

[38 & 39 VICT.] *The Metropolitan District Railway* [Ch. ccviii.]
Act, 1875.



CHAPTER ccviii.

An Act enabling the Metropolitan District Railway Company to connect their Railway at Hammersmith with the London and South-western Railway; and for other purposes connected with their undertaking. [11th August 1875.]

A.D. 1875.

WHEREAS the construction of a short railway to unite the Metropolitan District Railway at Hammersmith with the Kensington and Richmond line of the London and South-western Railway will be attended with public and local convenience; and the Metropolitan District Railway Company (herein-after called "the Company") are willing at their own expense to construct the said railway, on having the powers herein-after contained conferred on them for that purpose:

And whereas it is expedient that the powers herein-after contained with respect to a portion of the said Kensington and Richmond line should be conferred on the Company:

And whereas it is also expedient that the Company should be authorised to purchase by agreement the piece of land in the parish of Saint Margaret, Westminster, herein-after described, and to raise additional capital for the purposes of this Act and the general purposes of their undertaking:

And whereas by "The South Kensington Railway Act, 1872," a Company was incorporated for making a railway a little exceeding four furlongs in length, commencing in the South Kensington Station of the Metropolitan and Metropolitan District Railways and terminating on the eastern side of the Royal Albert Hall, and the said Company was authorised to raise a capital of sixty thousand pounds in shares, and to borrow twenty thousand pounds, and by the thirty-ninth section of the same Act the said Company and the Metropolitan Railway Company and the Company are authorised to enter into agreements with respect to the interchange, accommodation, conveyance, and delivery of traffic coming from their respective

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And whereas plans and sections showing the lines and levels of the railway authorised by this Act, and plans of the lands which the Company are authorised to take under the powers of this Act, and also a book of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Middlesex, and are hereinafter respectively referred to as the deposited plans, sections, and book of reference:

And whereas the 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:

Short title. 1. This Act may be cited as "The Metropolitan District Railway Act, 1875."

Provisions of certain general Acts incorporated. 2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Certain provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated. 3. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to—
The distribution of the capital of the Company into shares;
The transfer or transmission of shares;
The payment of subscriptions and means of enforcing the payment of calls;
The forfeiture of shares for non-payment of calls;
The remedies of the creditors of the Company against shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of shares into stock;

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The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act
by all parties interested ;

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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 where expressly varied by this Act) incorporated with and form part of this Act, and shall apply to the Company and to the capital by this Act authorised to be raised by them by shares and by borrowing.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; the expression "the railway" means the railway by this Act authorised ; and for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Interpreta-
tion of terms.

5. The expressions "parish clerks" and "clerks of the several parishes" in sections 7, 8, and 9 of "The Railways Clauses Consolidation Act, 1845," shall, with reference to the Company, and as regards those parishes in which, by the standing orders of either House of Parliament, plans, sections, and other documents are required to be deposited with the clerk of the district board for the district in which the parish is included, mean the clerk of the said district board.

Interpreta-
tion of term
"parish
clerks," &c.

6. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is a railway three furlongs 9·50 chains in length, in the parish of St. Peter and St. Paul, Hammersmith, in the county of Middlesex, commencing by a junction with the Hammersmith Extension Railway of the Company,

Power to
make rail-
way accord-
ing to
deposited
plans.

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Power to take easements, &c. by agreement.

7. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Act with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Lands for extraordinary purposes.

8. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed half an acre.

Powers for compulsory purchases limited.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

For the protection of the London and South-western Railway Company.

10. For the protection of the London and South-western Railway Company, in this section referred to as the South-western Company, the following provisions shall have effect:

(a.) The proposed junction of the railway with the Kensington and Richmond line of the South-western Company (hereinafter referred to as the Kensington and Richmond Railway) shall not, without the consent of the South-western Company under their common seal, be made or maintained otherwise than to the eastward of Studland Street in the said parish of St. Peter and St. Paul, Hammersmith, and no part of the railway to the eastward of Clifton Road in the same parish, or of the works and operations by this Act authorised (except for the purpose of underpinning or otherwise securing the railway and works of the Kensington and Richmond Railway, and altering the roads or streets, as shown by the deposited plans), shall, without the like consent, be made or maintained at any point at a less distance than twenty-five feet from any pier or work of the said Kensington and Richmond Railway, nor so as in any manner or degree to prejudice or endanger any part of that railway or its works or conveniences:

(b.) In order thereto the Company shall from time to time submit to the South-western Company's principal engineer a

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proper and sufficient plan, section, and specification of that part of the Company's railway (including all necessary works for the proper security of the Kensington and Richmond Railway, not only with reference to the making and construction of the railway, but also to the lowering or interference in any way with any roads or streets incidental thereto or in connexion therewith,) within seventy-five feet of the said Kensington and Richmond Railway, for his consideration and reasonable approval thereof; and if in any case he does not, within one month after the delivery thereof to him, approve the same, with such modifications, if any, thereof as he requires, and sign the same in testimony of his approval thereof, and deliver the same so signed to the Company, or if the Company object to any modification thereof required by him, then they may submit the same to a competent and impartial civil engineer appointed on the application of the two Companies, or either of them, by the Board of Trade, for his consideration and approval thereof, his approval to be in like manner testified by his signature, and the Company shall not begin the execution of any of such works unless and until the same, and the relative section and specification thereof, are so approved:

- (c.) The works of the Company (other than the actual junction of the railway with the Kensington and Richmond Railway) shall be made and maintained by and at the expense of the Company in accordance with the plan, section, and specification so approved, and under the superintendence and to the satisfaction of the South-western Company's principal engineer, and the South-western Company may from time to time, at the expense of the Company, and with or without previous notice to them, do and execute all such acts and works, with the object of preventing damage to the Kensington and Richmond Railway or the works thereof, as they shall from time to time deem necessary for preventing or remedying any failure or want of stability thereof, which may from time to time be occasioned by the works or operations of the Company:
- (d.) The South-western Company from time to time may erect such signals and conveniences incident thereto, and appoint and remove such watchmen, switchmen, or other persons, as that Company may deem necessary for the prevention of danger to or interference with the traffic at and near the junction between the railway and the Kensington and

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Richmond Railway; and the making and maintaining, working, and management of the junction, and of such signals and conveniences, whether on lands of the South-western Company or on lands of the Company, shall be under the exclusive management and regulation of the South-western Company, and all the expense of making and maintaining the junction and such signals and conveniences, and the wages of such watchmen, switchmen, and other persons, and all incidental current expenses, shall be repaid by the Company to the South-western Company, as regards the expense of erection, at the end of the current half-year in which the same is incurred, and as regards all such other expenses and wages at the end of every half-year, and in default of such repayment the amount of such expenses and wages may be recovered from the Company by the South-western Company in any court of competent jurisdiction:

- (e.) The Company shall bear, and on demand pay to the South-western Company, the expense of the employment by them, during the making and construction of the railway adjacent to the Kensington and Richmond Railway, of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of the intended works, and for preventing, as far as may be, all interference, obstruction, danger, and accident to arise from any of the operations, or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise:
- (f.) If by reason of any works or proceedings of the Company there shall be any obstruction of or interference with the Kensington and Richmond Railway, so as to prevent the convenient passage of engines and carriages along the same, the Company shall pay to the South-western Company the sum of twenty pounds by way of ascertained damages for every hour during which that obstruction or interference continues:
- (g.) The Company shall from time to time be responsible for and make good to the South-western Company all costs, losses, damages, and expenses from time to time occasioned to the Kensington and Richmond Railway, or any of the works or property thereof, or the traffic thereon, or any person or persons using the same, or otherwise by reason

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of the execution or failure of any of the works of or incidental to the railway, or any act or omission of the Company, or any of the persons in their employ, or their contractors or others; and the Company shall effectually indemnify and hold harmless the South-western Company from all claims and demands upon or against them by reason of any such execution or failure, or any such act or omission: A.D. 1875.

- (h.) No land belonging to the South-western Company shall be taken by the Company without the consent in writing of the South-western Company under their common seal first had and obtained: Provided always, that the South-western Company shall, if so required by the Company, grant in perpetuity to the Company an easement or right of using for the purposes of the intended junction of the railway hereby authorised, and for the purposes of the works and conveniences necessary in connexion with the said junction, such parts of the lands of the South-western Company as are necessary for those purposes:
- (i.) Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the rights, privileges, powers, or authorities of the South-western Company.

11. Before the Company interfere with the approach roads leading to the Hammersmith Station of the Great Western and Metropolitan Railway Companies, or either of such roads, they shall provide, and during the construction of their railway and road maintain, convenient approach roads to the said station, and any difference which may from time to time arise between the Company and the said two Companies with respect to the convenience of the said approach roads, or with respect to the due maintenance thereof, shall be settled by the arbitration of an engineer to be nominated by the common consent of the three Companies, or, in default of such consent, to be nominated by the Board of Trade upon the application of any of the said Companies, and the decision of any such arbitrator shall be binding upon the Company: Provided that if the Company shall interfere with such approach roads without having previously provided substituted convenient approach roads as aforesaid, or shall not duly maintain such approach roads to the reasonable satisfaction of the Great Western and Metropolitan Railway Companies, or, in the event of difference, to the satisfaction of such arbitrator, or shall fail to comply with the directions contained in

Preserving
access to
Hammer-
smith Sta-
tion.

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As to works affecting Great Western and Metropolitan Companies.

12. The works and road, so far as they affect the works and property of the Great Western and Metropolitan Railway Companies, shall be constructed at such time or times and in such manner as shall be agreed upon between the Company and the said Companies; and failing agreement, then at such time or times and in such manner as shall be fixed by an arbitrator to be appointed by the Board of Trade on the application of either Company.

Providing for crossing certain streets.

13. The Company shall, in the construction and maintenance of their railway, be subject to the following conditions:

In crossing Mansion House Street, the inclination of that road shall not be steeper than one in twenty-three on the north side of the railway, and one in twenty-four on the south side, and the clear headway of the road under the railway bridge shall be not less than fifteen feet:

In crossing Cambridge Road, the inclination thereof shall not be steeper than one in twenty-four on the north side of the railway, and one in twenty-nine on the south side thereof, and the clear headway of the road under the railway bridge shall be not less than sixteen feet:

In crossing Clifton Road, the inclination thereof shall not be steeper than one in thirty-four on the north side of the railway, and one in forty on the south side thereof.

Compensation to be made in certain cases.

14. The Company shall compensate the owners and lessees of any houses not purchased by the Company abutting upon such portion of Mansion House Street and Cambridge Road aforesaid as shall be lowered under the powers of this Act, in respect of the deterioration in value (if any) which may be caused to such houses by reason of such lowering, and the amount of such compensation (if any) shall be determined, in the event of dispute, by a single arbitrator, to be appointed by the Board of Trade on the application of the parties or the Company; and all questions of compensation arising out of the interference by the Company with the said street and road shall be referred to the same arbitrator: Provided that if the Company shall think fit to purchase and take any houses in

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respect of which such claims for compensation shall be made, they shall be at liberty to do so, and the amount of the purchase money or other compensation shall be determined by such arbitrator as aforesaid.

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15. In the construction of the railway the following rules shall be observed :

As to construction of bridges over public roads.

- (1.) Every bridge whereby the railway will be carried across and over any public carriage-road or public street shall be made and shall thenceforth be maintained so as not to lessen the present clear width of such road or street, including the footway and forecourts (where a footway and forecourts now exist), and in no case shall there be a less width between the abutments than forty feet throughout measured on the square :
- (2.) All such bridges shall be watertight, and so constructed as to, so far as is practicable, deaden the sound of engines, carriages, and traffic passing over them :
- (3.) The Company shall not commence the erection of any such bridge until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same, by leaving such notice at the office of the said Board, with plans, elevations, sections, and other necessary particulars of the construction of the said bridges, and until the said Board shall have signified their approval of the same, unless the Board fail to signify such approval, or their disapproval or other directions, within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid :
- (4.) The Company shall comply with and conform to all directions and regulations of the said Board in the execution and subsequent maintenance of the said bridge and works connected therewith, and shall save harmless the said Metropolitan Board of Works against all and every expense to be occasioned thereby, and all such works shall, subject to the provisions of this Act, be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board of Works, at the costs, charges, and expenses in all respects of the Company, and all costs, charges, and expenses which the said Metropolitan Board of Works may be put to by

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reason of the works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to the said Board by the Company on demand.

As to bridges
under streets.

16. All bridges constructed by the Company for carrying any public road or street over the railway shall be constructed so as not to lessen the present clear width of such road or street, including the footway, and in no case shall any such bridge be of less width between the parapets thereof than forty feet, measured on the square, and every such bridge shall be so covered as to prevent, as far as may be practicable, the escape of steam, smoke, or other offensive effluvia into the said road and streets, and such bridges shall be constructed, so far as is practicable, so as to deaden the sound of engines, carriages, and traffic passing underneath them, and the Company shall not execute or commence the erection of any such bridges or works as aforesaid until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same, by leaving such notice at the office of the said Board, with plans, elevations, sections, and other necessary particulars of the construction of the said bridges, and until the Board shall have signified their approval of the same, unless the said Board fail to signify such approval, or their disapproval or other directions, within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid; and the Company shall comply with and conform to all reasonable directions and regulations of the said Board in the execution and subsequent maintenance of the said bridges and works connected therewith, and shall save harmless the said Board against all and every expense to be occasioned thereby, and all such works shall be done to the reasonable satisfaction of the engineer, or other officer or officers, of the said Board, at the costs, charges, and expenses in all respects of the Company, and all costs, charges, and expenses which the said Board may be put to by reason of the works of the Company, whether in the execution of the works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to the said Board by the Company on demand.

For protec-
tion of
sewers.

17. Where any of the intended works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as to interfere with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Metropolitan Board of Works, or of any District Board of Works constituted under

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“The Metropolis Management Act, 1858,” or any Act or Acts amending the same or extending the powers thereof, or with any sewers or works to be made or executed by the said Metropolitan Board or District Board of Works, or either of them, or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control, the Company shall not commence such works until they shall have given to the said Metropolitan Board or to the District Boards, as the case may be, twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such Board for the time being, with a plan and section showing the course and inclination thereof, and other necessary particulars relating thereto, and until such Board respectively shall have signified their approval of the same, unless such Board do not signify their approval, disapproval, or other directions within twenty-one days after service of the said plan, section, and particulars as aforesaid; and the Company shall comply with and conform to all orders, directions, and regulations of the said Metropolitan Board and of the respective District Board of Works in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as such Boards shall reasonably require for the proper protection and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works, or any part thereof, and shall save harmless the said Boards respectively against all and every the expense to be occasioned thereby, and all such works shall be done by or under the direction, superintendence, and control of the engineer, or other officer or officers, of the said Metropolitan Board or District Board, as the case may be, at the costs, charges, and expenses in all respects of the Company, and all reasonable costs, charges, and expenses which the said Metropolitan Board or District Boards may be put to by reason of such works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to such Board by the Company on demand; and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company, under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said respective Boards as any sewers or works now are or hereafter may be, 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

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A.D. 1875. said respective Boards, or any or either of them, or of their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

For protec-
tion of
Fulham
District
Board of
Works.

18. For the protection of the Fulham District Board of Works, be it enacted as follows :

- (1.) Before the Company shall break up any public road or street within the Fulham district, they shall give to the Fulham District Board notice thereof in writing, and such notice shall be delivered at the office of the said Board not less than fourteen days before commencing the works :
- (2.) Before the Company shall commence any works in the Fulham district, which works shall cause any temporary diversion of any public foot or carriage way, or which shall cause any obstruction or inconvenience to traffic, such obstruction or diversion shall be approved of by the Fulham District Board, and the Company shall, before commencing any such works, at their own expense make such arrangements for the passage of traffic as the said Board shall in writing require :
- (3.) The Company shall, within six months after any part of any public road or street within the Fulham district shall have been first broken up, fill up and restore, in a well-rammed and workmanlike manner and to the reasonable satisfaction of the Fulham District Board, the roadway of such portion of the said roads or streets as shall be so broken up, and the footways thereof to a good state and condition ; and the Company shall also at their own expense keep and maintain the said roads, streets, and footways in good and substantial repair, in every respect to the reasonable satisfaction of the said Board, for six months next after the same shall have been so restored as aforesaid :
- (4.) The Company shall, at their own expense, during the construction of the railway, at all times fence and guard, and at night cause to be lighted and watched, any public road or street or any sewer or drain opened or broken up by them in the Fulham district :
- (5.) The flanks or parts of any houses which may be removed wholly or partly or be altered by the Company for the purpose of the works hereby authorised, shall be well and sufficiently restored or built up in a workmanlike manner to prevent any unsightly appearance :

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(6.) The Company shall not place or allow to be placed on the outside of any station in the Fulham district any notice board or placard, except those relating to the business of the Company : A.D. 1875.

(7.) While the Company are possessed under the authority of this Act of any lands, houses, buildings, or other property assessed or liable to be assessed to any district general or special rate, and until any works to be constructed in the Fulham district are so far completed as to be assessed or liable to be assessed to any amount equal to or greater than the aggregate of the gross rateable value of the said lands, houses, buildings, and property in the last rate made under any precept issued by the Fulham District Board, the Company shall be liable to make good the deficiency in the assessments by reason of such lands, houses, buildings, or other property being taken or used by them, and the deficiency shall be computed according to the rental at which such lands, buildings, and property are now rated under the last precept issued by the Fulham District Board :

(8.) All works affecting any public road or sewer under the jurisdiction of the Fulham District Board shall be executed and done to the reasonable satisfaction of the said Board, and at the costs, charges, and expenses of the Company, and the cost, charges, and expenses of the said Board occasioned by any act or proceedings of the Company in the construction of their works shall be defrayed by the Company :

(9.) Any difference which may arise between the Company and the Fulham District Board under this enactment shall be from time to time referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade, and the costs of the arbitration shall be in the discretion of the arbitrator.

19. Before opening for public traffic the railway hereby authorised, the Company shall form over the said railway and upon lands which they are hereby authorised to acquire a new road forty feet in width, commencing at or near the west corner of the Sussex Arms, in the Broadway, Hammersmith, and terminating by a junction with Bradmore Lane, at the north-west corner of the property numbered on the deposited plans 38 in the parish of Saint Peter and Saint Paul, Hammersmith, and the following provisions shall apply to the said road :

Providing
for extension
of Bradmore
Lane.

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- (1.) The said road shall be made in the line shown upon a plan signed by John Gilbert Talbot, the chairman of the Committee of the House of Commons to whom this Act, when passing through Parliament, was referred :
- (2.) The road shall be properly metalled, kerbed, and drained by the Company :
- (3.) The road, so far as it affects the approach roads leading to the station of the Great Western and Metropolitan Railway Companies, or other the property of the said Companies, shall be constructed according to a plan previously approved by the engineer of the two Companies ; provided that if he fails to express his approval or disapproval thereof within one month after the delivery of the said plan to him, then the Company may proceed with the said work according to the said plan ; but if the said engineer expresses within one month his disapproval of the said plan, the matter in difference shall be referred to an engineer to be appointed by the Board of Trade, and the work shall be done according to the direction of the said last-mentioned engineer :
- (4.) Except as aforesaid, there shall be a paved and flagged footpath on both sides thereof, with three-inch York flagging, and corresponding to the footpath on the east side of the Grove at the point of junction therewith of the intended road :
- (5.) When the said road is completed and ready for public traffic to the satisfaction of the Fulham District Board of Works, the same shall be devoted to the public, and shall for the first six months after such opening be repaired and maintained by the Company, and after the expiration of the said six months shall thenceforth be maintained by the body or persons who maintain the roads in the district :
- (6.) A copy of the said plan, authenticated by the seal of the Company, shall be deposited within one month after the passing of this Act at the office of the Fulham District Board of Works.

Protecting
land of Great
Western
Railway
Company.

20. Nothing contained in this Act, or in the deposited plans or books of reference, shall authorise the Company to take compulsorily any greater part of the land numbered on the said plans 37 in the parish of Hammersmith than is coloured pink on the plan of the extension of Bradmore Lane herein-before mentioned.

Provision
for protec-
tion of West

21. All works, matters, and things which the Company may be empowered or required to do or execute with reference to the mains,

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pipes, or works of the West Middlesex Waterworks Company existing at the time of the commencement of the Company's works shall be done and executed by the Company, and to the reasonable satisfaction of the engineer for the time being of the Waterworks Company, and according to plans previously approved by such engineer and the engineer of the Company, or, in the event of their not agreeing, in such manner as shall be settled by arbitration in manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration; and such works, matters, or other things shall not, except in the case of emergency, be commenced until after fourteen days previous notice thereof in writing shall have been given to the Waterworks Company; and the costs attending such works, matters, or other things, and the superintendence thereof by the said Waterworks Company, shall be borne and paid by the Company.

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Middlesex
Waterworks
Company.

22. Except only as is by this Act otherwise expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, authorities, or privileges of the West Middlesex Waterworks Company.

Saving rights
of West
Middlesex
Waterworks
Company.

23. The Company may, subject to the provisions of this Act, in the construction of the railway, deviate from the levels and gradients as marked on the deposited sections to such an extent as may be found necessary or convenient for avoiding, accommodating, preserving, or improving the drainage or sewers or other works in or under the streets through which the railway will be made, and the Company may alter the inclination of their railway accordingly.

Power to
deviate from
levels of
sections.

24. With respect to any vaults or cellars in or under the roadway or footway of any street, road, or highway, and no part of which is under any house, the Company may purchase, take, and use, and the owners of and other persons interested in any such vault or cellar shall sell, the same for the purpose of the railway and works, and the purchase of any such cellar or vault shall not in any case be deemed the purchase of a part of a house or other building or manufactory within section 92 of "The Lands Clauses Consolidation Act, 1845."

Company
may acquire
vaults and
cellars.

25. And whereas, in order to avoid injury to the houses and buildings within one hundred feet of the railway, it may be necessary to underpin or otherwise strengthen the same, therefore it shall be lawful for the Company, at their own costs and charges, to underpin or otherwise strengthen any such house or building: Provided that at least ten days notice shall, unless in case of emergency, be given to the owner, lessee, and occupier of the house

Company
empowered
to underpin
or otherwise
strengthen
houses near
railway.

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or building intended to be underpinned or otherwise strengthened, each such notice to be left on the premises, and that the Company shall be liable to compensate the owner, lessee, and occupier of every such house or building for any inconvenience, loss, or damage which may result to them by reason of the exercise of the powers granted by this enactment: Provided also, that if the owner, lessee, or occupier of any such house or building shall give, within seven days after that notice, counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be referred to an engineer to be agreed upon, or, in case of difference, to a civil engineer to be appointed at the instance of either party by the Board of Trade, and such referee shall forthwith, upon the application of either party, proceed to inspect such house or building and determine the matter referred to him, and in the event of his deciding that such underpinning or strengthening is necessary, he may in his discretion prescribe the mode in which the same shall be executed, and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building, and the cost of such referee shall be paid by the Company, and the cost of the reference (other than the cost of the referee) shall be in the discretion of the referee: Provided that nothing in this enactment contained, nor any dealing with the property in pursuance of this enactment, shall relieve the Company from the liability to compensation under the sixty-eighth section of "The Lands Clauses Consolidation Act, 1845," or under any other Act: Provided also, that every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in "The Lands Clauses Consolidation Act, 1845": Provided also, that nothing in this section shall repeal or affect the application of the 92nd section of "The Lands Clauses Consolidation Act, 1845."

Notice to be given of taking houses of labouring classes.

26. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of

27. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the

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Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere at moderate rents for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

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the labouring
class to be
displaced.

28. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter 20, a sum of thirteen thousand three hundred and fifty-one pounds seven shillings three per cent. consolidated Bank annuities, being equal in value to five per centum upon the amount of the estimate in respect of the railway hereby authorised, has been transferred into the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum of stock so transferred as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the said railway, either open the said railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital, and if the said period shall expire before the Company shall either have opened the said railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of stock transferred as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Deposit
money not
to be repaid
until line
opened or
half the
capital paid
up expended.

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Application
of deposit.

29. The said sum of stock transferred 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 railway hereby authorised, 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 by this Act, 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 said sum of stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent, and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of stock has been repaid or retransferred to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for
completion
of railway.

30. If the railway hereby authorised is not completed within three years from the passing of this Act, then on the expiration of that period the powers granted to the Company for making and completing the said railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to
purchase
certain lands
by agree-
ment.

31. The Company may for the purposes of their undertaking purchase, but only by agreement with the Metropolitan Board of Works, the piece of land shown on the deposited plans and described

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in the deposited book of reference, which piece of land abuts on the Victoria Embankment, and lies between Saint Stephen's Club, the railway of the Company, and the said embankment, and is numbered on the deposited plans 1, in the parish of Saint Margaret, Westminster.

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32. If, by reason of the increased traffic brought upon the railway of the Company in consequence of the powers granted by this Act, the Mansion House Station of the Company becomes insufficient, the Company shall use such means as they already possess for the improvement of the said station; and the Company shall not admit any service of trains of the London and South-western and Midland Railway Companies into the Mansion House Station unless and until the Company shall have provided a separate bay in that station for the accommodation of such traffic.

Providing for improvement of station at the Mansion House.

33. The Company may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise any additional capital, not exceeding in the whole three hundred and fifty thousand pounds, by the issue, at their option, of shares or stock, but the Company shall not issue any share of less nominal value than ten pounds, nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth part of the amount of such share shall have been paid in respect thereof, and the capital so raised by them shall, subject to the provisions herein-after contained, form part of the capital of the Company.

Power to raise additional capital.

34. In the event of the directors of the Company passing a resolution to the effect that it is expedient that the capital to be raised under this Act, and that the railway and works hereby authorised, shall be constituted a separate capital and undertaking, and on such resolution being confirmed at a general meeting of the Company, the railway and works by this Act authorised, together with all lands, buildings, and property to be purchased for the purposes thereof, shall form a separate undertaking, distinct and apart from the rest of their undertaking, and shall be called "The Metropolitan District Richmond Extension."

Providing for separation of undertaking.

35. Provided always, that the directors of the Company shall have the working and management of the affairs of the said separate undertaking, and they and any committees appointed by them for the purposes of that undertaking shall have and shall exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to the rest of the undertaking of the Company.

Providing for management of separate undertaking.

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Prescribing
how terms to
be settled.

36. The terms and conditions upon which the Metropolitan District Richmond Extension shall be worked and managed by the Company, and the dividends or annual or other sums to be paid to or upon the shares or stock constituting the said separate capital out of the gross receipts arising from traffic passing as well upon the Metropolitan District Richmond Extension as upon such extension and the other railways of the Company, and the payment to be made in respect of the use of such Metropolitan District Richmond Extension for the traffic of the Company, shall be such as shall be defined and settled by an extraordinary general meeting of the Company, duly convened with notice of the object, and the substance of such terms and conditions shall be endorsed upon the certificates of the shares or stock constituting the separate capital of the Metropolitan District Richmond Extension upon the creation and issue of the same.

Extension
to be worked
in an efficient
manner.

37. After the opening of the said Extension Railway for public traffic, the Company shall work that railway and convey traffic thereon in a proper manner, and so as fairly to accommodate and develop the traffic of the district to be served by that railway. In case any difference shall arise between the Company and any of the holders of stock or of shares in the separate capital with respect to the working or non-working or insufficient working by the Company of the said extension, or otherwise in relation thereto, whereby the holders of such shares or stock deem themselves to be injuriously affected, such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party; and such arbitrator shall have full power to settle and determine any such difference, and to order the Company to do or to abstain from doing all such acts, matters, and things as he shall think fit, and to make such order with respect to the costs of such arbitration as he shall think just. In case the Company make default in complying with any of the requirements of any such order within the time thereby prescribed, then and in every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding fifty pounds for every day after the first during which such default shall continue.

Application
of moneys.

38. All moneys raised under this Act shall be applied to the purposes of this Act only, and to the general purposes of the Company.

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39. The Company may demand and take for the use of the rail- A.D. 1875.
way, or of any part thereof, and of carriages and locomotive power, Tolls.
any sums not exceeding the following; (that is to say,)

For every passenger conveyed in or upon a first-class carriage,
twopence :

For every passenger conveyed in or upon a second-class carriage,
one penny and one halfpenny :

For every passenger conveyed in or upon a third-class carriage,
one penny :

For parcels not exceeding seven pounds in weight, twopence :

For parcels exceeding seven pounds but not exceeding fourteen
pounds in weight, threepence :

For parcels exceeding fourteen pounds but not exceeding twenty-
eight pounds in weight, fivepence :

For parcels exceeding twenty-eight pounds but not exceeding
fifty-six pounds in weight, sevenpence :

For parcels exceeding fifty-six pounds but not exceeding one
hundred pounds in weight, ninepence :

For parcels exceeding one hundred pounds in weight, such sum
as the Company may think fit.

40. Every passenger travelling upon the railway may take with Passengers
luggage.
him his ordinary luggage, not exceeding one hundred and twenty
pounds in weight for first-class passengers, one hundred pounds in
weight for second-class passengers, and sixty pounds in weight for
third-class passengers, without any charge being made for the
carriage thereof.

41. The restrictions as to the charges to be made for passengers Foregoing
charges not
to apply to
special trains.
shall not extend to any special train run upon the railway, in respect
of which the Company may make such charges as they think fit, but
shall apply only to the ordinary and express trains appointed from
time to time by the Company for the conveyance of passengers and
goods upon the railway.

42. The Company may demand and take in respect of the con- Limiting
charges for
animals and
goods.
veyance of animals and goods brought on the railway from the
London and South-western Railway, or destined for the said railway,
and for the use of carriages and locomotive power, tolls and charges
not exceeding those which the London and South-western Railway
Company is entitled to take in respect of the like matters, and in
calculating the said tolls the railway and the London and South-
western Railway shall be deemed to be one continuous railway.

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Power to use
certain un-
dertakings.

43. The Company may run over and use, with their engines and carriages of every description, and with their officers and servants in charge of trains, but only for the purposes of passengers and coaching traffic, the portions of the London and South-western Railway herein-after mentioned, together with the stations, watering-places, booking offices, warehouses, landing-places, sidings, works, and conveniences connected therewith respectively; (that is to say,)

So much of the Kensington and Richmond line of the London and South-western Railway as lies between the junction therewith of the railway hereby authorised and the new passenger station on the said Kensington and Richmond line at Richmond, including that station;

And the railway described as railway No. 5 in "The London and South-western (Kensington and Richmond) Railway Act, 1864," and therein referred to as the Acton Junction line:

Provided that in the event of the Company, or any company or persons lawfully using the railways of the Company at any time hereafter, working over such railways to or from the districts of Richmond, Kew, Barnes, and Putney by any other route than that for which running powers are hereby granted, the powers to run over and use the railways of the London and South-western Railway Company acquired under this Act shall cease.

Terms of
such use.

44. The terms, conditions, and regulations to which the Company shall be subject in respect of the said use, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon, be from time to time determined by an arbitrator to be appointed on the application of either Company by the Board of Trade, and the decisions of such arbitrator shall be binding and conclusive on all the parties in difference, and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct; and either of the Companies who shall refuse or neglect to perform, observe, and conform to any decision given or regulation made by any such arbitrator in the premises, shall forfeit and pay to such person or company, as the arbitrator shall determine, any sum not exceeding fifty pounds for every such offence, and twenty pounds for every day during which such offence shall continue.

Byelaws to
be observed.

45. The Company, in using or traversing the said respective portions of railway, and in using the stations and conveniences thereof in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the London and South-western Railway, so far as such byelaws shall be applicable to them respectively.

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46. The Company, either severally or jointly with the Metropolitan Railway Company, may guarantee interest or dividends not exceeding five per centum per annum upon the share capital of the South Kensington Railway Company, not exceeding sixty thousand pounds, and may guarantee the interest on the mortgages of the same Company, not exceeding twenty thousand pounds.

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Guarantee of dividend on South Kensington Railway capital.

47. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall 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."

Interest not to be paid on calls paid up.

48. The Company shall not, out of any money by this Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

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

49. Nothing in this Act contained shall exempt the Company or the railway 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 by this Act.

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

50. 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.

Expenses of Act.