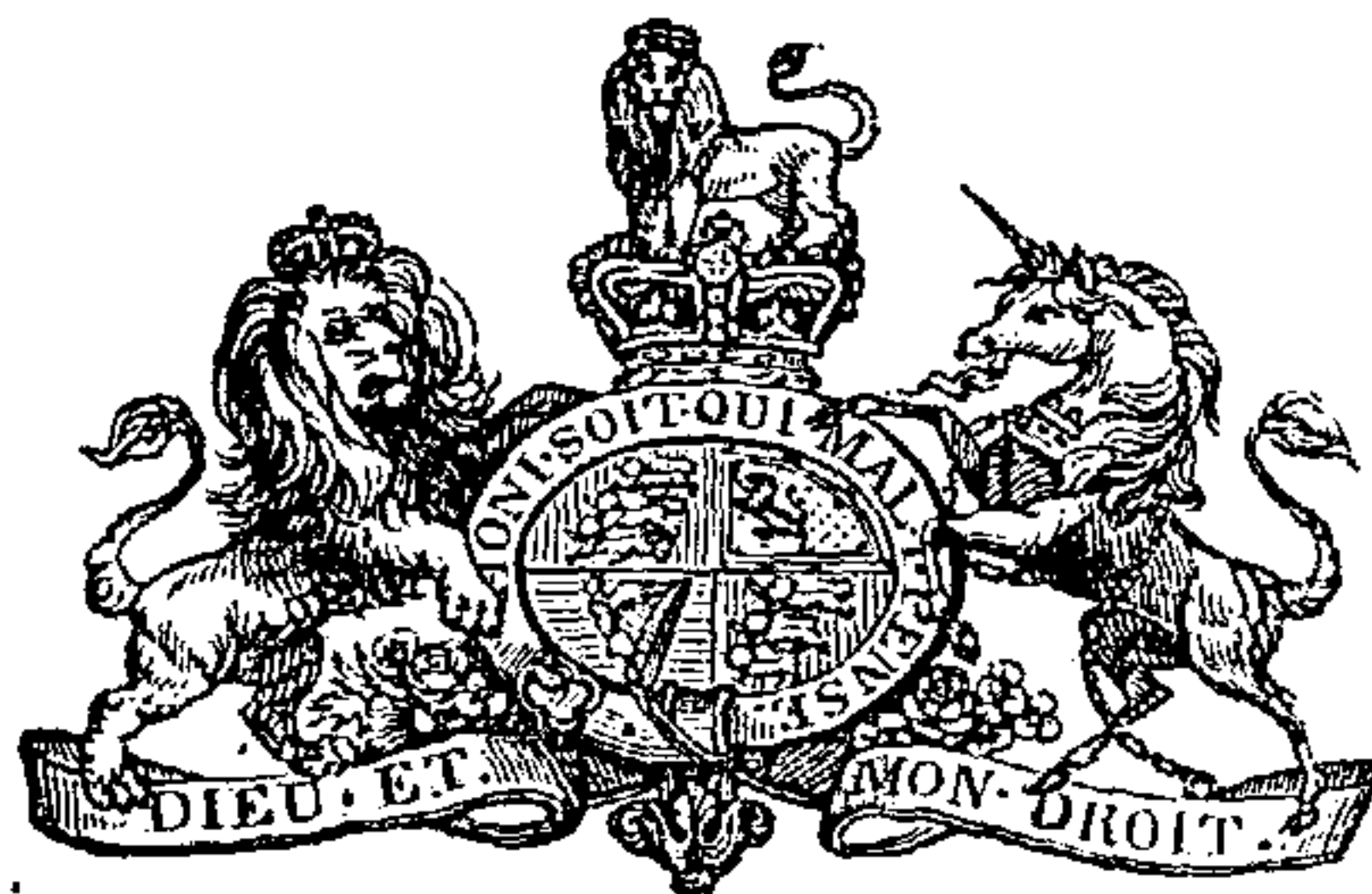




CHAP. xlvii.

An Act to enable the Metropolitan and Saint John's Wood Railway Company to abandon the authorised Extension of their Railway to Hampstead ; and for other purposes.

A.D. 1870.

[20th June 1870.]

WHEREAS by "The Metropolitan and Saint John's Wood Railway Act, 1864," (in this Act called the Act of 1864,) the Metropolitan and Saint John's Wood Railway Company were authorised to make a railway from the Metropolitan Railway through Saint John's Wood to the Hampstead and City Junction Railway, and were by that Act authorised to raise three hundred thousand pounds by shares and ninety-nine thousand pounds by borrowing, all of which moneys have been raised and borrowed by the Company :

27 & 28 Vict.
c. ccciii.

And whereas by "The Metropolitan and Saint John's Wood Railway (Capital) Act, 1866," (in this Act called the Act of 1866,) the Company were authorised to raise a further sum by shares or stock not exceeding in the whole two hundred and fifty thousand pounds, and to borrow a further sum of eighty-three thousand pounds when and so soon as proof as therein directed had been given of the whole of the said sum of two hundred and fifty thousand pounds being subscribed for, and of one half thereof being paid up and expended :

29 & 30 Vict.
c. cvii.

And whereas the Company have raised and expended one hundred and eighty-three thousand pounds, being part of the said two hundred and fifty thousand pounds, and the whole of the said sum of one hundred and eighty-three thousand pounds, has been paid up, but they have not borrowed any money under the Act of 1866, and it is expedient that they should be empowered to borrow on mortgage at any time after the passing of this Act any sum, being part of the said eighty-three thousand pounds, not exceeding in the whole sixty-one thousand pounds, but without prejudice to their borrowing the remaining twenty-two thousand pounds when the

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Railway (Further Powers) Act, 1870.

A.D. 1870. whole of the said share capital of two hundred and fifty thousand pounds has been subscribed for :

And whereas the Company have long since completed and opened to the public so much of the said authorised railway as lies between the Metropolitan Railway at Baker Street and the Swiss Cottage Tavern in Saint John's Wood :

28 & 29 Vict.
c. xxxi.

And whereas by "The Metropolitan and Saint John's Wood Railway (Extension to Hampstead) Act, 1865," (in this Act called the Act of 1865,) the Company were empowered to extend their railway to Hampstead :

And whereas the Company have not commenced the construction of the said Extension Railway, and have not raised any capital for the purposes thereof, and it is expedient that the Company be empowered to abandon the said Extension, and that the bond which has been given to the Crown under the fifty-third section of the Act of 1865 should be cancelled :

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 and Saint John's Wood Railway (Further Powers) Act, 1870."

Part III. of
26 & 27 Vict.
c. 118. incor-
porated.

2. Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," is incorporated with and forms part of this Act.

Interpreta-
tion of terms.

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

Company to
abandon
authorised
extension to
Hampstead.

4. The Company may and shall abandon the construction of the authorised extension of the Metropolitan and Saint John's Wood Railway to Hampstead.

5. The abandonment by the Company, under the authority of this Act, of the before-mentioned Extension Railway, shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied to receive compensation, in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such land, of any of the powers contained in the last-mentioned Act or any Act relating to the Company.

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Compensation for damage to land by entry, &c. for purposes of railway abandoned.

6. Where before the passing of this Act any contract may have been entered into, or notice given by the Company for the purchasing of any land for the purposes of or in relation to the Extension Railway authorised to be abandoned by this Act, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands, for all injury or damage sustained by them respectively, by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of railway abandoned.

7. The lands already purchased by the Company for the purposes of the railway hereby authorised to be abandoned shall be deemed to be superfluous lands within the meaning of "The Lands Clauses Consolidation Act, 1845," and the sections 127 to 132 of the same Act shall apply to such lands, and be incorporated with this Act, provided that three years from the passing of this Act shall be the period within which the Company shall absolutely sell and dispose of such superfluous lands.

As to lands already purchased.

8. The powers and provisions of the Act of 1865 with respect to the raising of capital, and the borrowing of money for the purposes of the said Act, are hereby repealed.

Repeal of provisions in Act of 1865, with respect to raising of capital.
Cancelling of bond.

9. The bond given to the Crown, under section 53 of the Act of 1865, shall be delivered up to be cancelled, and satisfaction shall be entered up thereon.

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As to bor-
rowing
powers of
Company.

10. The Company may from time to time, under the Act of 1866, as by this Act altered and amended, borrow on mortgage on the credit of the undertaking of the Company at any time after the passing of this Act, any sums of money not exceeding in the whole sixty-one thousand pounds, and when the whole of the share capital of two hundred and fifty thousand pounds, authorised by the Act of 1866, has been subscribed for, and subject to the other conditions prescribed by the Act of 1866, the further sum of twenty-two thousand pounds, making together eighty-three thousand pounds, the amount authorised by the said Act to be borrowed.

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

11. The Company shall not, out of any money which they are by any Act authorised to raise for the purposes of such Act, 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 authorising the Company to construct any railway, or to execute any other work or undertaking.

Railways not
exempt from
provisions of
present and
future gene-
ral Acts.

12. Nothing herein contained shall be deemed or construed to exempt the railways of the Company, or the Company, from the provisions of any general Act relating to railways, or 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 or 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.

13. 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.