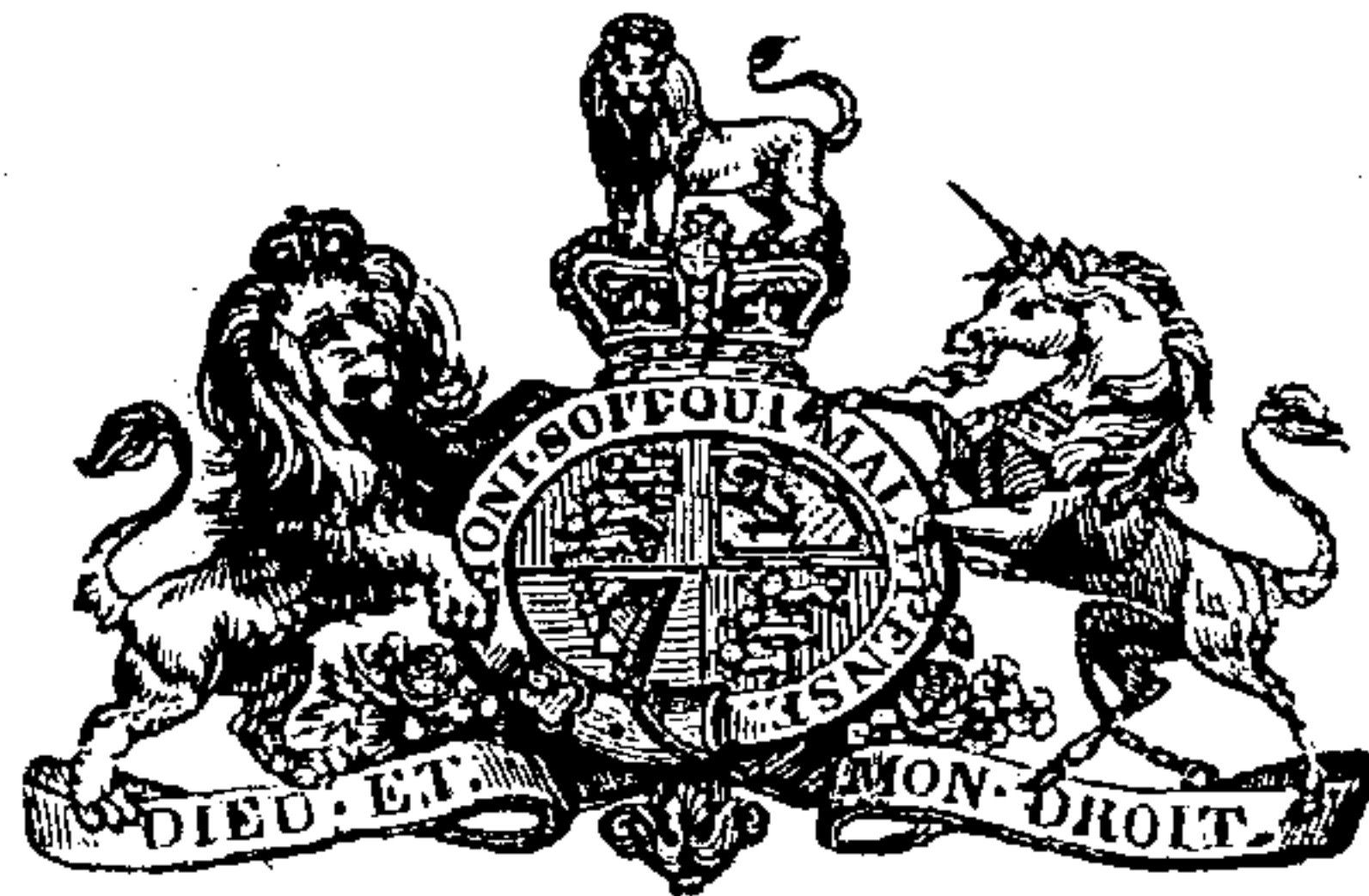


[2 EDW. VII.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.



CHAPTER cclvi.

An Act for conferring further powers upon the Charing Cross Euston and Hampstead Railway Company for authorising agreements with the Metropolitan District Railway Company the South Eastern and Chatham Railway Companies' Managing Committee the South Eastern Railway Company and the Baker Street and Waterloo Railway Company and for other purposes. [18th November 1902.] A.D. 1902.

WHEREAS the Charing Cross Euston and Hampstead Railway Company (in this Act called "the Company") were incorporated by the Charing Cross Euston and Hampstead Railway Act 1893 (in this Act referred to as "the Act of 1893") and were thereby authorised to construct the underground railways and subway in that Act mentioned or described :

And whereas the powers of the Company are now regulated by the Charing Cross Euston and Hampstead Railway Acts 1893 to 1900 (in this Act respectively referred to as "the Act of 1893" "the Act of 1894" "the Act of 1897" "the Act of 1898" "the Act of 1899" and "the Act of 1900") :

And whereas it is expedient that the Company should be empowered to construct the new railways and subways and the alteration and deviation of their authorised railway and to abandon portions of their authorised railways and to acquire the lands in this Act respectively mentioned or described :

And whereas three Bills were originally introduced into Parliament for authorising the said railways and subways and for the other purposes of this Act two of which Bills were introduced in the session held in the year one thousand nine hundred and one under the titles of the Charing Cross Euston and Hampstead Railway No. 1 and No. 2 Bills 1901 (in this Act referred to as "the No. 1 Bill" and "the No. 2 Bill" respectively) and the

A.D. 1902. other in the present session under the title of the Charing Cross Euston and Hampstead Railway (No. 3) Bill (in this Act referred to as "the No. 3 Bill"):

And whereas in pursuance of a resolution of the House of Lords of the second day of August one thousand nine hundred and one and agreed to by the House of Commons on the same day the No. 1 Bill and the No. 2 Bill were suspended and were re-introduced in the present session of Parliament:

And whereas it was proposed by the No. 3 Bill to authorise (inter alia) a deviation of the railway (in this Act called "Railway No. 1") proposed to be authorised by the No. 1 Bill:

And whereas plans and sections showing the lines and levels of the Railway No. 1 and other works proposed to be authorised by the No. 1 Bill and plans of the lands proposed to be acquired compulsorily under the powers of that Bill and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which might be required or taken for the purposes or under the powers of the No. 1 Bill were in the month of November one thousand nine hundred duly deposited with the clerks of the peace for the counties of London and Middlesex respectively:

And whereas plans and sections showing the lines and levels of the deviation of Railway No. 1 and of the new railway (in this Act called "Railway No. 2") proposed to be authorised by the No. 3 Bill and plans of the lands proposed to be acquired compulsorily under the powers of that Bill and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which might be required or taken for the purposes or under the powers of the No. 3 Bill were in the month of November 1901 duly deposited with the clerk of the peace for the county of London:

And whereas plans and sections showing the lines and levels of the Railway No. 1 (in this Act called "Railway No. 3") proposed to be authorised by the No. 2 Bill and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which might be taken for the purposes or under the powers of the No. 2 Bill were in the month of November 1900 duly deposited with the clerk of the peace for the county of London:

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And whereas it is expedient that the time now limited for the compulsory purchase of lands for the purposes of and for the completion of the railways in this Act mentioned or referred to in that behalf should be extended as provided by this Act : A.D. 1902.

And whereas it is expedient that the Company on the one hand and the Metropolitan District Railway Company the South Eastern and Chatham Railway Companies' Managing Committee the South Eastern Railway Company and the Baker Street and Waterloo Railway Company (in this Act referred to severally as "the District Company" "the Committee" "the South Eastern Company" and "the Baker Street Company" and collectively as "the Four Companies") on the other hand should be empowered to enter into agreements as provided by this Act :

And whereas it is expedient that the Company should be authorised to raise additional capital and to apply their funds for the purposes of this Act and for the general purposes of their undertaking and that the other powers contained in this Act should be conferred upon the Company :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 :—

1. This Act may be cited as the Charing Cross Euston and Hampstead Railway Act 1902 and the Charing Cross Euston and Hampstead Railway Acts 1893 to 1900 and this Act may be cited together as the Charing Cross Euston and Hampstead Railway Acts 1893 to 1902. Short title.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :— Incorporation of general Acts.

The Lands Clauses Acts :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the following matters or contained in the following sections thereof (that is to say) :—

The construction of the railway and the works connected therewith ;

Section 45 (As to lands for additional stations) ;

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The carrying of passengers and goods upon the railway and the tolls to be taken thereon ;
The regulation and use of the railway ;
The settlement of disputes by arbitration ;
Section 138 (As to service of notices) ; and
The recovery of damages not specially provided for and of penalties and the determination of any other matter referred to justices :

Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 :
The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;
The transfer or transmission of shares ;
The payment of subscriptions and the means of enforcing the payment of calls ;
The forfeiture of shares for non-payment of calls ;
The remedies of creditors of the Company against the shareholders ;
The borrowing of money by the Company on mortgage or bond ;
The conversion of borrowed money into capital ;
The consolidation of the shares into stock ; and
The provision to be made for affording access to the special Act by all parties interested :

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Interpreta-
tion.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings :

The expression “ the railway ” or “ the railways ” means the railways and the deviation of railway by this Act authorised ;
The expressions “ the deposited plans ” “ the deposited sections ” and “ the deposited books of reference ” mean respectively the plans the sections and the books of reference deposited with the clerks of the peace of the counties of London and

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Middlesex in the month of November one thousand nine hundred and with the clerk of the peace for the county of London in the month of November one thousand nine hundred and one as hereinbefore mentioned and (as regards Railway No. 1) mean the plans the sections and the book of reference so deposited in the month of November one thousand nine hundred as amended by the plans the sections and the book of reference so deposited in the month of November one thousand nine hundred and one ;

A.D. 1902.

The expression "the council" means (unless otherwise stated) the London County Council ;

The expression "the county" means (unless otherwise stated) the administrative county of London ;

The expressions "parish clerks" and "clerks of the several parishes" in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall as regards the administrative county of London mean the town clerks of the metropolitan boroughs.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and the subways and the alteration and deviation of their authorised railways and other works hereinafter described with all necessary and convenient rails sidings tunnels subways stations platforms signals shafts lifts inclines stairs approaches sewers drains pipes generating plant depôts buildings machinery wires apparatus works and conveniences connected therewith or incidental thereto and may subject as aforesaid enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes :

Power to
make rail-
ways &c.

Provided always that (except for the purpose of making trial borings as provided by the Act of 1893 as incorporated with this Act and by this Act and except as expressly provided by this Act) nothing in this Act shall authorise the Company to enter upon take or use the surface of any public street or road or of the common or commonable lands known as Whitestone Pond and Hampstead Heath but (subject as aforesaid) the Company may enter upon take and use the subsoil and undersurface of any public street road or footway and of the said common or commonable lands shown on the deposited plans and described in the deposited books of reference or so much thereof as shall be necessary for the purposes aforesaid.

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A.D. 1902.
Description
of railways
&c.

5. The railways and subways and alteration and deviation of railway hereinbefore referred to and authorised by this Act will be situate in the counties of London and Middlesex and are—

- (1) A railway (No. 1) (being the railway described on the plans and sections deposited in respect of the No. 1 Bill as amended by the plans and sections deposited in respect of the No. 3 Bill) 1 mile 3 furlongs and 3·46 chains in length situate in the metropolitan borough of Hampstead in the county of London and the urban district of Hendon in the county of Middlesex commencing by a junction with the Company's Railway No. 1 authorised by the Act of 1893 at its termination at Hampstead and terminating near Golder's Green on the eastern side of Finchley Road near the junction of North End Road with Finchley Road :
 - (2) A subway (No. 1) commencing at the kerb of the footpath at the south-eastern corner of the Tottenham Court Road at its junction with New Oxford Street and terminating at the kerb of the footpath at the north-eastern corner of the High Street St. Giles at its junction with New Oxford Street :
 - (3) A subway (No. 2) commencing at the kerb of the footpath at the south-western corner of Tottenham Court Road at its junction with Oxford Street and terminating at the kerb of the footpath at the north-west corner of Charing Cross Road at its junction with New Oxford Street :
 - (4) A subway (No. 3) along and under Oxford Street commencing and terminating by junctions with subways No. 1 and No. 2 respectively about midway between their respective commencements and terminations :
- And in connection with the said subways (which are to be used only for foot passengers) the Company may construct and maintain an underground station or chamber at the south end of Tottenham Court Road :
- (5) An alteration 1 mile 4 furlongs and 1·95 chains in length of the levels of the Railway No. 1 authorised by the Act of 1893 in the metropolitan boroughs of St. Pancras and Hampstead in the county of London between a point in Haverstock Hill at its junction with Adelaide Road and the termination of the said railway :
 - (6) A deviation 1 furlong and 0·5 chain in length in the said metropolitan borough of St. Pancras in the county of London

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of Railways Nos. 1 and 2 authorised by the Act of 1893 A.D. 1902.
between a point on the said Railway No. 1 in Hampstead
Road at or near its junction with Eden Street and a point
on the said Railway No. 2 in Drummond Street at or near its
junction with George Street :

(7) A railway (No. 2) (being the railway described on the plans
and sections deposited in respect of the No. 3 Bill) 1 furlong
and 5 · 10 chains in length situate in the parish of St. Martin-
in-the-Fields in the city and metropolitan borough of West-
minster in the county of London commencing by a junction
with the railway authorised by the Act of 1898 as amended
by the Act of 1899 in or under Adelaide Street at or near the
junction of Adelaide Place therewith and terminating under
the roadway at or near the north-west entrance to the
Charing Cross Station of the Metropolitan District Railway
and in connection therewith such lifts shafts stairs subways
passages communications and openings as may be necessary
or expedient for enabling passengers with their luggage and
other traffic to pass between the said railway and the
stations and premises of the District Company the Com-
mittee the South Eastern Company and the Baker Street
Company respectively :

(8) A railway (No. 3) (being the railway described as Railway
No. 1 on the plans and sections deposited in respect of the
No. 2 Bill) 1 mile 1 furlong in length commencing in the
metropolitan borough of St. Pancras in the county of London
by a junction with the Railway No. 2 authorised by the Act
of 1899 and terminating in the metropolitan borough of
Islington in the same county at a point in Archway Road
90 yards or thereabouts southward of the junction of Thomas
Street with that road.

6. Notwithstanding anything shown on the deposited plans
and sections Railway No. 1 by this Act authorised shall terminate
by a junction with Railway No. 2 authorised by the Edgware and
Hampstead Railway Act of the present session.

As to con-
nection with
Edgware and
Hampstead
Railway.

The said railways shall be constructed and worked as a con-
tinuous line and the Edgware and Hampstead Railway Company
and the Company in constructing their respective railways shall
make such deviations from the lines and levels thereof as shown
on the deposited plans and sections and within the limits of
deviation prescribed by this Act as may enable the said railways

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A.D. 1902. to be so constructed as to be best adapted for the purpose of continuous working.

Any difference which may arise between the Company and the Edgware and Hampstead Railway Company with reference to this matter shall be referred to the determination of Sir Alexander Binnie or failing him some other engineer to be appointed as arbitrator.

For protec-
tion of Post
Office
buildings.

7. Notwithstanding anything shown on the deposited plans or contained in this Act the Company shall not enter upon purchase take or use the properties numbered respectively 22 and 25 on the deposited plans relating to the city and metropolitan borough of Westminster in the county of London or either of such properties or any part thereof except with the consent in writing of the Postmaster-General.

Incorpora-
tion of cer-
tain sections
of former
Acts with
this Act.

8. The sections and parts of sections of the Acts of 1893 1898 and 1899 which are enumerated and referred to in the first part of the First Schedule to this Act (except so far as the same or any part or parts thereof are expressly repealed amended or varied by this Act and subject to any such amendment) are incorporated with and form part of this Act and shall extend and apply to the works by this Act authorised the roads under and along which the same are to be made and the several bodies or persons named or referred to in those sections as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto and provided that section 66 of the Act of 1893 shall be read and construed as if the Regent's Canal and Dock Company had been named therein instead of the North Metropolitan Railway and Canal Company and as if that section was expressly made applicable to the works by this Act authorised.

As to powers
of Board of
Trade in
respect of
use of
mechanical
power.

9. The powers of the Board of Trade under section 8 of the Act of 1893 and section 7 of the Act of 1899 as incorporated with this Act shall be deemed to include power subject to the provisions of those sections to make regulations requiring the Company to use such reasonable precautions including insulated returns as the Board of Trade may think necessary for the purposes of the said section 7 and the Board of Trade may in like manner from time to time alter any such regulations.

Plans &c. to
be approved
by Board of
Trade before

10. The Company shall from time to time submit for the approval of the Board of Trade plans sections and other details of their proposals with respect to (A) Permanent way tunnels

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platforms stairs lifts and other communications (B) Rolling stock
(c) Lighting and (D) Ventilation and the railway rolling stock
and other works shall be constructed reconstructed and main-
tained only in accordance with plans sections and other details
as approved by the Board of Trade.

A. D. 1902.
works com-
menced.

11.—(1) In addition to the provisions of the Acts incor-
porated herewith with respect to compensation for lands taken or
injuriously affected the Company shall make compensation to the
owner lessee and occupier of any land house or building which
shall be injuriously affected by reason of the working of the railway
where constructed in tunnel (including the working of lifts and
any other works in connection with the said railway) notwith-
standing that no part of the property of such owner lessee or
occupier is taken by the Company Provided that all claims for
compensation under this section shall be made within two years
from the date of the opening of the railway for public traffic and
shall be settled by a single arbitrator under and subject to the
provisions of the Arbitration Act 1889 save that where the parties
do not concur in the appointment of an arbitrator the Board of
Trade shall have the powers of the court or a judge under section 5
of the said Act.

Compensa-
tion for
damage by
working.

(2) An arbitrator under this section may with the consent of
all parties concerned hear together any class or group of claims
under this section.

12. Section 7 of the Act of 1893 shall be read and construed
as if the words "thirteen feet" had been inserted in sub-
section (2) (c) thereof instead of the words "eleven feet six
inches."

Amending
Act of 1893
as to size of
tunnels.

13. Except as hereinafter provided the Company shall not
break up or disturb the surface of any street or road for the
purpose of constructing the railway nor open or make any
ventilators air shafts or other similar openings in any roadway
or footway but nothing herein contained shall restrict the right
of the Company to the use of streets or roads for purposes of
ordinary traffic or of access to or in connection with any of their
lands or buildings or take away or diminish any rights which
they would have as owners or occupiers of lands or buildings
abutting upon any street or road :

Restrictions
on breaking
up surface of
streets.

Provided always that subject to the provisions of this Act
the Company for the purpose of constructing the railway and

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A.D. 1902. stations subways lifts approaches and other works and conveniences connected therewith may enter upon and open up the surface of Oxford Street New Oxford Street Tottenham Court Road Charing Cross Road and High Street St. Giles at the junctions of those roads and streets and of Villiers Street between its southern end and a point fifty yards or thereabouts southward of the junction of Duke Street therewith.

For protection of Hampstead Heath.

14. The Company shall not under the exceptions to the proviso to the section of this Act the marginal note whereof is "Power to make railways &c." or otherwise under this Act without the consent of the council enter upon take use or interfere with any part of the surface of Hampstead Heath and such consent if given may be so given subject to such conditions as to submission and approval of plans and sections and inspection of works and the time and mode of executing the same as the council may think fit to impose and the Company shall not without the like consent sink any shaft or make any temporary or permanent opening from the surface of any part of the property known as Heath House in the parish of Hampstead.

As to interference with surface of streets.

15. The Company shall not under the powers of this or any former Act enter upon or open up any part of the surface of any street or public thoroughfare except upon and subject to such terms and conditions as the council may reasonably impose and under the control and superintendence of the council and the Company shall give to the council not less than one month's previous notice in writing of their intention to enter upon and open up the surface of any such street or thoroughfare.

Any difference between the Company and the council under this section shall be determined by arbitration.

For protection of projected sewer of Council.

16. The provisions of section 44 of the Act of 1893 shall mutatis mutandis extend and apply for the protection of the low-level intercepting sewer intended to be made by the council under the Strand whereof plans have been prepared by them.

Limiting powers of vertical deviation.

17. Nothing in this or any former Act contained shall authorise the Company in exercise of their powers of vertical deviation so to construct the railways and works by any such Act authorised other than any subway to be constructed under the powers of this Act in connection with Railway No. 2 under Villiers Street or the subways by this Act authorised at and near the junction of Oxford Street and Tottenham Court Road that

any part thereof shall without the consent of the council be at a less depth than twenty-five feet below the surface of any street road or open space in the county in or under which the same may be constructed. A.D. 1902.

18.—(1) At least fourteen clear days before commencing any vertical borings from the surface of any part of any street in the county the Company shall serve notice in writing of their intention to commence the same on the engineer of the council and such notice shall describe the place or places at which such borings are intended to be made and if within fourteen days after the service of such notice any objection is made by the engineer of the council the matter shall unless otherwise agreed between them be determined by arbitration before the boring is commenced but if no such objection is made the said borings may be proceeded with. Conditions to be observed in opening road for boring purposes.

(2) The Company shall furnish to the council full and detailed information as to the strata traversed in any boring for the purposes of the works by this or any former Act authorised.

(3) The Company shall not unless with the consent of the council carry on any works of boring through any part of the surface of any street within the county except between the hours of ten in the evening and eight in the morning.

19. The Company shall not erect or permit to be erected in connection with any part of the works by this or any former Act authorised in or within view of any public street in the county or of any part of Hampstead Heath any machinery which shall not be effectively screened from view or any unsightly hoarding and if the Company shall erect any such machinery or any hoarding which shall in the opinion of the council be unsightly they shall upon being required by the council so to do forthwith make such alterations therein as the council may prescribe and if the Company shall neglect or omit to make such alterations the council and their authorised officers may remove such machinery or hoarding or any part thereof and recover from the Company the costs charges and expenses incurred in so doing. As to unsightly hoardings.

20. Notwithstanding anything contained in this or any former Act or shown on the deposited plans referred to in such Acts it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway in the county or without the consent of the council as regards any such street Buildings not to be brought beyond general line &c.

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A.D. 1902. — or footway to erect or maintain any building or structure beyond the general line of building in any street part of a street place or row of houses in the county or to erect any building or structure in such manner that any external wall thereof above the surface of the ground or the external fence or boundary of any forecourt or space in front thereof shall be within the distances hereinafter prescribed from the centre of the roadway of any street or way (being a highway) upon which the same will abut that is to say where such street or way is used for the purpose of carriage traffic twenty feet and where such street or way is used for the purpose of foot traffic only ten feet.

Objects of interest to be at disposal of London County Council.

21. The Company shall carefully preserve and remove all objects of geological or antiquarian interest discovered by them in the execution of the works by this or any former Act authorised within the county and subject to the rights of the Crown and except so far as the same may be proved to be the property of any other person any such objects shall be subject to the disposal of the council in such manner as the council may from time to time resolve and the Company shall use all reasonable means for securing compliance with the provisions of this section.

For protection of future subways of London County Council.

22. If the Company shall construct any work not being an essential part of the railways by this or any former Act authorised which would interfere with or prevent the construction or use of any subway or tunnel which the council are or may hereafter be authorised and intending to construct the Company shall upon being so required by the council and at the expense of the council make all such alterations in such work as may in the opinion of the council be necessary for the purposes of such subway or tunnel and as would not prevent the use of or reasonable access to the said railways.

Limiting use of electrical energy.

23. The Company shall not generate use or supply electrical energy otherwise than for the purposes of their authorised undertaking and the undertaking of any other railway company with whom they have entered into a working agreement or over whose undertaking they have running powers.

Powers to cease unless works substantially commenced.

24. If within twelve months from the passing of this Act the Company shall have failed to substantially commence the construction of their railway and such failure shall be due to any cause within the control of the Company the powers of the Company under or as extended by this Act for the construction of

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Railway Act, 1902.

works shall at the expiration of that period cease and determine and the certificate of the Board of Trade as to whether or not the said railway has been substantially commenced or any failure to commence the same has been due to a cause within the control of the Company shall be final and binding.

A.D. 1902.

25.—(1) The council or other the authority having the control and management of the adjoining streets shall have and may exercise full powers of control over and management of all subways to be constructed in the county under the powers of this or any former Act for public use and having direct access to any public street and (inter alia) the Company shall provide and maintain in such subways such lights stairs conveniences and works as the council or such other authority as aforesaid may reasonably require and shall keep such subways open or close the same for public use at such times as the council or such other authority as aforesaid may direct.

Control of subways by council or other authority.

(2) All such subways shall be paved cleansed and maintained and so for ever kept and repaired to the reasonable satisfaction of the council or such other authority as aforesaid but at the sole expense of the Company.

(3) The Company shall permit all persons to use without payment of any toll or charge all such subways at all times at which the same shall be open for public use.

26. The Company shall from time to time within six months from the time at which any underground stations approaches passages subways tunnels sidings shafts stairs or other underground works shall have been laid down or formed by them cause a survey and map to be made of the route along which any such underground works shall be laid on a scale of not less than five feet to a mile and shall cause to be marked thereon the course and situation of all such existing underground works belonging to them in order to show all such underground works along the said route and their situation relatively to any streets or roads on the surface over near or adjacent to the same and shall within six months of the making of any alterations or additions cause the said map to be from time to time corrected and such additions made thereto as may show the line and situation of all such underground works as may be laid down or formed by them from time to time after the passing of this Act and such map and plan or a copy thereof with the date thereon of the last time when the same shall have been so corrected as aforesaid shall be kept in

Map and plan of underground works of Company to be made.

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A.D. 1902. the office of the Company and shall be open to the inspection of the council who shall be entitled to be supplied with copies thereof and extracts therefrom.

As to elevations of stations.

27. All stations to be erected by the Company in the metropolitan borough of Hampstead under the powers of this or any former Act shall be erected only in accordance with elevations to be agreed between the Company and the council or failing agreement to be approved by an architect to be appointed on the application of the Company or the council by the President of the Royal Institute of British Architects.

As to setting back buildings in certain roads.

28.—(1) The Company shall not commence to construct any building above the surface of the ground upon any part of—

- (A) The lands in the metropolitan borough of St. Pancras described in the deposited book of reference and delineated on the deposited plans being the premises known as numbers 287 291 293 and 295 Euston Road, or any part thereof abutting upon Euston Road ;
 - (B) The lands in the city of Westminster described in the deposited book of reference and delineated on the deposited plans being premises situate in the Strand at or near the junction therewith of Adelaide Street or any part thereof abutting upon the Strand ;
 - (C) The lands in the metropolitan borough of Hampstead described in the deposited book of reference and delineated on the deposited plans being lands situate in Holly Bush Hill or any part thereof abutting upon Holly Bush Hill ;
 - (D) The lands in the metropolitan borough of St. Pancras described in the deposited book of reference and delineated on the deposited plans being lands situate in Highgate Road or any part thereof abutting upon Highgate Road ; or
 - (E) The lands in the metropolitan borough of Islington described in the deposited book of reference and delineated on the deposited plans being lands situate in Tufnell Park Road or any part thereof abutting upon Tufnell Park Road ;
- unless or until they shall have given notice to the council in writing of their intention to commence the construction of such building and describing the site thereof and the council may at any time within three months after such notice has been given to them require that the buildings above the surface of the ground on such lands respectively shall be set back so as to secure increased

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Railway Act, 1902.

width of thoroughfare and space in front of the building to the extent shown by a red line and figured on the plan of the said road which has been signed by the Right Honourable Charles Seale-Hayne the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and on such terms as in default of agreement between the council and the Company may be determined to be proper and reasonable by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and the Company shall thereupon set the same back accordingly. A.D. 1902.

(2) From and after such setting back respectively the surface of the site of the portion of the said lands so thrown into the public way shall vest absolutely in the authority in whom the management and control of the existing street is vested and the maintenance repair paving cleansing and lighting of such added portion shall be under the care management and control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

(3) The Company shall not utilise for the purposes of the railways and works by this or any former Act authorised any part of the surface of any forecourt of a house or building acquired by them under the powers of any such Act which shall be in advance of the general line of building in the street part of a street place or row in which such house or building is situate but the surface of the site of every such forecourt shall be thrown into and form part of the public roadway or footpath and shall vest and be thereafter maintained repaired cleansed and lighted in the manner aforesaid.

(4) The Company shall not without the consent of the council construct any works under the carriageway of the Strand as widened under the provisions of this section at a less depth than four feet below the surface thereof.

29. The provisions of the London Building Act 1894 and any Act or Acts amending the same shall except so far as the same may be expressly varied by this or any former Act apply to the execution by the Company of any works on any lands in the county and the Company shall save as aforesaid be entitled to the benefit of any special exemptions in favour of railway companies in the said London Building Act contained. Application
of London
Building
Acts.

[Ch. cclvi.] *Charing Cross Euston and Hampstead* [2 EDW. 7.]
Railway Act, 1902.

A.D. 1902.

Company
to pay to
council
costs of in-
spection &c.

30. The Company shall on demand pay to the council the amount of all costs charges and expenses (other than remuneration for work done in the ordinary course of their employment by salaried officers of the council) incurred by them in or about the inspection and approval of plans or works or otherwise in respect of any matter or thing which the council are by this or any former Act required or permitted to do.

As to sub-
mission of
notices &c.

31. Where under the provisions of this or any former Act any notice plans sections elevations or drawings are required to be given or submitted to the council the same shall save where otherwise expressly required be deemed to have been duly given or submitted if the same shall have been sent by post addressed to the clerk to the council.

For protec-
tion of
tramways
of council.

32.—(1) In constructing the railways and works by this Act authorised in or under any street or road in which any tramway of the council is laid the Company shall so construct such railways and works as not in any way to interfere with or impede the safe and efficient working of such tramway or to interfere with or impede the reconstruction or adaptation for electrical traction of any such tramway.

(2) If in constructing or working the said railways the Company or their contractors servants or agents shall interfere with or impede the safe and efficient working of any tramway of the council or shall cause any damage to or otherwise injuriously affect any such tramway the Company shall make full compensation to the council therefor and shall indemnify and save harmless the council from and against all claims demands proceedings costs damages and expenses made or taken against or incurred by the council on account of or attributable directly or indirectly to the construction and working of the said railways.

Amending
sections 50
and 51
of Act of
1893.

33. Sections 50 and 51 of the Act of 1893 shall be read and have effect as if the expression "the clerk to the council of the metropolitan borough" had been inserted therein instead of the expression "the clerk to the district board or vestry of the district or parish" and the expression "or such borough council and their authorised officers" instead of the expression "district board or vestry and their authorised officers."

Deposit
money not to
be repaid
except so far

34. And whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 three several sums of two and three quarters per centum

[2 Edw. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

consolidated stock (namely) thirty-five thousand and forty pounds being equal in value to five per centum on the amount of the estimate in respect of the railway and works proposed to be authorised by the No. 1 Bill and thirteen thousand eight hundred and fifty-five pounds being equal in value to five per centum on the amount of the estimate in respect of the railway and works proposed to be authorised by the No. 3 Bill and twenty-two thousand five hundred and seventy pounds being equal in value to five per centum on the said amount of the estimate in respect of the Railway No. 1 and works proposed to be authorised by the No. 2 Bill have been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas the said sums of thirty-five thousand and forty pounds thirteen thousand eight hundred and fifty-five pounds and twenty-two thousand five hundred and seventy pounds make together the sum of seventy-one thousand four hundred and sixty-five pounds consolidated stock (which sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid 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 (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway or any part thereof the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and shall be applied in the manner provided by the next following section of this Act Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid to them or as they shall direct and the certificate of the Board of

A.D. 1902.

as railway is opened.

A.D. 1902. Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

35. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the uncompleted railway or railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for
completion
of works.

36. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

37. The Company shall abandon the construction of (A) so much of Railways Nos. 1 and 2 authorised by the Act of 1893 as lies between the commencement and termination of the deviation by this Act authorised of those railways and (B) so much of the railway authorised by the Act of 1898 as amended by the Act of 1899 as lies between the junction therewith of the Railway No. 2 by this Act authorised and the termination of the said railway authorised by the Act of 1898.

A.D. 1902.

Abandonment of portions of railways.

38. The abandonment by the Company under the authority of this Act of the said portions of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Acts of 1893 and 1898.

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

39. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the portions of railway authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of portions of railway abandoned.

40. Subject to the provisions of this Act and in addition to any other lands which the Company are by this Act authorised to acquire and notwithstanding anything to the contrary contained in the proviso to section 5 of the Act of 1893 the Company may

Power to acquire lands.

[Ch. cclvi.] *Charing Cross Euston and Hampstead* [2 EDW. 7.]
Railway Act, 1902.

A.D. 1902. enter upon take and use for the purposes of their undertaking the lands hereinafter described delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say) :—

- (A) Certain lands in the metropolitan borough of St. Pancras on the west side of Tottenham Court Road between Tottenham Street and Goodge Street and being the premises known as Nos. 70 71 72 73 and 74 Tottenham Court Road;
 - (B) Certain other lands in the said metropolitan borough of St. Pancras between Euston Road and Warren Street being the premises known as Nos. 74 75 76 and 77 Warren Street and 287 291 293 and 295 Euston Road;
 - (C) Certain other lands in the said metropolitan borough of St. Pancras near the junction of High Street Kentish Town and the Kentish Town Road and being the premises No. 176D in High Street and No. 3 in Kentish Town Road;
- which lands (A) (B) and (C) are delineated on the plans deposited in respect of the No. 1 Bill ;
- (D) Certain lands in the parish and metropolitan borough of St. Marylebone in the county of London being the premises numbered 4 6 and 8 in Oxford Street and premises known as Tottenham Chambers in Tottenham Court Road respectively and situate on the north side of Oxford Street and the west side of Tottenham Court Road at their junction and so much of the roadways and footways of the said street and road respectively adjoining the said premises as are not included within the limits of deviation shown on the deposited plans of the subways proposed to be authorised by this Act ;
 - (E) Certain lands in the parish and metropolitan borough of St. Pancras in the county of London being a portion of the carriage road and footway of Tottenham Court Road adjoining the premises known as Nos. 70 71 72 73 and 74 Tottenham Court Road ;
 - (F) Certain lands in the said parish and metropolitan borough of St. Pancras being portions of the carriage roads and footways of Tottenham Court Road between Warren Street and Euston Road and of Warren Street for a distance of fifty yards or thereabouts from the west side of Tottenham Court Road ;

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

A.D. 1902.

(G) Certain lands in the said parish of St. John Hampstead in the metropolitan borough of Hampstead lying on and adjoining the eastern side of Holly Bush Hill between Heath Street and Holly Mount ;

which lands (D) (E) (F) and (G) are delineated on the plans deposited in respect of the No. 3 Bill.

And the Company shall not construct any railway station depôt shaft or other work on any part of the lands numbered 1 and 2 on the deposited plans of the additional lands in the metropolitan borough of Hampstead.

41. For the protection of the mayor aldermen and councillors of the metropolitan borough of Hampstead in the county of London (in this section called "the council") the following provisions shall have effect (that is to say) :—

For protection of council of metropolitan borough of Hampstead.

(1) Notwithstanding anything in this Act contained the Company shall not make any station in connection with the Railway No. 1 by this Act authorised between the station authorised by the Act of 1893 and situate at or near the junction of High Street and Heath Street and the point at which the said railway passes out of the said borough into the urban district of Hendon :

(2) All stations to be erected by the Company within the said borough under the powers of this Act or any previous Act shall be erected in accordance with elevations to be agreed between the Company and the council or failing agreement to be approved by an architect to be appointed on the application of the Company or the council by the President of the Royal Institute of British Architects :

(3) Section 58 of the Act of 1893 shall be read and construed as if the council in respect of their electric apparatus were therein named as a protected company and were included in the term "the protected companies" :

(4) Notwithstanding anything in this Act or any previous Act contained the Company shall not generate electricity within the said borough nor supply electricity to any person company or corporation within the said borough :

(5) As to so much of the railways by this Act or any previous Act authorised as shall be situated within the said borough it shall not be lawful for the Company to deviate upwards from the levels marked on the deposited sections to a greater extent than twenty feet :

A.D. 1902.

(6) Notwithstanding anything herein contained it shall not be lawful for the Company in the construction of the works hereby authorised to break up or disturb the surface of any street or road within the said borough :

(7) Subsections (3) (4) (5) (6) (7) and (8) of section 54 of the Act of 1893 are incorporated with and form part of this Act and shall extend and apply to the works by this Act authorised and the roads under and along which the same are intended to be made as fully and effectually to all intents and purposes as if those subsections had been repeated and expressly re-enacted in this Act with reference thereto Provided that the said subsections shall for the purposes of this Act be read and construed as if the said borough had been named therein in place of the parish of St. John Hampstead and as if the council had been named therein in place of the vestry of the said parish.

For protection of council of metropolitan borough of Saint Marylebone.

42. The following provisions for the protection of the council of the metropolitan borough of Saint Marylebone (in this section called "the council.") shall have effect unless otherwise agreed between the council and the Company (that is to say) :—

(1) The provisions contained in section 55 of the Act of 1893 shall extend and apply to the subways in the metropolitan borough of Saint Marylebone authorised by this Act and to the council as if the same had been re-enacted in this Act with reference thereto but the underground conveniences referred to in subsection (3) of that section shall be so designed and constructed as not to interfere with the construction and use by the Company of the subways stations lifts approaches and other works and conveniences by this Act authorised :

(2) The said section 55 shall be read and have effect as if the council had been therein referred to instead of the vestry of the parish of Saint Marylebone :

(3) The inside width between the walls of the entrance to the Subway No. 2 in the kerb of the footpath at the south-western corner of Tottenham Court Road at its junction with Oxford Street shall not exceed four feet six inches unless a greater width be previously approved in writing by the council :

(4) The Company shall not commence to construct under the authority of this Act the subway last above mentioned until they shall have widened the footpath on the western side

of Tottenham Court Road by extending the same two feet into the carriageway so as to secure increased width of thoroughfare for foot passengers from a point opposite and two feet distant from the northern end of the said subway in a straight line to a point in the kerb of the existing footpath about one hundred and sixty feet northwards of the said point opposite the northern end of the said subway and from such last-mentioned point to a point in the existing kerb in Oxford Street and the said extensions shall be carried out in all respects to the approval of the borough surveyor :

A.D. 1902.

- (5) While the Company are possessed under the authority of this or any former Act of any lands houses buildings cellars easements or other property within the metropolitan borough of Saint Marylebone assessed or liable to be assessed to any parochial poor or sewer rate or other general or special rate and until any works to be constructed by the Company in the said metropolitan borough under or consequent on the powers of any such Act are so far completed as to be assessed or liable to be assessed the Company shall be liable to make good and shall make good the deficiency in the assessment for such rates by reason of such lands houses buildings cellars easements or other property being taken or used by them for the purposes of any such Act as aforesaid or other the purposes of their undertaking and the deficiency shall be computed according to the rental at which such lands houses buildings cellars easements or other property respectively are rated at the time of the passing of this Act and on demand the Company shall pay the deficiency to the collectors of such rate or rates respectively.

43. The following provisions for the protection of the mayor aldermen and councillors of the metropolitan borough of Holborn (in this section called "the council") shall unless otherwise agreed between the Company and the council be observed and have effect (that is to say) :—

For protection of council of metropolitan borough of Holborn.

- (1) The Company shall not commence the construction of the Subways Nos. 1 2 and 3 hereinbefore mentioned or any of them or any work in connection therewith (in this section called "the said subways") until they have given to the council twenty-one days' previous notice in writing of their intention to commence the same by leaving such notice at the

A.D. 1902.

office of the council with plans sections and other necessary particulars of the construction of the said subways and until the council shall have signified their approval of the same and the Company shall comply with and conform to all reasonable requirements directions and regulations of the council in and about the construction and subsequent maintenance of the said subways and if any question shall arise between the Company and the council the same shall be settled by arbitration as hereinafter provided Provided always that if the council fail for twenty-one days after the service of the said notice to signify their approval with or without alterations or their disapproval of the said plans sections and proposals the same shall be deemed to have been approved :

- (2) The Company shall indemnify and save harmless the council against all and every expense to be occasioned by the construction of the said subways and all works of and in connection with such construction shall be done to the reasonable satisfaction of the surveyor or other officer of the council And all reasonable costs charges and expenses which the council may be put to by reason of the works of the Company whether in the examination and approval of the plans or designs or superintendence or otherwise in connection with the construction of the said subways shall be paid to the council by the Company on demand :
- (3) The Company shall not deposit any subsoil or materials anywhere within the borough of Holborn and shall not in the execution or completion of the said subways cause any nuisance or obstruction which shall not be reasonably necessary to any persons using the streets roads or footways within the said borough and shall and will comply with all reasonable directions given to the Company by the council for preventing any interference with traffic and streets in the said borough during the construction of the said subways :
- (4) During the construction of the underground station at Tottenham Court Road the Company will permit the council by themselves or their contractors to carry out at the expense in all respects of the Company an extension to be carried out in such a manner as to cause as little interference as possible with the works of the Company of the lavatories and public conveniences belonging to the council and situate beneath the

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

public way at the junction of Tottenham Court Road with New Oxford Street and Charing Cross Road and High Street and shall provide for access from the street to such conveniences to be available at all times during the day and the night such access to be obtained by and from the staircases and subways to be constructed by the Company The said work of and in connection with the said station and the extension of the said conveniences shall be carried out in accordance with a plan to be prepared by the surveyor to the council and reasonably approved by the engineer to the Company:

A.D. 1902.

(5) The Company shall make full compensation to the council for any damage to or subsidence of any sewer drain pipes or works under the jurisdiction or control of the council in or under any street roadway or footway in or under which the said subways are executed by the Company which may be caused by or in consequence of any act or default of the Company their contractors servants or agents and whether such damage or subsidence shall happen during the construction or user of the said subways or by reason of the construction or user of the railways or works by this Act authorised and the Company shall if it be found necessary so to do and the council shall direct make any temporary or permanent diversions of any sewers drains pipes or works of the council such work to be carried out in such manner as the borough surveyor may direct at the expense of the Company:

(6) The provisions of this section shall be in addition to and not in lieu of or substitution for the provisions rights and remedies of the council under the other provisions of this Act or of the Acts incorporated therewith or any part thereof or under any other Act or otherwise:

(7) If any question shall arise between the council or their surveyor and engineer on the one part and the Company or their engineer on the other the same shall be referred to an arbitrator to be agreed upon or in case of difference to be appointed at the instance of either party by the President of the Institution of Civil Engineers.

44. The following provisions shall have effect in respect of the public lavatory and convenience situate at the junction of New Oxford Street and Tottenham Court Road belonging to the

Provisions as to public convenience belonging to

[Ch. cclvi.] *Charing Cross Euston and Hampstead* [2 EDW. 7.]
Railway Act, 1902.

A.D. 1902. council of the metropolitan borough of Holborn (hereinafter called "the Holborn Council") :—

Holborn
Borough
Council.

(1) The Company shall before in any manner interfering under the powers of this Act with the existing public lavatory and convenience at the junction of New Oxford Street and Tottenham Court Road (hereinafter called "the existing lavatory") provide for the Holborn Council free of charge or expense to them in the position already selected by the Holborn Council near to the existing lavatory a new public lavatory and convenience generally in accordance with the plan (hereinafter called "the agreed plan") approved by the Holborn Council which new lavatory is hereinafter called "the reinstated lavatory" to be in all respects both above and below ground of such depth and with such available area as the Holborn Council shall reasonably require which said plan has for purpose of identification been signed by William Robert Galbraith on behalf of the Company and by G. Wallace on behalf of the Holborn Council. If any question shall arise under this subsection between the respective engineers the same shall be referred to an arbitrator to be agreed or failing agreement to be appointed on the request of either party by the President of the Institution of Civil Engineers :

(2) The Company shall pay or recoup the Holborn Council all the expenses incurred by the Holborn Council—

(A) In clearing and adapting the site for possession by the Holborn Council ;

(B) In erecting and reinstating the reinstated lavatory so as to contain the accommodation of the character described in the agreed plan and containing such new appliances apparatus and conveniences as are necessary to enable the Holborn Council to use the reinstated lavatory in the same way as the existing lavatory ;

(C) In altering removing or substituting temporarily or permanently any mains pipes sewers wires or other works which may require to be altered removed or substituted and in repaying to any company body or person any expenses of or incident to the dealing with their property :

Such expenses shall be paid by the Company in such instalments and at such times as may reasonably be required

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

by the Holborn Council who shall be entitled to require payments in advance as may be reasonably required by the Holborn Council : A.D. 1902.

- (3) The Company shall not take or in any way interfere with the existing lavatory or make the same or any part thereof less fit for the purposes for which it is used till the reinstated lavatory is in all respects completed and ready for use to the satisfaction of the Holborn Council but such reinstated lavatory shall be completed by the Holborn Council and ready for use as aforesaid with all reasonable despatch and after the Company have paid or secured to the satisfaction of the Holborn Council the sums which the Holborn Council require to have paid before they commence the work :
- (4) Any question which shall arise under this section as to the site or as to the sums to be paid or as to the sufficiency of the reinstatement the same shall in default of agreement and except as hereinbefore provided be determined by arbitration in manner provided by the Lands Clauses Acts.

45. With reference to so much of the railway and works by this Act authorised as will be made in the city of Westminster (in this section called "the city") and for the protection of the council of the city (hereinafter called "the council") and the inhabitants of and owners of property in the city the following provisions shall apply and have effect :—

For protection of city of Westminster.

- (1) The provisions of section 51 of the Act of 1893 shall in its application to the works of the Company within the city extend and apply to any underground conveniences of the council situate within the limits of deviation of the railway :
- (2) The Company shall not deposit any subsoil or materials anywhere within the city so as to cause any nuisance or obstruction to any person using the streets roads or footways within the city :
- (3) It shall not be lawful for the Company to remove any soil or material from under any road within the city except such as must be excavated from the space to be occupied by the tunnels stations subways and approaches thereto :
- (4) Notwithstanding anything contained in this Act the Company shall not make any access to the subway at the junction of Charing Cross Road and Oxford Street by this Act authorised through any part of the surface of the roadway

[Ch. cclvi.] *Charing Cross Euston and Hampstead* [2 EDW. 7.]
Railway Act, 1902.

A.D. 1902.

or footway of any street in the city at or near the said junction nor shall they make any such access as aforesaid to any subway in Villiers Street :

(5) Where any part of any street shall have been broken up or disturbed by the Company the Company shall make good the surface of such street to the reasonable satisfaction of the city engineer :

(6) It shall not be lawful for the Company to place any hoarding in any part of any public footway in the city except for such period as may be necessary during the demolition of any building and during the erection of any building and then only in such manner and for such periods as shall be reasonably necessary for the said purposes and no such hoardings shall be erected except under the provisions of the Metropolis Management Act 1855 and the London Building Act 1894 (Local) and any Act or Acts amending the same :

(7) All tunnels arches and other works shall be constructed and maintained by the Company in such manner as at all times to support not only the ordinary traffic and any other exceptional traffic lawfully using the streets within the city but also any steam roller or other apparatus that the council or its contractors for the time being may use for repairing the streets or roadways under its control and the Company shall indemnify the council against and make good to it all costs and expenses that the council may incur or be put to by reason of any defect or insufficiency in strength in any tunnels arches or works or any neglect to properly and effectually maintain the same as aforesaid or in the construction or working of the railways and works :

(8) The Company shall in respect of all lands acquired by them under the powers of this Act within the city be liable to and pay all the rates and contributions leviable within the said city as if the Company were assessed in respect of such lands in the valuation list in force for the parish or place within which such lands are situate at the time the Company acquire such lands and shall continue liable to and pay all rates and contributions until buildings are erected on such lands the rateable value of which is equal to or higher than the rateable value of the buildings on such lands at the time of the acquisition of such lands by the Company :

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

(9) The Company shall not generate electricity in under or upon any land or premises in the city : A.D. 1902.

(10) Any difference which may arise between the council and the Company under the provisions of this section shall unless otherwise agreed be referred to and determined by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 and of any rules made thereunder shall apply in every such arbitration.

46. For the protection of the council of the metropolitan borough of Islington (in this section called "the council") the following provisions shall have effect :— For protec-
tion of metro-
politan
borough of
Islington.

(1) At least seven clear days before commencing any vertical borings from the surface of any part of any street in the metropolitan borough of Islington the Company shall serve notice in writing on the engineer of the council of their intention to commence the same and such notice shall describe the place or places at which such borings are intended to be made and if within seven days after the service of such notice any objection is made by the engineer of the council the matter shall unless otherwise agreed between them be determined by arbitration before the boring is commenced but if no such objection is made the said borings may be proceeded with :

(2) It shall be lawful for the borough engineer or other officer of the council duly appointed for the purpose by the said engineer from time to time to enter upon and inspect any works of the Company under or in the neighbourhood of any street or part of a street in or under which there are or may be any sewers or works of the council :

(3) The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works in the said borough authorised by this Act or upon any building or hoarding and whether during or after the construction of the works within view of any public street any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the council and if any such placard or advertisement be affixed or exhibited without such approval the said council and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the outside of any station placards giving information to the public as to the traffic of the Company :

A.D. 1902.

- (4) Nothing in this Act contained shall interfere with the powers of the council to construct sewers and drains or to repair or to inspect any sewer or drain or to make any connection or communication therewith as they shall from time to time think fit but every such alteration shall be carried out so as not to cause any interference with or any injury or damage to any of the Company's works :
- (5) The Company shall not deposit any subsoil or materials of any kind anywhere within the said borough so as to cause any inconvenience nuisance or obstruction to any persons or vehicles using the roads or footways within the said borough :
- (6) The Company shall not without the consent of the council permit or suffer any cart or waggon or other vehicle employed in removing from or bringing to the said works any soil materials or plant to be loaded or unloaded in any highway in the said borough except between the hours of ten o'clock p.m. and seven o'clock a.m. :
- (7) The Company shall not permit any vehicle employed in removing from or bringing to the railway or any shaft any soil materials or plant to be loaded or unloaded in any main highway nor to be loaded or unloaded in any highway in the said borough in such a manner as to obstruct the ordinary traffic thereof nor shall they permit any soil or other matters excavated from the railway to be carried through any highway in the said borough except in vehicles so constructed as to prevent any such soil or matter dropping therefrom and if the Company their contractors or agents commit any breach of this section they shall be liable to a penalty not exceeding forty shillings for every such offence and every such penalty may be recovered summarily :
- (8) The Company shall from time to time make good all damage done by them to the roads in the said borough whether such damage is caused by excessive traffic on account of the works of the Company or in any other manner and in the event of the Company failing to make good any such damage within twenty-one days after being called upon so to do by the council or the borough engineer the council shall be at liberty to make good any such damage and the Company shall repay to the council all charges and expenses incurred in so doing :
- (9) The entrances and exits to and from the station buildings in the said borough and the waiting accommodation to be provided therein for passengers shall be so designed and of such extent

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

A.D. 1902.

as to secure the least practicable inconvenience to the public traffic and before the works are commenced plans thereof shall be submitted to the council and in default of agreement the same shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers :

- (10) All tunnels arches and other works within the said borough shall be constructed and maintained by the Company in such manner as at all times to support not only the ordinary traffic but also any steam roller that the council may use for repairing the streets and the Company shall indemnify and make good to the council all costs and expenses that the council may incur or to be put to by reason of any defect or insufficiency of strength in such tunnels arches or works or any neglect to properly and efficiently maintain the same as aforesaid or otherwise by reason of the said railway and works :
- (11) The Company shall make full compensation to the council for any damage to or subsidence of any sewer drain or work under the jurisdiction or control of the council in or under any street road or footway in or under which any railways or works by this Act authorised may be executed by the Company caused by or in consequence of the act or default of the Company their contractors servants or agents and whether such damage or subsidence shall happen during the construction of such railways or works or at any time thereafter :
- (12) The Company shall not where any house or building has been demolished by them leave the flanks thereof or of any adjoining structures in an unsightly condition after the completion of the railway :
- (13) While the Company are possessed under the authority of this Act of any lands houses buildings cellars easements or other property within the said borough assessed or liable to be assessed to any rate and until any works to be constructed by the Company in the said borough under or consequent on the powers of this Act are so far completed as to be assessed or liable to be assessed the Company shall be liable to make good and shall make good the deficiency in the assessment for all such rates by reason of such lands houses buildings cellars easements or other property being taken or used by them for the purposes of this Act or other the purposes of their undertaking and the deficiency shall be computed according to the rental at which such lands houses buildings cellars easements

[Ch. cclvi.] *Charing Cross Euston and Hampstead* [2 EDW. 7.]
Railway Act, 1902.

A.D. 1902.

For protec-
tion of
urban dis-
trict council
of Hendon.

or other property respectively are rated at the time of the passing of this Act and on demand the Company shall pay the deficiency to the collectors of such rate or rates respectively.

47. The following provisions shall have effect for the protection of the urban district council of Hendon (in this section called "the council") unless otherwise agreed between the council and the Company (that is to say):—

- (1) If the Company shall at any time acquire any land in the parish and urban district of Hendon under the section of this Act of which the marginal note is "Power to acquire lands" for the purpose of erecting a station or stations for generating transforming and distributing electrical energy which shall abut upon or adjoin a public highway the Company shall not erect any building upon such land at a less distance than fifty feet from the centre of the metalled portion of such highway :
- (2) If by the certificate of the surveyor of the council it appears that any of the public highways repairable by the inhabitants at large have been injured or any extra expense has been incurred by the council for repair of such highways by reason of the extraordinary traffic in the making or construction of the railway then the Company shall pay on demand to the council such costs charges and expenses as may be certified by such surveyor or if the amount thereof be disputed then such sum as may be awarded under the provisions for arbitration hereinafter contained and in case of default of payment thereof the same may be recovered by the council from the Company in a summary manner together with all costs charges and expenses incurred by the council of and in connection with the recovery of the same :
- (3) If by reason of the exercise of any of the powers by this Act conferred upon the Company the cost of the construction of new sewers by the council shall be increased the Company shall bear any extra cost involved by special sewer construction rendered necessary by the existence of the railway and works where such proposed new sewers may intersect such railway and works and shall afford every facility for the execution of such sewerage works and shall afford access to such sewer at all times by the servants of the council and the amount of such extra cost shall unless otherwise agreed be determined by arbitration as hereinafter provided :

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

(4) In case of any difference or dispute arising between the surveyor of the council and the Company touching or concerning the construction or carrying into effect of any of the works matters or things to be done or performed by the Company in pursuance of this section the same shall be referred to and settled by an engineer or other fit person to be agreed on between the parties or in default of agreement to be nominated by the Board of Trade on the application of either party. A.D. 1902.

48. For the protection of the Midland and Great Eastern Railway Companies (hereinafter called "the two companies") in respect of the Tottenham and Hampstead Junction Railway the following provisions shall unless otherwise agreed be observed and have effect:—

For protection of Midland and Great Eastern Railway Companies in respect of Tottenham and Hampstead Junction Railway.

(1) The Company shall not without the previous consent in writing of the two companies under their respective common seals take use enter upon or in any way alter or interfere with either temporarily or permanently any lands or property belonging to the two companies but the Company may purchase and take and the two companies shall sell and grant accordingly an easement or right of using so much of the properties numbered on the deposited plans 1 and 17 in the metropolitan borough of Islington as may be necessary for the construction of Railway No. 3 by this Act authorised nor shall the Company without the like consent in constructing so much of the said railway as passes under the railway and property of the two companies at or near Junction Road deviate upwards from the levels thereof as delineated on the deposited sections:

(2) The Company shall before they commence the construction of so much of the said railway as will pass under the railway and property of the two companies submit to the two companies proper and sufficient plans sections and specifications of the works proposed to be carried out by the Company for the reasonable approval of their principal engineers respectively for the time being Provided that if such principal engineers or either of them shall for the space of one month neglect or refuse to approve the said plans sections and specifications or shall disapprove the same then such plans sections and specifications shall be submitted to and approved by an engineer to be appointed by the President of the Institution

A.D. 1902.

of Civil Engineers on the application of either the Company or the two companies and such portion of railway and all works necessary or incident to the construction thereof or affecting the property and works of the two companies shall be constructed only according to such plans sections and specifications as shall be reasonably approved as aforesaid and under the superintendence and to the reasonable satisfaction of the said principal engineers and at the costs charges and expenses in all respects of the Company :

- (3) If it shall at any time appear to the said principal engineers either during the construction or after the completion of the said portions of the said railway that any further or other works or appliances are required either by way of addition to the existing works of the two companies or in connection with the works of the said railway so as to prevent subsidence or injury happening to the railway of the two companies owing to or in consequence of the execution of any of the works by this Act authorised the Company shall on being thereunto required in writing under the hands of the said principal engineers make and execute at their own expense such works as the said principal engineers shall require :
- (4) The Company shall at their own expense construct and at all times maintain the said railway and the works by this Act authorised and all the works both temporary and permanent necessary and incident to the construction thereof or affecting the property and works of the two companies and also any further works which may be constructed under the provisions of the last preceding subsection in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said principal engineers and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the two companies and if and whenever the Company fail so to do the two companies may make and do in and upon as well the lands of the Company as their own lands all such works and things as the two companies may reasonably think requisite and the sum from time to time certified by such principal engineers to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company :
- (5) If during the execution of any of the works hereinbefore referred to the said railway of the two companies or any of the works connected therewith respectively or any lands or

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

property of such companies shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the two companies may make good the same and recover the amount expended in so doing from the Company : A.D. 1902.

- (6) The Company shall not in making and maintaining the said railway and the works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways of the two companies or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the said railway or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall pay to the two companies all costs and expenses to which such companies may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference :
- (7) During the construction of the said railway and the works by this Act authorised so far as the same affect the Tottenham and Hampstead Junction Railway and of any of the further works mentioned in subsection (3) of this section the Company shall bear and on demand pay to the two companies the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railway and the works and conveniences connected therewith and their said lands or property with reference to and during the execution of the intended railway and works and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Company or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise :
- (8) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the two companies all costs charges losses damages and expenses which may be occasioned to their said railway or to any of the works lands or property of the two companies or to any person or persons using the said railway and works lands or property by reason of the construction or failure of the railway and works or any of them by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or

[Ch. cclvi.] *Charing Cross Euston and Hampstead* [2 EDW. 7.]
Railway Act, 1902.

A.D. 1902.

others and the Company shall effectually indemnify and hold harmless the two companies from all claims and demands upon or against them by reason of such execution failure or omission :

- (9) If any difference shall arise between the two companies and the Company touching this section or anything to be done or not to be done thereunder the same shall be determined by an engineer to be appointed on the application of either the Company or the two companies by the President of the Institution of Civil Engineers.

For protection of
Central
London
Railway
Company.

49. For the protection of the Central London Railway Company (in this section called "the Central Company") the following provisions shall unless otherwise agreed between the Company and the Central Company be observed and have effect (that is to say) :—

- (1) The Company shall carry out their works so as not at or near the point where the railways and works by this Act authorised will cross the railways constructed by the Central Company to involve any alteration of the levels of or any interference with the railways or works of the Central Company :
- (2) The Company shall not commence the construction of that part of the railways and works by this Act authorised which shall or may cross under or over the railway or works of the Central Company or be within a distance of one hundred lineal feet on each side thereof until after fourteen days' notice in writing together with proper and sufficient plans and sections of the works proposed to be made by the Company shall have been delivered to the engineer of the Central Company (hereinafter called "the Central engineer") and if the Central engineer shall by writing under his hand signify his disapproval of such plans and sections within fourteen days after the same shall have been delivered to him then the Company shall not commence nor execute any such works unless and until plans and sections thereof shall have been approved by an engineer to be appointed on the application of the Company by the President of the Institution of Civil Engineers and such works shall be carried into effect only in strict accordance with the plans and sections so delivered or approved as the case may be and under the superintendence and to the reasonable satisfaction of the Central engineer and at the costs charges

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

and expenses in all respects of the Company The Central engineer and his duly authorised assistants shall at all reasonable times have free access to the railway or works of the Company being executed over or under the railway or works of the Central Company or within the distance on each side thereof before mentioned and every facility shall be afforded him or them for the inspection thereof and the Company shall execute such protective works as the Central engineer shall reasonably deem necessary for insuring the safety of the railway works and buildings of the Central Company :

A.D. 1902.

- (3) The Company shall construct and at all times maintain the works by which the railways and works by this Act authorised shall be carried over or under the Central London Railway and the works and conveniences connected therewith or within the distance on each side thereof before mentioned in substantial repair and good order and condition to the reasonable satisfaction in all respects of the Central engineer and so as to leave undisturbed at all times the railway and other works connected therewith of the Central Company and if and whenever the Company fail so to do the Central Company may make and do in and upon as well the railways and works of the Company as their own railway and works all such works and things as the Central Company may reasonably think requisite to put the Company's railways and works in substantial repair and good order and condition and the reasonable amount of their expenditure in that behalf (as certified by the Central engineer) shall be repaid to them by the Company :
- (4) If during and by the execution of the works by this Act authorised the Central London Railway or any of the works connected therewith respectively or any property of the Central Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the Central Company may make good the same and recover the amount expended in so doing from the Company :
- (5) The Company shall not in making and maintaining the railways and works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the Central London Railway or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the said railway or any traffic thereon shall be obstructed hindered or interfered with contrary

A.D. 1902

to this enactment the Company shall forfeit and pay to the Central Company for each such obstruction fifty pounds per hour by way of ascertained damages for every hour during which such obstruction hindrance or interference shall continue. Provided that damages shall not commence to accrue until the Central Company shall have given the Company notice in writing of such obstruction hindrance or interference:

(6) During the construction of the railways and works by this Act authorised over or under the Central London Railway or within the distance on each side thereof before mentioned the Company shall bear and on demand pay to the Central Company the expense of the employment by them of a sufficient number of inspectors and workmen to be appointed by them for watching the Central London Railway and the works and conveniences connected therewith with reference to and during the execution of the intended works and for preventing as far as may be any interference obstruction danger and accident from any of the operations of the Company or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise:

(7) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Central Company all costs charges losses damages and expenses which may be occasioned to the Central London Railway or to any of the works or property of the Central Company or to any person or persons using the said railway works or property by reason of the construction or failure of the railways and works by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the Central Company from all claims and demands upon or against them by reason of such execution or failure and of any such omission:

(8) It shall not be lawful for the Company to enter upon take or use either temporarily or permanently or make any connection with any part of the railway property or stations belonging to the Central Company or for any such purpose to alter vary or in any way interfere therewith without the consent of that company under their common seal:

(9) If any difference shall arise between the Central Company and the Company touching this section or anything to be

done or not to be done thereunder the same shall be determined by an engineer to be agreed between the two companies or to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice to the other.

A.D. 1902.

50. For the protection of the Metropolitan District Railway Company (in this section called "the District Company") the following provisions shall unless otherwise agreed between the District Company and the Company be observed and have effect (that is to say) :—

For protec-
tion of Me-
tropolitan
District
Railway
Company.

(1) Notwithstanding anything shown upon the deposited plans and sections or contained in this Act the Company shall not purchase take enter upon use or interfere with either permanently or temporarily the railway of the District Company or any of the lands works or property of the District Company without the consent in writing of the District Company under their common seal but the District Company shall afford all necessary and reasonable facilities to the Company for the construction of Railway No. 2 by this Act authorised and such subways stairs passages communications and openings in connection therewith as may be necessary or expedient for enabling passengers with their luggage and other traffic to pass between the railways stations and premises of the Company and the District Company :

(2) Before commencing to construct any part of the railway or works of the Company within one hundred lineal feet of the railway of the District Company the Company shall deliver to that company plans sections and specifications of the works as proposed to be made by the Company within a distance of one hundred lineal feet of the District Company's railway and if at the expiration of twenty-one days from such delivery the plans sections and specifications should not be approved by the District Company there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in the manner hereinafter provided and such works shall be carried into effect to the reasonable satisfaction of the engineer of the District Company and at the costs charges and expenses in all respects of the Company and when commenced shall be proceeded with without cessation :

(3) The Company shall at all times maintain the works by which the said railway or works shall be carried within one hundred

A.D. 1902.

lineal feet of the railway of the District Company and the works and conveniences connected therewith in substantial repair and good order and condition to the reasonable satisfaction in all respects of the District Company and if and whenever the Company fail to do so the District Company may make and do in and upon as well the works and lands of the Company as their own lands and works all such works and things as the District Company may reasonably think requisite and the sum from time to time certified by the District Company's engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to the District Company by the Company and in default of full payment the amount due subject to arbitration in case of difference may be recovered by the District Company from the Company. The engineer of the District Company and his duly authorised assistants shall at all reasonable times have free access to the railway or works of the Company where the said works shall be within one hundred lineal feet of the railway of the District Company and every facility shall be afforded them for the inspection thereof and every reasonable notice which they may give touching any defect or want of repair shall immediately or as soon as possible be complied with by the Company :

- (4) If during and by the execution of the said works the railway of the District Company or any of the works or conveniences connected therewith shall be injured or damaged such damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the District Company may make good the same and recover the costs thereof against the Company :
- (5) The Company shall not in making and maintaining and working or using the railway or works by this Act authorised in any manner obstruct hinder or interfere with the free or uninterrupted and safe user of the railway of the District Company or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the railway of the District Company or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall forfeit and pay to the District Company for each such obstruction fifty pounds per hour by way of ascertained damages for every hour during which each such obstruction hindrance or interference shall continue :

- (6) All reasonable fees costs charges and expenses in respect of any of the matters in this section contained shall be borne and on demand paid by the Company and during the construction renewal or repair of the railways and works by this Act authorised adjacent to the railway of the District Company the Company shall bear and on demand shall pay to the District Company the expenses of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the railway of the District Company and the works and conveniences connected therewith and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Company or from the acts or defaults of the contractors of the Company or of any person or persons in their employ or otherwise : A.D. 1902.
- (7) In the event of the District Company desiring to reasonably alter or extend their railway or any of the works or buildings connected therewith the Company shall on reasonable terms afford to the District Company every reasonable facility for the execution of such alteration or extension :
- (8) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the District Company all costs losses damages and expenses which may be occasioned to the District Company or to any of the works lands or property thereof or to any person or persons using the same or otherwise by reason of the construction maintenance or failure of the railways and other works by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the District Company from all claims and demands upon or against them by reason of such construction maintenance or failure and of any such omission :
- (9) Any dispute or difference which may arise between the Company and the District Company with respect to the provisions of this section or in any way arising thereout shall be settled by arbitration by a civil engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers on the application of the Company and the District Company or either of them and the Arbitration Act 1899 shall apply to such arbitration.

A.D. 1902.

For pro-
tection of
London and
Suburban
Railways
Company.

51. For the protection of the London and Suburban Railways Company the following provisions shall unless otherwise agreed between the parties apply and have effect:—

Notwithstanding anything in this Act contained or shown upon the deposited plans and sections of any of the railways of the Company such railways shall be constructed in a manner compatible with the construction of the railways authorised by the London and Suburban Railways Act 1902 and provision shall be made for a joint station at the corner of West Strand and Adelaide Street whereby both companies may be on an equality as to facilities of user of such station by the public Any difference whatsoever arising between the companies under or in pursuance of this section or in connection with the construction working maintenance and user of the said joint station or in connection with the payments to be made to the Company constructing the said joint station by the company using the same shall be referred to an arbitrator to be appointed in case of difference by the Board of Trade.

For pro-
tection of
London
and North
Western
Railway
Company.

52. For the protection of the London and North Western Railway Company (hereinafter referred to as "the North Western Company") the following provisions shall unless otherwise agreed be observed and have effect:—

(1) The Company shall before they commence the construction of so much of Railway No. 1 authorised by the Act of 1893 (as the same is proposed to be altered in level under this Act) as shall or may pass under the Hampstead Junction Railway of the North Western Company and for a distance of fifty feet on each side thereof submit to the North Western Company proper and sufficient plans sections and specifications of the works proposed to be carried out by the Company for the reasonable approval of their principal engineer Provided that if such principal engineer shall for the space of one month neglect or refuse to approve the said plans sections and specifications or shall disapprove the same then such plans sections and specifications shall be submitted to and approved by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the Company or the North Western Company and such portions of railway and all works necessary or incident to the construction thereof or affecting the property and works of the North Western Company shall be constructed only

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

A.D. 1902.

according to such plans sections and specifications as shall be reasonably approved as aforesaid and under the superintendence and to the reasonable satisfaction of the said principal engineer and at the costs charges and expenses in all respects of the Company :

(2) The Company shall not without the previous consent in writing of the North Western Company under their common seal take use enter upon or in any way alter or interfere with either temporarily or permanently any surface lands or property belonging to the North Western Company but the North Western Company shall so far as they lawfully can grant to the Company an easement under the said Hampstead Junction Railway of the North Western Company for such a distance as it is proposed the railway of the Company shall pass under the said Hampstead Junction Railway The Company shall notwithstanding anything contained in this Act without the like consent in constructing so much of Railway No. 1 authorised by the Act of 1893 as the same is proposed to be altered in level under this Act and the works connected therewith as passes under the tunnel of the said Hampstead Junction Railway of the North Western Company and for a distance of fifty feet on each side thereof deviate upwards to a greater extent than fourteen feet from the levels thereof as shown on the deposited sections :

(3) Before the Company commence any operations under the said tunnel of the North Western Company or for a distance of fifty feet on either side thereof the North Western Company may at the sole cost and expense of the Company lay a longitudinal baulk of timber sixteen inches by sixteen inches and sixty feet long under each rail of the two existing lines of railway of the North Western Company and the tunnels of which the said Railway No. 1 consists where the same are intended to be constructed under the railway of the North Western Company and for a distance of fifty feet on each side thereof shall only be constructed one at a time and the North Western Company may also at the like expense provide and fix a series of steel or wrought-iron ribs round the inside of the arch side walls and invert of the said North Western tunnel securely wedged between the brickwork of the tunnel and the ribs for an extent of twenty-five feet on each side of the centre line between the tunnels of the said Railway No. 1 and such ribs shall be constructed in

A.D.1902.

the manner shown on the tracing signed by the respective engineers of the North Western Company and the Company and shall be left in or removed after the completion of the tunnels as the said principal engineer may decide the cost of any such removal to be borne by the Company :

(4) The Company shall execute such protective works within the powers of the Company and take such other precautions (including the use of compressed air) as the said principal engineer shall deem necessary for ensuring the safety of the North Western Railway and works and the works when commenced shall be proceeded with without cessation :

(5) If it shall at any time appear to the said principal engineer either during the construction or after the completion of the said portion of the said Railway No. 1 that any further or other works or appliances are required either by way of addition to the existing works of the North Western Company or in connection with the works of the said portion of the said Railway No. 1 so as to prevent subsidence or injury happening to the railway of the North Western Company owing to or in consequence of the execution of any of the works by this Act authorised the Company shall on being thereunto required in writing under the hand of the said principal engineer make and execute at their own expense such works as the said principal engineer shall require :

(6) The Company shall at their own expense construct and at all times maintain so much of the said Railway No. 1 as the same is proposed to be altered in level and all the works both temporary and permanent necessary and incident to the construction thereof or affecting the property and works of the North Western Company and also any further works which may be constructed under the provisions of the last preceding subsection in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said principal engineer and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the North Western Company and if and whenever the Company fail so to do the North Western Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the North Western Company may reasonably think requisite and the sum from time to time

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

certified by such principal engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company Provided always that in the event of any dispute between the Company and the North Western Company as to the amount so certified such dispute shall be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers : A.D. 1902.

(7) If during the execution of any of the works hereinbefore referred to the said railway of the North Western Company or any of the works connected therewith respectively or any property of that company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the North Western Company may make good the same and recover the amount expended on so doing from the Company :

(8) The Company shall not in making and maintaining the said Railway No. 1 authorised by the Act of 1893 as the same is proposed to be altered in level under this Act in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways of the North Western Company or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the said railway or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall pay to the North Western Company all costs and expenses to which that company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference :

(9) During the construction of so much of the said Railway No. 1 authorised by the Act of 1893 as the same is proposed to be altered in level under this Act and of any of the further works mentioned in subsection (5) of this section the Company shall bear and on demand pay to the North Western Company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railways and the works and conveniences connected therewith and their said property with reference to and during the execution of the intended railway and works and for preventing as far as may be all interference obstruction danger and accident

A.D. 1902.

arising from any of the operations of the Company or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise :

- (10) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North Western Company all costs charges losses damages and expenses which may be occasioned to their said railway or to any of the works or property of that company or to any person or persons using the said railway and works or property by reason of the construction or failure of the railway and works, or any of them by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of such execution failure or omission :
- (11) If any difference shall arise between the North Western Company and the Company with reference to any of the works to be executed by the Company as provided for by this section such difference shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party.

53. For the protection of the Midland Railway Company (hereinafter called "the Midland Company") the following provisions shall unless otherwise agreed be observed and have effect :—

- (1) The Company shall not without the previous consent in writing of the Midland Company under their common seal take use enter upon or in any way alter or interfere with either temporarily or permanently any lands or property belonging to the Midland Company except the property numbered 67 in the parish of St. John Hampstead on the deposited plans referred to in the Act of 1893 but the Company may purchase and take and the Midland Company shall sell and grant an easement or right of using so much of the lands and property of the Midland Company as may be necessary for constructing under the railway of the Midland Company the Railway No. 1 authorised by the Act of 1893 according to the levels authorised by this Act and notwithstanding anything contained in this Act the

For pro-
tection of
Midland
Railway
Company

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

Company shall not without the like consent in constructing so much of the Railway No. 1 authorised by the Act of 1893 and the works connected therewith according to the levels authorised by this Act as passes under the railways of the Midland Company deviate upwards from the levels thereof as delineated on the deposited sections : A.D. 1902.

(2) The Company shall before they commence the construction of so much of the said Railway No. 1 as shall or may pass under the railway of the Midland Company submit to the Midland Company proper and sufficient plans sections and specifications of the works proposed to be carried out by the Company for the reasonable approval of their principal engineer for the time being Provided that if such principal engineer shall for the space of one month neglect or refuse to approve the said plans sections and specifications or shall disapprove the same then such plans sections and specifications shall be submitted to and approved by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the Company or the Midland Company and such portion of railway and all works necessary or incident to the construction thereof or affecting the property and works of the Midland Company shall be constructed only according to such plans sections and specifications as shall be reasonably approved as aforesaid and under the superintendence and to the reasonable satisfaction of the said principal engineer and at the costs charges and expenses in all respects of the Company :

(3) If it shall at any time appear to the said principal engineer either during the construction or after the completion of the said portions of Railway No. 1 that any further or other works or appliances are required either by way of addition to the existing works of the Midland Company or in connection with the works of the said Railway No. 1 so as to prevent injury happening to the railway of the Midland Company owing to or in consequence of the execution of any of the works by this Act authorised the Company shall on being thereunto required in writing under the hand of the said principal engineer make and execute at their own expense such works as the said principal engineer shall require :

(4) The Company shall at their own expense construct and at all times maintain the said Railway No. 1 and the works by

A.D. 1902.

this Act authorised and all the works both temporary and permanent necessary and incident to the construction thereof or affecting the property and works of the Midland Company and also any further works which may be constructed under the provisions of the last preceding subsection in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said principal engineer and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the Midland Company and if and whenever the Company fail so to do the Midland Company may make and do in and upon as well the lands and railway of the Company as their own lands all such works and things as the Midland Company may reasonably think requisite and the sum from time to time certified by such principal engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company :

- (5) If during the execution of any of the works hereinbefore referred to the said railways of the Midland Company or any of the works connected therewith respectively or any lands or property of that company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the Midland Company may make good the same and recover the amount expended in so doing from the Company :
- (6) The Company shall not in making and maintaining the said Railway No. 1 and the works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways of the Midland Company or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the said railways or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall pay to the Midland Company all costs and expenses to which that company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference :
- (7) During the construction of the said Railway No. 1 and the works by this Act authorised so far as the same affect the Midland Railway and of any of the further works mentioned in subsection (3) of this section the Company shall bear and

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

on demand pay to the Midland Company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railways and the works and conveniences connected therewith and their said lands or property with reference to and during the execution of the intended railway and works and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Company or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise :

A.D. 1902.

(8) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Midland Company all costs charges losses damages and expenses which may be occasioned to their said railways or to any of the works lands or property of the Midland Company or to any person or persons using the said railways and works lands or property by reason of the construction or failure of the railways and works or any of them by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the Midland Company from all claims and demands upon or against them by reason of such execution failure or omission :

(9) If any difference shall arise between the Midland Company and the Company touching this section or anything to be done or not to be done thereunder the same shall be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers :

(10) Nothing in this section shall affect the powers and rights of the Company or of the Midland Company under the Act of 1899.

54. Notwithstanding anything contained in subsection (7) of section 62 of the Act of 1893 the North London Railway Company shall sell and grant to the Company and the Company shall purchase and take an easement or right of using the subsoil or undersurface of the lands and property of the North London Railway Company for constructing the railways authorised by the Act of 1893 under the railway of the said North London Railway Company as is hatched red on the plan and in accordance with

North London Railway Company to grant easement.

A.D. 1902.

the section signed in duplicate by William Robert Galbraith on behalf of the Company and by Edward Baylies Thornhill on behalf of the said North London Railway Company.

Metropolitan
Railway
Company to
grant ease-
ment.

55. Notwithstanding anything contained in subsection (1) of section 64 of the Act of 1893 the Metropolitan Railway Company (in this section called "the Metropolitan Company") shall sell, and grant, to the Company and the Company shall purchase and take at a price to be agreed or failing agreement to be settled by arbitration in manner provided by the Lands Clauses Acts an easement or right of using so much of the subsoil or undersurface of the railway lands and property of the Metropolitan Company as may be necessary for constructing the railways authorised by the Act of 1893 in accordance with the provisions of the said Act.

If the Metropolitan Company obtain powers for the construction use and maintenance of a subway for foot passengers connecting the station of the Company at or near Euston Square with the Gower Street Station of the Metropolitan Company together with such ways stairs lifts and communications as may be necessary for enabling passengers and their luggage and other traffic to pass to or from the said station of the Company and to or from the Gower Street Station of the Metropolitan Company the Company and the Metropolitan Company may enter into and carry into effect agreements with reference to the construction use and maintenance of such subway and works and the Company shall not oppose any application of the Metropolitan Company to Parliament for the necessary powers except for the purpose of securing proper protection for their railways and works.

For protec-
tion of South
Eastern
Railway
Company.

56. For the protection of the South Eastern Railway Company (in this section called "the South Eastern Company") the following provisions shall unless otherwise agreed be observed and have effect:—

- (1) The Company shall not without the previous consent in writing of the South Eastern Company under their common seal take use enter upon or in any way alter or interfere with either temporarily or permanently any lands or property belonging to the South Eastern Company but the Company may purchase and take and the South Eastern Company shall sell and grant an easement or right of using so much of the lands and property of the South Eastern Company as may be necessary for the construction of Railway No. 2 and the subways and works connected therewith.

(2) Notwithstanding anything contained in this Act the Company in constructing Railway No. 2 and the works connected therewith shall not without the consent in writing of the South Eastern Company construct between the junction of Villiers Street and Duke Street and the Victoria Embankment any other works than subways passages openings and communications in connection therewith for enabling passengers with their luggage and other traffic to pass between the said railway and the stations and premises of the District Company : A.D. 1902.

(3) The Company shall before they commence the construction of so much of Railway No. 2 as shall or may pass within fifty feet of the railway or property of the South Eastern Company submit to the South Eastern Company proper and sufficient plans sections and specifications of the works proposed to be carried out by the Company for the reasonable approval of their principal engineer for the time being Provided that if such principal engineer shall for the space of one month neglect or refuse to approve the said plans sections and specifications or shall disapprove the same then such plans sections and specifications shall be submitted to and approved by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the Company or the South Eastern Company and such portion of railway and all works necessary or incident to the construction thereof or affecting the property and works of the South Eastern Company shall be constructed only according to such plans sections and specifications as shall be reasonably approved as aforesaid and under the superintendence and to the reasonable satisfaction of the said principal engineer and at the costs charges and expenses in all respects of the Company :

(4) If it shall at any time appear to the said principal engineer either during the construction or after the completion of the said portion of Railway No. 2 that any further or other works or appliances are required either by way of underpinning any property belonging to the South Eastern Company or by way of addition to the existing works of the South Eastern Company or in connection with the works of the said Railway No. 2 so as to prevent injury happening to the railway and property of the South Eastern Company owing to or in consequence of the execution of any of the works by this Act

A.D. 1902.

authorised the Company shall on being thereunto required in writing under the hand of the said principal engineer make and execute at their own expense such works as the said principal engineer shall require :

(5) The Company shall at their own expense construct and at all times maintain the said Railway No. 2 and the works by this Act authorised and all the works both temporary and permanent necessary and incident to the construction thereof or affecting the property and works of the South Eastern Company and also any further works which may be constructed under the provisions of the last preceding subsection in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said principal engineer and so as to leave undisturbed at all times the property railway and other works connected therewith of the South Eastern Company and if and whenever the Company fail so to do the South Eastern Company may make and do in and upon as well the lands and railway of the Company as their own lands all such works and things as the South Eastern Company may reasonably think requisite and the sum from time to time certified by such principal engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company :

(6) If during the execution of any of the works hereinbefore referred to the said railways of the South Eastern Company or any of the works connected therewith respectively or any lands or property of that company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the South Eastern Company may make good the same and recover the amount expended in so doing from the Company :

(7) The Company shall not in making and maintaining the said Railway No. 2 and the works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways of the South Eastern Company or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the said railways or any traffic thereon and of any property belonging to the South Eastern Company shall be obstructed hindered or interfered with contrary to this enactment the Company shall pay to the South Eastern

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

Company all costs and expenses to which that company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference : A.D. 1902.

- (8) During the construction of the said Railway No. 2 and the works by this Act authorised so far as the same affect the South Eastern Railway and of any of the further works mentioned in subsection (3) of this section the Company shall bear and on demand pay to the South Eastern Company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railways and the works and conveniences connected therewith and their said lands or property with reference to and during the execution of the intended railway and works and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Company or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise :
- (9) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the South Eastern Company all costs charges losses damages and expenses which may be occasioned to their said railways or to any of the works lands or property of the South Eastern Company or to any person or persons using the said railways and works lands or property by reason of the construction or failure of the railways and works or any of them by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the South Eastern Company from all claims and demands upon or against them by reason of such execution failure or omission :
- (10) Notwithstanding anything in this Act otherwise contained or shown on the deposited plans the Company shall not construct any works which shall impede interfere with or affect the construction or maintenance of the Widening No. 1 described in section 4 of the South Eastern and London Chatham and Dover Railway Companies Act 1900 :
- (11) If any difference shall arise between the South Eastern Company and the Company touching this section or anything

A.D. 1902.

to be done or not to be done thereunder the same shall be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For protec-
tion of North
Metropolitan
Tramways
Company.

57. The following provisions for the protection of the North Metropolitan Tramways Company (in this section called "the tramways company") shall be observed and carried into effect (that is to say) :—

- (1) The works by this Act authorised beneath or immediately adjoining the tramways of the tramways company shall be constructed and maintained so that the traffic upon the tramways of the tramways company or any of them shall not be obstructed or interfered with:
- (2) The Company shall from time to time be responsible for and make good to the tramways company all costs losses damages and expenses from time to time occasioned to the tramways company or any of their works or property from the obstruction of or interference with the traffic on their tramways either as now laid down or as diverted and from any damage to the works rolling stock and horses of the tramways company by reason of any works or proceedings of the Company or from the failure of any of the works by this Act authorised or from any act or omission of the Company or any of the persons in their employ or their contractors or others and the Company shall effectually indemnify and hold harmless the tramways company from all claims and demands upon or against them by reason of any such execution or failure or of any such act or omission:
- (3) If and as often as the Company take up or remove or interfere with any part of any street or road which the tramways company are liable to maintain or repair the Company shall with all convenient speed at their own cost restore and make good such parts of streets or roads so taken up removed or interfered with and any tramway or tramways laid down therein to as good a condition as that in which they were before the works of the Company were commenced and shall from time to time remove and clear away all paving or metalling and other material rendered superfluous by their works or operations and the Company shall for the period of six months after the restoration of any such part of any streets or roads so interfered with keep and maintain the

[2 EDW. 7.] . . . *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

same in good repair and condition to the reasonable satisfaction in all respects of the engineer of the tramways company but at their own costs. Provided that if the Company shall fail from time to time within seven days from the receipt of notice in writing from the tramways company under the hand of their secretary to comply with the foregoing obligations it shall be lawful for the tramways company themselves to execute all works necessary therefor and to recover all costs charges and expenses they may incur or sustain in connection therewith against the Company:—

A.D. 1902.

- (4) If any difference shall arise between the Company and the tramways company as to anything to be done or not to be done or any moneys to be paid under the provisions of this section the same shall be referred to the arbitration of an engineer to be agreed on between the Company and the tramways company or if they cannot agree to be appointed on the application of either of them by the Board of Trade.

58. For the protection of the governor and company of the New River brought from Chadwell and Amwell to London (hereinafter called "the New River Company") the following provisions shall have effect (that is to say):—

For protection of New River Company.

- (1) Before commencing the Railway No. 1 or the deviation railway by this Act authorised or any works in respect of the said railways respectively within the distance of two hundred feet from either of the reservoirs of the New River Company situate at Hampstead Heath in the metropolitan borough of Hampstead or within a distance of twenty yards from the well of the New River Company situate at No. 36 Hampstead Road in the metropolitan borough of St. Pancras the Company shall prepare complete detailed plans sections and particulars of the manner in which the Company propose to construct the said railways and to execute the said works or any part thereof respectively at any point within the distance of two hundred feet from the said reservoirs or either of them or at any point within the distance of twenty yards from the said well and the Company shall twenty-eight days at least before commencing such construction or deviation or any works connected therewith respectively give notice in writing of their intention to commence such works by leaving such notice with or sending the same by registered letter to the engineer of the New River Company at the

A.D. 1902.

New River Office Clerkenwell and shall accompany such notice with such complete and detailed plans sections and particulars as hereinbefore provided :

- (2) If at the expiration of twenty-eight days from such delivery the plans sections and particulars shall not be approved in writing by the New River Company there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned :
- (3) In the event of such plans sections and particulars being approved by the New River Company the said works shall be executed (and for the purposes of this section maintenance and repair hereafter shall be considered as included in the requirements as to the execution of the said works) in strict accordance therewith and under the superintendence and to the reasonable satisfaction of the New River Company :
- (4) The plans sections and particulars of the works authorised by this Act for the said distances of two hundred feet and twenty yards respectively shall show the relative positions both vertically and horizontally of the said railways and the said reservoirs at Hampstead Heath and the relative positions both vertically and horizontally of the said railways and of the said well at No. 36 Hampstead Road :
- (5) The whole of the said works shall be executed under the superintendence of the engineer of the New River Company and to his reasonable satisfaction and all such works shall be done and executed by and at the expense of the Company and the Company shall bear the reasonable expenses incurred by the New River Company of superintending the execution of or in connection with any of the works or matters aforesaid :
- (6) If during the construction of the said railways or works or any part thereof respectively the New River Company shall suffer sustain or incur any loss damage costs or expenses by reason of the construction of the said railways or either of them or any works connected therewith respectively the Company shall indemnify the New River Company therefrom but any approval given as in this section mentioned of the plans sections and particulars shall not relieve the Company of any responsibility in connection with the said works or any part thereof :

- (7) If during the construction of the said railways or either of them or the execution of the said works or previously or subsequently thereto the engineer of the New River Company shall reasonably consider it expedient to construct or do any works or provide any materials for the purpose of strengthening or protecting the property of the New River Company all such works shall if the engineer of the New River Company shall so desire be constructed by or on behalf of the New River Company and all reasonable costs and expenses connected therewith shall be borne and paid by the Company : A.D. 1902.
- (8) If any difference shall arise between the Company or their engineer and the New River Company or their engineer concerning any such works as in this section mentioned or as to any acts or things to be done by the Company or the New River Company or as to the amount of any damages costs expenses or charges under the provisions of this Act or any Act incorporated therewith to be paid by the Company to the New River Company or as to the mode of carrying out any of the works provided for by this section such difference shall be settled by arbitration in accordance with the provisions of the Arbitration Act 1889 :
- (9) The Company shall not under the provisions of this Act take or interfere with any part of the land shown by a yellow colour upon the plan dated fifteenth April one thousand nine hundred and two and signed by Joseph Francis engineer of the New River Company and by William Robert Galbraith engineer of the Company (in this section referred to as "the plan") which said land abuts upon Finchley Road and is part of the land referred to on the deposited plans and thereon numbered 27 in the urban district of Hendon :
- (10) If the said railways or either of them or any part thereof respectively shall be so constructed as to be over or upon any part of the land coloured green or red on the plan or in such manner as to prevent or impede free access by the New River Company to the said lands for the purpose of constructing maintaining inspecting removing renewing and using mains pipes and other works and appliances in connection therewith for the time being of the New River Company there shall be constructed by the New River Company at the cost of the Company a subway of at least twelve feet in span with subsidiary works for access ventilation and

A.D. 1902.

drainage for the purpose of affording protection for and access to all such mains pipes works and appliances for the time being of the New River Company such subway to be constructed in the manner and of the materials and in accordance with the dimensions and sections specified in a plan dated the thirtieth day of April one thousand nine hundred and two and signed by the said Joseph Francis the engineer of the New River Company and by the said William Robert Galbraith the engineer of the Company and such subway shall for ever hereafter be maintained in good repair order and condition by the Company The New River Company shall at all times hereafter by themselves their officers contractors agents and servants have free access thereto and the use thereof for the purpose of constructing maintaining inspecting removing renewing and using any mains or pipes for the time being of the New River Company and the Company shall provide by means of a road communicating with the Finchley Road free right of access at all times for vehicular and pedestrian traffic as well by the New River Company as the Company and their respective officers contractors agents and servants to the said subway on the northern side of the point at which the works of the Company may be laid across such subway and if the road affording such access shall meet the said subway at a point more than fifty yards to the northwards of the valve-house shown on the plan the Company shall provide an arch or subway underneath the works of the Company having a width of at least four feet and a height of at least six feet six inches for the passing at all times of pedestrian traffic as well of the New River Company as the Company and their respective officers contractors agents and servants underneath the works of the Company :

(11) The New River Company shall for the period of four years computed from the passing of this Act have the full use and enjoyment and occupation of the piece of land coloured sepia on the plan :

(12) The Company shall not under the provisions of this Act or any Act incorporated therewith or any of its existing powers unless with the consent of the New River Company acquire or interfere with the subsoil below a depth of two feet from the existing surface of the ground of certain lands coloured green red and sepia on the plan :

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

(13) No works shall be carried out by the Company on the lands adjacent to the lands coloured yellow red green or sepia on the plan which might injuriously affect the support to the New River Company's works which are proposed to be constructed on the lands so coloured yellow green red and sepia as aforesaid. A.D. 1902.

59. For the protection of the Right Honourable Edward Cecil Baron Iveagh or other the owner for the time being of the property known as Heath House in the parish of Hampstead (in this section called "the owner") the following provision shall have effect unless otherwise agreed between the Company and the owner (that is to say):— For protec-
tion of Lord
Iveagh.

The railway where it passes under any part of the said premises shall be constructed at a depth of at least two hundred feet below the surface of the ground and so that there shall not be less than twenty feet in thickness of clay throughout above the crown of each of the tunnels and no shaft shall be sunk and no temporary or permanent opening from the surface made at any place upon the said premises.

60. For the protection of the Moss Empires Limited in respect of the property comprising the London Hippodrome and adjacent buildings and premises bounded by Charing Cross Road on the east Cranbourn Street on the south Ryders Court on the west and Newport Street on the north (which property is hereinafter referred to as "the London Hippodrome") the following provisions shall apply and have effect:— For protec-
tion of Moss
Empires
Limited.

(1) Nothing in this Act shall empower the Company to make or use any approach or junction by which the rolling stock used on the railway can pass to or from the railway of the Company from or to the railway of any other company within a distance of one hundred and twenty feet of any portion of the London Hippodrome except with the consent of the Moss Empires Limited under their common seal:

(2) In constructing the railway along Charing Cross Road opposite the London Hippodrome the Company notwithstanding anything in this Act contained shall not deviate vertically in an upward direction so as to bring the underside of the crown of the arch of the tunnel of the railway nearer than forty feet to the surface of the street and shall not deviate the centre line of the railway westwards to a greater extent

A.D. 1902.

than five feet from the position of the centre line shown upon the deposited plans :

- (3) For the purpose of ascertaining whether the provisions of this section are duly observed Moss Empires Limited may from time to time at their own expense appoint some competent engineer to be reasonably approved by the Company on their behalf to inspect and survey the railway works under Cranbourn Street where the same pass in front of or near to the London Hippodrome and shall give notice to the Company of such appointment and the Company shall furnish to such engineer and his assistants all reasonable and proper means and facilities for making such inspection and survey. If any difference shall arise under this subsection as to the appointment of an engineer such engineer shall be appointed on the application of either party by the President of the Institution of Civil Engineers :
- (4) In any case in which the owners lessees or occupiers for the time being of the London Hippodrome shall be entitled or claim to be entitled to compensation either under the Acts incorporated herewith or under the section of this Act the marginal note whereof is " Compensation for damage by working " by reason of the London Hippodrome or some part thereof being injuriously affected by the construction or the working of the railway of the Company and shall be entitled or claim to be entitled to compensation under similar enactments by reason of the London Hippodrome or some part thereof being injuriously affected by the construction or the working of the railway authorised by the Brompton and Piccadilly Circus Railway Act 1902 and such owners lessees or occupiers shall be in doubt by the construction or working of which of the said railways the said premises shall have been so injuriously affected either wholly or in part then such owners lessees or occupiers may in one proceeding claim such compensation against both the Company and the Brompton and Piccadilly Circus Railway Company :
- (5) Every such claim shall be referred to a single arbitrator who shall determine whether the whole of such compensation as he may award shall be paid by one only or by both of the said companies and if by both then in what proportions and the provisions of the Arbitration Act 1889 shall apply to every such arbitration save that where the parties do not concur in

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

the appointment of an arbitrator the Board of Trade shall have the powers of the court or a judge under section 5 of that Act: A.D. 1902.

- (6) In respect of any claim made under this section against both the said companies the period of two years fixed by the section of this Act the marginal note whereof is "Compensation for damage by working" shall run from the opening for public traffic of such of the railways of the said companies adjacent to the London Hippodrome as shall be last opened.

61. The following provisions shall notwithstanding the provisions of this Act have effect for the protection of the Ecclesiastical Commissioners (that is to say):— For protection of Ecclesiastical Commissioners

- (1) The Company shall not enter on take or use otherwise than by agreement any lands belonging to the Ecclesiastical Commissioners in the parish of Hendon in the county of Middlesex (not forming the subsoil and undersurface of any public street road or footway) except so much of the lands shown and numbered on the plans deposited in respect of this Act for the parish of Hendon as is coloured red and blue on the plan signed in triplicate by the Right Honourable Charles Seale-Hayne the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred (hereinafter called "the plan"):
- (2) The Company shall not without the consent of the Ecclesiastical Commissioners use any portion of the said land coloured blue on the plan that may be acquired by them under this Act otherwise than for the purpose of their running lines or of a passenger station or station master's house in connection with the railway by this Act authorised:
- (3) The Company shall not without the consent in writing of the Ecclesiastical Commissioners use any portion of the land coloured red on the plan that may be acquired by them under this Act otherwise than for the purpose of sidings and the erection of buildings (including sheds) not exceeding thirty feet in height for the storage of electric motors and carriages and of a design approved by the Ecclesiastical Commissioners:
- (4) So much of the land to be acquired by the Company from the Ecclesiastical Commissioners as is hatched with blue lines on the plan shall be subject to the provisions of but not with the benefit of any rentcharge or sum payable to the Ecclesiastical Commissioners under a deed of conveyance and

A.D. 1902.

grant of easements dated the first day of May one thousand nine hundred and two and made between the Ecclesiastical Commissioners of the one part and the governor and company of the New River brought from Chadwell and Amwell to London on the other part :

- (5) Except with the consent of the Ecclesiastical Commissioners the Company shall not in the execution of any of the works by this Act authorised on the land coloured blue on the plan deviate vertically downwards, or more than five feet upwards from the levels thereof marked on the plan.

For protec-
tion of Eton
College.

62. For the protection of the provost and college of Eton (hereinafter called "the college") the following provisions shall have effect (that is to say) :—

- (1) The Company shall afford to the college access for carriage cart and foot traffic of every description so far as is within the limits of deviation from their property called the Wilds Estate to the North End Road at a point $30\frac{1}{2}$ chains in a south-easterly direction from the junction of the said North End Road and the Finchley Road :

The Company shall also afford to the college similar access from their said property to the Finchley Road at a point to be settled by agreement between the Company and the college :

- (2) The Company shall not use any part of the land to be acquired by them from the college or from any other of the adjoining owners for the purpose of a generating station nor for any purposes other than for the erection of workshops and for the running lines or sidings for the railway :
- (3) The Company shall not acquire the piece of land belonging to the college fronting upon North End Road :
- (4) The Company shall purchase the whole of the fee simple interest of the college in the land coloured red on the plan signed by William Robert Galbraith on behalf of the Company and by George Henry Sanday on behalf of the college and shall not acquire easements only in any part of such land :
- (5) The Company shall enclose the whole of the land in which they acquire the fee simple interest from the college on the north east and south sides thereof with a close boarded wood fence not less than six feet six inches in height and shall

maintain such fence in a proper state of repair and shall pay to the college the expense incurred by them in planting trees surrounding the said fence. A.D. 1902.

63. For the protection of Coutts and Company their successors and assigns (in this section called "the owners") being lessees for a long term of years of the premises known as the Lowther Arcade having frontages to Adelaide Street and the Strand and Nos. 441 to 445 Strand (all which premises are hereinafter referred to as "the bank premises") upon part of which a banking house is about to be erected with vaults strong rooms and cellars to a considerable depth below the pavement the following provisions shall unless otherwise agreed between the Company and the owners be observed and have effect (that is to say):—

For protection of
Coutts & Co.

(1) The Company their contractors officers or servants shall not for any purpose whatsoever enter upon take use or interfere with either temporarily or permanently the surface or any part of the bank premises but they may acquire an easement underneath the bank premises for the purpose of driving their running tubes under the surface thereof at a depth of not less than forty feet from the surface of the Strand adjoining the bank premises to the crown of the tunnel:

(2) The Company shall not construct any station so that any part of the enlarged tunnels thereof shall be nearer to the bank premises than the west side of Adelaide Street and in constructing the railway where it passes under and near to the bank premises they shall not deviate in a north-easterly direction from the centre line thereof as shown on the plan signed by William Robert Galbraith on behalf of the Company and by R. Elliott Cooper on behalf of the owners:

(3) In the event of any strata being met with under or within two hundred feet of the Lowther Arcade containing water the railway shall be constructed under compressed air so as to prevent the escape of any water and no use shall be made of pumping or other modes of removing water from the works:

(4) The owners may from time to time appoint a competent engineer to be reasonably approved by the Company who may from time to time inspect the works within two hundred feet of the bank premises during construction and the Company shall give the person so appointed all necessary

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facilities for such inspection and if he shall be of opinion that the construction of the works or other operations of the Company are attended with danger to the bank premises the Company shall forthwith adopt such additional measures and precautions as may be necessary for the purposes of preventing damage or injury thereto :

- (5) In the event of any difference arising between the Company and the owners under the foregoing subsections of this section such difference shall be referred to an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party :
- (6) With respect to so much of the Railway No. 2 by this Act authorised as is situate under the bank premises if such premises or any part thereof shall be injuriously affected by the construction or working of the railway (including the lifts and any other works in connection with the railway) and by the construction or working under the bank premises of the railway authorised by the London and Suburban Railway Act 1902 (including lifts and any other works in connection with that railway) or by the construction or working of either of the said railways and the owners shall be in doubt by the construction or working of which of the said railways such injurious affection is wholly or partially caused the owners may in one proceeding claim compensation against both the Company and the London and Suburban Railway Company Provided that the arbitrator shall not as against either company award any compensation for injury by working to be paid by that company unless the claim was made within two years from the date of the opening for public traffic of the railway of that company :
- (7) Every such claim shall be referred to and settled by a single arbitrator who shall determine whether the whole or any and what proportion of such compensation if any as he may award shall be paid by the Company and whether the whole or any and what proportion thereof shall be paid by the London and Suburban Railway Company and the provisions of the Arbitration Act 1889 shall apply to every such arbitration save that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the powers of the court or a judge under section 5 of that Act.

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

64. For the protection of Frederick Shoolbred and Walter Shoolbred and their successors and assigns for the time being owners of the premises now belonging to them in the metropolitan borough of St. Pancras (hereinafter referred to as "the owners") the following provisions shall unless otherwise agreed between the Company and the owners have effect (that is to say) :—

A.D. 1902.
For pro-
tection of
Messrs.
Shoolbred.

- (1) It shall not be lawful for the Company under the powers of this Act or of the Act of 1893 or any Act or Acts amending or extending the same (in this section referred to as "the Company's Acts") to construct any shaft or opening or to open or break up the surface of the ground between Francis Street and the southern side of Warren Street :
- (2) The deviation railway by this Act authorised and the Railway No. 1 authorised by the Act of 1893 opposite and for a distance of one hundred yards from any premises of the owners shall be formed of two tubes or tunnels which shall be constructed and at all times maintained wholly and solely of iron and the horizontal joints of the plates forming such tubes or tunnels shall be machine faced and the grouting referred to in section 7 of the Act of 1893 shall be inserted as and when each section of the tubes or tunnels is bolted up but in all other respects the railway within the limits aforesaid and all shafts and other works connected therewith respectively shall be constructed strictly in accordance with section 7 of the Act of 1893 and in sinking any shaft or opening which may be constructed by the Company no pumping shall take place until the iron lining of such shaft has been sunk at least six feet into the London clay :
- (3) It shall not be lawful for the Company in the construction of the deviation railway by this Act authorised between its commencement and Drummond Street or in the construction of the Railway No. 1 authorised by the Act of 1893 between Drummond Street and Francis Street to deviate upwards from the levels thereof as shown on the deposited sections to a greater extent than five feet and the size of the tubes or tunnels in which the said railways will be constructed shall not at any time exceed thirteen feet except so far as may be necessary for the purpose of constructing a station tunnel between a point 70 feet northward of the southern side of Grafton Street at its intersection with Tottenham Court Road and the southern side of Euston Road :
- (4) The owners may appoint Arthur Cadlick Pain or failing him an engineer shall be appointed by the President of the

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Institution of Civil Engineers who may from time to time inspect during construction any works authorised by the Company's Acts within one hundred and fifty feet from any of the premises of the owners and the Company shall give the person so appointed all necessary facilities for such inspection and if he shall be of opinion that the construction of the works or other operations of the Company are attended with danger to the said premises or any buildings or works thereon or thereunder the Company shall forthwith adopt such additional measures and precautions as may be reasonably necessary for the purpose of preventing injury or damage to such premises buildings or works And any works or precautions so thought necessary shall be carried out at the Company's cost and risk and section 73 of the Act of 1893 shall not extend or apply to the premises of the owners or any buildings thereon :

- (5) If any question shall arise between the owners or their surveyor and engineer on the one part and the Company or their engineer on the other the same shall be referred to an arbitrator to be agreed upon or in case of difference to be appointed at the instance of either party by the President of the Institution of Civil Engineers.

For protection of
Gordon
Hotels
Limited.

65. For the protection of the Gordon Hotels Limited (in this section called "the owners") the following provisions shall unless otherwise agreed between the Company and the owners be observed and have effect :—

- (1) In the construction of the railway no excavation whatever shall be made by the Company within seventy feet measured horizontally of the main walls of the offices of the owners at the corner of Duncannon Street and the West Strand and the subsoil water shall not under any circumstances be drained by the Company below its natural level at any point within eighty feet measured horizontally of the main walls of such buildings :
- (2) No main wires cables or other apparatus for the supply of electrical energy or power by or to the Company shall be brought within seventy feet measured horizontally of any of the premises of the owners :
- (3) With respect to so much of the railways of the Company as are situate near to any of the premises of the owners if such premises or any part thereof shall be injuriously affected by the construction or working of the railway (including the lifts

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

and any other works in connection with the railway) and by the construction or working of the railway authorised by the London and Suburban Railway Act 1902 (including lifts and any other works in connection with that railway) or by the construction or working of either of the said railways and the owners shall be in doubt by the construction or working of which of the said railways such injurious affection is wholly or partially caused the owners may in one proceeding claim compensation against both the Company and the London and Suburban Railway Company Provided that the arbitrator shall not as against either company award any compensation for injury by working to be paid by that company unless the claim was made within two years from the date of the opening for public traffic of the railway of that company :

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- (4) Every such claim shall be referred to and settled by a single arbitrator who shall determine whether the whole or any and what proportion of such compensation if any as he may award shall be paid by the Company and whether the whole or any and what proportion thereof shall be paid by the London and Suburban Railway Company And the provisions of the Arbitration Act 1889 shall apply to every such arbitration save that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the powers of the court or a judge under section 5 of that Act.

66. Notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not either temporarily or otherwise enter upon take or use any part of the properties numbered on the deposited plans 47 and 48 in the parish and metropolitan borough of Saint Marylebone or of the subsoil thereof without the consent of the master and scholars of Balliol College Oxford as regards the said property numbered 47 or as regards the said property numbered 48 without the consent of William Frederick Honeywood Hinde and Henry Norris Glynn Hinde the owners and of William James Pettitt the lessee of the said property or their respective successors in title.

For protection of owners &c. of Nos. 4 and 6 Oxford Street.

67.—(1) Before commencing any works by this Act authorised in or under any street in or under which are situate any mains pipes syphons plugs wires or other works (hereinafter called "apparatus") of any water gas hydraulic power telegraph or telephone company or any undertakers under any Electric Lighting Order hereinafter named (each hereinafter referred to

General provisions for protection of water gas hydraulic power and telephonic companies

[Ch. cclvi.] *Charing Cross Euston and Hampstead* [2 EDW. 7.]
Railway Act, 1902.

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or under-
takers
under any
Electric
Lighting
Order.

as "the protected company") which may be interfered with during the construction of the railway (that is to say) the New River Company the West Middlesex Waterworks Company the East London Waterworks Company the London Hydraulic Power Company the Metropolitan Electric Supply Company Limited the London Electric Supply Corporation Limited the Electricity Supply Corporation Limited the Westminster Electric Supply Corporation Limited the County of London and Brush Provincial Electric Lighting Company Limited the Charing Cross and Strand Electricity Supply Corporation Limited the council of the metropolitan borough of Hampstead and the council of the metropolitan borough of St. Pancras (in so far as those councils' works for supply of electrical energy are concerned) the Exchange Telegraph Company Limited and the National Telephone Company Limited (in so far as that company's underground works are concerned) the Company shall from time to time deliver to the protected company plans and sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to the protected company at least fourteen days before the commencement of any such work.

If it should appear to the protected company that such works will interfere with or endanger any of their apparatus or impede the supply of water gas hydraulic power telegraphic or telephonic communication or electric energy the protected company may give notice to the Company to lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substances and any difference as to the necessity of such lowering alteration support substitution laying or placing cement concrete or other like substances (hereinafter called "protective works") shall be settled as hereinafter provided and all such protective works shall (save as hereinafter provided) be done and executed by and at the expense of the Company but to the satisfaction and under the superintendence of the engineer of the protected company and the reasonable costs charges and expenses of such superintendence shall be paid by the Company And if the protected company by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any works of

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

the Company so require the protected company may by their own engineer or workmen do and execute such protective works so far as they interfere with or affect the apparatus of the protected company and the Company shall on the completion thereof pay to the protected company the reasonable expenses incurred by them in the execution of such protective works. A.D. 1902.

(2) In the event of such plans sections and descriptions so delivered to the protected company as aforesaid not being objected to within fourteen days the said works shall be executed in strict accordance therewith.

(3) The protected company may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any apparatus of the protected company will be interfered with or affected during their construction repair or renewal and the reasonable wages of such watchmen or inspectors shall be borne by the Company and be paid by them to the protected company.

(4) If any interruption in the supply of water gas hydraulic power telegraphic or telephonic communication or electric energy by the protected company shall without the written authority of the protected company be in any way occasioned either by reason of the exercise of the statutory powers conferred upon the Company or by the act or acts or default or defaults of the Company or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to the protected company for the use and benefit of such protected company either (A) a sum not exceeding ten pounds for every hour during which such interruption shall continue or (B) such sum as shall be equal to the aggregate loss or damages which the protected company may sustain or incur by reason of such interruption.

(5) The expense of all repairs or renewals of any apparatus of the protected company or any works in connection therewith which may at any time hereafter be rendered necessary either by reason of the statutory powers conferred upon the Company or by the acts or defaults of the Company their contractors agents workmen or servants or any person in the employ of them or any or either of them or rendered necessary by reason of any subsidence resulting from the works of the Company whether during the construction of the railways and works or at any time thereafter shall be borne and paid by the Company.

(6) It shall be lawful for the protected company and the engineers workmen and others in their employ at all times when

A.D. 1902. it may be necessary to enter upon the lands works and premises of the Company at any point or place where there is existing any apparatus of the protected company and to do all such works in and upon such lands and premises as may be necessary for repairing maintaining or removing or replacing or extending such apparatus under or over the same lands and premises. Provided always that in so doing the protected company their engineers or workmen or others in the employ of the protected company shall not interrupt the use of any of the works by this Act authorised. And provided also that the protected company shall make good and reimburse to the Company all damages to the works by this Act authorised occasioned by the exercise of the powers by this section reserved.

(7) It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the railway by electricity whereby any electric apparatus of the protected company is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten feet of any part of any electric apparatus of the protected company (other than repairs or the laying of lines crossing the electric apparatus of the protected company at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not less than fourteen days before commencing such work shall give written notice to the protected company specifying the course of the line or rail and the nature of the work including the gauge of any wire or wires intended to be used for electrical energy and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the protected company for the purpose of preventing any electric apparatus of the protected company from being injuriously affected by the said act or work.

(8) If any difference shall arise with respect to any matter under this section between the Company and the protected company or their respective engineers or concerning any plans sections or descriptions to be delivered to the protected company under the foregoing provisions of this section the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

(9) In addition to any other notice which they are required by this section to give the Company shall not less than twenty-

four hours and not more than forty-eight hours before commencing any works whereby any apparatus of the protected company may be interfered with or affected give to the protected company notice of their intention to commence any part of such works stating to what part of the works the notice refers.

A.D. 1902.

(10) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the protected company may be under in respect of their apparatus and to any duties or obligations which the Company may be under in respect of their works and may if he thinks fit require the Company to execute any temporary or other works so as to avoid interference with any purpose for which the protected company's apparatus is used so far as may be possible.

68. Section 58 of the Act of 1893 shall be read and construed as if each of the following companies (that is to say) the Charing Cross and Strand Electricity Supply Corporation Limited and the County of London and Brush Provincial Electric Lighting Company Limited were therein named as a protected company.

Extending provisions of section 58 of Act of 1893 to other companies.

69. With respect to the properties shown on the deposited plans which are described or referred to in the Second Schedule to this Act and notwithstanding anything contained in this Act or the said plans the Company shall not enter upon or take the same or any part of the surface thereof otherwise than by agreement but they may purchase take and use and the owners of and other persons interested in any such property shall sell an easement or right of using the subsoil or under surface thereof for the purposes of the undertaking of the Company and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such subsoil easement or right of user Provided that no such subsoil easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 Provided also that nothing in this section contained shall apply to any of the said properties the ground surface of which is at a less height than forty feet above the crown of the tunnel as the same shall be constructed.

Owners may be required to grant easements only under certain properties.

70. And whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown on the deposited plans will be sufficient for the purposes of the Company and that such portions

Owners may be required to sell parts only of certain lands and buildings.

[Ch. cclvi.] *Charing Cross Euston and Hampstead* [2 EDW. 7.]
Railway Act, 1902.

A.D. 1902. may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands buildings or manufactories described in the Third Schedule to this Act and whereof parts only are required for the purposes of the Company may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise.

Period for compulsory purchase of lands.

71. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Rates and charges.

72. The Company may demand and take for the conveyance of passengers and for small parcels conveyed upon the railway rates or charges not exceeding those authorised by the Act of 1893 and the sections of that Act and of the Act of 1899 which are enumerated in the second part of the First Schedule to this Act shall (subject to the amendment by the Act of 1898 of section 84 of the Act of 1893) extend and apply to the rates and charges by this Act authorised as if the railway by this Act authorised were part of the railway authorised by the Act of 1893.

Extension of powers for compulsory purchase of lands.

73. The powers conferred upon the Company by the Acts of 1893 1894 and 1898 for the compulsory purchase of lands as now limited by the Act of 1900 and the powers conferred upon the Company by the Act of 1899 for the compulsory purchase of lands are hereby extended and shall continue in force and may be exercised until but shall cease after the expiration of two years from the 9th day of August 1902. Provided that the provisions of this section shall not extend or apply to any of the lands authorised to be acquired under the Acts of 1893 1894 1898 and 1899 other than those described or referred to in the Fourth Schedule to this Act.

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

74. The time now limited by the Act of 1900 for the construction of so much of the railways authorised by the Acts of 1893 and 1898 as were not by the Act of 1898 and the Act of 1899 and are not by this Act authorised to be abandoned is hereby further extended and the powers for the construction thereof may be exercised by the Company for the period of three years from the 9th day of August 1904 and section 75 of the Act of 1893 shall subject to the provisions of section 17 of the Act of 1898 be read and construed as if the period limited by this Act for the completion of the railways authorised by the Act of 1893 and the Act of 1898 respectively had been the periods limited by those Acts respectively for the completion thereof and section 9 of the Act of 1897 shall be read and construed as if the period limited by this Act for the completion of the said railways had been the period limited by the Act of 1897.

A.D. 1902.
Extension of
time for
construction
of railways
under Acts
of 1893 and
1898.

If the said railways be not completed within the said period of three years then on the expiration of that period the powers for making and completing the same or otherwise relating thereto shall cease except as to so much thereof as shall then be completed.

75. The powers granted by the Act of 1899 for the construction of the railways thereby authorised are hereby extended and may be exercised by the Company for the period of three years from the 9th day of August 1904 and the provisions of sections 18 and 19 and of section 56 of the said Act shall be read and construed as if the period limited by the Act of 1899 for the completion of the said railways had been the period limited by this Act.

Extension of
time under
Act of 1899.

If the said railways be not completed within the said period of five years then on the expiration of that period the powers for making and completing the same or otherwise relating thereto shall cease except as to so much thereof as shall then be completed.

76. In the event of the railways of the Company or any part thereof being worked by electricity the following provisions shall have effect:—

For protec-
tion of
Postmaster-
General.

- (1) The Company shall so construct their electric lines and works of all descriptions and shall so work their undertaking in all respects as to prevent any interference whether by induction or otherwise with the telegraphic lines from time

[Ch. cclvi.] *Charing Cross Euston and Hampstead* [2 EDW. 7.]
Railway Act, 1902.

A.D. 1902.

to time laid down or used by the Postmaster-General or with telegraphic communication by means of such lines :

(2) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting and testing the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

(3) If a telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company be injuriously affected and he is unable to ascertain whether such injurious affection is caused by the Company or by any other persons generating or using electric currents for traction purposes the Postmaster-General may give notice to the Company requiring them to make at such times as he may specify such experiments (by working their generating stations running their cars or otherwise working any part of their undertaking or in case of continuous working by stopping the current generated for the purpose of their undertaking at such times as would not unduly interfere with the traffic) as he may deem necessary to enable him to discover which of the undertakings causes the disturbance and such tests shall be carried out by the Company as and when required by the Postmaster-General :

(4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

[2 EDW. 7.] *Charing Cross Euston and Hampstead* [Ch. cclvi.]
Railway Act, 1902.

- (5) This section shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him on or along the railway : A.D. 1902.
- (6) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878 :
- (7) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment, action, or otherwise in relation to any of the matters aforesaid.

77. The Act of 1893 shall be read and construed as if in the description of Railway No. 1 in section 6 thereof the words "in and under Holly Bush Hill at a point eight chains or thereabouts northward of the junction therewith of Heath Street" had been substituted therein for the words "in and under High Street at or near the junction therewith of Heath Street." Amending description of Railway No. 1 authorised by Act of 1893.

78. Notwithstanding anything contained in this Act or in the Charing Cross Euston and Hampstead Railway Acts 1893 to 1900 the tunnels stations or works of the Company's railway and subway which shall be within a distance of one hundred feet from any part of the site of the National Gallery or National Portrait Gallery shall be constructed of such depth that the extreme upper surface of such tunnels stations or works shall not without the consent of the Commissioners of Works at any point be less than twenty-five feet below the top of the undisturbed surface of the absolute solid blue clay impervious to the passage of water. For protection of National Gallery.

79.—(1) At all times after the opening of the railway or any part thereof for conveyance of passengers the Company shall on every morning of the week except Sundays Christmas Day Good Friday and Bank Holidays run a sufficient number of trains which shall be timed to arrive at each terminus of the railway up to eight o'clock. Workmen's trains.

(2) The Company shall issue at all stations for the time being of the Company tickets for workmen available for any train starting from or calling at the station at which such ticket is issued and timed to arrive at or before eight o'clock a.m. at its terminus or at the station of the passenger's destination and such tickets shall be issued at fares which shall not exceed

A.D. 1902. one penny for a single journey and two pence return for any distance on the railway.

(3) A workman's return ticket issued in pursuance of this section shall entitle the holder to travel in a suitable carriage by any such train starting from the station at which such ticket is issued and to return in a like carriage by any train during the day and to leave the train at any station at which the train shall stop. The Company shall also issue such tickets to employers of workmen for the use of such workmen and shall also issue such tickets to workmen on the day previous to that on which such tickets are made available.

(4) The Company shall publish and keep published in some conspicuous and convenient part of every station on the railway notice boards or placards setting forth the conditions on which workmen's tickets are issued the fares charged in respect thereof and the trains by which such tickets are available and shall also publish the like information in their book of time tables.

(5) On complaint being made to the Board of Trade by the London County Council or any other body or person with respect to the sufficiency convenience number or times of trains or the sufficiency of the accommodation provided thereby or the fares or tickets the Board of Trade may after inquiry make such order upon the Company as having regard to the circumstances may appear to the Board to be necessary to give effect to the purposes of this section.

(6) The liability of the Company under any claim to compensation for injury or otherwise in respect of any passenger travelling by any train run or provided under this section or any passenger returning at a fare fixed under and for the purposes of this section shall be limited to a sum not exceeding one hundred pounds.

(7) Nothing in this or any former Act shall be deemed to confer on the Company any right to claim exemption from any requirements of the Board of Trade under the Cheap Trains Act 1883 or any statutory modification thereof or from the provisions of any general Act or any special Act of Parliament which may be hereafter passed dealing with the subject of cheap trains.

(8) For the purposes of this section the expression "the railway" means and includes all the authorised railways of the Company.

(9) Section 27 of the Act of 1899 is hereby repealed.

A.D. 1902.

80. It shall not be lawful for the Company to take or demand on Sunday or on any bank or public holiday any higher rates or charges than those levied or made by them on ordinary working days.

Company not to increase fares on Bank Holidays &c.

81.—(1) The Company shall not under the powers of this Act or of any former Act extended by this Act purchase or acquire in any metropolitan borough or in the city of London (which said boroughs and city are in this section referred to as "London") twenty or more houses or sites of houses or in any borough or other urban district outside London and elsewhere than in any borough or urban district in any parish ten or more houses which on the fifteenth day of December next before the passing of this Act or of the former Act by which the purchase or acquisition was originally authorised were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

Restrictions on displacing persons of labouring class in London.

(A) Shall have obtained the approval in the case of London of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Secretary of State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2) The approval of the Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State or the Local Government Board (as the case may be) have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

A.D. 1902.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions (if any) as he or they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme or of any modifications of any scheme or subject to which he or they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Secretary of State or the Local Government Board (as the case may be) out of the High Court.

(5) If the Company acquire or appropriate any house or site for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house or site which penalty shall be recoverable by the Secretary of State or the Local Government Board (as the case may be) by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of such purchase sections 176 (Regulations as to purchase of land) and 297 (As to Provisional Orders) of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act and as if (in the case of a

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scheme approved by the Secretary of State) the Secretary of State were substituted for the Local Government Board. A.D. 1902.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he or they may see fit.

(8) All buildings erected or provided by the Company in London for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) and any other Act or Acts relating to buildings in the county of London.

(9) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 the provisions of that section and of sections 155 and 156 of the same Act shall apply to buildings outside London erected or provided by the Company for the purpose of any scheme under this section.

(10) The Secretary of State or the Local Government Board (as the case may be) may direct any inquiries to be held by any persons appointed or employed by him or them as inspectors which he or they may deem necessary in relation to any scheme under this section or to the carrying out thereof and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries

A.D. 1902. directed by the Local Government Board under the Public Health Act 1875.

(11) The Company shall pay to the Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the Secretary of State for the services of such inspector.

(12) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(13) Any houses purchased or acquired by the Company for or in connection with any of the purposes of this Act or of any former Act the powers of which are extended by this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act or of such former Act (as the case may be) and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State or the Local Government Board (as the case may be) under any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Secretary of State or the Local Government Board (as the case may be) is or are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(14) For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without

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employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them and the expression "house" means any house or part of a house occupied as a separate dwelling. A.D. 1902.

Provided always that this section shall not apply to any house or part of a house comprised in the Schedule to the Act of 1893 or in the Second Schedule to the Act of 1899 comprised in the Second Schedule to this Act nor to the houses referred to in the proviso to section 7 of the Act of 1898 unless the Company acquire such house and not an easement merely.

82. The Company may notwithstanding anything contained in section 68 (For the protection of the Bedford Estate) of the Act of 1893 exhibit on the outside of any station placards giving information to the public as to the traffic of the Company. Amending
section 68 of
Act of 1893.

83. The Company on the one hand and the Four Companies or any of them and any other company whose authorised or intended railways or subways will terminate under or over or will pass alongside of or near to the railways or subways of the Company on the other hand may enter into and carry into effect agreements with reference to the construction use and maintenance of such ways stairs lifts and communications as may be necessary for enabling passengers and their luggage and other traffic to pass from or to any station of the Company to or from any station of the Four Companies or any such other company and the Company may for the purposes of and subject to any such agreement enter upon the lands stations platforms and works of the Four Companies or such other company and may alter any such platform and make openings in the same and in any walls and any necessary protective works and may make such provisions as will secure to the public and to officers and servants of the Company free and uninterrupted access by means of such ways stairs lifts communications and openings between any station of the Company and any station of the Four Companies or any other company as aforesaid and with respect to the appointment of a joint committee of the Company and the Four Companies or any of them for carrying into effect the provisions of this section. Agreements
as to stations
&c.

84. The Company on the one hand and any other company authorised to supply electricity for the purpose of working the railways or tramways of such other company on the other hand Agreements
as to supply
of energy.

A.D. 1902. may enter into and carry into effect agreements with respect to the supply by or to the Company to or by such other company of electrical energy or power for the purposes of the respective undertakings of the contracting companies but nothing in this Act contained shall be deemed to authorise the Company or any such other company to supply electrical energy for any other purpose.

Agreements
with councils
and others as
to works.

85. The Company may enter into and carry into effect contracts agreements and arrangements with the council and any council corporation and other local authority in the county of London and any company or body interested in or having the control or management of streets roads sewers water gas or other pipes wires or apparatus in that county or any one or more of them for or with respect to the construction maintenance or user of so much as is situate in the county of London of the railways and works of the Company or any of them or any part or parts thereof respectively and the works and conveniences connected therewith the acquisition and appropriation of lands works and property the formation and user of approaches to the railways of the Company from any streets roads or public places in the county of London and any incidental matters.

Saving
rights of
Postmaster-
General.

86. Any supply of electricity or electric energy or power under any provision of this Act relating to the making of agreements with respect to such supply and any works constructed for that purpose shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and of his rights in respect thereof which are contained in the Act or Order by which the supplying company local authority body or person is authorised to generate or supply electricity for the purposes of its own undertaking.

Power to
raise addi-
tional
capital.

87. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole the sum of two million five hundred and fifty thousand pounds by the issue at their option of new ordinary shares or stock.

Shares not
to be issued
until one
fifth paid.

88. The Company shall not issue any share created under the authority of this Act of a less nominal amount than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

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89. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. A.D. 1902.
Calls.

90. The provisions of sections 13 to 20 of the Act of 1893 shall extend and apply to the additional capital by this Act authorised as if those sections had been expressly re-enacted herein with reference thereto. Power to
divide
shares.

91. The Company may in respect of the additional capital of two million five hundred and fifty thousand pounds which they are by this Act authorised to raise borrow on mortgage of their undertaking any sum not exceeding in the whole eight hundred and fifty thousand pounds but no part thereof shall be borrowed until shares for so much of the additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved 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 the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued accepted and paid up boná fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also as far as such additional capital is raised by shares that such persons their executors administrators successors or assigns are legally liable for the same Upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof. Further
borrowing
powers to
Company.

92. Section forty-two of the Act of 1899 shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing For appoint-
ment of a
receiver.

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Railway Act, 1902.

A.D. 1902. of this Act under such provision The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

93. The principal moneys secured by all mortgages granted by the Company before the passing of this Act in pursuance of the powers of any former Act of Parliament and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Debenture stock.

94. The Company may create and issue debenture stock subject to the provisions of section twenty-three of the Act of 1893 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Receipt in case of persons not sui juris.

95. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of moneys.

96. All moneys raised under this Act whether by shares stock or debenture stock or borrowing shall be applied only to the purposes of this Act being in every case purposes to which capital is properly applicable.

Power to apply corporate funds to purposes of Act.

97. The Company may apply to the purposes of this Act or to the general purposes of their undertaking being in all cases purposes to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock or debenture stock or borrowing by virtue of the Charing Cross Euston and Hampstead Railway Acts 1893 to 1902 and which may not be required for the purposes to which they are by those Acts made specially applicable.

Company to keep separate accounts.

98. The Company shall keep separate accounts of the debenture and share capital respectively properly raised and expended in relation to the portion of their railway between Kentish Town and Charing Cross referred to in Article 3 of the agreement dated the 22nd day of June 1899 and made between the Company of the first part the South Eastern Company of the second part and the Midland Railway Company of the third part which is set

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forth in the Third Schedule to the Act of 1899 and they shall also keep separate revenue accounts in relation thereto and such accounts shall be kept so far as is practicable in such a manner as to enable accounts to be taken half yearly under and for the purposes of the said article and so far as it may be found impracticable so to do an estimate shall be made on a basis to be agreed or determined from time to time by an arbitrator appointed on the application of the Company or the Midland Railway Company by the Board of Trade. A.D. 1902.

99. The Four Companies respectively may apply to any of the purposes of this Act in which they are interested and to which capital is properly applicable any of the moneys which they now have in their hands or which they may be authorised to raise by any of the Acts relating to the Four Companies respectively and which may not be required for the purposes to which they are by those Acts or any of them made specially applicable. Power to Four Companies to apply funds.

100. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money by this Act authorised to be raised pay interest on the additional capital authorised by this Act at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder or stockholder on the amount from time to time paid up on the shares or stock in the additional capital authorised by this Act held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say) :— Power to pay interest out of capital during construction.

(A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the share or stock capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders or stockholders who or whose executors administrators or assigns are legally liable for the same :

(B) No such interest shall accrue in favour of any shareholder or stockholder for any time during which any call on any of his shares is in arrear :

(c) The aggregate amount to be so paid for interest shall not exceed two hundred thousand pounds and the amount so

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A.D. 1902.

paid shall not be deemed share or stock capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares or stock and in every certificate of shares or stock :

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth no interest or dividend shall be paid out of any share stock or loan capital which the Company are by this or any other Act authorised to raise to any shareholder or stockholder on the amount of the calls made in respect of the shares or stock held by him but nothing in this Act shall prevent the Company from paying to any shareholder or stockholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

101. The Company shall not out of any money by this Act authorised to be raised by them pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Saving
Rights of
Crown.

102. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments (including the subsoil and undersurface of any street road or subway) or any rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

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103. The powers of leasing given by the Crown Lands Act 1829 shall extend to enable the Commissioners of Woods with the consent of the Treasury to grant and to enter into any agreement for granting to the Company a lease or leases of such Crown lands easements and rights as may be required for any of the purposes of this Act or any term not exceeding nine hundred and ninety-nine years from the passing of this Act and the Commissioners of Woods may take a fine on the granting of any such lease in lieu of such annual sum as it shall appear to them would together with any annual sum reserved by the lease have been a reasonable rent or consideration for such lease in case no fine had been taken and the amount of any fine taken under the powers of this Act shall be carried to the account of the capital of the land revenues of the Crown and be applied accordingly.

A.D. 1902.
Powers of
Commis-
sioners of
Woods to
grant a lease
for 999
years to
Company.

104. Nothing in this Act contained shall exempt any company named in this Act or the railways of any such company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by such company.

Provision
as to general
Railway
Acts.

105. All costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

A.D. 1902. The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

SECTIONS AND PROVISIONS OF THE ACTS OF 1893 1898 AND 1899
 WHICH ARE INCORPORATED WITH THIS ACT.

Marginal Note of Section.	Number of Section.
FIRST PART.	
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General provisions as to mode of construction - - - - -	7
Motive power - - - - -	8
Persons authorised to convey lands may grant easements - - - - -	33
Power to sell &c. lands - - - - -	34
Power to deviate laterally - - - - -	35
Power to deviate vertically - - - - -	36
As to subways - - - - -	38
No ventilators &c. to be made in roadways or footways - - - - -	39
Provision as to cellars under streets not referenced - - - - -	40
As to carting materials and soil - - - - -	42
As to entrance at stations &c. - - - - -	43
For the protection of sewers of the council - - - - -	44
Inspection of works by council - - - - -	46
Walls of buildings to be made good - - - - -	47
Buildings not to be brought beyond general line &c. - - - - -	48
Buildings to be subject to Metropolitan Building Acts - - - - -	49
Exhibition of placards in county of London - - - - -	50
For protection of sewers of district boards and vestries - - - - -	51
For the protection of the vestry of St. Pancras - - - - -	Sub-sections (1) to (5) of 53
For the protection of the vestry of St. John Hampstead - - - - -	Sub-sections (3) to (8) of 54

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Marginal Note of Section.	Number of Section.	A.D. 1902.
For the protection of the Gas Light and Coke Company - - - - -	59	
For the protection of the North Metropolitan Railway and Canal Company - - - - -	66	
Company empowered to underpin or otherwise strengthen houses near railway - - - - -	73	
Agreements with council and local authorities - - - - -	89	
ACT OF 1898.		
For the protection of the vestry of St. Martin-in-the-Fields - - - - -	Sub-section (2) of 9	
ACT OF 1899.		
Special provisions as to use of electrical power - - - - -	7	
Railway to be constructed subject to approval of London County Council in certain cases - - - - -	15	
SECOND PART.		
ACT OF 1893.		
Tolls for passengers - - - - -	79	
Tolls for small parcels - - - - -	80	
Regulations as to tolls - - - - -	81	
Foregoing charges not to apply to special trains - - - - -	83	
Company not to carry goods - - - - -	84	
ACT OF 1898.		
Passengers' luggage - - - - -	16	
ACT OF 1899.		
Working class trains - - - - -	28	

A.D. 1902.

SECOND SCHEDULE.

DESCRIBING HOUSES BUILDINGS MANUFACTORIES AND LANDS UNDER WHICH EASEMENTS ONLY ARE REQUIRED TO BE TAKEN.

Area.	Numbers on deposited Plans.
No. 1 Bill.	
Metropolitan borough of Hampstead	1 6 7 8 9 10 11 12 14 16 25 27 30 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49.
Urban district of Hendon -	1 2 3 33 34.
Metropolitan borough of St. Pancras -	2 3 4 5 6 7 8 9 11 12 13 14 15 16 17 18 19 20 21 22 23 24 26 27 28 29 30 31.
No. 3 Bill.	
City and metropolitan borough of Westminster.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 15A 16 17 18 19 and 28.
Metropolitan borough of St. Marylebone.	47 48 and 49.
Metropolitan borough of St. Pancras -	52 and 53.
Metropolitan borough of Hampstead -	55 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 75 77 83 84 and 86.

THIRD SCHEDULE.

DESCRIBING HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PARTS ONLY ARE REQUIRED TO BE TAKEN.

Area.	Numbers on deposited Plans.
No. 1 Bill.	
Urban district of Hendon -	28 29 30 32 33 and 34.
No. 2 Bill.	
Metropolitan borough of St. Pancras -	10.
No. 3 Bill.	
City and metropolitan borough of Westminster.	31 32 33 34 35 36 37 38 39 40 41 and 42.

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FOURTH SCHEDULE.

A.D. 1902.

DESCRIBING PROPERTIES IN RESPECT OF WHICH THE TIME IS
 EXTENDED FOR THE COMPULSORY PURCHASE THEREOF.

Area.	Numbers on deposited Plans.
ACT OF 1893.	
<i>Railway No. 1.</i>	
Parish of St. John Hampstead	1 to 9 16 to 20 63 to 66 66A 67 and 70.
Parish of St. Pancras -	65 81 81A 87 to 91 107 117 123 128 and 129.
Parish of St. Giles-in-the-Fields	123 and 144.
Parish of St. Marylebone -	123 and 143.
Parish of St. Anne Soho -	144 145 and 146.
Parish of St. Martin-in-the-Fields	144.
<i>Railway No. 2.</i>	
Parish of St. Pancras -	109.
ACT OF 1894.	
Parish of St. Pancras -	1 2 14 to 27 36 to 44.
Parish of St. Anne Soho -	1 to 4.
ACT OF 1898.	
Parish of St. Martin-in-the-Fields	1 to 19 1A 2A 3A 4A 5A 1B 2B 3B.
ACT OF 1899.	
<i>New Railway No. 1.</i>	
Parish of St. Pancras -	1 to 8 10 to 23 25 to 35 35A 36 37 38 38A 42 and 43.
<i>New Railway No. 2.</i>	
Parish of St. Pancras -	1 2 7 to 15 15A 15B 15C 16 to 22 22A 22B 22C 22D 22E 23 to 26.
<i>Additional Lands.</i>	
Parish of St. Martin-in-the-Fields	61A 62 81 to 87 87A 88 to 99.

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