



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. clxxviii.

An Act to enable the *Metropolitan District* Railway Company to acquire additional Lands ; and for other Purposes relating to the Undertaking of the same Company. [16th July 1866.]

WHEREAS it is expedient that “ The *Metropolitan District* Railway Company ” (who are herein-after referred to as “ the Company ”) should be authorized to acquire the additional Lands herein-after more particularly described, for the Purposes of their authorized Railways and Works, and should also be authorized to stop up the Streets, Courts, and Passages herein-after mentioned, and also to stop up and appropriate any Court, Alley, Square, Way, Passage, or Place on any Part of the Railways and Works of the Company, if and when the Company have purchased all the Lands and Houses to which it forms an Access, and through which any public Right of Way to any Place beyond the same Lands and Houses does not exist : And whereas it has been found in the Construction of the Railways under the Powers of the Acts already obtained by the Company that in many Instances the Works of the Company interfere or threaten to interfere with the Stability of Buildings which are not necessary for the Purposes of the Company, and the Safety of which might be easily secured without permanent Interference with the Occupation thereof ; and it is expedient that the Powers herein-after contained should be granted to the Company for securing the Stability of such Buildings, subject nevertheless to the Restrictions herein-after also contained : And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament : May it therefore please Your Majesty that it may be enacted ;

[*Local.*]

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and

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

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression, "The *Metropolitan District Railway Act, 1866.*"

8 & 9 Vict.
c. 18. and
23 & 24 Vict.
c. 106. in-
corporated.

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

Interpreta-
tion of
Terms.

3. In this Act the Words "the additional Lands" mean the additional Lands authorized to be taken by this Act.

Same Mean-
ings to
Words in
this Act as
in incor-
porated
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; and the Term "Sheriff" used in the Provisions of the "Lands Clauses Consolidation Act, 1845," relating to the Reference to a Jury, shall, as regards any Part of the prescribed Lands within the City and Liberty of *Westminster*, be deemed to apply to the High Bailiff of the City and Liberty of *Westminster* or his Deputy.

Power to
take Lands
shown on
deposited
Plans.

5. And whereas Plans describing the additional Lands to be taken for the Purposes of the Railway, with a Book of Reference to the Plans 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 Clerks of the Peace for the County of *Middlesex* and for the City of *London* respectively: It shall be lawful for the Company, subject to the Provisions of this Act, to enter upon, take, and use so much of the additional Lands respectively delineated on the said Plans and described in the said Book of Reference as are herein-after specified, or such of the same Lands as they may require for all or any of the Purposes of this Act or "The *Metropolitan District Railway Act, 1864 and 1865,*" and may appropriate and use the Subsoil of the Streets, Roads, and Highways shown on the said Plans and described in the Book of Reference thereto as are within the Limits of the said Lands herein-after specified.

As to cer-
tain Plans
deposited
with Vestry
Clerks.

6. And whereas by "The Railways Clauses Consolidation Act, 1845," it is provided that a Certificate of any Omission, Misstatement, 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:

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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.

7. The additional Lands which the Company may purchase are so much of those shown on the deposited Plans and described in the Books of Reference thereto as are herein-after specified : Additional Lands.

PARISH OF ST. MARY ABBOTT, KENSINGTON.

(1.) *Scarsdale Terrace, Wright's Lane.*

PARISH OF ST. GEORGE, HANOVER SQUARE.

(2.) Houses in and near *Westbourne Street, Skinner Street, Skinner Place, Belgrave Cottages, and Whitaker Street* :
 Provided, that with respect to the Freehold Estate of *Richard Marquess of Westminster* no Part thereof shall be purchased or taken without the previous written Consent of the said Marquess, his Heirs, Successors in Estate, or Assigns, under his or their Hand or Hands in each Case to be obtained: Provided also, that the Company shall not (save as to Lands purchased by the Company from the said Marquess) pull down any House or Building or otherwise commit Waste on any Part of such Estate without such Consent as aforesaid: Provided also, that the said Marquess, his Heirs, Successors in Estate, and Assigns, shall have the Right of Pre-emption over every Part of such Estate, and over every or any Interest therein, as well Freehold as Leasehold, which shall have been or shall be purchased or taken by the Company, and shall not be required for the Purposes of the Railway and Works of the Company.

PARISH OF ST. MARGARET, WESTMINSTER.

(3.) Lands and Houses bounded on the West by *Gardner's Lane* and on the East by *Broadway*.

PARISH OF HOLY TRINITY THE LESS, in the City of LONDON.

(4.) Lands and Houses in and near *Little Trinity Lane, Swedes Court, Crown Court, Garlick Hill.*

PARISH

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PARISH OF ST. JAMES GARLICK HYTHE.

(5.) The House No. 3 *Garlick Hill*.

PARISH OF ST. THOMAS APOSTLE.

(6.) Houses and Stables in *Queen Street*.

Lands of
disused
Courts, &c.
to vest in
Company
when Com-
pany have
purchased
all the
Lands.

8. In addition to any Powers of the Company conferred by this or any previous Act, the Company may stop up and appropriate any Court, Alley, Square, Way, Passage, or Place on any Part of the Railways and Works of the Company if and when the Company have purchased all the Lands and Houses to which it forms an Access, and through which any public Right of Way to any Place beyond the same Lands and Houses does not exist.

Provisions of
27 & 28 Vict.
c. cccxxii.
extended.

9. The following Sections of "The *Metropolitan District Railways Act, 1864*," shall extend and apply to the additional Lands; (that is to say,)

Sections 70 to 74. All Works connected with certain Gas and Water Companies to be executed to Satisfaction of their Engineers; Penalty for interrupting Supply of Water or Gas; Water and Gas Companies empowered to lay and repair Pipes on Lands of Railway:

Section 80. Local Rates to be made good:

Section 79. Relating to the City Commissioners of Sewers:

Section 91. Relating to Building Leases.

Sections 75 to 77. Relating to Sewers of Metropolitan and other Boards:

Section 84. Relating to the Mode of Settlement as prescribed in 121st Section of "The Lands Clauses Act."

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

10. In every Case (excepting the Cases provided for by the next following Section of this Act) in which any Question of disputed Compensation shall in accordance with the Provisions of this Act and the incorporated Acts be required to be determined by the Verdict of a Jury in the City of *London* or the Liberties thereof, the Jury shall be required to appear before the Court of the Mayor and Aldermen in the Chamber of the Guildhall of the said City, according to the Custom of the said City, at the Times to be appointed by the said Court, and all Directions and Provisions contained in "The Lands Clauses Consolidation Act, 1845," in respect to the Settlement of Questions of disputed Compensation by Juries appearing before the Sheriff, Coroner, or other Person shall extend and be applied, with respect to the Settlement of any such Question of disputed Compensation under this Act, by Juries appearing before the said Court of Mayor and Aldermen as aforesaid; and the said Court shall give Judgment for the Purchase Money or Compensation assessed by such Jury, and a Verdict and Judgment shall be signed by the Registrar of the said Court of Mayor and Aldermen, and entered amongst the Records of the said Court, and the said Registrar shall settle the Costs of every such Inquiry.

11. The

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11. The Company shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more, occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice, placed in public View upon or within a reasonable Distance from such Houses, and the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner herein-before required.

Notice to be given of taking of Houses of Labouring Classes.

12. And whereas, in order to avoid Injury to the Houses and Buildings within One hundred Feet of the Railways authorized by the recited Act, it may be necessary to underpin or otherwise strengthen the same: Therefore it shall be lawful for the Company, at their own Costs and Charges, to underpin or otherwise strengthen any such House or Building: Provided, that at least Ten Days Notice shall (unless in case of Emergency) be given to the Occupier or Occupiers of the House or Building intended to be underpinned or otherwise strengthened, and that the Company shall be liable to compensate the Owner, Lessee, and Occupier of every such House or Building for any Inconvenience, Loss, or Damage which may result to them by reason of the Exercise of the Powers granted by this Enactment: Provided also, that if the Owner, Lessee, or Occupier of any such House or Building shall, after receiving such Notice from the Company, give within Seven Days after that Notice counter Notice in Writing that he disputes the Necessity of such underpinning or strengthening, the Question of the Necessity shall be referred to an Engineer to be agreed upon, or in case of Difference to a Civil Engineer to be appointed at the Instance of either Party by the President of the Board of Trade for the Time being; and such Referee shall forthwith, upon the Application of either Party, proceed to inspect such House or Building, and determine the Matter referred to him, and in the event of his deciding that such underpinning or strengthening is necessary he may in his Discretion prescribe the Mode in which the same shall be executed, and the Company may and shall proceed forthwith so to underpin or strengthen the said House or Building, and the Cost of such Referee shall be paid by the Company: Provided, that nothing in this Enactment contained nor any dealing with the Property in pursuance of this Enactment shall relieve the Company from the Liability to Compensation under the Sixty-eighth Section of "The Lands Clauses Consolidation Act, 1845," or under any other Act: Provided also, that every Case of Compensation to be ascertained under this Act shall be ascertained according to the Provisions contained in "The Lands Clauses Act, 1845:" Provided also, that nothing in this Section contained shall repeal or affect the Ninety-second Section of "The Lands Clauses Consolidation Act, 1845."

Company empowered to underpin or otherwise strengthen Houses near Railway.

13. Nothing herein contained shall authorize the Company to put in force any of the Powers of this Act in respect of the *Westminster Hospital*

Protecting Westminster Hospital.

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Hospital or the Buildings and Premises belonging thereto, or any of them or any Part thereof, or to give to the Company any Powers in relation to the said Hospital and Buildings other than those vested in the Company before the passing of this Act.

For Protec-
tion of
Inner
Temple and
Middle
Temple.

14. For the Protection of the Honourable Societies of the *Inner Temple* and the *Middle Temple* respectively, the Provisions following shall be in force, and full Effect shall be given thereto; (that is to say,)

- (A.) The Company shall not, for any of the Purposes of this Act, enter on any Land of either of the Two Societies without in every Case giving to the respective Society Notice in Writing of the Intention of the Company so to do, by delivering the Notice to the Treasurer of the respective Society, or leaving it for him at their Office:
- (B.) If the Work intended to be done by the Company in the Land of One of the Two Societies might affect any House or Building of the other Society, the Company shall not begin the Work without giving in like Manner like Notice to that Society:
- (C.) The Notice shall express the Purpose for which and the Time at which the Company intend to enter on the Land, and (except in any Case of urgent necessity that any Work should be done without Delay, in order to prevent or lessen any Damage or Injury to any House or Building) shall be given at least Seven clear Days before the Day on which the Company enter on the Land, or, as the Case shall be, begin the Work, and, in any such Case of urgent necessity, shall be given so long as can be before the Company enter on the Land or begin the Work:
- (D.) All Works, if any, done by the Company on Land of the Two Societies respectively shall be carried on and completed with all practicable Despatch; the Company shall make full Compensation to the Two Societies respectively for all Damage or Injury done or occasioned thereby to any of their respective Lands, Houses, Buildings, and Property:
- (E.) This Act shall in all respects be subject and without Prejudice to the several Provisions in favour of the Two Societies respectively contained in Sections 36, 37, and 38 of "The *Metropolitan District Railways Act, 1864*," and to any and every Agreement from Time to Time made between the Company and the Two Societies respectively in accordance with Section 36 (Q.) of that Act.
- (F.) Except only so far as is requisite for the underpinning and strengthening by the Company, in accordance with these Provisions, of the Foundation of any House or Building, this Act or anything done thereunder shall not take away, lessen, prejudice, or affect any Estate, Right, Interest, Jurisdiction, Franchise, Power, Privilege, Immunity, Claim, or Demand of, or any Liability to the Two Societies respectively,

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tively, or either of them, or their respective Trustees, Treasurers, or Masters of the Bench, whether under Act of Parliament, Charter, Grant, Agreement, Specification, Prescription, Custom, Usage, or otherwise, or any Right, Interest, Claim, or Demand of the Two Societies respectively or either of them in any way relating to the *Temple Land* or any Part thereof, or any Works therein or in connexion therewith.

15. Whereas in the Execution of their Powers the Company will have Occasion to enter upon Part of the Churchyard of *Saint Margaret, Westminster*, and whereas Doubts have arisen as to the Manner in which the Compensation Money, to be paid in respect of such Interference, shall be paid or applied: Be it enacted, That the Money to be paid by the Company for such Compensation shall be paid to "The Incorporated Society for promoting the Enlargement, building, and repairing of Churches and Chapels," and shall be held by the said Society upon trust in the first place to pay thereout certain Expenses which have been incurred and are now due in relation to the Repairs of the Parish Church of *Saint Margaret, Westminster*, and also to pay all such Costs and Expenses incurred by the Rector and Churchwardens of *Saint Margaret, Westminster*, in relation to the Interference by the Company with the said Churchyard, as the Company shall not be liable to pay and shall not pay under the Provisions of "The Lands Clauses Act;" the Amount of such Expenses, and of such Costs and Expenses respectively, to be certified to the said Society by the said Rector and Churchwardens by Writing under their respective Hands, and, subject to such Payments, the Money so to be paid to the said Incorporated Society shall be held and applied by the Society as a Fund for the Repairs of the Parish Church of *Saint Margaret, Westminster*, in manner following; (that is to say,) the Society shall invest the said Money in the Purchase of Bank Three *per Centum* Annuities, and shall receive the Dividends arising from such Investment from Time to Time as they shall accrue, and shall add such Dividends, or so much thereof as may not be needed for Repairs, to the Capital, so as to accumulate the same Dividends at Compound Interest; the Society shall from Time to Time pay to the Rector and Churchwardens for the Time being of *Saint Margaret's, Westminster*, such Sums, either out of the Dividends or Capital, as the said Rector and Churchwardens shall by Writing under their Hands jointly certify to the Society to be needed for Repairs of the said Church, and the Receipt in Writing of the Rector and Churchwardens for any Sum so certified by them shall be a complete Discharge to the Society for the Monies so expressed to be received.

As to St.
Margaret's
Churchyard.

16. The Company shall not put in force any of the Powers of this Act in respect of the Property Nos. 1 and 1A of *Henry William Peek* in the Parish of *St. Mary-at-Hill*, without his Consent in Writing in every Case first had and obtained.

As to Pro-
perty of
Mr. Peek.

17. No

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Notice to be given before Streets in the City of London are interfered with.

17. No Street within the City of *London* shall be broken up or interfered with by the Company unless Twenty-one Days previous Notice shall have been given by the Company to the Commissioners of Sewers for the City of *London*.

As to Exercise of borrowing Powers.

18. Whereas the Company have found it convenient to issue their Capital by Two Instalments, and have already issued the First of such Instalments to the Amount of Two million two hundred and fifty thousand Pounds, and there has been paid thereon the Sum of One million three hundred and ninety-nine thousand two hundred and thirty Pounds: Be it enacted, That upon the Certificate to be given by a Justice that it has been proved before him that the whole of the said First Instalment of Two million two hundred and fifty thousand Pounds has been subscribed, and One Half thereof paid up, and that a Sum of not less than One Fifth Part has been paid upon each Share represented thereby, it shall be lawful for the Company to borrow any Sum not exceeding Seven hundred and fifty thousand Pounds, and that such Sum shall be reckoned as Part of the Sum of One million two hundred thousand Pounds which the Company were authorized to borrow under the Powers of "The *Metropolitan District Railways Act, 1864.*"

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

19. It shall not be lawful for the Company, out of any Money which they are authorized to raise, 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.

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

20. 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 or more impartial Audit of the Accounts of the 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.

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

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