



CHAPTER ci.

An Act to confer further powers upon the Charing Cross Euston and Hampstead Railway Company to authorise agreements with the Underground Electric Railways Company of London Limited and for other purposes. A.D. 1903.

[21st July 1903.]

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 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 1902 (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" "the Act of 1900" and "the Act of 1902" and collectively as "the Company's Acts") :

And whereas it is expedient that the Company should be empowered to acquire the lands and to abandon the portion of their authorised railway in this Act respectively mentioned or described :

And whereas plans of the lands proposed to be acquired compulsorily under the powers of this Act 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 said lands were duly deposited with the clerks of the peace for the counties of London and Middlesex respectively and are in this Act referred to as the deposited plans and book of reference respectively :

[Ch. ci.] *Charing Cross, Euston, and Hampstead* [3 EDW. 7.]
Railway Act, 1903.

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And whereas by the Act of 1902 and by the Edgware and Hampstead Railway Act 1902 (in this Act called "the Edgware Act") the Company and the Edgware and Hampstead Railway Company were authorised to construct certain railways and it was thereby provided that the said railways should be constructed and worked as a continuous line and the said companies were authorised to make such deviations from the lines and levels thereof as shown on the deposited plans and sections referred to in those Acts respectively within the limits of deviation thereby prescribed as might enable the said railways to be so constructed as to be best adapted for the purpose of continuous working :

And whereas in order to more efficiently provide for such continuous working it is expedient that the said railways should be constructed according to the sections deposited in respect of the Act of 1902 and the Edgware Act as amended by the section deposited in respect of this Act with the clerk of the peace for the county of Middlesex (in this Act called "the deposited section") :

And whereas it is expedient that the Company should be empowered to enter into agreements with the Underground Electric Railways Company of London Limited (in this Act called "the Underground Company") with respect to the supply of electric power :

And whereas it is expedient that the Company should be authorised 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 :—

Short title.

1. This Act may be cited as the Charing Cross Euston and Hampstead Railway Act 1903 and the Charing Cross Euston and Hampstead Railway Acts 1893 to 1902 and this Act may be cited together as the Charing Cross Euston and Hampstead Railway Acts 1893 to 1903.

Incorporation of Acts.

2. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act

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:

A.D. 1903.
Interpretation.

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. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the town clerk of the borough or clerk of the district in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Correction of errors &c. in deposited plans and book of reference.

5. Subject to the provisions of this Act the Company may enter upon take and use for the purposes of their undertaking the lands herein-after described delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to acquire lands.

In the parish of Saint Martin in the Fields in the city and metropolitan borough of Westminster in the county of London—

(A) Certain lands being the eastern portion of the station yard or forecourt of the Charing Cross Station of the South Eastern Railway Company;

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(B) Certain lands being the house and premises numbered 20 Cranbourne Street :

In the parish and metropolitan borough of Saint Pancras in the county of London—

(c) Certain lands being the houses and premises numbered 72 and 73 Warren Street and 297 299 and 299A Euston Road ;

(D) Certain lands being the houses and premises numbered 87 89 and 91 Drummond Street ;

(E) Certain lands being the houses and premises numbered 12 13 and 14 Castle Place ;

(F) Certain lands near the Midland Railway Company's Kentish Town Station being the houses and premises on the east side of Kentish Town Road between the Midland Railway and Islip Street and the properties on the west side of Frideswide Place being the houses and premises numbered 20 22 24 26 and 28 Frideswide Place :

In the parish and metropolitan borough of Islington in the county of London—

(G) Certain lands on the west side of Junction Road and extending from the north-west corner of the junction of that road with Highgate Hill to Vorley Road :

In the parish of Saint John Hampstead in the metropolitan borough of Hampstead in the county of London—

(H) Certain lands being the houses and premises numbered 5 7 and 9 Haverstock Hill ;

(I) Certain lands on the north-east side of Haverstock Hill and being part of the nursery grounds now or late in the occupation of John Russell ;

(J) Certain lands on the north-east side of High Street extending for a distance of about 70 yards southward from its junction with Heath Street and on the south-west side of High Street extending for a distance of about 100 yards southward of the said junction and on the west side of Hollybush Hill extending for a distance of about 100 yards northward from its junction with Heath Street and also the bank or slope on the western side of the lower or main carriageway of High Street and extending from Gayton Road to Willoughby Road :

In the parish and urban district of Hendon in the county of Middlesex— A.D. 1903.

(K) Certain lands being a portion of the property numbered 1410 on the $\frac{25}{100}$ Ordnance map sheet London xviii Middlesex xi 12 edition 1894–1896.

Provided that nothing in this Act contained shall authorise the Company to enter upon take and use either temporarily or permanently the lands or any part thereof described in subsection (A) of this section without the previous consent in writing of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies' Managing Committee under their respective common seals.

6. With respect to the properties shown on the deposited plans referred to in the Act of 1893 and numbered 145 and 146 in the parish of Saint Anne Soho and being Nos. 3 and 1 Oxford Street respectively and the properties shown on the deposited plans referred to in the Act of 1894 and numbered 3 and 4 in the parish of Saint Anne Soho and being Nos. 7 and 5 Oxford Street respectively and 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 the Act of 1893 the Act of 1894 or in this Act or shown on the plans deposited in respect of the Act of 1893 and the Act of 1894 or the deposited plans (but as regards the said properties Nos. 1 3 5 and 7 Oxford Street subject and without prejudice to the provisions of any agreement entered into prior to the passing of this Act) the Company shall not be required to purchase or take the same or any part of the surface thereof but the Company 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.

Owners may be required to grant easements only.

7. And whereas in the exercise 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

Owners may be required to sell parts only of

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certain lands
and build-
ings.

Company and that such portions 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 other persons interested in the properties 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 such 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 parties interested therein by severance or otherwise.

As to subsoil
in streets.

8. The Company may for the purposes of this Act enter upon take and use the subsoil and under surface of any public street road or public place shown on the deposited plans and described in the deposited book of reference.

Incorporation
of sections of Acts
of 1893 and
1902.

9. The sections of the Acts of 1893 and 1902 referred to in the First Schedule to this Act are incorporated with and form part of this Act and shall extend and apply to the lands which the Company are by this Act authorised to acquire and any works matters or things by this Act authorised 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 in such sections and in this Act the expression "the Council" shall be deemed to mean the London County Council and the expression "the county" the administrative county of London.

Application
of London
Building
Acts.

10. 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 Act apply to the execution by the Company of any works on any lands in the county which may be acquired by them under the powers of this Act 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 but no such exemptions shall be deemed to apply to such part of any building as shall be used or intended to be used for other than railway purposes.

11.—(1) The Company shall not commence to construct any building above the surface of the ground on any part of the lands numbered on the deposited plans 9A and 19 to 36 in the metropolitan borough of Saint Pancras and 66 to 79 in the metropolitan borough of Islington which may be acquired by them under the powers of this Act unless and 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 any building above the surface of the ground on such lands respectively shall be set back so as to secure increased 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 lands which has been signed by Joseph Compton Rickett the Chairman of the Committee of the House of Commons to which 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.

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As to setting back buildings.

(2) From and after such setting back the surface of the site of the portion of the said lands so thrown into the public way shall be deemed to form part of such public way upon which the same abuts and shall be paved or made up and thereafter maintained repaired cleansed and lighted by the council of the metropolitan borough within which the same is situate.

12. The Company shall not utilise for the purposes of this Act any part of the surface of any forecourt of the properties numbered on the deposited plans 54 to 65 and 81 82 82A 83 83A 86 87 or 88 in the metropolitan borough of Islington or of the properties numbered on the said plans 8 9 10 11 and 12 and 43 to 52 in the metropolitan borough of Saint Pancras but the surface of the site of every such forecourt shall be added to and deemed to form part of the highway of the street upon which the same abuts and shall be paved or otherwise made up by the Company to the satisfaction of the council of the metropolitan borough within which the same is situate and shall thereafter be maintained repaired cleansed and lighted by the councils of the said metropolitan boroughs respectively.

Company to add certain forecourts to certain streets.

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For protection
of surface of
Charing Cross
Station Yard.

13. Nothing contained in this Act or shown on the deposited plans shall be deemed to authorise the Company to enter upon purchase take use or interfere with any part of the surface of the properties numbered on the deposited plans 1 2 3 and 4 in the city of Westminster.

For protec-
tion of pro-
perty of
council.

14. Nothing contained in this Act or shown on the deposited plans shall authorise the Company to construct any part of any railway or works by this or any former Act authorised to be constructed underneath the property numbered on the deposited plans 117 in the metropolitan borough of Hampstead so that any part of such railway or works shall without the consent in writing of the council be at a less depth than 30 feet below the surface of such property.

For protec-
tion of Gas
Light and
Coke Com-
pany and
London
Hydraulic
Power Com-
pany.

15. If and when the Company for any purpose of this Act take any of the mains pipes syphons and other apparatus belonging to the Gas Light and Coke Company or to the London Hydraulic Power Company (each of whom is in this section referred to as "the protected company") in any street highway road footpath lane court passage and other place within the limits shown on the deposited plans which are now used by the protected company for supplying gas or hydraulic power to the streets highways roads footpaths lanes courts passages and other places aforesaid or to houses or premises therein and such street or other place will or may be done away with under the powers of this Act the Company shall pay to the protected company the value of such mains pipes syphons or other apparatus and the same shall thereupon become the property of the Company and the Company shall also pay to the protected company their reasonable charge of removing or altering any of the mains pipes syphons or other apparatus in immediate communication therewith which the works of the Company shall render useless or which shall require to be altered.

Any difference arising between the Company and the protected company under this section shall be referred to and settled at the request of either party by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

For protec-
tion of
metropolitan
borough of
Islington.

16. The provisions of section 46 of the Act of 1902 shall so far as applicable extend and apply to the powers by this Act conferred upon the Company so far as such powers affect the metropolitan borough of Islington.

17. The following provisions shall have effect for the protection of the council of the metropolitan borough of Saint Pancras (that is to say) :—

A.D. 1903.
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For protection of metropolitan borough of Saint Pancras.

- (1) Subsections 1 to 5 of section 53 of the Act of 1893 shall be incorporated with and form part of this Act and shall extend and apply to the works by this Act authorised as if those sections had been re-enacted in this Act with reference thereto and as if the said Council had been named therein instead of the vestry of Saint Pancras :
- (2) The Company shall apply in the next session of Parliament for power to acquire a site for the purpose of constructing a station at or near the Cobden Statue High Street Camden Town.

18. In executing the works by this Act authorised where the same will affect the railway or any part of the works or property (which railway works and property are herein-after called "the railway") of the Midland Railway Company (herein-after called "the Midland Company") the Company shall (except so far as it may be otherwise agreed between the Midland Company and the Company) be subject to the following conditions :—

For protection of Midland Railway Company.

- (1) All works to be done by the Company in the exercise of the powers conferred by this Act in any way affecting the railway shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section. Provided that if for fourteen days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Company of his objections thereto he shall be deemed to have approved thereof :
- (2) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Company notice that they desire themselves to construct so much of the works other than the station or running tunnels or station shafts of the Company as will affect the railway the Midland Company may themselves execute such works and recover the reasonable costs thereof from the Company :
- (3) Any works affecting the railway which the Company may execute under this section shall be so constructed as to

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cause no injury to the railway of the Midland Company or interruption to the passage or conduct of traffic over the railway and if in consequence of the execution of such works any injury be caused to the railway or any interruption be caused to the traffic the Company shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration :

- (4) The Company shall bear and on demand pay to the Midland Company the reasonable expense of the employment by that company during the execution of any work affecting the railway of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors :
- (5) The Company shall acquire only an easement in so much of the lands and property of the Midland Company to the north of the blue line marked "Midland Railway Company's proposed widening" on the plan signed for identification by John Allen McDonald on behalf of the Midland Company and William Robert Galbraith on behalf of the Company and which lands and property are numbered respectively on the deposited plans 34 35 36 and 37 in the metropolitan borough of Saint Pancras as may be necessary for constructing or maintaining the works of the Company by this Act authorised and shall pay to the Midland Company for any such easement to be acquired by them such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 :
- (6) Any dispute or difference which may arise between the Midland Company and the Company with reference to the provisions of this section or in any way arising thereof or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the Midland Company or the Company and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

19. 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):—

A.D. 1903.
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For protection of North Metropolitan Tramways Company.

- (1) The works by this Act authorised beneath or immediately adjoining any tramways belonging or leased to the Tramways Company shall be constructed and maintained so that the traffic upon the said tramways 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 the said 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 or any part of any such street or road is injured or disturbed under the powers of this Act 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 interfered with injured or disturbed and any tramway or tramways laid down therein to the reasonable satisfaction of the engineer of the Tramways Company 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 keep and maintain the same in good repair and condition to the reasonable satisfaction in all respects of the engineer of the Tramways Company but at their own

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cost 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 connexion therewith against the Company :

- (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 and determined by an engineer to be agreed on between the Company and the Tramways Company or if they cannot agree to be appointed as arbitrator on the application of either of them by the Board of Trade.

For protec-
tion of Eton
College.

20. For the protection of the Provost and College of Eton (herein-after called "the college") the following provisions shall have effect (that is to say) :—

- (1) Notwithstanding anything to the contrary contained in this Act or shown on the deposited plans and described in the book of reference the Company shall purchase the fee simple interest of the college in only so much of the lands in the urban district of Hendon in the county of Middlesex and numbered 1410 on the $\frac{1}{25000}$ Ordnance map sheet London xviii Middlesex xi edition 1894-1896 as is coloured blue on the plan signed by William Robert Galbraith on behalf of the Company and George Henry Sanday on behalf of the college :
- (2) The Company shall within a period of twelve months after the passing of this Act make and construct on the land belonging to the college coloured red and green respectively the road shown on the plan signed by William Robert Galbraith and George Henry Sanday as aforesaid and the sewer thereunder and the college shall after the completion of such making and construction pay to the Company one half of the cost of the making and construction of so much of the said road and sewer as is coloured red and one third of the cost aforesaid of so much of the said road and sewer as is coloured green and thereafter the whole of the said road and sewer shall be maintained and repaired by the

Company at the cost of the Company and the college respectively to be apportioned in the proportions aforesaid until the same shall be taken over by the local authority and the Company shall at all times be entitled to the free but not exclusive use of such road for carriage cart and foot traffic of every description And the college shall continue to be as they now are the owners in fee simple of the said land coloured red and green : A.D. 1903.

(3) In the event of the college acquiring by agreement additional land which would permit of the said road coloured green being made to a width of fifty feet instead of forty feet the provisions of this section shall apply as if the additional land were shown and coloured green on the said plan :

(4) The Company shall be entitled free of cost to an easement under the land coloured red at a depth of not less than fifty feet from the surface for the construction of low level passages between the lifts and the station platform :

(5) Any question which may arise between the college and the Company in reference to the matters aforesaid shall be determined by the said William Robert Galbraith and George Henry Sanday or other the engineers or surveyors of the Company and college respectively and in case of disagreement by a single arbitrator to be appointed by them or failing agreement by the President of the Institution of Civil Engineers.

21. 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. Period for compulsory purchase of lands.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

23. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained the Company may hold sell lease or Power to hold sell &c. lands,

A.D. 1903. — otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment or consideration in any other form any lands or buildings or any interest in any lands or buildings acquired or provided by them under this Act and not required for the purposes of the undertaking including any land or buildings over or adjoining the stations of the Company or otherwise connected therewith or any part of a station building not required for the purposes of the Company and may make execute and do any deed act or thing proper for effectuating any such sale lease or other disposition.

Restrictions
on displacing
persons of
labouring
class.

24.—(1) The Company shall not under the powers of 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 last 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—

- (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 said fifteenth day of December 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.

(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 any 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

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— 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 scheme approved by the Secretary of State) the Secretary of State were substituted for the Local Government Board.

(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 the administrative county of 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 that county.

(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 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 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 or sites of houses purchased or acquired by the Company for or in connexion with any of the purposes of 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 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 "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers

A.D. 1903. costermongers persons not working for wages but working at some trade or handicraft without 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.

Provided always that this section shall not apply to any house or part of a house comprised in the Second Schedule to this Act unless the Company acquire the house or site thereof and not an easement merely.

Abandonment of portion of Company's railway.

25. The Company shall abandon the construction of Railway No. 3 authorised by the Act of 1899.

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

26. The abandonment by the Company under the authority of this Act of the said 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 Act of 1899.

Compensation to be made in respect of railway abandoned.

27. 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 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.

Providing for repayment of

28. Subject to the provisions of this Act and of section 19 of the Act of 1899 with respect to compensation to landowners

or other persons injured and for the protection of creditors the High Court may and shall at any time after the passing of this Act on application by or on behalf of the depositors mentioned or referred to in section 18 of the Act of 1899 or the survivor or survivors of them or the executors or administrators of such survivor or by or on behalf of any other person entitled to the deposit fund referred to in that Act order that the sum of four thousand one hundred and seventy-two pounds being the portion attributable to the railway by this Act authorised to be abandoned of the sum of twenty-three thousand three hundred and ten pounds two and three-quarters per centum consolidated stock the deposit fund mentioned in the Act of 1899 and the interest or dividends then due on the said portion of such sum be transferred and paid to the depositors or any other persons or person entitled thereto or to any persons or person whom they or he may appoint in that behalf and upon such order being made the sum so authorised to be transferred and paid and the interest or dividends thereon shall be transferred and paid to such persons or person accordingly.

A.D. 1903.
deposit
money in
respect of
abandoned
railway.

29. Section 11 of the Act of 1902 shall extend and apply to the railways authorised by the Acts of 1893 to 1900 as well as to the railways authorised by the Act of 1902.

Compensa-
tion for
damage by
working.

30. Notwithstanding anything contained in the Act of 1902 or in the Edgware Act so much of Railway No. 1 authorised by the Act of 1902 and of Railway No. 1 authorised by the Edgware Act as the same are by those Acts authorised to be constructed as lies between a point on the first-mentioned railway marked on the plans and sections referred to in the Act of 1902 1 mile 1 furlong from the commencement of such railway and a point on the said railway authorised by the Edgware Act marked on the deposited plans and sections referred to in that Act 4 miles 3 furlongs from the commencement of such railway may be constructed in accordance with the levels shown on the deposited section and the Act of 1902 and the Edgware Act shall be read and construed and the powers thereby conferred may be exercised as if the levels of the said portions of railways as shown on the deposited section were substituted for the levels thereof as shown on the deposited sections referred to in those Acts respectively and the bridge carrying the railway over the Finchley main road in the urban district of Hendon shall be constructed of the same width as now exists between the centres of the boundary

Mode of
construction
of certain
authorised
railways.

A.D. 1903. — fences of the same road at the point at which the bridge is to be made.

For protection of London Urban District Council.

31. Notwithstanding anything shown on the deposited section or contained in this Act the Company shall not in the construction of the Railway No. 1 authorised by the Edgware Act carry the said railway over the public roads known as Hoop Lane and Finchley Road otherwise than in accordance with the provisions of section 10 subsections (9) and (10) of the Edgware Act.

Agreements with Underground Company.

32.—(1) The Company and the Underground Company may subject to the approval of the Board of Trade enter into and carry into effect agreements for or with respect to the supply to the Company of electric power or current for their railways and works or any of them and as to the haulage by the Underground Company of the trains on and the equipment and the electrical working and handling of the traffic of the said railways and works and the Underground Company may apply their funds or revenues to or for the purposes of any such agreement.

(2) All provisions for the protection of the telegraphic lines of the Postmaster-General which are contained in the Company's Acts shall extend and apply to the Underground Company and to the exercise by that company of any of the powers conferred by this Act or by any agreement made under this Act.

As to borrowing powers of Company.

33. Whereas the aggregate capital which the Company are authorised to raise in shares or stock is four million three hundred and twenty-six thousand pounds And whereas the total sum which the Company are authorised to borrow on mortgage of the undertaking in respect of the said capital is one million four hundred and forty-two thousand pounds and no part of such sum has up to the present time been borrowed And whereas it is expedient that the Company should be empowered to exercise their said borrowing powers by instalments as herein-after provided Therefore notwithstanding anything contained in the Company's Acts the Company may (subject to the provisions herein-after contained) borrow not exceeding two hundred and six thousand pounds in respect of each instalment of six hundred and eighteen thousand pounds of the said capital but no part of any such instalment shall be borrowed until shares for the whole of the portion of capital in respect of which it is borrowed are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify

A.D. 1903.

under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of 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 portion of 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 bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as such portion of 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 :

Provided always that the power by this section conferred upon the Company of borrowing by instalments shall not be exercised in respect of any instalment unless and until the Company have in respect of each instalment completed so much of the running tunnels as that the length of such running tunnels so completed bears to the total length of the railways authorised by the Company's Acts the same proportion as the instalment proposed to be borrowed bears to the total amount which the Company are authorised to borrow under the said Acts.

34. The Company may apply to the purposes of this Act and 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.

Power to apply corporate funds to purposes of Act.

35. The Underground Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Underground Company shall incur a penalty not exceeding two

Copy of Act to be registered.

A.D. 1903. — pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Underground Company who knowingly and wilfully authorises such default shall incur the like penalty. Every penalty under this section shall be recoverable summarily.

There shall be paid to the Registrar by the Underground Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Saving
rights of
Crown.

36. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments 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 or vested in the Commissioners of Works without the consent in writing of the Commissioners of Woods on behalf of His Majesty or the Commissioners of Works as the case may be 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.

Provision as
to general
Railway
Acts.

37. Nothing in this Act contained shall exempt the Company or their railways 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 the Company.

Costs of
Act.

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

The SCHEDULES referred to in the foregoing Act. A.D. 1903.

FIRST SCHEDULE.

SECTIONS AND PROVISIONS OF THE ACTS OF 1893 AND 1902 WHICH
 ARE INCORPORATED WITH THIS ACT.

Marginal Note of Section.	Number of Section.
ACT OF 1893.	
No ventilators &c. to be made in roadways or footways - - -	39
As to entrance at stations &c. - - - - -	43
For the protection of sewers of the Council - - - - -	44
Walls of buildings to be made good - - - - -	47
Exhibition of placards in county of London - - - - -	50
ACT OF 1902.	
As to unsightly hoardings - - - - -	19
Buildings not to be brought beyond general line &c. - - -	20
Objects of interest to be at disposal of London County Council -	21

SECOND SCHEDULE.

DESCRIBING HOUSES BUILDINGS MANUFACTORIES AND LANDS
 UNDER WHICH EASEMENTS ONLY MAY BE TAKEN.

Area.	Numbers on deposited Plans.
City and metropolitan borough of Westminster.	1.
Metropolitan borough of Saint Pancras -	19 to 29 inclusive 32 to 37 inclusive 43 to 52 inclusive.
Metropolitan borough of Islington -	54 to 79 inclusive 81 82 82A 83 83A 84 to 88 inclusive.
Metropolitan borough of Hampstead -	95 97 to 101 inclusive 103 to 112 in- clusive 114 to 120 inclusive 123 to 133 inclusive 135 136.

A.D. 1903.

THIRD SCHEDULE.

DESCRIBING HOUSES BUILDINGS AND MANUFACTORIES OF
WHICH PARTS ONLY MAY BE TAKEN.

Area.	Numbers on deposited Plans.
City and metropolitan borough of Westminster.	1.
Urban district of Hendon	137 138 139.

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