



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. cii.

An Act to alter certain Portions of the *Metropolitan* Railway, and to amend the Provisions of the Act relating thereto. [2d July 1855.]

WHEREAS an Act was passed in the last Session of Parliament, intituled “The *Metropolitan* Railway Act, 1854 : And whereas it is expedient to enable the Company to make a Deviation in the Line of Railway to the East of *Red Lion Alley* in the Parish of *Saint Sepulchre* in the County of *Middlesex*, and also to alter the Levels of a Portion of the Railway situate between *Baker’s Row* in the Parish of *Saint James Clerkenwell*, and the Commencement of such Deviation :” And whereas it is expedient to amend in some respects the Provisions of the said Act ; 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 :

I. That in this Act whenever the Words “the Company” are used “Company.” the same shall be held to mean the “*Metropolitan* Railway Company.”

[*Local.*]

17 N

II. That

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Short Title. II. That in citing this Act for any Purpose it shall be sufficient to use the Expression “The *Metropolitan* Railway (Deviation) Act, 1855.”

8 & 9 Vict.
cc. 18. & 20.
incorporated. III. That “The Lands Clauses Consolidation Act, 1845,” and “The Railways Clauses Consolidation Act, 1845,” shall be incorporated with and form Part of this Act.”

Power to
alter Line of
Railway. IV. That it shall be lawful for the Company to alter the Levels upon that Part of the Railway authorized to be made by the recited Act which lies East of *Baker's Row*, between the Point where the Railway is shown on the Plans referred to in the said *Metropolitan* Railway Act, 1854, and herein-after called the recited Act, as intended to cross such Row, in the Parish of *Saint James Clerkenwell* in the County of *Middlesex*, and the Point at which the Deviation or substituted Line of Railway herein-after described is intended to commence, in the Parish of *Saint Sepulchre* in the County of *Middlesex*; and to make and maintain a Deviation or substituted Line of Railway in lieu of so much of the authorized Line as is situate between *Red Lion Alley* in the said Parish of *Saint Sepulchre* and the authorized Termination of the Railway at or near the General Post Office in *Saint Martin's le Grand* in the said Parish of *Saint Anne and Agnes* in the City of *London*, such Deviation or substituted Line of Railway to commence at or near *Red Lion Alley* aforesaid, numbered 26 on the Plans referred to in the said Act, in the said Parish of *Saint Sepulchre*, and to terminate at or near to the said General Post Office *Saint Martin's le Grand* in the said Parish of *Saint Anne and Agnes*.

Power to
make Works
according to
deposited
Plans. V. And whereas Plans and Sections describing the Alteration in Levels upon the said Part of the Railway, and certain additional Lands required for the Purposes of such Railway, and describing the Line and Levels of the said Deviation, and also the Lands which by virtue of this Act are intended to be or may be taken or used for the Purposes of such Railway, and the Stations, Works, and Conveniences to be connected therewith, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the County of *Middlesex* and City of *London*: Therefore, subject to the Provisions in this Act, and in “The Lands Clauses Consolidation Act, 1845,” and “The Railways Clauses Consolidation Act, 1845,” contained, and to the Powers of Deviation in such last-mentioned Act and in the recited Act contained, it shall be lawful for the Company to alter the Levels of such Part of the Railway, and to take such additional Lands, and to make and maintain the said Deviation or new Line of Railway and
other

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other Works upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands described upon the said Plans and in the said Books of Reference as may be necessary for such Purposes.

VI. That it shall be lawful for the Company and they are hereby required to abandon so much of the authorized *Metropolitan Railway* as lies between the Point where the said Deviation or substituted Line of Railway will commence, in the said Parish of *Saint Sepulchre*, and the Termination of the authorized Line at or near the General Post Office, *Saint Martin's le Grand*, in the Parish of *Saint Anne and Agnes*, as may become unnecessary by reason of the Formation of the said Deviation or substituted Line of Railway.

Company
to relinquish
Part of
Railway.

VII. That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of Railway in lieu of which the said Deviation is intended to be made, the Company shall make to the Owners or 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 pursuant to 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 also, that nothing herein contained shall 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.

Compensation to be made where Contracts have been entered into, and Notices given.

VIII. That the Works authorized by this Act shall be completed within the Time limited by the *Metropolitan Railway Act, 1854*, for the Portions of Railway for which they are substituted.

Period for Completion of Works.

IX. That (except as by this Act otherwise expressly provided) the Deviation in the Line of the Railway by this Act authorized to be made shall be substituted for the Part of the Line of the Railway by

Powers of this Act to be in substitution

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of previous
Powers.

by this Act directed to be abandoned, and the said Deviation, and also the said Part of the Railway in which the Alterations in Levels are made, shall for all Purposes be deemed Part of the Railway authorized by the *Metropolitan Railway Act, 1854*, and all the Powers and Provisions of such Act shall apply to the said Deviation in the same Manner as if it had been Part of the authorized Line of the *Eastern Extension Railway* comprised in such Act.

As to addi-
tional Junc-
tions with
Great North-
ern Railway.

X. And whereas it will be advantageous to the Company and to the Public that the Interchange of Engines, Carriages, and Trucks between the Railway by the recited Act and this Act authorized and the *Great Northern Railway* should be effected by a continuous Line of Rails, and without the Use of Hoists or Turn-tables : Be it enacted, That the Company shall at their own Expense execute the necessary Works for effecting a convenient Junction between the said Railways for the Purposes aforesaid, and for ever after maintain the same ; and if such Junction cannot under the Powers granted by the recited Act and this Act, or the Powers vested in the *Great Northern Railway Company*, be effected to the Satisfaction of the Engineers of the Two Companies, or if they cannot agree upon the same, then, to the Satisfaction of some Engineer to be nominated by them before they proceed in the Matter, the Company shall at their own Expense, in the next Session of Parliament, apply for and duly prosecute a Bill to enable them to purchase Land and execute the necessary Works for effecting such Junction.

Division of
original
Capital into
Ten Pound
Shares.

XI. That the Company at any General Meeting may resolve that the original Capital of Three hundred thousand Pounds, which by the recited Act was divided into Fifteen thousand Shares of Twenty Pounds each, shall be thereafter divided into Thirty thousand Shares of Ten Pounds each, and all Persons registered in the Books of the Company in respect of such original Capital shall, in respect of each such Share of Twenty Pounds, become entitled to and be registered as the Proprietor of Two Shares of Ten Pounds each, and all Deposits and Calls paid upon any Share of Twenty Pounds shall be equally apportioned to such Two Shares of Ten Pounds each.

Saving
Rights of
Commis-
sioners of
Sewers.

XII. That nothing in this Act contained shall extend or be deemed or construed to extend to enable the said Company to execute any Work or do any Act which may interfere with or affect any Sewer, Drain, Watercourse, Weir, Dam, Bank, Pipe, Conduit, Sink, Sluice, Penstock, or Work within the Jurisdiction or subject to the Survey, Order, or Control of the Metropolitan Commissioners of Sewers or their Successors now made or existing, or hereafter to be made or to exist, without the Consent in Writing of the said Commissioners or their Successors first had and obtained, or to prevent the said Commissioners

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missioners or their Successors from executing and carrying out any Works ordered or hereafter to be ordered by them or either of them as freely, fully, and effectually as if this Act had not been passed; and where any Work to be done under the Powers of this Act shall or may pass under, over, or near to or in such a Direction or Manner as to interfere with any such Sewer, Drain, Watercourse, Weir, Dam, Bank, Pipe, Conduit, Sink, Sluice, Penstock, or Work, the said Company shall not commence such Work until they shall have given to the Metropolitan Commissioners of Sewers or their Successors Ten Days previous Notice in Writing of their Intention to execute such Work, accompanied by a Plan and Section showing the Course, Depth, Inclinations, and other necessary Particulars thereon, and until the said Commissioners or their Successors shall have signified their Approval of the same, unless the said Commissioners do not signify their Approval, Disapproval, or other Directions within Ten Days after Service of the said Notice, Plan, and Sections upon the Secretary of the said Commissioners or their principal Clerk for the Time being, and the said Company shall comply with and conform to the Orders, Directions, and Regulations of the said Commissioners and their Successors in the Execution of the said Works; and where by reason of the Execution of any Works or the doing of any Acts by the said Company it shall become necessary to alter, divert, reconstruct, or otherwise interfere with any Works of or under or subject to the said Commissioners or their Successors, the said Company shall execute at their own Cost and Expense all such Works as shall become necessary thereby, subject to the Control, Superintendence, and Direction of the said Commissioners and their Successors, and shall save harmless and keep indemnified the said Commissioners and their Successors against any Expenses consequent upon any such Alteration, Diversion, Reconstruction, or Interference; and all new, altered, or substituted Works shall be as fully and effectually under the Control of the said Commissioners and their Successors as any other Works under their Control; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Commissioners or their Successors, but that all such Rights, Powers, and Authorities shall be as good, valid, and effectual as if this Act had not been passed.

XIII. That it shall not be lawful for the Company to take or use for any Purpose whatever any Portion of the Ground now or lately forming or used as the Site of *Smithfield* Market, save only and except for the Purpose of constructing the Railway in a covered Way, the Surface of the Ground being restored by the Company after such Construction.

Site of
Smithfield
Market not
to be used.

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Provision
for the Case
of Discre-
pancy oc-
curring
between
Lines in-
tended to be
identical.

XIV. And whereas in the Plans herein-before mentioned, and which have been deposited with the Clerks of the Peace for the County of *Middlesex* and City of *London*, the Line or Course of the said intended Railway between *Baker's Row* in the Parish of *St. Andrew Holborn* and *Red Lion Alley* in the Parish of *St. Sepulchre* is described as the Centre Line required to be adopted by Section 49 of "The *Metropolitan Railway Act, 1854*:" And whereas it may happen that the Line so described in the said Plans, although intended to be in exact Accordance with the Line or Course required by the said Act to be adopted, may in some Instances vary therefrom: Be it therefore enacted, That in case there shall happen to be any Variance or Discrepancy between the Line or Course required by the said recited Act to be adopted, and which Line or Course is therein stated to be denoted by a Blue Line on the Plan authenticated by the Signature of Sir *Henry R. Ferguson Davie* Baronet, and deposited in the Private Bill Office of the House of Commons, and the Line or Course delineated on Sheet One of the Plans herein-before mentioned to have been deposited as aforesaid, then and in such Case such Portion of the said intended Railway as lies between *Baker's Row* and *Red Lion Alley* shall be constructed, not according to the Line or Course delineated on Sheet One of the Plans herein-before mentioned to have been deposited with the Clerks of the Peace of the County of *Middlesex* and City of *London*, but according to the Line or Course required by "The *Metropolitan Railway Act, 1854*," to be adopted.

Saving
rights of
the Corpo-
ration of
London.

XV. That nothing in this Act or "The *Metropolitan Railway Act, 1854*," contained shall extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or of the Lord Mayor for the Time being of the said City.

Questions
of disputed
Compensa-
tion in
London to
be heard in
the Lord
Mayor's
Court.

XVI. That in every Case in which any Question of disputed Compensation shall by virtue of this Act or of "The *Metropolitan Railway Act, 1854*," be required to be determined by the Verdict of a Jury, and the Land in respect of which such Dispute shall arise shall be situated in the City of *London* or the Liberties thereof, the Jury shall be required to appear before the Court of the Mayor and Aldermen of the City of *London*, to be holden in the Outer Chamber of the Guildhall of the said City according to the Custom of the said City, at a Time to be appointed by the said Court, and all the Directions and Provisions contained in "The *Lands Clauses Consolidation Act, 1845*," in respect to the Settlement of Questions of disputed Compensation by Juries appearing before the Sheriff, Coroner, or other Person, shall extend and be applied with respect to the Settlement of any such Question of disputed Compensation under this Act by Juries appearing before the said Court of Mayor and Aldermen as aforesaid,
and

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and the said Court shall give Judgment for the Purchase Money or Compensation assessed by such Jury, and the Verdict and Judgment shall be signed by the Registrar of the said Court of Mayor and Aldermen, and entered among the Records of the said Court, and the said Registrar shall settle the Costs of every such Inquiry.

XVII. That the following Sections of the herein-before recited “*Metropolitan Railway Act, 1854*,” (that is to say,) Certain Provisions of the first-recited Act to apply to this Act.

The Sections numbered L., LI., LII., and LIII., relating to Land held by the Corporation of the City of *London* ;

The Section numbered LIV., relating to Streets Eastward of *Victoria Street* ;

The Section numbered LV., relating to the Obstruction of One Half only of certain Streets at One Time ;

The Section numbered LVI., prohibiting the diverting of *Peter Street*, and the stopping up or diverting of certain other Streets without Consent ;

The Section numbered LVII., relating to the Time limited for completing certain Portion of the Railway ;

The Sections numbered LXVI., LXVII., LXVIII., LXIX., LXX., LXXI., and LXXII., relating to the Commissioners of Sewers of the City of *London* ;

shall apply to this Act, and to the Objects and Purposes of this Act, as fully and effectually as if those Sections were repeated in this Act with especial Reference to the Objects and Purposes of this Act.

XVIII. That it shall not be lawful for the Company, out of any Money by any Act relating to the said Railway Company 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 said Company to construct any other Railway or to execute any other Work or Undertaking. Deposits for future Bills not to be paid out of Company's Capital.

XIX. That nothing whatsoever contained in this Act shall extend to authorize the said Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her 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, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which Provision as to the Rights of the Crown.

now

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now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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

XX. That nothing herein contained shall be deemed or construed to exempt the said Railways by this or the said recited Act authorized to be made, or the Company, from the Provisions of any General Act relating to such Acts, or 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 this Act or by the said recited Acts, or of Rates for small Parcels.

Expenses
of Act.

XXI. That all Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or incident thereto, shall be paid by the Company.

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