



CHAP. cxxxvi.

An Act to grant further powers to the Metropolitan Railway Company. A.D. 1869.
[26th July 1869.]

WHEREAS it is expedient—

That the time granted to the Metropolitan Railway Company for the purchase of the lands herein-after described should be extended or revived;

That the period limited for the completion of certain of their railways should be extended;

That the Company should be authorized to raise additional capital; And that the other powers herein-after contained should be granted to the Company:

And whereas the several 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; (that is to say,)

1. In citing this Act for any purpose it shall be sufficient to use the expression "The Metropolitan Railway Act, 1869." Short title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part II. of "The Railways Clauses Act, 1863," (relating to extension of time,) and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," General Acts herein named incorporated.

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;

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With respect to the forfeiture of shares for nonpayment of calls ;
 With respect to the remedies of the creditors of the Company against 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
 The general meetings of the Company and the exercise of the right of voting by the shareholders ;
 The making of dividends, and
 The giving of notices ;
 With respect to the provisions 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 when expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have the same respective meanings, unless there be in the subject or context something repugnant to such construction ; the words "the Company" mean the Metropolitan Railway Company ; and the expression "superior courts" or "court of competent jurisdiction," or other like expression in this Act or any Act 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.

Powers for compulsory purchases extended.

4. The powers for the compulsory purchase and taking of the lands herein-after specified shall be extended for the period of three years from the passing of this Act, and after the expiration of that period the powers granted to the Company for the compulsory purchase of such lands shall cease to be exercised.

The lands to which the said extension of time relates are,—

(a.) The additional lands referred to in the ninth section of the said Act of 1866 in the parishes of Paddington, Saint Marylebone, Saint James Clerkenwell, Saint Andrew Holborn above Bars, Hatton Garden, Saffron Hill, Ely Rents, Ely Place, and Saint Sepulchre, in the county of Middlesex, Saint Giles Cripplegate, Saint Botolph without Bishopsgate, Saint Sepulchre, Saint Botolph without Aldgate, Holy Trinity Minories, and Saint Andrew Holborn, in the city of London :

(b.) The lands the powers for the compulsory purchase of which were extended by the nineteenth section of "The Metropolitan Railway Act, 1867," and including the lands excepted in the said nineteenth section of the Act of 1867, which lands are situate in the parishes, or some of the parishes, herein-before mentioned, and also in the parishes of Saint Mary Islington and Saint Mary Abbott's Kensington in the county of Middlesex, and were authorized to be taken under the powers of "The Metropolitan Railway (Additional Powers) Act, 1864," "The Metropolitan Railway (Notting Hill and Brompton Extension) Act, 1864," and "The Metropolitan Railway (Tower Hill Extension) Act, 1864," respectively:

(c.) The lands in the parish of Paddington in Middlesex, mentioned or referred to in the sixteenth section of "The Metropolitan Railway Act, 1868," as authorized to be taken by "The Metropolitan Railway Act, 1865," and also the lands mentioned in the same section of the Act of 1868, and situated in the parishes, or some of the parishes, herein-before mentioned: Provided that with respect to so much of the aforesaid lands in the city of London as are situate between Moor Lane in the parish of Saint Giles without Cripplegate, and Bishopsgate Street in the parish of Saint Botolph without Bishopsgate, the Company may purchase the same compulsorily until the thirty-first day of December one thousand eight hundred and seventy, and no longer.

5. Nothing in this Act shall enable the Company to enter upon, take, or use the lands and property numbered respectively 61, 62, and 64 in the parish of Saint Botolph without Bishopsgate on the plans deposited with respect to the Metropolitan Railway (Tower Hill Extension) Act, 1864; and nothing in this or the said recited Acts contained shall enable the Company to take or interfere with any of the lands or property numbered respectively on the said plans 63, 67, and 68 in the same parish, and the Company shall compensate and pay William John Bush for and in respect of all loss, costs (including parliamentary costs), and damages which he has reasonably sustained, incurred, or been put unto by reason or in consequence of the exercise of the powers conferred on the Company for the compulsory purchase of lands, or of and by reason of the service of the several notices on the said William John Bush under the powers of such Acts, or in any way relating thereto, and in case of dispute as to the amount of such compensation the same shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," in cases of disputed compensation.

Not to take or interfere with certain lands, &c. herein named.

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Provisions of
Metropolitan
Railway
Acts appli-
cable to cer-
tain specified
parties to
extend to
works under
this Act.

6. The following sections of the Metropolitan Railway Acts shall extend and apply to the works and objects by this Act authorized; that is to say,

Of "The Metropolitan Railway Act, 1854,"

Section 62. Company may alter levels for accommodation of sewers;

Section 106. All works connected with certain gas and water companies to be executed to satisfaction of their engineers;

Section 107. Penalty for interrupting supply of water or gas;

Section 108. Water and gas companies empowered to lay and repair pipes on lands of railway company:

Of "The Metropolitan Railway Act, 1862,"

Section 14. Relating to building leases:

Of "The Metropolitan Railway Act, 1863,"

Section 15. Relating to sewers of Metropolitan and other boards;

Section 17. Relating to the execution of works in the parish of Paddington:

Of "The Metropolitan Railway Act, 1866,"

Section 33. Extending certain provisions of existing Acts of Company so far as Saint Pancras is concerned.

Extension of
time for
completion
of works.

7. The respective periods limited for completing the railways and works of the Company which have not already expired by effluxion of time shall be extended and enlarged for a period of three years, to be computed from the passing of this Act, and the Metropolitan Railway Acts shall be construed as if that period had been originally named in those Acts.

Application
of monies
recovered
by way of
penalty.

8. If the Company fail within the period limited by this Act to complete the said railways, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are 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 third section of the Act seventeenth and eighteenth Victoria, chapter thirty-one, 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 third section of the Act seventeenth and eighteenth Victoria, chapter thirty-one, 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.

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9. 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 railways 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.

Penalty if railways not made within extended period.

10. Nothing in this Act contained shall alter, prejudice, or affect section 31 of "The Metropolitan Railway (Additional Powers) Act, 1866," and section 14 of "The Metropolitan Railway Act, 1867," being respectively for the protection of the Duke of Portland, his assigns and successors in estate, and of the lands of the Duke of Portland, his assigns and successors in estate.

Saving rights of the Duke of Portland.

11. Notwithstanding anything in this Act or in any former Act relating to the Company contained, the Company shall not take, use, enter upon, or occupy permanently any land, house, or property belonging, either in possession or in reversion, to the Right Honourable Charles Lord Southampton, except on terms and conditions previously agreed to in writing between him or his heirs or assigns on the one part, and the Company on the other part, and nothing in this Act contained shall be construed to extend or enlarge the period within which the Company were by "The Metropolitan Railway (Additional Powers) Act, 1866," authorized to temporarily occupy certain forecourts or gardens mentioned in section 34 of that Act,

For the protection of Lord Southampton's property.

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For the protection of warehouse keepers.

Warehouse keeper to give schedule of goods.

12. And for the protection of the occupiers of any bonded or other warehouses which may be taken by the Company under the powers of their Acts, be it enacted as follows :

(a.) Within three months after demand thereof in writing by the Company, the occupier of such bonded or other warehouse (who is herein-after called the warehouse keeper) shall at the expense of the Company make out and deliver to the Company a schedule of the goods contained therein, with the names of the several owners of such goods respectively, if and so far as such owners may be known to the warehouse keeper, and where any such goods are held on warrant the number of such warrant, and the said schedule shall specify which, if any, of the said goods are subject to the payment of excise or customs duties, and shall also specify the amounts due to the warehouse keeper for rent and charges in respect of the said goods :

Company to give notice of removal.

(b.) Not less than three months before the Company enter into possession of any such warehouse they shall give notice to the owner of such goods, if known to the Company, to remove the goods within the time to be specified in the notice, such time with respect to wine being not less than three months from the delivery of the notice, and with respect to all other goods two months from such delivery, and they shall also affix upon the door of the said warehouse, and so far as they can shall keep affixed thereto, a notice of their intention to take possession of the same and to remove the goods therefrom at a time to be specified in the notice; and they shall also advertise the said notice twice in each of three successive weeks in the "London Gazette," and in one daily newspaper published in London, and with respect to any bonded warehouse they shall also give notice to the Commissioners of Her Majesty's Customs and of Inland Revenue respectively :

Company may remove goods after payment of warehouse charges.

(c.) If at the time specified in the said notice for the removal of the goods the owner thereof does not remove the same, having first paid to the warehouse keeper the amount due to him for rent and charges in respect thereof up to the time of removal, the Company may (first paying to the warehouse keeper the amount due for such rent and charges) remove the goods to some other warehouse, to be

there deposited in the name of the Company, and with respect to goods liable to customs or excise such warehouse shall be a bonded warehouse to be approved by the Commissioners of Customs or of Inland Revenue respectively, and the expense and risk of such removal shall be borne exclusively by the Company :

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- (d.) The Company shall keep a register of such goods and of the places to which they shall be removed, and of the sums paid by the Company to the warehouse keeper from whose warehouse the goods shall be removed for his rent and charges in respect thereof, and the Company shall have a lien on such goods not only for the sums so paid by them, but also for the rent and charges paid by them or for which they shall be liable in respect thereof after such removal, but such lien shall be subject to the lien of the person or company to whose warehouse the goods shall be removed for his rents and charges in respect of the said goods, and such person or company shall not be required or be at liberty to deliver the goods to the owner thereof without the consent of the Company :
- (e.) The warrants issued in respect of the goods so removed shall not be invalidated by reason of the removal thereof :
- (f.) The Company shall be liable to the owner of the goods for any damage or deterioration of such goods by reason of their removal as aforesaid, and the warehouse keeper shall not be liable to such owner or to any other person for such damage or deterioration :
- (g.) The warehouse keeper from whose custody the goods shall be removed shall be saved harmless and indemnified by the Company with respect to any bond given by him for the safe custody of such goods until the duties of customs or excise to which the said goods are liable shall be paid, and from all responsibility and liability to the owner of the said goods for the safe custody thereof after removal thereof from his warehouse :
- (h.) If under the powers of this Act goods shall be removed to a warehouse occupied by the same warehouse keeper as the warehouse whence the same shall be removed, such warehouse keeper shall be considered for the purposes of this Act as if he had not been the occupier of the warehouse whence the said goods shall be removed, and his responsibility or liability as a warehouse keeper for the safe custody of the said goods from and after such removal, or in any other respect, shall be to the Company exclusively, and not to the owner of the said goods.

Company to have lien on goods.

Warrants and insurances to remain valid.

Company to be liable for damage in removal.

Warehouse keeper indemnified.

Providing for identity of warehouse keeper.

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Power to raise money by the creation of shares or stock.

13. The Company may, in addition to any monies already raised or authorized to be raised by the Company, from time to time raise any sums of money not exceeding in the whole six hundred thousand pounds by the creation and issue of new ordinary shares or stock, and new preference shares or stock, and new redeemable preference shares or stock in their capital, or, at the option of the said Company, by all or any of those modes; and the Company may from time to time apply to the capital or any part thereof to be raised by virtue of this enactment conditions similar to those contained in the resolutions which form schedule (B.) to "The Metropolitan Railway Act, 1868."

Shares not to issue until one fifth paid up.

14. The Company shall not issue any share or stock created under the authority of this Act, nor shall any share or stock 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 or stock shall have been paid in respect thereof.

Power to borrow on mortgage.

15. The Company may from time to time under the powers of this Act borrow any additional sums of money, not exceeding in the whole two hundred thousand pounds, by mortgage of their undertaking, and the following conditions shall apply to such power of borrowing :

The Company may from time to time borrow sums equal to one third of the additional capital authorized by this Act as and when any sum being not less than two hundred thousand pounds, part of the said additional capital, is from time to time issued and accepted, and one half is paid up; but no sum shall be borrowed by the Company under the powers of this Act until the Company shall have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that shares for the said portion of the additional capital of six hundred thousand pounds in respect of which the borrowing powers are sought to be exercised have been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share or portion of stock in such portion of the capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

16. Provided always, that all mortgages granted by the Company in pursuance of the powers of any Act of Parliament 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 granted by virtue of this Act.

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Existing mortgages to have priority.

17. All and every part of the monies which the Company are by this Act authorized to raise shall be considered extension capital, and be applied only to such purposes and in such manner as is provided for the regulation of the capital account of the Company in respect of the extensions in the twenty-second section of "The Metropolitan Railway Act, 1868."

Application of sums raised under this Act.

18. The forty-third section of the Act of 1864 relating to the appointment of a receiver shall apply to all monies borrowed under the powers of this Act.

As to appointment of receiver.

19. And whereas by the twenty-fourth section of "The Metropolitan Railway Act, 1868," power was granted to the holders of the extension stock to convert at any time previous to the first day of October one thousand eight hundred and sixty-eight the amount held by them in the extension stock into ordinary stock of the Company, upon paying to the Company for each one hundred pounds of such extension stock so to be converted the sum of two pounds, and certain holders of the extension stock did accordingly convert the same into ordinary stock, and it is just that the persons who have so converted their extension stock into ordinary stock should, if they desire so to do, be able to reconvert such ordinary stock into extension stock and to receive back a portion of the amount which they paid to the Company upon such conversion: Be it therefore enacted as follows:

As to reconversion of extension stock.

(a.) Any person who so converted extension stock held by him into ordinary stock, and who at any time previous to the tenth day of August one thousand eight hundred and sixty-nine shall produce to the Company the certificate for the same ordinary stock still standing in his own name, may require that the same be reconverted into extension stock:

(b.) The directors shall, upon the delivery of the certificate for the said ordinary stock, issue to the person whose stock shall be so reconverted certificates for extension stock of the same amount, and shall pay out of the capital of the Company to the person whose stock shall be so reconverted at the rate of one pound for every one hundred pounds of such stock:

(c.) The ordinary stock so reconverted and the certificates thereof so delivered up shall be cancelled.

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Interest not
to be paid
on calls paid
up.

20. The Company shall not, out of any money by this Act authorized to be raised by calls or by borrowing, 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 this Act shall not 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."

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

21. The Company shall not, out of any money by this Act authorized 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 authorizing the Company to construct any other railway, or to execute any other work or undertaking.

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

22. Nothing herein contained shall be deemed or construed to exempt the Company from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorized to be taken by the Company, or of the rates for small parcels.

Expenses of
Act.

23. 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.