railway Acts" means the Act of 1854 and the several other Acts before recited relating to the *Metropolitan* Railway.

Same Meanings to Words in this Act as in incorporated Acts.

II. The several Words and Expressions to which by the Acts 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.

Short Title.

III. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Metropolitan* Railway Act, 1860."

8 & 9 Vict. cc. 18. & 20. incorporated.

IV. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," are incorporated with and form Part of this Act.

Power to take Lands.

V. Subject to the Provisions of this Act and in the incorporated Acts contained, it shall be lawful for the Company to enter upon, take, and use such of the Lands delineated on the Plans of the additional Lands before referred to, and numbered thereon, and described in the Book of Reference thereto, as may be necessary for the Construction of the Railway, Stations, and Works, and with reference to the Lands so numbered and described the Limits of Deviation defined on those Plans shall be deemed Limits of Deviation of the authorized Line of Railway.

Power to alter certain Streets.

VI. The Company may alter the Level of *Burne Street* to the Extent of Twelve Inches and no more, and may divert *Mitcham Street* in the Line or Course shown on the said Plans of the additional Lands, or within the Limits of Deviation thereon defined.

Power to take Lands herein stated.

VII. Subject to the Provisions of this Act, the Lands delineated on the Plans of the additional Lands, and numbered thereon, and described in the Book of Reference thereto, which the Company may purchase and take

take under the Powers of this Act for any of the Purposes of the *Metropolitan* Railway Acts and this Act, are the following; (that is to say,)

Lands in the Parish of *Paddington* in and near *Praed Street*, and commencing at or near *London Street*, and terminating at or near the *Edgware Road*:

Lands in the Parish of *Paddington* in *South Wharf Road*, near the Junction thereof with *London Street*:

Lands between a Point at or near the authorized Passage of the Railway under the *Edgware Road* to or near to the Point where the authorized Line of Railway would intersect *Stafford Street* in the Parish of *Saint Marylebone*:

Lands from a Point at or near the Eastern Side of *Park Square East* in the Parish of *Marylebone* to or near the Junction of *Southampton Street* with the Road formerly called the *New Road*, and now the *Euston Road*, in the Parish of *St. Pancras*:

And for the providing of Stations and the Works connected therewith:

Lands between *London Street*, *Conduit Street*, *Spring Street*, and *Conduit Place*, or abutting into and upon such Streets and Place, in the Parish of *Paddington*:

Lands at or near the Junction of *Baker Street* and *York Place* with the Road formerly called the *New Road*, and now the *Marylebone Road*, in the Parish of *Saint Marylebone*:

Lands at or near the *Hampstead Road* and *Tottenham Court Road* at and near the Intersection of such Roads by the *Euston Road*, formerly called the *New Road*; also at or near the Part of the said *Euston Road* where *Gower Street* and *George Street* unite with such Road; and also a certain Plot of Land in front of the *Great Northern* Railway Station, and abutting upon or near the *Euston Road* aforesaid.

Not to revive old compulsory Powers of Purchase.

VIII. Provided always, That, except in respect of such Lands as are numbered on the Plans of the additional Lands, and described in the Book of Reference thereto, or are certified to have been omitted by Mistake, in pursuance of Section Seven of "The Railways Clauses Consolidation Act, 1845," this Act shall not revive any compulsory Powers of purchasing Lands which at the Time of the passing of this Act have expired.

Notice as to taking or Purchase of Lands heretofore given by the Company to have now the same Effect as when given.

IX. All Notices requiring to purchase or take Lands which have at any Time heretofore been given by the Company in pursuance of the Powers and Provisions of the *Metropolitan* Railway Acts or any of them, or "The Lands Clauses Consolidation Act, 1845," shall now have the same Validity, Force, and Effect as such Notices had at the Time of the giving thereof respectively, and such Notices shall now authorize and empower

empower either the Company, or the Owners, Lessees, and Occupiers, as the Case may be, compulsorily to purchase, take, or sell or to require the Completion of the Contract for the Purchase of the Lands comprised in such Notices respectively, according to the Provisions of "The Lands Clauses Consolidation Act, 1845," in that Behalf; and all Proceedings which have been heretofore taken by or on the Part of the Company, or of any Owner, Lessee, or Occupier, in pursuance of or for the Purpose of carrying into effect any such Notice, shall be valid and effectual to all Intents and Purposes whatsoever: Provided always, that all Purchases of Land in respect of which such Notices were given shall be completed by the Company within Six Months after the passing of this Act, unless in the event of Litigation arising after the passing of this Act on the Subject of such Purchases, and then within such further Period as the Court of Chancery shall prescribe: Provided also, that in the event of any other Litigation (pending at the Time of the passing of this Act, touching the Validity of such Notices or of the Proceedings thereunder,) being in the Opinion of the Court in or before which such Suit or Litigation shall be so pending affected by this Enactment prejudicially to the Party to such Suit or Proceeding other than the Company, the Court may make such Order as to the Costs and Expenses incurred by such Party in and attending such Suit or Proceeding as in their Discretion they think just and reasonable. Proviso.

X. The Company shall not exercise the compulsory Powers of purchasing the Lands authorized to be taken by this Act after the Expiration of Two Years from the passing of this Act. *Limit of Time for compulsory Purchases.*

XI. The Company shall not take, otherwise than by Agreement, any of the Land of Sir *Edward Baker Baker* Baronet, shown upon the Plan of the additional Lands, and numbered respectively thereon 39, 40, 41., 43, 44, 45, 46., 49, and 50, in the Parish of *Saint Marylebone*, notwithstanding that such Lands may be described on such Plan and the Book of Reference thereto respectively. *Company not to take certain Lands of Sir E. B. Baker without Consent.*

XII. The Time limited for the Completion of the Main Line of Railway shall be extended and enlarged for a Period of One Year, to be computed from the Expiration of the Period limited by the Act of 1859. *Extending Time for completing Railway.*

XIII. In case the Main Line of Railway shall not be completed within the Period herein-before limited for such Purpose, the Powers by this and the *Metropolitan* Railway Acts given to the Company for executing such Railway and Works shall cease to be exercised, except as to so much thereof as shall then be completed. *Powers to cease if Railway not completed.*

XIV. The Capital authorized to be raised by "The *North Metropolitan* Railway Act, 1853," having been Three hundred thousand Pounds, and the *Meaning of certain Expressions in*

the Clauses relating to the Money deposited for securing Completion of Undertaking.

the Capital of the Company being, under the Provisions of the Act of 1859, Eight hundred and fifty thousand Pounds, the following Expressions in the One hundred and second and One hundred and third Sections of the Act of 1854 shall mean as herein-after mentioned; (that is to say,)

The Expression "One Half of the Amount of the Capital by the said "recited '*North Metropolitan* Railway Act, 1853,' authorized to be "raised by means of Shares," in the One hundred and second Section of the Act of 1854, shall mean "the Sum of One hundred "and fifty thousand Pounds of the Capital of the Company "authorized to be raised by means of Shares;" and the Expressions in the same Sections, "the Purposes of the Railway therein "mentioned," and "for the Purposes of the said Act," shall mean "for the Purposes of the *Metropolitan* Railway Acts:"

The Expression in the One hundred and third Section of the Act of 1854, "One Half of the Amount of the Capital authorized to be "raised by this Act," shall mean "the Sum of Two hundred and "seventy-five thousand Pounds of the Capital of the Company "authorized to be raised by means of Shares, in addition to the "said Sum of One hundred and fifty thousand Pounds;" and the Expression "expended for the Purposes of this Act" shall mean "for the Purposes of the Extension Railways and Works authorized "by the Act of 1854, according to the altered and diverted Lines "thereof subsequently sanctioned by Parliament."

Arrangements as to Communication with proposed Dead Meat Market.

XV. In the event of the Bill promoted by the Mayor, Aldermen, and Commons of the City of *London* for the Establishment of a Market in *Smithfield* passing into a Law in the present Session, that Corporation and the Company may enter into Agreements with reference to a Communication between those Markets and the Railway, or the Use of any of the Approaches or new Streets to be made by that Corporation, or the Subsoil thereof, for that Purpose, and the Payments to be made by either Party towards the Construction, Maintenance, and Use of the same.

Company may purchase or lease Lands for depositing Subsoil.

XVI. The Company may, for the Purpose of depositing the Soil excavated in the Construction of the Railway, purchase by Agreement or take on Lease any Lands, although the same may be situated at a Distance from the Railway, but such Lease shall not be for a longer Period than Ten Years, and such Lands, if purchased, shall, so soon as the Railway is completed, be deemed superfluous Lands, and shall be sold by the Company within the Period limited by "The Lands Clauses Consolidation Act, 1845," in that Behalf contained.

Certain Provisions of 17 & 18 Vict.

XVII. The Thirty-seventh, Thirty-ninth, Fortieth, Forty-first, Forty-second, and Forty-fourth Sections of the Act of 1854, relating to the Company

Company of Proprietors of the *Grand Junction* Canal, shall remain in force, and extend and apply to the Objects and Purposes of this Act affecting that Company of Proprietors, as if they had been inserted in this Act with reference to those Objects.

c. ccxxi., relating to Grand Junction Canal, to continue in force.

XVIII. Inasmuch as Sections Thirty-six, Thirty-eight, and Forty-three of the Act of 1854 provide for the Protection of the Company of Proprietors of the *Grand Junction* Canal, and it is expedient to make other Provisions in lieu thereof: Therefore Sections Thirty-six, Thirty-eight, and Forty-three of the Act of 1854 are by this Act repealed, except as respects any Matter done previously to the passing of this Act.

Repeal of certain Provisions as to Grand Junction Canal.

XIX. Unless with the Consent of the Company of Proprietors of the *Grand Junction* Canal, the Company shall make the Railway in and adjoining to *Praed Street* and the *South Wharf Road* respectively, between the *Edgware Road* on the East and *London Street* and the Lands of the *Great Western* Railway Company on the West in a Tunnel or covered Way only, and shall not in the Execution of any of the Powers of this Act or of any other Act relating to the Company break up, disturb, or interfere with at One and the same Time a greater Length in the whole than One hundred Yards of the Surface of *Praed Street* and *South Wharf Road* respectively, and shall not, without in every Case the previous Consent in Writing of the said Company of Proprietors, take from that Company of Proprietors any of their Lands in the Parish of *Paddington* between the *Edgware Road* on the East and *London Street* and the Lands of the *Great Western* Railway Company on the West, or any Estate or Interest in any of the said Lands, other than an Easement of making, maintaining, and using therein a Tunnel with a Railway therein, and that the Company of Proprietors may sell and convey such an Easement therein: Provided nevertheless, that for the Purpose of making the Tunnel the Company may in the first instance make an open Cutting: Provided also, that the Power of taking such Easements in Lands of the said Company of Proprietors within those Limits, under the Provisions of this Act and of any other Act relating to the Company, shall extend only to the Cellars and Areas of the Premises and Buildings in *Praed Street* and in that Part of *South Wharf Road* which lies between *Cambridge Place* and *Praed Street*, and to the Lands agreed upon between the Company and the said Company of Proprietors between the Divergence of the Railway from *South Wharf Road* and its Entry into the Lands of the *Great Western* Railway Company, and to the Lands in the Parish of *Paddington* near the Junction of *Praed Street* and *South Wharf Road* numbered 16, 17, and 18 on the deposited Plans referred to in the Thirtieth Section of the Act of 1854.

Company to make Railway through Praed Street and South Wharf Road in a Tunnel.

XX. Before the Company begin to execute any Works in *Praed Street* or the *South Wharf Road*, or affecting any of the Lands of the Company

Company to provide Means of

Access to Grand Junction Canal Company's Wharfs.

Company of Proprietors of the *Grand Junction* Canal, the Company shall provide, and at all Times during the Execution of such Works, and until the Restoration of the Surface to its original Condition, maintain, to the Satisfaction of the Engineer of that Company of Proprietors, proper and convenient Means of Access to the several Houses, Wharfs, Basins, and other Property of that Company of Proprietors, and within Three Months after breaking up or disturbing in or for any such Works any Portion of Land between the *Edgeware Road* on the East and *London Street* and the Lands of the *Great Western* Railway Company on the West, the Company shall restore the Surface of the same Portion to its original Condition; and the Company shall restore the Cellars and Areas which may be interfered with as nearly as may be to their original Condition, and shall make Compensation to the Tenants and Occupiers for any Damage, Loss, or Inconvenience sustained by such Interference or by any Alteration therein, but without being authorized or compellable to purchase any Tenements or Hereditaments to which the said Cellars or Areas may be an Appurtenance, by reason of their Interference therewith; and the Company shall purchase from and pay the said Company of Proprietors for an Easement under the Land of that Company through or under which the Tunnel within those Limits is made; and the Company shall, on that Portion of the Tunnel which passes through the Lands of the said Company of Proprietors, from the Divergence from *South Wharf Road* to the Entry into the Lands of the *Great Western* Railway Company, to the Satisfaction of the Engineer of that Company of Proprietors, leave or restore not less than Six Feet in Depth of sound Soil or made Ground between the upper Surface of the Tunnel and the ordinary Surface of the neighbouring Land.

Company to provide new Sewers, &c. before interfering with those of the Grand Junction Canal Company.

XXI. It shall not be lawful for the Company to remove, displace, or injuriously interfere with any of the Culverts, Sewers, Drains, Mains, or Pipes belonging to the Company of Proprietors of the *Grand Junction* Canal, or connected with the Basins, Houses, or other Property of that Company of Proprietors, until good and sufficient Culverts, Sewers, Drains, Mains, and Pipes, and all other Works necessary or proper for conducting the Sewage, Drainage, Water, and Gas from and to the said Basins, Houses, and other Property, as sufficiently as those proposed to be interfered with, shall, at the Expense of the Company, and to the Satisfaction of the Engineer of the said Company of Proprietors, have been first made and laid down in lieu thereof, and be ready for Use, in a Position as little varying from that of the Culverts, Sewers, Drains, Mains, and Pipes proposed to be interfered with as may be consistent with the Construction of the Railway.

Sections 125. and 126. of the Act of 1854 as to certain En-

XXII. Sections One hundred and twenty-five and One hundred and twenty-six of the Act of One thousand eight hundred and fifty-four, relating to Engines and Chimney Shafts erected by the Company in the Parish

Parish of *Paddington*, shall also extend and apply to every Furnace, Engine, and Chimney Shaft to be provided or erected by the Company at the proposed Station at or near *Chapel Street* in the Parish of *Marylebone*, the Height limited by Section One hundred and twenty-six of the Chimney Shafts being in respect of that Station computed from the present Surface of the adjoining Ground.

gines, &c. in Paddington to be extended to proposed Station at Chapel Street, Marylebone.

XXIII. Without the Consent of the Vestry of the Parish of *Marylebone*, it shall not be lawful for the Company to allow Trains to stop at any Station to be provided by the Company within One hundred Yards of the Church of the *Holy Trinity*, at any Time between Forty-five Minutes past Ten in the Forenoon and Fifteen Minutes past One in the Afternoon of *Sundays*, *Good Fridays*, or *Christmas Day*.

Restrictions as to the stopping of Trains at certain Times within 100 Yards of Trinity Church, Marylebone.

XXIV. Inasmuch as certain Clauses in the Act of 1854, numbered therein 167, 168, 169, and 170, were inserted for the Protection of the then Owner of the Property therein referred to, and of which Property *Richard Thomas Lancaster* Clerk now is or claims to be Owner, and inasmuch as the Parties interested in such Property are desirous that the Company should purchase and take the Property in respect of which such Clauses were inserted, and it is expedient such Clauses be repealed, and other Provisions made in lieu thereof: Therefore the One hundred and sixty-seventh, One hundred and sixty-eighth, One hundred and sixty-ninth, and One hundred and seventieth Sections of the Act of 1854 are hereby repealed.

Certain Clauses of 17 & 18 Vict. c. ccxxi., relating to Property of the Rev. R. T. Lancaster, repealed.

XXV. The Company shall purchase the Lands in and near *Burne Street*, *Burne's Place*, and *Chapel Place*, belonging to *Richard Thomas Lancaster* Clerk, affected by the Construction of the Railway, which the said *Richard Thomas Lancaster* may require the Company to purchase, and any Agreement for such Purchase which may have been entered into before the passing of this Act shall be carried into effect accordingly.

Company to purchase the whole of certain Properties belonging to Rev. R. T. Lancaster.

XXVI. The Powers of the Company over the Lands belonging to the Right Honourable *Edward Berkeley* Baron *Portman* in the Parish of *Marylebone*, shown in the Plans of the additional Lands and in the Book of Reference thereto, shall be subject to the following Restrictions; (that is to say,)

Powers of Company over Lands belonging to Lord Portman, subject to Restrictions herein stated.

The Company shall not purchase compulsorily from the said *Edward Berkeley* Baron *Portman*, his Heirs or Assigns, the Lands in the said Parish numbered 111, 112, 113, 114., 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149 on such Plan and in the Book of Reference; the Company shall not purchase compulsorily from the said *Edward Berkeley* Baron *Portman*, his Heirs or Assigns, more of the Lands numbered 123, 124, and 125 on the said Plan and in the Book of Reference than the Portions thereof

thereof respectively abutting on the *Marylebone Road* and *York Place* on the one Side of the said Road, and the *Marylebone Road* and *Upper Baker Street* on the other, to the Extent of Forty Feet from the Footpath of the said *Marylebone Road*, and such Lands shall be used for Station Buildings and Entrances to the Railway only; the Company shall not purchase compulsorily from the said *Edward Berkeley* Baron *Portman*, his Heirs or Assigns, more of the Lands numbered 115, 116, 117, 118, 119, 120, 121, 122., 126, 127, 128, 129, 130, 131, 132, 133, 134, 135 on the said Plan and in the Book of Reference than is situate within Twenty Feet from the Footpath of the *Marylebone Road*, and any Opening made on such last-mentioned Lands shall be covered with Glass Roofing, and kept level with the said Footway, and accessible therefrom, and sufficient Space shall be left between any such Openings to provide proper Access to the several Houses connected with the said Lands, and no Erection shall be made thereon above the present Surface of such Lands without the Consent of the said *Edward Berkeley* Baron *Portman*, his Heirs or Assigns.

Plan of Station at Baker Street to be approved by Surveyor of Lord Portman.

XXVII. The proposed Stations of the Company in the *Marylebone Road* at or near the Junction thereof with *Baker Street* and *York Place*, and Works connected with such Stations, shall be constructed according to a Plan to be previously approved by the Surveyor of the said *Edward Berkeley* Baron *Portman* and by the Engineer of the Company, or in case they cannot agree by an Umpire to be nominated by the Board of Trade.

Lands belonging to Marylebone Workhouse not to be taken.

XXVIII. Nothing in this Act contained shall authorize the Company to enter upon or take compulsorily any Land belonging or attached to the *Marylebone* Workhouse.

Company not to take certain Lands of Lord Southampton without Consent.

XXIX. The Company shall not take, otherwise than by Agreement, any of the Lands of the Right Honourable *Charles* Lord *Southampton* shown upon the Plan of the additional Lands, and numbered respectively 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115., 144, 145, 146, 147, 148., 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 171a, 172, 172a, 173, 174, 175, 176, 177, 178, 178a, 179., 192, 193., 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210., 212, 212a, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, and 225 in the Parish of *Saint Pancras*, notwithstanding that such Lands may be described on such Plan and in the Book of Reference thereto respectively.

Lands of Lord Southampton, as in Section

XXX. The Company shall not purchase compulsorily from the said *Charles* Lord *Southampton*, his Heirs or Assigns, more of the Lands numbered 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160., and 181,

181, 182, 183, 184, 185, 186, 187, 188, 189, 190, and 191 on the said Plan and in the Book of Reference than is situate within Twenty Feet from the Footpath of the *Euston Road*, and any Opening made on such last-mentioned Lands shall be covered with Glass Roofing, and kept level with the said Footway, and accessible therefrom, and sufficient Space shall be left between any such Openings to provide proper Access to the several Houses connected with the said Lands, and no Erection shall be made thereon above the present Surface of such Lands without the Consent of the said *Charles* Lord *Southampton*, his Heirs or Assigns, except that the Company are to be permitted to build Stations on Plots 150, 151, and 181, such Stations and Works connected therewith on the said Lands and Plots to be constructed according to a Plan to be previously approved by the Surveyor of the said *Charles* Lord *Southampton*, his Heirs or Assigns, and by the Engineer of the Company, or in case they cannot agree by an Umpire to be nominated by the Board of Trade.

numbered, (except only within 20 Feet of Euston Road Footpath,) not to be purchased compulsorily; and regulating the Openings to be made in such Lands.

XXXI. And whereas Injury is apprehended to *Queen Charlotte*'s Lying-in Hospital, owing to the Proximity of the Station proposed at *Chapel Street:* Therefore, if within Six Months after the opening of the Railway it shall be found that the said Hospital is injured by Noise or noxious Vapours arising at the said proposed Station, it shall be competent for the Trustees of the said Hospital to require the Company to adopt such Measures, by the Erection of a Screen, or by roofing Part of the said Station, as to the said Trustees may seem necessary for Prevention of such Injury; and if the Parties differ as to the Nature or Extent of such Remedies, it shall be referred to some independent Engineer to be appointed by the Board of Trade to determine what Works shall be constructed by the Company for Prevention of such Injury, or what Compensation in lieu thereof shall be made to the Trustees of the said Hospital, and the Award of such Referee shall be final.

Within Six Months from opening of Railway, Trustees of Queen Charlotte's Lying-in Hospital may require the Company to remedy Injuries arising from Railway.

XXXII. The Company shall not take any of the Lands numbered on the Plan of the additional Lands, and in the Book of Reference thereto, 172, 172a, 173, 174, 175, 176, 177, in the Parish of *Saint Pancras*, without the previous Consent in Writing of *George Joseph Bowyer*, or other the Lessee of such Lands, save and except that the Company may, if they find it necessary, in the Construction of their Railway and Works, use and occupy such Part of such Lands as abut on the *Euston Road*, to any Extent not exceeding Fifteen Feet from the Footway of such Road, for the Purpose of constructing Sewers or other subterraneous Works, the Company doing as little Damage to the Surface of the said Lands and the Buildings thereon as may be, and making Compensation for such Damage and all incidental Costs and Expenses.

Company not to take certain Leasehold Property belonging to G. J. Bowyer.

XXXIII. In

As to Repair of the Railway in Tunnel.

XXXIII. In any Case in which the Company shall make the Railway and Works in a Tunnel under any Lands, the Company shall keep and maintain the same in good Repair, and may enter such Lands for the Purpose of such Repair; and the Company shall make Compensation for any Injury, Loss, or Damage which any Owner, Lessee, or Occupier of any such Lands may sustain by reason of the Entry of the Company thereupon for the Purpose of repairing, maintaining, or upholding such Tunnel or Works.

Not to take Lands of Crown Estate Paving Commissioners without Consent.

XXXIV. Nothing in this Act contained shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments under the Charge and Management of Commissioners appointed or to be appointed by virtue of the Crown Estate Paving Act, 1851, without the previous Consent of those Commissioners, or to divest or prejudice any of the Rights, Powers, or Privileges vested in or enjoyed by such Commissioners.

Company to allow Branch to be made to Euston Station.

XXXV. Inasmuch as by the Act of 1854 a Branch was authorized to be made to the *Euston* Station of the *London and North-western* Railway, according to the Plans referred to in such Act, but the Powers for Construction of the same have expired by Lapse of Time: Therefore the Company shall not do or permit to be done any Act or execute any Work so as to prevent the Construction of the said intended Branch at any future Time, but shall afford any Facility for the Construction thereof or of a similar Branch, if the same shall at any Time be proposed to be made by the *London and North-western* Railway Company.

Aldermen and Common Councilmen of London, if re-elected, to continue Directors and Representatives.

XXXVI. No Alderman or Member of the Common Council of the City of *London* appointed under "The *Metropolitan* Railway Act, 1859," a Director or Representative at the Meetings of the Company, shall be considered to have ceased to be an Alderman or a Member of the Common Council, if he shall be forthwith re-elected.

Local Rates to be made good.

XXXVII. While the Company are possessed under the Authority of this Act of any Land, Houses, Buildings, or other Property assessed or liable to be assessed at the Time of the passing of this Act to any Parochial or other General or Special Rate in any of the Parishes of *Paddington*, *Saint Marylebone*, and *Saint Pancras*, the Company shall, from the Time of their taking any such Lands, Houses, Buildings, and Property, and until the Expiration of a Period of Three Years from the Completion of any Station and Works authorized by this Act, be liable to make good the Deficiency in the Assessment for such Rates by reason of such Land, Houses, Buildings, or Property being taken or used by them for the Purposes of this Act, and the Deficiency shall be computed according to the Rental at which such Land, Houses, Buildings, and

Property

Property respectively are rated in the last Rate made in the Year One thousand eight hundred and fifty-nine.

Provisions of Metropolitan Railway Acts to remain in force.

XXXVIII. Save as expressly enacted, this Act shall not alter any of the Provisions of the *Metropolitan* Railway Acts in force at the passing of this Act, but, except as expressly altered by this Act, all such Provisions shall extend and apply to the Objects and Purposes of this Act, as if the Powers hereby granted to the Company had been contained in those Acts.

Interest not to be paid out of Capital on Calls paid up.

XXXIX. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company 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 contained shall be deemed to prevent the said 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.

Deposits for future Bills not to be paid out of Company's Capital.

XL. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Company authorized to be raised for the Purposes of such Act or Acts, 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.

Railway not exempt from Provisions of present and future General Acts.

XLI. Nothing herein contained shall be deemed or construed to exempt the Railway and Works by the said recited Acts or any of them, or this Act, authorized to be made, or the said 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 by the said recited Acts, or of the Rates for small Parcels.

Saving Rights of the Crown and Commissioners of Her Majesty's Works.

XLII. It shall not be lawful for the Company to enter upon, take, or use any Lands of Her Majesty in right of Her Crown, under the Charge of the Commissioners for the Time being of Her Majesty's Works and Public Buildings, without the Consent in Writing of the said Commissioners, or of the First Commissioner for the Time being of Her Majesty's

Majesty's Works and Public Buildings, for that Purpose first obtained, and which Consent the said Commissioners or First Commissioner are hereby empowered to give, upon and subject to such Terms and Conditions as they or he may think fit.

Saving Rights of the Crown.

XLIII. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, (which Consent such Commissioners are hereby respectively authorized to give,) or shall take away, prejudice, or diminish or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exercisable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

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

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