



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccxci.

An Act to enable the *Metropolitan Railway Company* to extend their Railway to *Notting Hill, Kensington, and Brompton.* [29th July 1864.]

WHEREAS the *Metropolitan Railway Company*, by virtue of "The *Metropolitan Railway Act, 1854,*" and divers other Acts, have constructed a Railway from the *Great Western Railway at Paddington to Farringdon Street,* and are authorized to make a Railway to a Point nearly opposite the *Great Western Hotel* in the Parish of *Paddington*: And whereas it would be of great public Advantage if the *Metropolitan Railway* were extended to *Notting Hill, Kensington, and Brompton,* and it is expedient that the *Metropolitan Railway Company* should be authorized to construct such Extension, and to raise additional Capital for that Purpose: And whereas it is expedient that the Company should be authorized to raise the additional Capital as a separate Capital in the Manner and subject to the Conditions in this Act mentioned; 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

[Local.] 49 O present

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present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. In citing this Act for any Purpose, it shall be sufficient to use the Expression "The Metropolitan Railway (Notting Hill and Brompton Extension) Act, 1864."

8 & 9 Vict.
cc. 18.
& 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92.
incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," are incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

3. The following Words and Expressions in this Act have for the Purposes of this Act the following Meanings, unless there be something in the Subject or Context repugnant to such Construction; (to wit,)

"The Company" means "the Metropolitan Railway Company,"
"the Metropolitan Railway" means the railways and Works of the Metropolitan Railway, exclusive of the Extension Railway by this Act authorized to be made:

"Extension Railway" means the Railways, Road, and Works by this Act authorized to be made:

"Extension Shares" means the Share Capital by this Act authorized to be raised for the Purposes of the Extension Railway.

Same Mean-
ings to
Words in
this Act as
in incorpo-
rated Acts.

4. The several Words and Expressions to which by the Acts incorporated herewith Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Power to
make Works
accord-
ing to depo-
sited Plans.

5. And whereas a Plan and Section of the Extension Railway, showing the Line and Levels thereof and describing the Lands which the Company may purchase for the several Purposes of this Act, with a Book of Reference to the Plan containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of those Lands, have been deposited with the Clerk of the Peace for the County of *Middlesex*: Therefore it shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, and to the Powers of Deviation given by those Acts and "The Metropolitan Railway Act, 1854," to make and maintain the Extension Railway, with all proper Stations, Works, and Conveniences connected therewith, in the Line or Course shown on the said Plan, or in any Line or Course within the Limits of lateral Deviation thereon defined, and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels described on the said Section; and the Company may enter upon, take, and

use

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use the Lands delineated on the said Plan and described in the said Book of Reference, or such of them as they may require, for all or any of the Purposes of this Act, and may appropriate and use the Subsoil of the Streets, Roads, and Highways shown on the said Plan and described in the Book of Reference thereto.

6. And whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that a Certificate of any Omission, Mis-statement, or erroneous Description in certain Plans and Books of Reference therein referred to should be deposited with the Parish Clerks of the several Parishes in *England* in which the Lands affected thereby shall be situate, and it is also provided that certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament should also be deposited with the Clerks of the several Parishes, and be retained and produced by them for Inspection in manner therein mentioned: And whereas, in compliance with the present Standing Orders of both Houses of Parliament, the several Plans, Sections, and other Documents heretofore required to be deposited with the Parish Clerks are, in respect of Lands in any Parish comprised in "The Metropolis Management Act, 1855," to be deposited with the Vestry Clerk if the Parish be in Schedule (A.) to that Act, and with the Clerk of the Board of Works for the District if the Parish be in Schedule (B.) of such Act: Therefore, with reference to and for all the Purposes of this Act, in all the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Matters aforesaid, the Expression "Parish Clerks of the several Parishes," or "Clerks of the several Parishes," shall be read and construed as if in that Act the Expression "Vestry Clerk of the Parish" (if the Parish be in the said Schedule (A.)), and "Clerk of the Board of Works of the District" (if the Parish be in Schedule (B.) of the said Metropolis Management Act), as the Case may be, had been used and inserted in lieu of the Expression "Parish Clerks" or "Clerks of the several Parishes," as the Case may be.

As to certain Plans deposited with Vestry Clerks.

7. It shall be lawful for the Company to make and maintain the Railways and Road following, with Stations, Sidings, Works, Conveniences, and Communications connected therewith respectively; (that is to say,)

A Railway commencing in the Parish of *Paddington* at or near the proposed Termination of the *Metropolitan Railway* at or near the Intersection of *Spring Street* and *Conduit Street East*, and there forming a Junction with the *Metropolitan Railway*, and terminating in the Parish of *Saint Mary Abbots, Kensington*, at or near *Kensington Place*, and between *Saint James Street* and *New Street*:

Describing Works.

A Railway

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A Railway commencing in the Parish of *Saint Mary Abbots, Kensington*, by a Junction with the last-mentioned intended Railway at or near the Termination thereof, and terminating in the said Parish of *Saint Mary Abbots, Kensington*, at or near *Alfred Place West*, leading out of *Thurloe Square* :

A Road or Communication in the Parish of *Saint Mary Abbots, Kensington*, commencing at and out of *Cromwell Road* opposite or nearly opposite to the Junction therewith of *Exhibition Road*, and terminating at or near *Alfred Place West* aforesaid.

As to certain Courts to be stopped up.

8. Subject to the Provisions of this Act, the Company in executing the Works may stop up temporarily any Street or Passage across or under which the Extension Railway will be made, and if under the Powers of this Act any Street or Passage be permanently diverted or stopped up, the Company may appropriate and use such Streets or Passages, or Parts thereof, which may be stopped up for the Purposes of the Extension Railway and the Works thereof.

Period for Completion of Works.

9. If the Extension Railway shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for executing the Extension Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Extension Railway as shall then be completed.

Money deposited in the Court of Chancery to be forfeited to the Crown in a certain Event.

10. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of One hundred and six thousand Pounds Three Pounds *per Centum* Consolidated Bank Annuities, representing the Sum of Ninety-six thousand Pounds, which is Eight *per Centum* upon the Amount of the Estimate in respect of the Extension Railway and Works authorized by this Act, has been transferred into the Name of the Accountant General of the Court of Chancery in *England* in respect of the Application to Parliament for this Act : And whereas the Capital by this Act authorized to be raised may be created as a separate Capital charged upon the Extension Railway only : Therefore, notwithstanding anything contained in the said recited Act, the said Amount of Stock so transferred as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum, shall not, except upon the Execution and Deposit of such Bond or upon such Certificate as herein-after mentioned, 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

Extension

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Extension Railway hereby authorized to be made, either open the Extension Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized 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 Extension Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Amount of Stock so transferred as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested, to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Ninety-six thousand Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Ninety-six thousand Pounds if the Company shall not, within the Time limited for the Completion of the Extension Railway, either open the Extension Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized 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 such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Amount of Stock so transferred, and the Interest or Dividends thereof, shall be paid to or transferred 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, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid,

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and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

For securing the Completion of the Railway.

11. If the Company raise the Capital by this Act authorized as Part of their general Capital, then if the Company fail within the Period by this Act limited to complete the Extension Railway authorized to be made by this Act, the Company shall be liable to a Penalty of Fifty Pounds for every Day after the Period so limited until the Extension Railway shall be completed and opened for public Traffic, such Sum to be recoverable as a Debt due to the Crown; 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, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control: provided always, that this Enactment shall not have any Operation except upon the Certificate of the Board of Trade that the Capital by this Act authorized to be raised has been created as Part of the general Capital of the Company, and not as a separate Capital.

Certain Money deposited in Court of Chancery to be repaid to Company.

12. Upon such Certificate of the Board of Trade that the Capital by this Act authorized has been created as Part of the general Capital, and not as a separate Capital, being obtained, the High Court of Chancery may and shall, on the Application of the Company, or on their Behalf, by Petition or Motion in a summary way order that the Sum so deposited, or the Stock, Funds, or Securities in which the same may have been invested, with the Interest or Dividends thereon, shall be paid or transferred to the Company, or to such Persons as the Company may appoint; and on such Order being made the said Sum, or the Stock, Funds, or Securities, and the Interest and Dividends (if any) thereon, shall be paid or transferred accordingly.

Certain Provisions of the Metropolitan Railway Acts to apply.

13. The following Provisions of the *Metropolitan Railway Acts* shall extend and apply to the Extension Railway as fully and effectually as if they had been re-enacted in this Act with reference to the Extension Railway:

Of "The *Metropolitan Railway Act, 1854*," Sections One hundred and six, One hundred and seven, and One hundred and eight, relating to Gas and Water Pipes:

Of "The *Metropolitan Railway Act, 1863*," Section Fifteen, for the Protection of Sewers of Metropolitan and other Boards:

Of "The *Metropolitan Railway Act, 1863*," Section Eighteen, with respect to the Mode of settling certain Claims.

14. All

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14. All Bridges constructed by the said Company under any Roads or Streets shall be constructed so as not to lessen the present clear Width of such Road or Street, including the Footway, and shall be further so covered as to prevent as far as may be practicable the Escape of Steam, Smoke, or other offensive Effluvia into the said Roads and Streets, and such Bridges shall be so constructed, as far as may be 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 Fourteen 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 said Board fail to signify such Approval or their Disapproval, or other Directions, within Fourteen 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 Metropolitan Board of Works against all and every Expense to be occasioned thereby; and all such Works, so far as the public Convenience is concerned, shall be done 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 said Company, and all Costs, Charges, and Expenses which the said Metropolitan Board may be put to by 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.

Bridges over
Cuttings in
public Roads
and Streets.

15. All Works to be executed under the Powers of this Act within the Parish of *Paddington* shall, as between the Company and the Vestry of that Parish, be executed subject to the several Provisions, Restrictions, and Obligations contained in the *Metropolitan Railway Acts*: Provided always, that the Restriction in Clause 124 of the *Metropolitan Railway Act, 1854*, shall not prevent the Company from erecting a Station for Passengers in the *Queen's Road*, in the said Parish of *Paddington*.

Provisions of
Metropolitan
Railway
Acts applic-
able to
Vestry of
Paddington,
to extend to
Works under
this Act.

16. Between the Western Side of *Porchester Terrace* and the Middle of the *Queen's Road* the Railway shall be made exclusively in a Tunnel, or shall be wholly covered in and without any Shaft or Aperture

Provision for
Protection
of *Queens-
borough*

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Terrace,
Inverness
Terrace,
Inverness
Place, and
Queen's
Road, &c.

Aperture for Ventilation, or otherwise between those Points, and at all Times during the Execution of any of the Works between those Points the Company shall maintain a proper and sufficient Carriage Roadway throughout *Queensborough Terrace, Inverness Terrace, Inverness Place, Petersburgh Place*, and the *Queen's Road* respectively, with proper and sufficient Means of Access therefrom to every House there not taken by the Company, and shall as soon as the said Works are executed restore the Carriageways and Footways in all those Places to the present Levels, and to the Satisfaction of the Vestry of the Parish of *Paddington*.

Provision
for Protec-
tion of
Pembroke
Square and
Pembroke
Gardens.

17. The Railway shall be made and maintained exclusively in a Tunnel, or covered over, without permanently altering the present Level of the Ground there, and without any Shaft or Opening for Ventilation or otherwise, between the high Road at *Notting Hill* and the *Hereford Road*, save only for a Space not exceeding One hundred Feet in length at the Back of the Houses on the Eastern Side of *Pembroke Gardens*, in the Plot No. 14, in the Parish of *Saint Mary Abbott, Kensington*, on the deposited Plan, which may be left open, provided the Opening be made and maintained by the Company of an ornamental Character, screened from the View of the adjoining Houses by a Plantation of ornamental Shrubs.

Proper Out-
let to be
secured to
private
Sewers and
Drains.

18. In all Cases where, by reason of the Works of the Company, any Main Sewer or Drain within the Parish of *Saint Mary Abbotts, Kensington*, shall be altered or removed, and the Communication of private Sewers or Drains therewith shall be thereby interrupted or interfered with, the Company shall construct all such Works as the Vestry of *Saint Mary Abbotts, Kensington*, may deem necessary for maintaining a proper Outlet or Outfall for such private Sewers and Drains as aforesaid, either by connecting such private Sewers and Drains with any new, altered, or substituted Main Sewer or Drain, or in some other sufficient Manner to the Satisfaction of the Vestry of the said Parish.

Fourteen
Days Notice
to be given
to Surveyors
of the Parish
of *Kensington*.

19. Before the Company shall break up any Road, Street, Carriage or Foot Way, or commence the Construction of any Part of the said Railway or Works within the Parish of *Saint Mary Abbotts, Kensington*, or under the Control of the Vestry of the said Parish, they shall give to the said Vestry or their Clerk Notice in Writing of their Intention to break up or open such Road, Street, Carriage or Foot Way, or to commence the Construction of such Part of such Railway or Works; and such Notice shall be given not less than Fourteen Days before commencing the Works, anything in "The Railways Clauses Consolidation Act, 1845," contained to the contrary notwithstanding.

20. Such

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20. Such Notice shall be given by Delivery of the same personally to the Clerk of the said Vestry of the said Parish of *Saint Mary Abbots, Kensington*, or by leaving the same at his Office, and shall specify the Part of the said Road, Street, Carriage or Foot Way intended to be broken up or opened.

Mode of giving Notice.

21. No such Road, Street, Carriageway, or Footway within the Parish of *Saint Mary Abbots, Kensington*, or maintained by or under the Control of the said Vestry, shall be broken up or opened except under the Direction of their Surveyor: Provided always, that if the said Surveyor fail to attend at the Time fixed for the breaking up of any such Road, Street, Carriage or Foot Way, after having had such Notice of the Intention of the Company as aforesaid, or shall refuse or neglect to direct the Operation, the Company may perform the Works specified in such Notice without the Direction of the Surveyor.

Works to be executed under the Direction of Surveyor.

22. Before the Company shall commence any Works in the Parish of *Saint Mary Abbots, Kensington*, which shall cause any Diversion of the Foot or Carriage Way, or which shall cause any Obstruction or Inconvenience to the Traffic or passing of Foot Passengers, Carriages, Horses, Cattle, or Vehicles in such Parish, or in any Road under the Control of and maintained by the Vestry of the said Parish, such Obstruction, Diversion, or Inconvenience shall be approved of by the said Surveyor, and the Company shall, before commencing any such Works, at their own Expense make temporary Bridges for the Passage of such Foot Passengers, Carriages, Horses, Cattle, or Vehicles, at all such Places as the Surveyor of the said Vestry shall in Writing require: Provided, in case of any Difference respecting such Diversion, Obstruction, or Inconvenience, or the Dimensions or Insufficiency of the said Bridges, the same shall be determined by Arbitration in manner provided by "The Railways Clauses Consolidation Act, 1845."

Works involving Diversion of Traffic in Kensington.

Diversion to be approved by Surveyor.

23. The Company shall, within Six Months after any Part of any Road or Street within the said Parish of *Saint Mary Abbots, Kensington*, or maintained by or under the Control of the Vestry thereof, shall have been first broken up, replace the Subsoil excavated, and fill up and restore in a well-rammed and workmanlike Manner, and to the reasonable Satisfaction of the said Surveyor, the Roadway of such Portion of the said Roads or Streets as shall be so broken up, and the Footways thereof, to their former or an equally 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 Surveyor, for Twelve Months next after the same shall have been so restored as aforesaid.

Restoration of Roads and Streets.

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Works to be lighted.

24. The Company shall at their own Expense, at all Times whilst any such Road, Street, Carriage or Foot Way, or any Sewer or Drain opened or broken up by them within the said Parish of *Saint Mary Abbots, Kensington*, or maintained by or under the Control of the Vestry of the said Parish, or of the Metropolitan Board of Works, as the Case may be, be so broken up or opened, cause the same to be fenced and guarded, and shall cause sufficient Light and Watch for the Warning of Passengers to be set up and kept there every Night during which such Road, Street, Carriage or Foot Way, Sewer or Drain, shall be continued so broken up or opened, and shall, after replacing and making good the said Road, Street, Carriage or Foot Way, Drain or Sewer, which shall have been so broken up or opened, keep the same in good and substantial Repair, to the reasonable Satisfaction of the Surveyor, for Twelve Months next thereafter.

Company to construct temporary Works for Traffic and for Gas and Water Service.

25. The Company shall make and during the Construction of their Works maintain all such temporary Footways, Works, and Conveniences as shall be necessary for maintaining the safe and commodious Ingress and Egress to and from the Houses on the Line of the Works of the Company in the said Parish of *Saint Mary Abbots, Kensington*, and for the uninterrupted Supply of Gas and Water to the said Houses and to the Roads and Streets, and shall make good all Damage and Injury done by them to Railings, Vaults, Boundary Stones, Posts, Pillars, and Walls: Provided, that in case of any Difference respecting the Kind or Number of any such Footways, Works, or Conveniences, or the Dimensions or Sufficiency thereof, or respecting the Nature or Extent of any Interference, Damage, or Injury occasioned or alleged to be occasioned by the Works of the Company, the same shall be determined by Arbitration in manner provided by "The Railways Clauses Consolidation Act, 1845," for the Settlement of Disputes by Arbitration.

Alteration of Roadway and Supply of Water.

26. In case the Company in the Construction of their Works shall interrupt or interfere with the Supply of Water for watering the Streets in the said Parish, it shall be lawful for the said Surveyor of the said Parish to obtain from any Waterworks Company, incorporated for the Supply of Water to the Inhabitants of the said Parish, a Supply of Water equal to any Deficiency in the present Supply occasioned by such Interruption or Interference, and the said Company shall make Compensation to the said Vestry for any Damage arising to the said Parish from such Interruption or Interference, and for the Expense which they may incur in obtaining such Supply of Water as last aforesaid, such Damage and Expense to be ascertained and certified by such Surveyor to the said Vestry: Provided, that in case any Difference shall arise as to such Interruption, Interference, Damage,

or

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or Expense, or the Amount to be paid in respect thereof, the same shall be settled by Arbitration in manner herein-before provided.

27. If any undue Delay or Omission shall take place in completing any Works, or in restoring or repaving any Road, Street, Carriage or Foot Way, Drain or Sewer, within the said Parish of *Saint Mary Abbots, Kensington*, or under the Control of and maintained by the Vestry thereof, as required by this Act, the said Vestry may cause the Works so delayed or omitted to be done to be executed, and the Expense of executing the same shall be repaid to the said Vestry, and such Expense may be recovered from the Company under and by virtue of the Powers and Provisions herein contained.

In case of Delay or Omission Vestry may reinstate.

28. The Company shall at their own Expense deposit the Subsoil excavated and Materials of such Road, Street, Carriage or Foot Way, Drain or Sewer, broken up or opened within the said Parish of *Saint Mary Abbots, Kensington*, at such Place or Places, and in such Manner as will occasion as little Inconvenience as may be to the Inhabitants of the said Parish.

Deposit of Subsoil in the Parish of Kensington.

29. Before the Company open the Railway for public Traffic they shall make and fit up and shall thenceforth maintain and keep open a Passenger Station and Station House for the Accommodation of the Town and Inhabitants of *Kensington*, at some convenient Place near the Intersection by the said Railway of the *Great Western Road* in the Parish of *Saint Mary Abbots, Kensington*, with all proper and sufficient Sidings, Sheds, Works, and Conveniences connected therewith, and all Passenger Trains whatsoever, not being Special Trains, from Time to Time passing on the Railway by that Station shall stop thereat for the Purpose of taking up and setting down Passengers.

Station to be made at Kensington.

30. The Railways authorized by this Act shall not be opened for public Traffic until the Road or Communication described in this Act as commencing at *Cromwell Road*, and terminating at or near *Alfred Place West*, has been completed to the Satisfaction of the Commissioners for the Exhibition of One thousand eight hundred and fifty-one, or of their Surveyor for the Time being, and the last-mentioned Road or Communication shall be of the same Width as and in continuation of *Exhibition Road*; and the Works for making the said Road or Communication shall be completed within Twelve Months from the Time at which they may be commenced.

Completion of Road in continuation of Exhibition Road.

31. The Company shall erect and always maintain a First-class ornamental Passenger Station, with all necessary Conveniences for the

Station at or near Alfred Place West.

Use

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Use of Passengers, with their Luggage, at or near *Alfred Place West*; such Station may be used as a Receiving House for small Parcels, but not as a Station for Goods or Minerals, or as a Depôt for Engines; and no other Station shall be erected at or near *Alfred Place West* for Goods or Minerals, or as a Depôt for Engines: Provided always, that the Company shall not make any Entrance to or from the said Station into *Thurlow Square*, and if any Houses fronting into that Square are taken or used under the Powers of this Act, then the Company shall in all respects maintain the Frontages of those Houses in their present Condition, or if they shall demolish or remove them, or any Part thereof, they shall erect in lieu thereof an ornamental Wall or Structure so as to preserve as far as possible the Character of the Buildings on that Side of the said Square; and if any Dispute or Difference shall arise between the Owner, Lessee, or Occupier of the said Houses and the Company touching the Premises, such Dispute or Difference shall be referred to an Arbitrator to be appointed by the Board of Trade.

Railway to be covered in within certain Limits.

32. The Railway shall be constructed in a covered Archway throughout the whole Length of the Line, from the Station at or near *Alfred Place West* to a Point Three hundred Feet West of the Eastern Side of *Prince Albert's Road*.

Carriage-road above Railway within certain Limits.

33. There shall be constructed above the Line of Railway, throughout the whole Length thereof, from *Prince Albert's Road* to *Cromwell Place*, a Carriageroad of a Width not less than the Width of the existing *Harrington Road*, and such Carriageroad shall be maintained by the Company until taken to by the Parish as a public Road.

Purchase of Methwold's Almshouses.

34. And whereas One of the Railways authorized by this Act will pass through Part of a Block of Buildings and the Gardens attached thereto, situated in the Parish of *Saint Mary Abbots, Kensington*, known by the Name of *Methwold's Almshouses*: And whereas the Commissioners for the Exhibition of One thousand eight hundred and fifty-one are entitled to the Privilege of nominating Persons to fill up Half of the Places in the said Almshouses, and the Vestry of the said Parish is entitled to fill up the other Half of the said Places: And whereas the said Commissioners, in consideration of the said Privilege, are under an Obligation to pay annually the Sum of Eighteen Pounds for the Benefit of the poor Persons occupying the said Almshouses, and to defray the Cost and Charges of repairing and maintaining the said Almshouses: And whereas the said Commissioners are also under Obligation to pay annually the Sum of One Pound to the Ministers and Churchwardens of the said Parish, on account of a certain Charity known

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known as *Goodfellow's Charity*: Therefore the following Provisions shall be applicable to the taking of such Almshouses :

1. The Company shall take for the Purposes of their Railway the whole of the said Almshouses and Gardens :
2. In consideration of their taking such Almshouses and Gardens, the Company shall rebuild the said Almshouses, and annex Gardens thereto, at such Place and in such Manner as may be agreed upon between the Vestry of the said Parish and the said Company, or, in default of Agreement, as may be settled by Arbitration :
3. All Rights of Patronage in respect of the Appointment of the poor Persons to occupy the said Almshouses possessed by the said Commissioners shall after the passing of this Act, and on the Performance by the Company of all the Stipulations contained in this Clause, be transferred to and vest in the Vestry of the said Parish of *Saint Mary Abbots, Kensington* :
4. With a view to securing the due Repair and Maintenance of the said Almshouses, and the Payment of the said annual Sums of Eighteen Pounds and One Pound respectively, the Company shall, as a further Consideration for the Value of the Almshouses and Gardens taken as aforesaid, secure to the Satisfaction of the Vestry of the said Parish of *Saint Mary Abbots, Kensington*, by Investment, Purchase of Land, Covenant, or otherwise, the Payment of the said annual Sums of Eighteen Pounds and One Pound respectively, and the due Repair and Maintenance of the Almshouses to be erected by the said Company :
5. And the said Commissioners and their Estate and Effects shall, in consideration of such Transfer, be discharged from the Obligation of paying the said annual Sum of Eighteen Pounds or any Part thereof, and the said annual Sum of One Pound or any Part thereof, and also from the Obligation of repairing and maintaining the said Almshouses.

35. In constructing the Railway through the Estate at *Brompton* belonging or reputed to belong to the Right Honourable the Earl of *Harrington*, adjoining *Cromwell Road, Prince Albert Road, and Gloucester Road*, herein-after called "the *Harrington Estate*," the following Provisions shall be observed by and be binding upon the Company :

As to Construction of Railway through Estate of Earl of Harrington.

The Company shall, within Twelve Months after the passing of this Act, give Notice in Writing to the Earl of *Harrington* of the particular Portion of Land, with its Metes and Bounds, of the *Harrington Estate* which they may require for the Purposes of this Act, and shall not after that Date be authorized to take or

[Local.]

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purchase,

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purchase, otherwise than by Agreement, any other Portion of the *Harrington* Estate between the West Side of *Gloucester Road* and the East Side of *Prince Albert Road*; each of the said Railways by this Act authorized shall be constructed either by means of a Tunnel or of a covered Way, without in any Manner permanently altering the existing Level of the Ground, and without any Shaft for Ventilation, and without any other Opening through the Surface of the Ground for Light or Ventilation, or for any other Purpose whatever, unless with the previous Consent in Writing of the Earl of *Harrington* :

Upon the Completion of the Works, the Surface of the Ground which may have been disturbed by the Company shall be forthwith restored, levelled, and enclosed by and at the Expense of the Company, to the Satisfaction of the Surveyor for the Time being of the Earl of *Harrington* :

So much of the One hundred and twenty-eighth Section of "The Lands Clauses Consolidation Act, 1845," as exempts Lands situate within a Town, or Lands built upon or used for building Purposes, from the Operation of the said Section, shall not extend to apply to any Lands which the Earl of *Harrington* is entitled to or interested in, or which the Company may acquire under the Powers of this Act; and before disposing of any superfluous Land which the said Earl is entitled to or interested in, the Company shall offer to sell the same to him, and the One hundred and twenty-ninth, One hundred and thirtieth, and the One hundred and thirty-first Sections of the said Act shall apply to such Offer of Sale in the same Manner as if the same had been an Offer of Sale made in pursuance of the said Act :

By the Expression "the Earl of *Harrington*" shall be understood his Guardian during his Minority, and in case of the Death of the Earl of *Harrington* the Person for the Time being entitled to the Rents and Profits of the *Harrington* Estate.

As to certain Land in Kensington.

36. And whereas Lands numbered on the said deposited Plans from 323 to 328 in the Parish of *Saint Mary Abbots, Kensington*, and intended to be taken under the Powers of this Act, are Part of Land which has been granted or agreed to be granted by the Earl of *Harrington* and his Trustees on an Agreement for Building Leases, with a Condition for the Forfeiture thereof if Houses of a certain Class and Value shall not be erected on the same within a specified Term, of which a short Time only remains unexpired: And whereas the Properties numbered on the said Plans 212, 213, and 214 in the same Parish have also been granted or agreed to be granted on Building Leases, which are subject to the like Penalties and Forfeitures, and the Powers

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Powers of this Act, if suspended with relation to the said Lands and Properties during the Three Years herein-before granted to the Company for the compulsory Purchase of Land, might involve great Loss to the Lessees of the said Land and their Assigns: Be it enacted, That if the Company do not within Six Months from the passing of this Act give Notice, in pursuance of the Eighteenth Section of "The Lands Clauses Consolidation Act, 1845," to the said Lessees and their Assigns, and if the Company do not after such Notice use their utmost Endeavours to acquire the said Lands in pursuance of the said Act, then the Powers of this Act for the compulsory Purchase of the said Lands shall cease, and it shall not be lawful for the Company to enter upon, take, or use the said Lands, or any Part thereof, or to interfere with the Accesses thereto, unless with the Consent of the said Lessees and Assigns; and the Expression "Lessees" in this Provision shall include the Persons intended to be Lessees under any such Agreement for Building Lease as aforesaid.

37. The Permanent Way of the said Extension Railway, and all Works, Roads, Sidings, and Communications connected therewith, shall, where the same passes through the Land of *Henry Browne Alexander*, be carried out and made throughout, except at the Stations authorized by this Act, in a Tunnel or covered Cutting; and the Levels of the Railway through the Land of *Henry Browne Alexander* shall not be permanently raised above those shown on the deposited Plans and Sections.

How Railway to be carried through H. B. Alexander's Land.

38. All Stations and Erections in connexion with Stations of the said Extension Railway which shall be built above the Surface of the Ground on any of the Lands to be purchased by the Company for the Purposes of this Act from *Henry Browne Alexander* Esquire shall be of an ornamental Character.

Stations to be of an ornamental Character.

39. Within Six Calendar Months from the passing of this Act the Company shall cause a Notice in Writing to be given to the said *Henry Browne Alexander*, his Heirs or Assigns, specifying the precise Quantity and Position of the Land which they may require to take and purchase from him or them, as well for the Purposes of this Act as for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845."

Notice to H. B. Alexander as to Quantity of Land required.

40. No Station on the Extension Railway which shall be erected on Land belonging to the said *Henry Browne Alexander* shall be used for the Receipt, Booking, or Delivery of Goods, Cattle, Minerals, or Manure, but for the Booking, Arrival, and Departure of Passengers and their ordinary Luggage, and for the Booking, Receipt, and Delivery of Parcels, and for no other Purpose whatsoever.

No Station on Land belonging to H. B. Alexander to be used but for Passengers.

41. It

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Construction of Buildings by H. B. Alexander.

41. It shall be lawful for the said *Henry Browne Alexander*, his Heirs or Assigns, at his or their Discretion to lay out and construct any new Street or Streets in, over, or through his Property, or any Part thereof, notwithstanding that such Street will, if constructed, pass over the Tunnel or covered Cuttings of the Extension Railway, or any of them: Provided the Company are not limited in their Discretion as to the Position or Dimensions of their Station.

Certain Property not to be taken without Consent.

42. Provided always, That it shall not be lawful for the Company to enter upon, take, or use any Portion of the Property numbered on the Plan deposited as aforesaid 213, in the Parish of *Saint Mary Abbots, Kensington*, without the Consent in Writing of the Honourable *Edward Curzon*, or other the Owners thereof for the Time being first had and obtained.

The Company to make the Railway in a Tunnel through the Lands of W. B. Phillimore, Esq.

43. The Company shall not, without the previous Consent in Writing of *William Brough Phillimore* Esquire, his Heirs or Assigns, construct the Extension Railway through the Lands of the said *William Brough Phillimore* otherwise than in a Tunnel or covered Way, and such Tunnel or covered Way shall be constructed and for ever maintained by the Company so as to admit of the secure Erection and maintaining of First-class Houses and other Buildings over the same: Provided always, that for the Purpose of constructing such Tunnel or covered Way as aforesaid through the said Lands of the said *William Brough Phillimore* the Company may in the first instance make an open Cutting.

Tolls.

44. The Company may demand and take any Tolls and Charges in respect of the Extension Railway, and the Conveyance of Traffic thereon, not exceeding the Tolls and Charges which they are authorized to take by "The *Metropolitan Railway Act, 1854*," and the Provisions and Regulations of that Act, with respect to Tolls and Charges, and with respect to Passengers Luggage, shall in all other respects extend and apply to the Extension Railway: Provided always, that for Traffic passing both on the Extension Railway and on the *Metropolitan Railway* no more than Half such Tolls and Charges shall be demanded and taken in respect of the Extension Railway, in addition to the Tolls and Charges demanded and taken on the *Metropolitan Railway*, unless any Passenger be conveyed on the Extension Railway for less than Two Miles, and also on the *Metropolitan Railway* for less than Two Miles, in which Case the Company may demand and take for the whole Journey any Sums not exceeding the Tolls and Charges authorized to be taken by the said Act for a Distance of or exceeding Two Miles.

Trains for Labouring Classes.

45. The Company shall and they are hereby required, at all Times after the opening of the Extension Railway, to run in connexion with

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with the Trains required to be run under the Twenty-fourth Section of "The *Metropolitan Railway (Finsbury Circus Extension) Act, 1861*," a Train every Morning in the Week from *Brompton* to *Paddington*, and One Train from *Paddington* to *Brompton* every Evening (*Sundays, Christmas Day, and Good Friday* always excepted), at such Hours (not being later than Seven in the Morning, or earlier than Six in the Evening) as may be most convenient for the Labouring Classes resident at or beyond *Brompton* and *Notting Hill*, and having Business in *London*, at Fares not exceeding One Penny *per* Passenger for each Journey over the whole or any Part of the Railway of the Company, and each such Train shall stop to set down and take up Passengers at every intermediate Station: Provided, that in case of any Complaint made to the Board of Trade of the Hours appointed by the Company for such Trains, the said Board shall have Power to fix and regulate the same from Time to Time; and also, that if in any continuous Period of Six Months it shall be found that less than One hundred Passengers on the average shall have been conveyed by each of such Trains, the Company, on Proof of that Fact to the Satisfaction of the Board of Trade, may discontinue the running of such Trains, but the said Board may at any Time order the Resumption thereof by the Company if it shall seem to the said Board desirable so to do.

46. With respect to the Trains which, in pursuance of the preceding Section and of the Twenty-fourth Section of "The *Metropolitan Railway (Finsbury Circus Extension) Act, 1861*," the Company are required to run for the Accommodation of the Labouring Classes at Fares of One Penny *per* Passenger, the Liability of the Company under any Claim to Compensation for Injury or otherwise in respect of each Passenger travelling in any such Train of the Company as aforesaid at a Fare not exceeding One Penny shall be limited to a Sum not exceeding One hundred Pounds, and the Amount of Compensation payable in respect of any Passenger so injured shall be determined by an Arbitrator to be appointed by the Board of Trade, and not otherwise.

Limiting
Compensa-
tion for
Injury to
Passengers
by One
Penny
Labouring-
class Trains.

47. The Company may from Time to Time raise (in addition to the Sums of Money which they are already authorized to raise) any further Sums not exceeding in the whole One million two hundred thousand Pounds by the Creation of new Shares in their Undertaking, and such Shares shall be called Extension Shares and may be issued as a separate Capital charged upon the Profits of the Extension Railway as herein-after mentioned, or may be raised as new Shares or new Stock in the Capital of the Company: Provided, that the Company shall not issue any Share created under the Authority of

Power to
raise addi-
tional
Capital.

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this Act, nor shall any Share 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 shall have been paid up in respect thereof.

Parts of
26 & 27 Vict.
c. 118. incor-
porated.

48. Part I. and Part II. of "The Companies Clauses Act, 1863," are incorporated with this Act.

Terms of
Issue of
Shares to be
expressed in
Resolutions
creating
them.

49. The Company may, if they think fit, issue the Extension Shares under the Powers of this Act as a separate Capital, and shall by Resolution define the Terms on which such Extension Shares are created, and the Rights of the Shareholders in respect thereof, and they may direct the Application of the Profits arising from the Extension Railway, or any Part thereof, to the Payment of Dividend upon such Shares, and may limit the Amount of such Dividend and provide for the ultimate Amalgamation of the original Capital and Extension Shares, and such Conditions shall be expressed in the Resolutions of the Company creating those Shares.

Power to
borrow on
Mortgage.

50. The Company may from Time to Time under the Powers of this Act borrow any additional Sum of Money not exceeding Four hundred thousand Pounds, either by Mortgage of their Undertaking or by the Issue of Debenture Stock, in pursuance of the Powers and subject to the Provisions and Restrictions contained in "The Metropolitan Railway Act, 1862," but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove 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 all such additional Capital are issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are respectively legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing
Mortgages
to have
Priority.

51. All Mortgages granted by the Company 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 created by virtue of this Act.

Arrears may
be enforced
by the Ap-
pointment of
Receiver.

52. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and in order to authorize the

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the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Ten thousand Pounds in the whole.

53. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares, or on Mortgage, shall be applied only to the Purposes by this Act authorized.

Application of Sums raised under this Act.

54. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

Parts of 8 & 9 Vict. c. 16. 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 ;

With respect to the Forfeiture of Shares for Nonpayment of Calls ;

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 ;

With respect to the Remedies of the Creditors of the Company against Shareholders ; and with respect to affording Access to the Special Act ;

shall be incorporated with this Act, and shall apply to all Shares created, and to Mortgages granted, and Money borrowed, under the Powers of this Act.

55. It shall not be lawful for the Company, out of any Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to 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 nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid up.

56. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay

Deposits for future Bills not to be

The Metropolitan Railway (Notting Hill and Brompton Extension) Act, 1864.

paid out of
Company's
Capital.

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 Company to construct any other Railway, or to execute any other Work or Undertaking.

Railway
not exempt
from Pro-
visions of
present and
future Gene-
ral Acts.

57. Nothing herein contained shall be deemed or construed to exempt the Railway or 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.

58. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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