



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cccxv.

An Act to enable the *Metropolitan* Railway Company to extend their Railway from *Finsbury Circus* to *Trinity Square, Tower Hill*; and for other Purposes. [29th July 1864.]

WHEREAS the *Metropolitan* Railway Company, by virtue of "The *Metropolitan* Railway Act, 1854," "The *Metropolitan* Railway (*Finsbury Circus* Extension) Act, 1861," and divers other Acts, have constructed a Railway from the *Great Western* Railway at *Paddington* to *Farringdon Street*, and are proceeding with the Extension to *Finsbury Circus*: And whereas it would be of great public Advantage if the *Metropolitan* Railway were extended to the Vicinity of *Tower Hill* in the City of *London*, 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

17 & 18 Vict.
c. ccxxi.
24 & 25 Vict.
c. ccxxxiii.

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most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Metropolitan Railway (Tower Hill 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.

Interpretation 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 Railway 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 Meanings to Words in this Act as in incorporated 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 according to deposited 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 respective Clerks of the Peace for the County of *Middlesex* and for the City of *London* : 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

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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 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 Works following; (that is to say,)

Describing Works.

A Railway, with Stations, Sidings, Works, Roads, and Communications connected therewith, commencing in the Parish of *Saint Giles without Cripplegate* in the City of *London* by a Junction with the present authorized Line of the *Finsbury* Extension of the *Metropolitan* Railway at or near the Point where the said authorized Line is intended to cross *Little Moorfields*, and terminating in the Parish of *Saint Botolph without Aldgate* in the City

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City of *London* at or near the Point where the *London and Blackwall* Railway crosses *Vine Street* leading from *America Square* to the *Crescent, Minories*.

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 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 Fifty-three thousand Pounds New Three Pounds *per Centum* Annuities, representing the Sum of Forty-eight 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 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 Capital by this Act authorized to be raised by means of Shares, and have

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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 Forty-eight 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 Forty-eight 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 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, 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.

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For securing
the Comple-
tion 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.

Company to
give Six
Months
Notice of
taking Tene-
ments.

13. The Company, before they enter upon or take any Tenement under the Powers of this Act, shall give Six Months previous Notice of their Intention to take such Tenement to the Person whose Name shall be in the Rate Book as assessed for the Relief of the Poor in respect of such Tenement, and Delivery of such Notice at such Tenement shall be deemed sufficient Service thereof.

Certain
Provisions of
the Metropo-
litan Rail-
way Acts to
apply.

14. 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 106, 107, and 108, "relating to Gas and Water Pipes:"

Of

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Of "The Metropolitan Railway (*Finsbury Circus Extension*) Act, 1861,"—

Section 15, "Questions of disputed Compensation in *London* to be heard in the Lord Mayor's Court of the City of *London*:"

Section 16, "Company to restore Streets:"

Section 17, "Company to restore Sewers, Drains, &c.:"

Section 18, "Drainage Works to be subject to Commissioners, Vestry, or District Board and their Rights:"

Section 19, "Local Rates to be made good:"

Section 20, "For Protection of Sewers in the City of *London*:"

Section 22, "Penalties and Rates to be recovered:"

Of "The Metropolitan Railway Act, 1863,"—

Section 15, "For the Protection of Sewers of Metropolitan and other Boards:"

And Section 18, "With respect to the Mode of settling certain Claims:"

Provided always, that the Term "Parochial Rate" in Section 19 of "The Metropolitan Railway (*Finsbury Circus Extension*) Act, 1861," shall be deemed to include Tithes or Tithe Rates payable in any Parish in the City of *London*.

15. All Bridges constructed by the 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

Bridges over
Cuttings in
public Roads
and Streets.

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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.

Covered
Way through
Gardens of
Finsbury
Circus.

16. The Extension Railway shall be constructed through the Gardens of *Finsbury Circus* in a covered Way, and the Company shall, after the Construction of the Extension Railway, restore the Surface of the Ground, and lay out the Part of the Gardens which may have been interfered with so as to render the same of an equally ornamental Character to that which such Gardens now have, to the Satisfaction of some competent Person to be appointed by the Board of Trade, and shall thereafter contribute the annual Sum of One hundred Pounds towards the Maintenance of the said Gardens, the same to be paid to the Committee or other Persons having the Charge of such Gardens.

Further Pro-
tection for
the Circus
Gardens.

17. Unless otherwise agreed with the Committee for the Time being having the Charge of the Gardens of *Finsbury Circus*, the Company, in constructing the Extension Railway through such Gardens, shall be subject to the following Restrictions and Regulations; (that is to say,)

1. The Extension Railway shall be completed under the Gardens within Four Months from the Commencement of the Works therein, and the Surface of the Ground above the Railway shall be forthwith restored upon such Completion, and without any Openings :
2. No more of the Gardens shall be occupied than is necessary for constructing the Extension Railway :
3. The Part occupied for the Construction of the Extension Railway shall be securely fenced by close Palings at least Six Feet high, so as to prevent trespassing in the Part of the Gardens not occupied by the Works, and a Footway Communication of not less than Six Feet in Width, with similar Fencing on each Side, shall be provided and maintained during the Construction of the Works between the severed Parts of the Gardens :
4. No Workshop or Spoil Bank shall be erected or placed in any Part of the Gardens :
5. The Trees in the Gardens shall be, as far as possible, protected from Injury.

Provision as
to St. Mary's
Roman Ca-
tholic
Church.

18. And whereas the Railway by this Act authorized is intended to be constructed near to *Saint Mary's Roman Catholic Church, Moorfields*, and the said Church, and the Lands, Presbytery, School-houses,

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houses, Vaults, Buildings, and Premises belonging thereto, (and which are herein-after referred to as "the said Church and Schools,") may be interfered with and injuriously affected by the Construction of the Railway, and it is expedient to make Provision in relation thereto: Therefore the Company shall conform to and observe the following Provisions, Regulations, and Restrictions in constructing the Railway, and in dealing with the said Church and Schools:

1. The Company shall not (without the previous Consent in Writing of the Trustees for the Time being of the said Church and Schools, herein-after called "the Trustees,") purchase or take the said Church and Schools, or any Part thereof:
2. Before the Company shall commence the Construction of any Part of the Railway within Thirty Feet of the Church and Schools they shall, to the Satisfaction of an Arbitrator to be appointed by the Board of Trade as herein-after mentioned, in this Section referred to as "the Arbitrator," securely underpin the whole or such Portions of the Walls of such Church and Schools as abut on the Street next the Railway, and as may be determined by the Arbitrator to be necessary, and such Underpinning shall be carried down to a solid Foundation, and to a Depth of at least equal to that of any Part of the Foundations of the Railway and Works there:
3. If in the Opinion of the Arbitrator Danger is likely to arise to the Fabric of the said Church or Schools during the Construction of the Railway, or the Execution of the Works herein-before provided for, the Company shall provide a temporary Church and Schools as herein-after mentioned:
4. Such temporary Church and Schools shall be provided to the Satisfaction of the Arbitrator within Five hundred Yards of any Part of the Church and Schools, and be capable of accommodating not less than Two thousand four hundred Persons, with such Buildings and Conveniences connected therewith, fitted in every respect for the complete Celebration of all such Services as are now held and performed in the said Church and Schools, and the Company shall give to the Trustees the full, free, and exclusive Use and Enjoyment thereof:
5. The Company shall maintain and keep in good Repair the said temporary Church and other Buildings until the Church and Schools are rendered safe, or rebuilt and restored in manner herein-after mentioned, and in default of such Maintenance and Repair the Trustees may do such Works as may be necessary, and recover the Expense thereof from the Company in any Court of competent Jurisdiction:
6. The temporary Church and Schools shall be provided within Twenty-one Days after the Award of the Arbitrator that Danger is likely to arise to the Fabric of the Church or Schools, and

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if the Company fail to provide such temporary Church and Schools they shall forfeit and pay to the Trustees, as or by way of ascertained Damages, the Sum of Ten Pounds for every Day after the Expiration of the said Twenty-one Days during which such Failure continues :

7. If the Company find it necessary to take down all or any Part of the Church and Schools (such Necessity, if disputed by the Trustees to be settled by the Arbitrator), the Company shall with all practicable Despatch, and at latest within Two Years from the Time when they shall commence such Interference with the said Church and Schools, rebuild and restore, with proper and sufficient Foundations, the same, or so much thereof as may be taken down :
8. They shall so rebuild and restore the said Church and Schools with Decorations and Fittings as nearly as may be as the same now exist, and fitted in every respect for the Celebration of such Services as aforesaid :
9. One Month at the least before the Company commence so to rebuild and restore the said Church and Schools, or any Part thereof, they shall give to the Trustees Notice in Writing thereof, accompanied by Plans, Sections, Working Drawings, and Specifications of the proposed Works :
10. If the Church and Schools be taken down or altered, the Graves and Vaults under the said Church and Schools shall be as little disturbed as possible, and the Trustees may cause the Remains of any Person interred or deposited in any Grave or Vault which may be so disturbed to be removed, carried away, and placed in some other Burial Ground in such Manner as they shall direct, and the Company shall rebuild and restore the Graves or Vaults so disturbed, and the Trustees may then replace therein the Remains of any Person so removed and carried away as aforesaid :
11. Between the Centre of *Finsbury Circus* and the East Side of *Blomfield Street* the Railway shall be constructed by means of a covered Way, and without any Shaft for Ventilation, and no Opening shall thereafter be made in the covered Way between those Places without the Consent of the Trustees :
12. The Company shall, during the Construction of the Works of the Company adjoining or near the said Church and Schools, provide sufficient Access to the Southern Entrance of the Church, and from *East Street* into *Blomfield Street*, Ten Feet wide at the least, and if the Company fail to provide such Access they shall be liable to such Penalty, not exceeding Ten Pounds *per Day* during which such Failure shall continue, as the Arbitrator shall determine :

13. If

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13. If the Arbitrator shall be of opinion that by reason of the Construction of the Works of the Company the Income derived from the said Church and Schools has been diminished, he may direct such Sum as he thinks reasonable, not exceeding Five hundred Pounds, to be paid by the Company to the Administrator for the Time being of the said Church and Schools, and if the Company fail to pay such Sum to the said Administrator, on Demand, he may recover the same from the Company in any Court of competent Jurisdiction :

14. The several Provisions of this Section shall be carried into effect at the Expense in all things of the Company, and to the Satisfaction of the Arbitrator, who shall be appointed by the Board of Trade on the Application of either Party after Notice to the other of them, and the Costs of the Arbitration and incidental thereto shall be paid by the Company, unless otherwise determined by the Arbitrator.

19. And whereas the Railway by this Act authorized is intended to be constructed near to *Finsbury Chapel, Moorfields*, which is herein-after referred to as "the said Chapel," and which said Chapel may be interfered with and injuriously affected by the Construction of the Railway, and it is expedient to make Provision in relation thereto : Therefore the Company shall conform to and observe the following Provisions, Regulations, and Restrictions in constructing the Railway and in dealing with the said Chapel :

For Protec-
tion of Fins-
bury Chapel.

1. Before the Company shall commence the Construction of any Part of the Railway within Thirty Feet of the said Chapel they shall, to the Satisfaction of an Arbitrator to be appointed by the Board of Trade as herein-after mentioned, in this Section referred to as "the Arbitrator," securely underpin the whole or such Portions of the Walls of such Chapel as abut on the Street next the Railway, and as may be determined by the Arbitrator to be necessary, and such Underpinning shall be carried down to a solid Foundation, and to a Depth of at least equal to that of any Part of the Foundations of the Railway and Works there :
2. If the Arbitrator shall be of opinion that by reason of the Construction of the Works of the Company the Income derived from the said Chapel has been diminished, he may direct such Sum as he thinks reasonable, not exceeding Three hundred Pounds, to be paid by the Company to the Managers for the Time being of the said Chapel :
3. The Arbitrator shall be appointed by the Board of Trade on the Application of either Party after Notice to the other of them, and the Costs of the Arbitration and incidental thereto shall be paid by the Company, unless otherwise determined by the Arbitrator.

20. Nothing

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Lands of Board of Trade not to be taken without Consent.

20. Nothing in this or the recited Acts contained shall be deemed to empower the Company to enter upon, take, or use the Property vested in or held by the Board of Trade, situate in the Parish of *Saint Botolph without Aldgate*, and numbered 242 on the deposited Plans, without the previous Consent in Writing of the said Board under the Hand of One of the Secretaries of the said Board.

Construction of Railway through Bishopsgate Street.

21. The Company in constructing their Railway through *Bishopsgate Street* shall leave for the Accommodation of the Pipes of the *New River* Company Space for the Sixteen Inch Main, with a Covering of Eighteen Inches of Ground over the Socket of each Main.

Company not to stop up certain Streets.

22. Excepting with the previous Consent of the Board of Works for the *Whitechapel* District, signified in Writing under their Common Seal, the Company shall not in the Construction or Maintenance of the Extension Railway stop up either temporarily or permanently *Haydon Street*, or *Church Street*, or any Part of those respective Streets.

For the Protection of the London and Blackwall Railway.

23. And whereas the Extension Railway is intended to be made under the *London and Blackwall* Railway on the Southern Side of *America Square* in the Parish of *St. Botolph without Aldgate* in the City of *London*, and it is expedient to make Provision with reference to the Works of the Company in connexion with the *London and Blackwall* Railway: Therefore the following Provisions shall be in force, and the Powers of the Company in relation to the *London and Blackwall* Railway, in this Act called the *Blackwall* Railway, shall be exercised, subject to the following Conditions; that is to say,

First, the Extension Railway shall be carried under the *Blackwall* Railway at such Level as will allow the Surface of the Ground over the Extension Railway to be restored for the Space of Forty Feet at least, measured from the Northern Side of the Viaduct of the *Blackwall* Railway at the Point where the centre Line of the Extension Railway passes under the *Blackwall* Railway:

Secondly, no Building or Works shall be erected or made by the Company above the Surface of the Ground within Forty Feet of the Northern Side of the said Viaduct which will prevent the *London and Blackwall* Railway Company from widening their Railway to that Extent at any Time hereafter:

Thirdly, the *London and Blackwall* Railway Company shall at any Time hereafter be at liberty to widen their Railway to the Extent before mentioned, and to purchase or acquire for that Purpose any Right or Easement over the Lands belonging

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to the Company within Forty Feet of the Northern Side of the Viaduct of the *Blackwall* Railway :

Fourthly, the Company shall not, without the Consent in Writing of the *London and Blackwall* Railway Company, make any Goods Station or Depôt or erect any Goods Warehouse on any Part of the Lands numbered on the deposited Plans on the Southern Side of the *Blackwall* Railway, or on the Northern Side of that Railway, within One hundred Yards of any Part of the existing Works of the *Blackwall* Railway :

Fifthly, the Company shall not purchase or take any of the Lands or Works of the *London and Blackwall* Railway Company without the Consent in Writing of the *London and Blackwall* Railway Company, but the Company may purchase, acquire, and take an Easement in, under, and through the Lands of the *London and Blackwall* Railway Company for the Construction of the Extension Railway and the Works connected therewith :

Sixthly, suitable Works shall be constructed by the Company for facilitating the Interchange of Passenger Traffic between the Extension Railway and the *Blackwall* Railway in such Manner, and subject to such Apportionment of the Expense of any such Works between the Companies, as shall be agreed upon between them :

Seventhly, all Works made under the Powers in this Act with or in connexion with or affecting the *Blackwall* Railway shall be constructed upon Plans to be approved of by the Engineer for the Time being of the *London and Blackwall* Railway Company, and shall be executed under his Superintendence and to his reasonable Satisfaction in all respects at the Costs of the Company, subject nevertheless to the Provisions herein contained with regard to such Expenses as are to be the Subject of such Apportionment as aforesaid :

Eighthly, if by reason of any Works of the Company other than the Works to be executed under the Superintendence of the Engineer of the *Blackwall* Railway the Traffic on the *Blackwall* Railway be interrupted or impeded, the Company shall forfeit and pay to the *London and Blackwall* Railway Company, as or by way of ascertained Damages, the Sum of Fifty Pounds for every Hour during which such Interruption or Impediment shall continue, and the Company shall also pay and make good to the *London and Blackwall* Railway Company full Compensation for any Damage or Injury done to the *Blackwall* Railway or to any of the Works thereof in the Construction of the Extension Railway, or by any of the Works of the Company :

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Ninthly,

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Ninthly, any Dispute between the Company and the *London and Blackwall* Railway Company arising under the Provisions of this Section shall be settled by the Board of Trade, or by an Arbitrator appointed by that Board on the Application of either of the Companies.

Tolls.

24. 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 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.

Trains for
Labouring
Classes.

25. The Company shall and they are hereby required, at all Times after the opening of the Extension Railway, to run in connexion 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 *Finsbury* to *Tower Hill*, and One Train from *Tower Hill* to *Finsbury* 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 those Places, 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; provided also, that 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 with a Ticket

Limiting
Compensa-
tion for in-
jury to such

The Metropolitan Railway (Tower Hill Extension) Act, 1864.

Ticket the Charge for which does not exceed 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.

Passengers
in Trains for
Labouring
Classes.

26. 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 Seven 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 or Stock created under the Authority of this Act, nor shall any Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Power to
raise addi-
tional Capi-
tal by new
Shares.

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

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

28. 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.

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

29. The Company may from Time to Time, under the Powers of this Act, borrow any additional Sum of Money, not exceeding Two hundred and thirty-three 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 or raised on Debenture Stock until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for, 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

Power to
borrow on
Mortgage.

Capital

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Capital or Stock have been subscribed for *bonâ fide*, and have been issued, and that Twenty *per Cent.* on each Share or Portion of Stock has been paid on or before the Issue and Acceptance thereof, and that every Share or Portion of Stock is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are 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.

30. 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 Appointment of Receiver.

31. 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 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.

Application of Sums raised under this Act.

32. 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.

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

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

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.

34. It

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34. 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.

35. 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 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.

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

36. 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.

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

37. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

[Local.]

54 L

38. All

The Metropolitan Railway (Tower Hill Extension) Act, 1864.

Expenses
of Act.

38. 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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