



CHAPTER xlii.

An Act to authorise the Metropolitan Railway Company to acquire additional land for the general purposes of their undertaking to extend the periods limited by former Acts for completing certain works to construct further works and subways jointly with other Companies in connexion with their respective undertakings and for other purposes. A.D. 1910.

[26th July 1910.]

WHEREAS by the Metropolitan Railway Act 1902 (in this Act referred to as "the Act of 1902") the Metropolitan Railway Company (in this Act referred to as "the Company") obtained power to acquire additional lands for the enlargement and improvement of their Baker Street station:

And whereas by the Metropolitan Railway Act 1906 (in this Act referred to as "the Act of 1906") the Company were authorised to extend or enlarge the limits of lateral deviation beyond the limits shown upon the plans deposited in respect of the Act of 1902 and by the Act of 1906 the period limited by the Act of 1902 for the compulsory purchase of lands relating to such enlargement and improvement was revived and extended and the period limited by the Act of 1902 for the completion of the necessary works was extended to the 31st day of July 1910:

And whereas it is expedient that the time limited by the Act of 1902 as extended by the Act of 1906 for completing the works authorised by the Act of 1902 should be further extended as by this Act provided:

And whereas it is expedient that the Company should be authorised to acquire by compulsion or agreement for the

A.D. 1910. — general purposes of their undertaking and for providing better access to their Dollis Hill Station the additional land herein-after described in the county of Middlesex :

And whereas it is expedient that means of communication by subways for foot passengers should be afforded between the respective stations in or near Moorgate Street in the city of London of the Company and of the City and South London Railway Company and of the Great Northern and City Railway Company and that such Three Companies or any one or more of them with the consent of the other or others of them should be authorised to construct the subways and the works connected therewith in this Act described :

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Company and the said Three Companies respectively :

And whereas a plan showing the additional lands required or which may be taken for the purposes or under the powers of this Act and plans and sections showing the lines situation and levels of the subways authorised by this Act with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required for the purposes aforesaid were duly deposited with the respective clerks of the peace for the county of Middlesex and the city of London and are in this Act respectively referred to as the deposited plans sections and book of reference :

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 for all purposes as the Metropolitan Railway Act 1910.

Incorporation of general Acts.

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) :—

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to the construction of a railway) and A.D. 1910.
Part II. (relating to extension of time) of the Railways
Clauses Act 1863.

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

And in this Act—

“The Company” means the Metropolitan Railway Company ;

“The Three Companies” means the Company the City
and South London Railway Company and the Great
Northern and City Railway Company or whichever of
those companies shall exercise the powers by this Act
conferred on the Three Companies ;

“The Act of 1902” means the Metropolitan Railway Act
1902 ;

“The Act of 1906” means the Metropolitan Railway Act
1906.

4. The time limited by the Act of 1902 as extended by the Further
Act of 1906 for the completion of the works authorised by the extension of
Act of 1902 for the enlargement and improvement of the Baker time granted
Street station of the Company is hereby further extended until by Act of
the thirty-first day of July one thousand nine hundred and 1902 for en-
thirteen and if the said works are not completed on or before largement
that date then the powers by this Act granted to the Company and improve-
for making and completing the same or otherwise in relation ment of
thereto shall cease except as to so much thereof as shall then be Baker Street
completed. Station.

5. The Company may acquire by compulsion or by agree- Additional
ment and enter upon take and use for the general purposes of land for
the Company and of their undertaking and works connected general pur-
therewith and for providing a road or way to the Dollis Hill poses of
station of the Company the land shown upon the deposited plans Company's
and described in the deposited book of reference and herein-after undertaking.
described (that is to say):—

In the county of Middlesex—

Certain land and buildings situate in Chapter Road in the
parish of Willesden and known as Nos. 383 and 385
Chapter Road aforesaid and formerly as “Chapter
Works.”

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Power to
Three Com-
panies to
make sub-
ways.

6. Subject to the provisions of this Act the Three Companies or any one or more of them may make and maintain in the lines and according to the levels shown on the deposited plans and sections the subways for foot passengers herein-after described with all necessary and proper approaches stairs passages shafts inclines lifts apparatus machinery appliances 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 book of reference as may be required for those purposes (namely):—

A Subway No. 2 situate wholly in the parish of the city of London commencing at or near the eastern end of the down platform of the Company's Moorgate Street station and terminating at the south-west corner of the Great Northern and City Railway Company's Moorgate Street station :

A Subway No. 3 situate wholly in the parish of the city of London commencing by a junction with Subway No. 2 herein-before described under Short Street at a point 7 yards or thereabouts measured in an easterly direction from the intersection of the centre lines of Moorfields and Short Street and terminating at the western lift shaft in the Moorgate Street station of the City and South London Railway Company :

Provided always that nothing in this Act shall authorise the Three Companies to enter upon take or use the surface of any public street or road but the Three Companies may appropriate and use without payment of compensation therefor the subsoil and under surface of any public street road footway or place shown on the deposited plans and described in the deposited book of reference or so much thereof as shall be necessary for the purposes aforesaid and without being required to purchase any easement therein or thereunder but nothing herein contained shall restrict the rights of the Three Companies to the use of streets or roads for purposes of ordinary traffic or of access to or in connexion with any of their lands or buildings or take away or diminish any rights which they have as owners or occupiers of lands or buildings abutting upon any street or road Provided also that the powers hereby conferred upon the Three Companies shall not be exercised in respect of any land vested

in any one of such companies except with the previous consent of such company and upon such terms as may be agreed. A.D. 1910.

7. In constructing the subways by this Act authorised it shall be lawful for the Three Companies subject to the provisions of this Act to deviate vertically from the levels thereof as marked on the deposited sections upwards and downwards to such an extent as may be found necessary or convenient. Power of deviation.

8. Nothing in this Act shall authorise the Three Companies to enter upon take or use (except by agreement) any cellar or vault or other part of the structure of a building in or under any street belonging to or connected with any building unless such cellar or vault or part of the structure of a building or the building with which it is connected or of which it forms part is described or referred to in the deposited book of reference. Provisions as to cellars under streets not referenced.

9. If in the execution and maintenance of any work authorised by this Act it shall be necessary in order to avoid injury to the houses and buildings within one hundred feet thereof to underpin or otherwise strengthen the same the Three Companies at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):— Three Companies empowered to underpin or otherwise strengthen houses near works.

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice if given by the Three Companies shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Three Companies:

(3) If any owner lessee or occupier of any such house or building or the Three Companies shall within seven days after the giving of such notice give a counter notice in writing that he or they (as the case may be) disputes the necessity of such underpinning or strengthening the question of the necessity shall be

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referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Three Companies may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The cost of the reference shall be in the discretion of the referee :
- (6) The Three Companies shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (7) In any case in which any house or building shall have been underpinned or strengthened on the requisition of the Three Companies such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Three Companies then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Three Companies shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Three Companies from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act :

(9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts: A.D. 1910.

(10) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

10. The powers of the Company and of the Three Companies respectively 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.

11. If the works by this Act authorised are 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 and the Three Companies respectively for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

12. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company or the Three Companies as the case may be award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company or the Three Companies as the case may be by the claimant giving sufficient particulars and in sufficient time to enable the Company or the Three Companies as the case may be to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company or the Three Companies as the case may be have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be paid by the claimant: Costs of arbitration &c. in certain cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company or the Three Companies as the case may be to amend the statement in writing of the claim delivered by him to the Company or the Three Companies as the case may be in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company or the Three Companies as the case may be if they

A.D. 1910. object to the amendment and such amendment shall be subject to such terms enabling the Company or the Three Companies as the case may be to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Power to enter upon property for survey and valuation.

13. The Company or the Three Companies as the case may be and their surveyors officers and workmen and any person duly authorised in writing by the Company or the Three Companies as the case may be may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours and afterwards from time to time twelve hours previous notice enter upon and into the lands and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of inspecting surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

General provisions for protection of gas water hydraulic power and electric companies and public bodies.

14.—(1) Before commencing any works by this Act authorised in or under any street in or under which any mains pipes syphons plugs wires or other works (herein-after called "apparatus") of the Metropolitan Water Board the Gas Light and Coke Company the London Hydraulic Power Company or of any undertakers under any Provisional Order granted under the Electric Lighting Acts 1882 and 1888 or under any Act of Parliament whose mains pipes wires or other works may be interfered with during the construction of the subways hereby authorised (each herein-after referred to as "the protected company") are situate the Three Companies shall deliver to the protected company plans sections and descriptions of all 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 twenty-one days before the commencement of any such work :