CHAP. ciii.

An Act to extend the time for the construction by the Metropolitan Railway Company of the Tower Hill Extension. A.D. 1870.

[4th July 1870.]

WHEREAS by "The Metropolitan Railway (Tower Hill Extension) Act, 1864," the Metropolitan Railway Company, who are herein-after referred to as "the Company," were authorised to make and maintain a railway in the city of London, called in the said Act "the Extension Railway," commencing in the parish of Saint Giles Without Cripplegate, and terminating in the parish of Saint Botolph Without Aldgate: 27 & 28 Vict. c. cccxv.

And whereas it is expedient that the period limited for the completion of the said railway eastward of Bishopsgate Street should be extended:

And whereas the foregoing object 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; (that is to say,)

1. This Act may be cited for any purpose as "The Metropolitan Railway Act, 1870." Short title.

2. Part II. of "The Railways Clauses Act, 1863," relating to extension of time, shall be incorporated with and form part of this Act. 26 & 27 Vict. c. 92. incorporated.

3. The period limited by "The Metropolitan Railway Act, 1869," for the completion of the Extension Railway is by this Act further extended for two years with respect to so much of the said railway as lies between Bishopsgate Street and the authorised termination thereof. Extension of time for making the Extension Railway.

4. If the Company fail within the period limited by this Act to complete the said Extension Railway, the Company shall be liable Penalty if Extension Railway not

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made within extended time.

to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the 3rd section of the Act 17th and 18th Victoria, chapter 31, known as "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said 3rd section of the Act 17th and 18th Victoria, chapter 31, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after provided, but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control, provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of moneys recovered by way of penalty.

5. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said Extension Railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall be paid to the Company from whom such penalty was recovered.

Deposit for future Bills not to be paid

6. The Company shall not, out of any money which they are by any Act authorised to raise, pay or deposit any sum which by

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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 railway or to execute any other work or undertaking.

by Company out of capital raised under their Acts.

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

Nothing herein contained shall be deemed or construed to [illegible] the railways of the Company or the Company from the [illegible] any general Act relating to railways, or to the better and more [illegible]rtant 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 reversion and alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised to be taken by the Company.

Expenses of Act.

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

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