



CHAPTER clxxvii.

An Act for conferring further powers upon the Metropolitan Railway Company in relation to their own undertaking and for the ventilation of their Railway and upon that Company and the Metropolitan District Railway Company in relation to the working of their undertakings by electrical power and upon those Companies and the South Eastern Railway Company with respect to certain lands at Cannon Street and for other purposes.

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[2nd August 1898.]

WHEREAS it is expedient that the Metropolitan Railway Company (in this Act called "the Company") should be empowered to alter the levels of the portion of their existing railway and exercise the powers and acquire the lands in this Act respectively mentioned and described :

And whereas sections showing the alteration of levels by this Act authorised and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to those 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 several counties within which the said alteration of levels will be made and the said lands are situate and those plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference respectively :

And whereas it is expedient that provision should be made as contained in this Act for improving the ventilation of portions of the Company's railway and that powers should be conferred upon the Company and the Metropolitan District Railway Company (in this Act called "the District Company") with respect to the use of electricity as a motive power upon their respective and joint railways :

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And whereas it is expedient that further powers should be conferred upon the Company and upon the Metropolitan Railway Surplus Lands Committee with respect to certain lands acquired by the Company in this Act mentioned or referred to :

And whereas it is expedient that the South Eastern Railway Company should be authorised to grant and the Company and the District Company to accept a lease of certain lands at Cannon Street as herein-after provided :

And whereas it is expedient that the Company and the District Company respectively should be empowered to apply their funds to the purposes of this Act in which they are interested :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the Metropolitan Railway Act 1898.

Act divided into parts.

2. This Act is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Ventilation of railway.

Part IV.—Electrical powers.

Part V.—Surplus lands and surplus lands committee.

Part VI.—General powers and provisions.

Incorporation of general Acts.

3. 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 ; and

Part I. (relating to construction of a railway) of the Railways Clauses Act 1863.

Interpretation.

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

The expression "the two companies" means the Company and the District Company ;

The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall as regards the administrative county of London mean the clerk of the vestry of the parish if the parish is mentioned in Schedule A. of the Metropolis Management Act 1855 the clerk of the district board if the parish or place is included in a district mentioned in Schedule B. of the last-mentioned Act and where any place is not included in any such parish or district as aforesaid shall mean the clerk of some adjoining parish or district board.

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PART II.—WORKS AND LANDS.

5. Subject to the provisions of this Act the Company may make and maintain according to the levels shown on the deposited sections the alteration of the levels of the portion of their railway herein-after described (that is to say):—

Power to
Company to
alter railway.

An alteration one mile six furlongs nine chains and twenty links in length in the parish and urban district of Willesden in the county of Middlesex of the levels of the railway of the Company between a point opposite the east end of the platform at Kingsbury-Neasden Station and a point one hundred and twenty yards or thereabouts measured along the railway in a westerly direction from the west end of the platform at Kilburn-Brondesbury Station.

6. For the protection of the Willesden Urban District Council (in this section called "the council") the following provisions shall notwithstanding anything shown on the deposited plans and sections have effect unless otherwise agreed in writing between the Company and the council (that is to say):—

For protec-
tion of
Willesden
Urban
District
Council.

(1) The culverts of the watercourses shown upon the deposited plans now passing under the existing railway of the Company at a point two hundred and thirty feet or thereabouts to the east of Neasden Station and at a point nine hundred and sixty feet or thereabouts to the east of Dudden Hill Lane in the parish of Willesden respectively shall be rebuilt by the Company in the same form and of the same dimensions and in the same manner in all respects so far as practicable as the existing extensions of the said culverts under the railway of the Great Central Railway Company adjoining:

(2) The said culverts shall be constructed and maintained at the expense of the Company under the superintendence and to the reasonable satisfaction of the engineer of the council:

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(3) Any difference arising between the Company and the council respecting any of the matters referred to in this section shall be referred to and settled at the request of either party by an engineer or other fit person to be agreed on between the parties or in default of agreement by an engineer or other fit person to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Rates and charges.

7. The alteration of levels of the Company's railway by this Act authorised shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the railway authorised to be altered.

Power to Company to acquire lands for general purposes.

8. Subject to the provisions of this Act the Company may enter upon take use and appropriate to the purposes of extending their stations sidings engine sheds workshops coal wharves depôts and other works and conveniences for the accommodation of their traffic and for other purposes connected with their undertaking all or any of the lands houses and buildings following delineated on the deposited plans and described in the deposited book of reference relating thereto (that is to say):—

In the county of Middlesex—

Certain lands in the parish of Ruislip lying on the north side of and adjoining the Company's Northwood Station between Holywell Road and Green Lane ;

Certain lands in the parish and urban district of Harrow-on-the-Hill lying on the north side of and adjoining the railway of the Company and on the south side of and adjoining the public road from Harrow to Pinner bounded on the east in part by land belonging to the Company and on the west by an occupation road leading from Pinner Road aforesaid under the railway of the Company :

In the county of Buckingham—

Certain land in the parish of Wendover lying on the north side of and adjoining the Company's railway and goods yard at their Wendover Station ;

Certain lands in the parish of Quainton lying on the west side of and adjoining the public road leading from Quainton to Waddesdon and on the south side of and adjoining the lands and property of the Company at their Quainton Road Station ;

Certain lands in the parish of Aylesbury-with-Walton in the urban district of Aylesbury lying on the east side of and adjoining Great Western Street and bounded on the north by an occupation road leading to lands belonging or reputed to belong to the trustees of the late John Garrett on the east

by lands belonging to the Company and on the south by a stream called the Mill Stream; A.D. 1898.

Also certain other lands in the same parish and urban district lying on the south side of and adjoining Walton Street and bounded on the south by the Company's railway and lands on the west by other lands belonging or reputed to belong to the Company and William Foat and on the east by houses and lands belonging or reputed to belong to the Aylesbury Brewery Company and Mary Ann Hollier respectively:

In the county of Hertford—

Certain lands in the parish of Rickmansworth lying on the south side of and adjoining the Chorley Wood Station on the Company's railway.

PART III.—VENTILATION OF RAILWAY.

9.—(1) Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take and use all or any of the lands houses and buildings following delineated on the deposited plans thereof and described in the deposited book of reference relating thereto and may on any of the said lands make and maintain openings and such other works as they may deem necessary or expedient for the purposes of ventilating their railway and otherwise for the improvement of certain of the Company's stations (that is to say):—

Power to acquire lands for ventilating railway.

Certain lands in the parish of Paddington situate on the northern side of South Wharf Road in the respective occupations of Albert John Tatham William Boyer Henry Boyer and James Reay Coffey also certain other lands situate on the north side of South Wharf Road and Praed Street being stables and premises in the occupation of the Company and also certain other lands situate on the south side of Praed Street and between Sale Street and Junction Place:

Certain lands in the parish of Saint Marylebone situate in the Marylebone Road and being Nos. 130 132 and 134 on the north side of that road also Nos. 49 and 51 on the south side of that road also No. 54 Upper Baker Street on the west side of that street also No. 22 York Place Baker Street on the west side of that place also Nos. 379 and 381 Euston Road on the south side of that road and also certain lands in Cleveland Street being No. 177 on the west side of that street:

Certain other lands in the parish of Saint Marylebone situate in the Finchley Road and being Nos. 28 30 32 and 34

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respectively on the east side of that road and adjoining the Marlborough Road Station of the Company :

Certain lands in the parish of Saint John Hampstead situate in the Finchley Road and being Nos. 111 113 137 and 139 on the west side thereof and adjoining or near to the Swiss Cottage Station of the Company :

Certain lands in the parish of Saint Pancras situate in the Euston Road and being Nos. 410 412 414 416 418 420 422 424 426 428 430 432 200 202 204 206 208 210 212 110 112 114 and 116 on the north side of that road Nos. 123 125 127 129 195 197 199 201 203 205 207 and 369 371 373 and 375 or parts thereof on the south side of that road and also certain lands in Cleveland Street being No. 140A on the east side of that street :

And the Company may subject to the provisions of this Act for the purposes aforesaid cross stop up alter or divert temporarily or permanently any roads streets watercourses drains sewers pipes wires and telegraphic telephonic and other electrical apparatus which it may be necessary or convenient to cross stop up alter or divert in executing those purposes.

(2) Where the Company propose to raise sink or otherwise alter the position of any tube wire or apparatus laid down for telephonic purposes they shall give to the Company owning the same not less than seven days' previous notice of the time and place at which the work will be begun and of the nature of the operation and the Company shall make the same under the supervision and to the reasonable satisfaction of such owners or their engineer.

(3) Nothing in this Act shall empower the Company to close (except temporarily during the construction of any ventilation works) or to divert or do away with any public street within the limits shown on the deposited plans of the lands to be acquired in the county of London.

(4) The Company shall not acquire any portion of the said lands situate on the north side of South Wharf Road and Praed Street numbered on the deposited plans 2 and 5 in the said parish of Paddington without the consent in writing of the Company of Proprietors of the Grand Junction Canal (herein-after called "the canal company") except so much thereof as is coloured red on a plan signed by Sir John Wolfe Barry on behalf of the Company and by Hubert Thomas on behalf of the canal company but the Company may extend the foundations and backs of the walls of any ventilators to be constructed upon the said lands for a distance of four feet under the surface of the lands of the Canal Company adjoining the lands so to be acquired by the Company without

however interfering with the surface of the ground except temporarily for the purposes of construction Provided also that the walls of the ventilators to be erected thereon shall be at least seven feet above the surface of the adjoining ground Provided also that if at any time hereafter the Company shall not require to use such pieces of land for the purposes of ventilation of their railway they shall offer to sell the same to the canal company as though it were superfluous land within the meaning of section 128 of the Lands Clauses Consolidation Act 1845 notwithstanding that such pieces of land be situate within a town. A.D. 1898.

(5) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

(6) The Company shall not alter or divert any telegraphic telephonic or other electrical apparatus belonging to or used by the Postmaster-General except in accordance with the provisions of the Telegraph Act 1878.

10. For the protection of the Gas Light and Coke Company (herein-after referred to as "the gas company") be it enacted as follows:— For protection of Gas Light and Coke Company.

(A) Whereas in the execution of the works by this Act authorised the mains pipes syphons and other works and apparatus belonging to the gas company may be taken up cut off intersected or in certain other ways interfered with and it is expedient that the gas company should have full control over the execution of all works in any way affecting the supply by them of gas and the taking up cutting off intersecting or interference aforesaid Be it therefore enacted that all works matters or things which under the provisions of this Act or the incorporated Acts the Company may be empowered or required to do or execute with reference to the mains pipes syphons or other works or apparatus of the gas company shall be done and executed by and at the cost of the Company but to the reasonable satisfaction and under the direction of and in such manner as shall be required by the engineer of the gas company and such works matters or things shall not be commenced until after fourteen days' previous notice thereof in writing shall have been given to the gas company and the Company shall not lay down alter remove or interfere with any such mains pipes syphons or other works or apparatus contrary to the regulations of any Act of Parliament to which the gas company are for the time being subject Provided always that if the gas company shall elect themselves to execute any portion

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of the works matters and things which the Company may by this Act or the incorporated Acts be empowered or required to do or exercise with reference to or affecting the mains pipes syphons or other work or apparatus of the gas company and of such their election shall give seven days' notice in writing to the Company the gas company may themselves execute that portion of the said works matters and things and the reasonable expense of and incident to the executing the same shall be repaid by the Company to the gas company on demand and such expense may be recovered from the Company in any court of competent jurisdiction :

- (B) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned by any act or omission of the Company or by the acts or omissions 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 gas company for the use and benefit of the gas company the sum of ten pounds for every hour during which such interruption shall continue and in addition shall pay to the gas company the value of the gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction :
- (c) Notwithstanding anything in this or the incorporated Acts contained the Company shall be responsible for and make good to the gas company all costs losses damages expenses and penalties which may be occasioned to or incurred by the gas company or occasioned to any of their mains pipes syphons apparatus property works and conveniences (including in such damages any loss of gas or interruption in the supply of gas by the gas company and all injury or loss by explosion or otherwise) through by reason of or consequent on the execution user or failure of any of the intended works or through by reason of or consequent on any act or omission of the Company or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or agents and the Company shall effectually indemnify and hold harmless the gas company from all claims demands and penalties upon or against or incurred by them by reason of such execution user or failure of any such act or omission or matter or thing aforesaid :
- (d) The gas company may if they deem fit employ watchmen or inspectors to watch and inspect the works of the Company by the construction repair or renewal whereof any mains pipes

works or apparatus of the gas company will be interfered with or affected and the reasonable wages of such watchmen or inspectors shall be borne by the Company and be paid by them to the gas company on demand and may be recovered against the Company in any court of competent jurisdiction:

- (E) If the Company shall at any time find it necessary to undermine but not to otherwise alter the position of any main pipe syphon works or apparatus belonging to the gas company they shall temporarily support the same in its position during the execution of their works and on their completion shall provide a good and suitable foundation for every main pipe syphon work or apparatus so undermined:
- (F) Any difference arising between the Company and the gas company respecting any of the matters referred to in this section (with respect to which no other provision is by this section made) and any disagreement within section 19 of the Railways Clauses Consolidation Act 1845 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.

11.--(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 any of the following companies (namely):—

- The West Middlesex Waterworks Company;
- The Grand Junction Waterworks Company;
- The Metropolitan Electric Supply Company Limited; and
- The Vestry of Saint John Hampstead (in respect of their electric apparatus);

(each herein-after referred to as "the protected company" and collectively as "the protected companies") are situate the Company shall 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 such protected company or companies at least fourteen days before the commencement of any such work:

If it should appear to any protected company that such works will interfere with or endanger any of their apparatus or impede the supply of water gas hydraulic power or electric energy such 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

General provisions for protection of water and electric companies.

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

(3) Any protected company may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any apparatus for such 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 such protected company and be recovered against the Company in any court of competent jurisdiction.

(4) If any interruption in the supply of water gas hydraulic power or electric energy by any protected company shall without the written authority of such protected company be in any way occasioned by the Company or by the act or acts 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 such protected company for the use and benefit of such protected company a sum not exceeding ten pounds for every hour during which such interruption shall continue such sum to be recovered by such protected company against the Company in any court of competent jurisdiction.

(5) The expense of all repairs or renewals of any apparatus of any such protected company or any works in connexion therewith which may at any time hereafter be rendered necessary 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 in connexion with the railway whether during the construction of the railway and works or at any time thereafter shall be borne and paid by the Company and may be recovered against the Company by such protected company as the case may be in any court of competent jurisdiction.

(6) It shall be lawful for any protected company and the engineers workmen and others in their respective employ at all times when it may be necessary to enter upon the lands works and premises of the Company acquired or constructed under this Act at any point or place where there is existing any apparatus of such 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 such protected company their engineers or workmen or others in the employ of such company shall not interrupt the user of any of the works of the Company by this Act or by any other Act authorised and provided also that such protected company shall make good and reimburse to the Company all damages to the works by this Act or by any other Act authorised occasioned by the exercise of the powers by this section reserved the amount of such damages to be recoverable by the Company in any court of competent jurisdiction.

(7) If any difference shall arise with respect to any matter under this section between the Company and any protected company or their respective engineers or concerning any plans sections or descriptions to be delivered to any such company under the foregoing provisions of this Act 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.

12. For the protection of the Right Honourable William Henry Berkeley Viscount Portman his heirs sequels in estate and assigns (in this section called "the owner") and of the property of which the said William Henry Berkeley Viscount Portman is or now claims to be tenant for life in the parish of Saint Marylebone the following provisions shall have effect (that is to say) :—

For protection of
Viscount
Portman.

(1) Notwithstanding anything in this Act or shown on the deposited plans the Company shall not (except with the consent

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in writing of the owner) acquire any right or interest of the owner in the property numbered on the deposited plans in the parish of Saint Marylebone 4 5 6 7 and 8 except for the purposes mentioned in sub-section 2 :

(2) The land north of the centre of the Marylebone Road and west of Upper Baker Street and the land south of the centre of the Marylebone Road and west of York Place which the Company are authorised to acquire may be used for the purpose of constructing and maintaining an opening or openings and improving the Baker Street Station underground but every such opening or openings shall be surrounded by ornamental iron or brickwork of a height of eight feet and no more of the surface of the ground shall be taken from Viscount Portman or except during construction occupied than a space of fifty feet long by twenty-five feet wide on each side of the Marylebone Road for such openings and so that the northern and southern limits of any such extension or improvement of the Baker Street Station underground shall not extend further from the existing frontage line of the Marylebone Road than thirty feet :

(3) Nothing in the Railways Clauses Consolidation Act 1845 or in this Act shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them by any works upon the said land other than as aforesaid.

13. The following provisions for the protection of the sewers of the London County Council (in this part of this Act called "the council") shall have effect (namely) :—

(1) The Company shall not commence any works by this Act authorised which may pass over under or by the side of or so as to interfere with any sewer of the council until they shall have given to the council one month's previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with plans and sections thereof as herein-after defined and until the council shall have signified their approval of the same unless the council do not signify their approval disapproval or other directions within twenty-one days after service of the said plans and sections as aforesaid and the Company shall comply with and conform to all reasonable orders directions and regulations of the council in the execution of the said works and shall provide by new altered or substituted works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the

For protection of sewers of London County Council.

said sewers by reason of the intended works or any part thereof and shall save harmless the council against all expenses to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer of the council at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the council may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the Company on demand and when any new altered or substituted works as aforesaid or any works of defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direct jurisdiction and control of the council as any sewers or works now or hereafter may be :

- (2) The plans to be submitted to the council for the purposes of this Act shall be detailed plans drawings sections and specifications describing the exact position and manner in which and the level at which the works are proposed to be constructed and shall accurately describe the position of all sewers of the council within the limits of deviation shown on the deposited plans (for which purpose the council shall allow the Company access to plans in their possession and to any sewers in order to enable the Company to obtain trustworthy information) and shall comprise detailed drawings of any alteration which the Company may propose to make in any such sewer :
- (3) The council may require such modifications to be made in the said plans drawings sections and particulars as may be reasonably necessary to secure the sewers and drainage system of London under the jurisdiction and control of the council against interference or risk of damage and to provide and secure any necessary proper and convenient means of access to the said sewers :
- (4) The Company shall be liable to make good all injury or damage caused by or resulting from any of their works or operations to any sewers drains or works vested in the council and the council shall from time to time have power to recover the amount thereof from the Company in any court of competent jurisdiction.

14. The Company shall not where any house or building in the county of London shall have been wholly or in part demolished

Walls of buildings to be made good.

A.D. 1898. by them leave any adjoining structures or any portion of a partly demolished structure in any unsightly condition for any longer period than is reasonably necessary.

Buildings
not to be
brought
beyond
general
line &c.

15. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway in the county of London or without the consent of the Council to erect or maintain any building beyond the general line of building in any street in that county other than works for purpose of ventilation which shall be made subject to the provisions of this Act.

Exhibition
of placards
in county of
London.

16. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works in the county of London 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 by the clerk to the district board or vestry of the district or parish in which such part of the works is situate and if any such placard or advertisement be affixed or exhibited without such approval the said council district board or vestry and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the outside of any such works placards giving information to the public as to the business of the Company.

As to rates
in parish
of St.
Pancras.

17. The Company shall from time to time pay to the vestry of the parish of Saint Pancras all rates leviable by or payable to them upon the respective assessments of any of the lands or property acquired by the Company under the powers of this Act in the parish of Saint Pancras or a proportion of such rates respectively from the time of such acquisition until the Company shall have constructed works on the said lands and so far completed the same as to be liable to be assessed to such rates and the amount of such rates payable by the Company shall be computed according to the assessments of such lands or property in the rate made in the month of April one thousand eight hundred and ninety-eight notwithstanding that the buildings thereon or forming part thereof may have been taken down.

For pro-
tection of
vestry of
St. Pancras.

18. For the protection of the vestry of the parish of Saint Pancras (in this section called "the vestry") the following provisions shall have effect (that is to say):—

(1) In and for the purposes of this section "the parish" means the parish of Saint Pancras in the county of Middlesex

“ sewer ” includes a public drain and culvert vested in the vestry for the carrying off of the surface water “ the surveyor ” means the chief surveyor for the time being of the vestry : A.D. 1898.

- (2) Wherever in the construction of any of the works by this Act authorised or by reason of the execution of any of the powers of this Act it may at any time be necessary to divert alter or interfere with any sewers under the control and management of the vestry every such diversion alteration or interference and all works connected therewith or auxiliary thereto shall be executed by the Company according to such plan and in such manner as may from time to time be reasonably prescribed or approved by the vestry and to the reasonable satisfaction of the surveyor :
- (3) Before the Company execute any work or do anything whereby the flow of sewage in any sewer may be interrupted or interfered with they shall provide to the reasonable satisfaction of the surveyor a substituted sewer and connect the same with some other sewer of the vestry or in some other way provide against any interruption in such flow of sewage :
- (4) If by reason of the execution of any of the powers of this Act any increased length of sewers shall become necessary the same shall be provided and laid down by or at the expense of the Company according to such plan and in such manner as may be reasonably approved by the vestry :
- (5) Nothing in this Act contained shall interfere with the powers of the vestry from time to time as they think fit to construct sewers or to repair or inspect any sewer or to make connexions or communications therewith but so as not to prevent or interfere with the construction or maintenance of the works by this Act authorised :
- (6) If any difference arise between the Company and the vestry as to anything to be done or not to be done under the provisions of this section the same shall be settled by an engineer to be appointed (unless otherwise agreed between the parties) on the application of either party by the President of the Institution of Civil Engineers.

19. If the Company shall at any time construct any works or buildings in under or upon the lands in the parish of Paddington which they are by this Act authorised to acquire the following provisions for the protection of the vestry of the said parish (in this section herein-after called “ the vestry ”) shall apply and have effect :— For protection of vestry of Paddington.

- (A) They shall construct and carry out such works or buildings in such manner as not to damage or in any way interfere with

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any sewer drain or pipe belonging to the vestry or the surface of the streets or footways :

- (B) All tunnels arches and other works under any street within the said parish 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 vestry may use for repairing the streets and the Company shall indemnify and make good to the vestry all costs and expenses that the vestry may incur or 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 works :
- (C) The Company shall not deposit any subsoil or materials anywhere within the said parish so as to cause any nuisance or obstruction to any persons using the roads or footways within the said parish :
- (D) The Company shall make full compensation to the vestry for any damage to or subsidence of any sewer drain or work under the jurisdiction or control of the vestry in or under any street road or footway in under or adjacent to which any such works or buildings may be constructed by the Company which may be 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 buildings or works or at any time thereafter :
- (E) The Company shall at all times during the progress of any such building or works provide all necessary hoardings and barriers the same to be well and efficiently lighted and watched and every precaution taken for the due and proper protection of the public The Company shall be responsible for any damage whatever caused during or by the execution of the buildings or works :
- (F) Should it be found necessary to alter or interfere with any sewers pipes drains gulleys air shafts or works connected therewith belonging to or under the control of the vestry fourteen days' notice shall be given in writing to the vestry of such intention to alter or amend the same sewers drains gulleys air shafts matters or things and any such alteration or amendment shall be made with the reasonable approval and under the superintendence of the vestry and the Company shall pay to the vestry their reasonable costs of such approval and superintendence :
- (G) In constructing the ventilators in Praed Street and South Wharf Road Paddington the Company shall not bring the wall

of any ventilator nearer to the street than the frontage line of the now existing buildings nor shall they make any openings for ventilation in the public footpath or carriage road and they shall so construct the top of the internal wall next to the street of such ventilators as to deflect as far as practicable any steam or vapour away from the street and in Praed Street they shall throw into the public footpath as an addition thereto for the use of the public so much of the land (if any) belonging to the Company as lies between the frontage line of the existing buildings and the said footpath :

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(H) The Company shall carry the walls of the ventilators in Praed Street Sale Street Junction Place Market Street and South Wharf Road to such height above the street level as shall be reasonably required by the vestry In case of difference the height shall be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers whose decision shall be final.

20. If the Company shall at any time construct any works or buildings in under or upon the lands in the parish of Saint John Hampstead which they are by this Act authorised to acquire the provisions of the last preceding section of this Act (except subsections (g) and (h) thereof) shall extend and apply thereto and to the said parish and to the vestry of that parish as if the said parish and vestry had been named therein instead of the parish of Paddington and the vestry of the parish of Paddington.

For protection of vestry of St. John Hampstead.

21. Twenty-eight days before commencing the construction of any opening for the ventilation of their railway under the powers of this Act the Company shall submit to the vestry of the parish in which such opening will be situate for the approval of such vestry plans and drawings indicating the position and size of such opening and the design and manner of execution of the parapet walls and surface work in connexion with such opening above the level of the street :

Plans of openings for ventilation to be submitted to vestry.

If within twenty-eight days after the submission of such plans and drawings the vestry shall approve the same or shall fail to signify their disapproval thereof the said opening parapet walls and surface work shall be carried out in conformity with such plans and drawings :

If the vestry shall disapprove of such plans and drawings they shall within twenty-eight days after the submission thereof signify in writing to the Company their disapproval thereof and the grounds of such disapproval and in the event of the Company and the vestry failing to agree as to such plans and drawings or any modifications thereof the said plans and drawings shall be approved by a civil

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Company to sell portion of land near Osnaburgh Street to London County Council.

22. Before commencing to construct any opening or work upon any part of the lands on the north side of the Euston Road and east of and near to Osnaburgh Street which they are by this Act authorised to acquire the Company shall give notice in writing of their intention to commence the same to the London County Council (in this section called "the council") and if within twenty-eight days after the receipt of such notice the council shall by notice in writing require the Company to sell to the council the portion of the said lands which is delineated and hatched red on the plan of the said lands signed in duplicate by Samuel Hoare the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and containing seventy-six square yards or thereabouts for the purpose of widening Euston Road at the price of three hundred pounds the Company shall sell to the council and the council shall purchase from the Company the said portion of the said lands at that price.

Openings for ventilation to be closed in certain events.

23. If at the expiration of three years from the passing of this Act a system of electric traction has not been adopted upon the portion of the Company's railway between Edgware Road and King's Cross Stations or if artificial means of ventilating the said portion of railway otherwise than by openings to the reasonable satisfaction of the Board of Trade have not been adopted the Company shall if so required by the Board of Trade close the openings for ventilation by this Act authorised to be made on the lands in the county of London by this Act authorised to be acquired or such of the said openings as shall be specified in any requirement made by the Board of Trade under this section:

Provided always that if at the expiration of five years from the passing of this Act such system of electric traction or such artificial means of ventilation as aforesaid have not been adopted the Company shall close the said openings unless authorised by Parliament to maintain the said openings or any of them.

For protection of Crown Estate.

24. Nothing in the Railways Clauses Consolidation Act 1845 or in this Act shall exempt the Company from any action indictment or other proceeding in the event of any nuisance being caused by them by any works upon the said land and all works to be executed by or under the authority of the Company on the lands situate on the eastern side of the Crown estate in Osnaburgh Street and Euston Road shall be so constructed and used from time to time as

not to cause any damage injury or nuisance to the owners occupiers or tenants of the adjoining Crown property. A.D. 1898.

PART IV.—ELECTRICAL POWER.

25. Subject to the provisions of this part of this Act the Company may work by electrical power the traffic on their existing railways or any of them or any part or parts thereof and on the city lines and extensions railways of the two Companies and on any railways of the District Company which the Company are authorised or empowered to run over and use and subject as aforesaid the District Company may work by electrical power the traffic on the said city lines and extensions railways and on any railways of the Company which the District Company are authorised to run over or use :

Traffic on railways may be worked by electrical power.

Provided that nothing contained in this part of this Act shall in any way prejudice or affect the right of the District Company to run over in the present manner such portions of the existing railways of the Company as form part of the Inner Circle Railway neither shall the powers so to work the said railways be so exercised as to make the user of such running powers by the District Company less easy and convenient than before :

In the event of the Company working the traffic on their existing railways or any part thereof by means of electricity the Company shall pay the cost of such additions to or alterations in the earth or metallic circuits of the District Company for working their signals telegraphic wires and apparatus upon their railway as the Board of Trade may consider that the Company may reasonably be called upon to provide in order to prevent interference with such signals telegraphic wires and apparatus of the District Company by reason of such working.

26. Subject to the provisions of this Act the Company may appropriate and use for the purpose of erecting stations for generating electrical energy and of constructing providing using and working engines dynamos machinery and electrical and other plant works and conveniences the lands herein-after described or some of them or some parts or part thereof (that is to say) :—

Lands for generating station.

Lands adjoining the Edgware Road Station of the Company bounded on the east by Marylebone Road and Stafford Street on the south by houses and buildings in Chapel Street on the west by Lisson Street and on the north by the Company's lines of railway and occupied by the Company and upon which are constructed engine sheds sidings turntables and other works and conveniences in connexion with the railways of the Company :

A.D. 1898. But nothing in this Act shall authorise the Company to generate electricity elsewhere than on the lands specified in this section or the lands specified in the First Schedule to the Metropolitan District Railway Act 1897.

Power to lay electric mains &c.

27. Subject to the provisions of this part of this Act the Company may for the purposes of carrying into effect any of the provisions of this part of this Act lay down along their existing railways and the city lines and extensions railways of the two Companies or any of them and may maintain and use and the District Company may for the like purposes lay down along the said city lines and extensions railways and may maintain and use electric mains lines and pipes for transmitting electrical currents from all or any generating stations of either of the two Companies to over and along the said railways or any of them.

Agreements between two companies as to use of electrical power.

28. The two Companies may enter into and carry into effect agreements with respect to the working of the traffic on the before-mentioned railways or any of them or any part thereof by electrical power and with respect to the supply of electrical energy for the purposes of this Act and of the Metropolitan District Railway Act 1897 or either of them from any generating stations of the two Companies or either of them and with respect to the establishment ownership maintenance use and management of generating stations of the two Companies or either of them.

Provision as to existing Acts and agreements relating to railways of two Companies.

29. All the provisions of every Act and agreement authorising regulating prescribing or controlling the working use and management of the railways in this part of this Act mentioned or referred to or any of them shall in the event of such railways being worked by electrical power under this Act be read and construed subject to and along with and in conjunction with the provisions of this part of this Act as if they formed part of the same.

Powers to be exercised with consent.

30. The Company shall have no power except with the consent in writing of the District Company to exercise the powers by this part of this Act granted over any part of the railways of the District Company or the lands specified in the First Schedule to their said Act of 1897 or the said city lines and extensions railways and the District Company shall have no power except with the consent in writing of the Company to exercise the powers by this part of this Act granted over any part of the railways of the Company or the said city lines and extensions railways.

Agreements for supply of electricity.

31. The Company on the one hand and any other company body or persons authorised to supply electricity in any district in which the Company's existing railways or any of them or any part

or parts thereof are situate on the other hand may enter into and carry into effect agreements with respect to the supply to the Company by such company body or person of electrical energy for the purposes of this part of this Act. A.D. 1898.

32. The Company and the District Company respectively may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use of electrical power for the purposes of this Act. Power to hold patent rights.

33. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :— Provisions as to use of electric power.

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :

(3) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") with respect to the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Company using electric power contrary to the provisions of this Act or to any of the prescribed regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations may by order direct the Company to cease to use electric power and thereupon the Company

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shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

- (5) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Company and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

For protection of
Postmaster-
General.

34. In the event of any of the before-mentioned railways being worked by electricity the following provisions shall have effect:—

- (1) Either of the companies working traffic by electrical power under this Act (in this section referred to as “the working company”) shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to

time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the working company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the working company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator. Provided that this sub-section shall not apply to any telegraphic line of the Postmaster-General now or hereafter laid down or placed by him on or along any of the said railways authorised after the thirty-first day of July one thousand eight hundred and sixty-eight :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the working company of their electric lines and works or by the working of the undertaking of the working company the working company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3) (A) Before any electric line is laid down or any act or work for working any of the said railways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General 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 working company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the working company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(B) Any difference which arises between the Postmaster-General and the working company or their agents with respect to any requirements so made shall be determined by arbitration :

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- (4) In the case of any telegraphic line of the Postmaster-General now or hereafter laid down or placed by him on or along the railway or existing railways of the working company authorised after the thirty-first day of July one thousand eight hundred and sixty-eight if the working company are put to any additional expense by reason of the obligations imposed on them by this section or by reason of the requirements of the Postmaster-General or of any direction of the arbitrator for preventing injurious affection to such telegraphic line or the currents therein such additional expense shall be borne in such manner as may be agreed between the Postmaster-General and the working company or in case of difference may be determined by arbitration :
- (5) In the event of any contravention of or wilful non-compliance with this section by the working company or their agents the working 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 :
- (6) Provided that nothing in this section shall subject the working company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the working company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section

shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

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- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the working company or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the working company by indictment action or otherwise in relation to any of the matters aforesaid.

35. For the protection of the Great Western Railway Company (herein-after called "the Great Western Company") the following provisions shall have effect (that is to say) :—

For protection of Great Western Railway Company.

- (1) Nothing in this Act contained shall prejudice or affect the rights and powers of the Great Western Company under any agreement or Act of Parliament to work any traffic which the Great Western Company are now entitled to work over the railway of the Company and the powers contained in this part of this Act shall not be exercised so as to make the working of such traffic by the Great Western Company less easy or convenient than before :
- (2) Should the Company at any time require the Great Western Company to substitute electrical traction for steam locomotives upon all or any of the trains of the Great Western Company working over the railway of the Company either the Great Western Company or the Company shall be entitled to refer to arbitration such requirement and how the cost or any part thereof shall be borne as if the same had been included under the agreements between the Company and the Great Western Company dated respectively the fourteenth January one thousand eight hundred and sixty-five and tenth August one thousand eight hundred and sixty-eight and scheduled to and confirmed by the Great Western Railway (Additional Powers) Act 1865 and the Great Western Railway Act 1869 respectively.

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PART V.—SURPLUS LANDS AND SURPLUS LANDS COMMITTEE.

Power for
Company
to deal with
certain
lands.

36. The Company may sell or grant building repairing or other leases of or otherwise let or dispose of on such terms and conditions or may retain hold and use for such purposes as they may think fit the lands and buildings acquired by them or on their behalf and lying between their Pinner Station in the county of Middlesex and their Verney Junction Station in the county of Bucks and between their Chalfont Road and Chesham Stations in the county of Bucks or any part thereof and which lands may not be required for the purposes of the Company's undertaking and any such land shall not be deemed to be land not required by the Company for the purposes of their undertaking within the meaning of the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands.

Further
powers to
surplus lands
committee.

37. In addition to the powers conferred upon the Metropolitan Railway Surplus Lands Committee by section 39 of the Metropolitan Railway Act 1885 or any Act amending or extending the same the said committee may improve and develop and lay out for building purposes and with a view to sale or lease or for any of such purposes any lands now belonging or hereafter to belong to the said committee or which may hereafter be acquired or which are or may be vested in the Company under or for the purposes of the said section and may invest money in the purchase of and hold leasehold lands and may erect houses and buildings and may carry out structural and other alterations and improvements of and may rebuild any houses or buildings upon any such lands and may apply to the purposes of or mentioned in this section or any of them any funds moneys or revenue in their hands or under their control Provided always that the powers of this section shall only be exercised subject to the provisions of any general or special Act or Acts and to any byelaws rules and regulations of any local or road authority then in force applicable thereto.

PART VI.—GENERAL POWERS AND PROVISIONS.

Period for
compulsory
purchase of
lands.

38. 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.

Power to
owners to
grant ease-
ments &c.

39. 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 other persons than parties to the agreement have an

interest) required for any of the purposes of this Act to be executed by them respectively in or 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.

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40. The Company shall not under the powers of this Act purchase or acquire in any parish in the administrative county of London (in this section referred to as "London") twenty or more houses or in any other city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent in the case of London of the Secretary of State for the Home Department or in any other case of the Local Government Board twenty or (as the case may be) ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artificers labourers and others working for wages hawkers 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 such persons who may be residing with them.

41. And whereas in the construction of the 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 or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other greater or less portion thereof can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

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

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties

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the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other greater or less portion thereof (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and

expenses reasonably and properly incurred by him in consequence of such notice :

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- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

42. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the works for the ventilation of the Company's railway it may be necessary to underpin or otherwise strengthen the same Therefore the Company 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) :—

Company empowered or may be required to underpin or otherwise strengthen houses near ventilating 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 Company 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 Company :

- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require 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

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of the necessity shall be 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 Company 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 Company 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) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company 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 Company 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 Company 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 Company 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 :
- (10) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

43. The South Eastern Railway Company may grant and the two Companies may accept and hold a lease of the hereditaments vested in the South Eastern Railway Company under and by virtue of the Charing Cross Railway (City Terminus) Act 1861 and the Charing Cross Railway Act 1863 and occupied by so much of the station and works of the two Companies at Cannon Street above or upon the surface of the forecourt of the Cannon Street Station of the South Eastern Railway Company or of land of that company adjacent thereto as is referred to in an agreement between the said Companies and the Metropolitan and District Joint Committee dated the twenty-first day of December one thousand eight hundred and ninety-six and of an award dated the seventh day of August one thousand eight hundred and ninety-seven made by the Right Honourable the Lord Herschell thereunder.

Power to South Eastern Railway Company as to lease of lands at Cannon Street.

44. The Company and the District Company respectively may apply to the purposes of this Act in which they are respectively interested and to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares stock or mortgage by virtue of any Acts relating to the Company or the District Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to apply corporate funds to purposes of Act.

45. Nothing in this Act contained shall exempt the Company or the District 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 now in force or which may hereafter pass during this or any future session of Parliament 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 by this Act.

Provision as to general Railway Acts.

46. 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.

Costs of Act

A.D. 1898.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES WHEREOF PARTS ONLY ARE REQUIRED TO
BE TAKEN.

Number on deposited Plan.	Parish or other Area.	Description of Property.
2	Paddington in the county of London.	Offices stores stables yard and premises.
5	"	Stables yard and premises.
4	St. Marylebone in the county of London.	House garden and premises.
5	"	House garden and premises.
6	"	House shop garden and premises.
7	"	House garden and premises.
8	"	House garden and premises.
15	"	Offices workshops and premises.
16	"	House shops yard and premises.
13	St. Pancras in the county of London.	House and premises.
14	"	Monumental mason's yard and premises.
19	"	House garden and premises.
20	"	House garden and premises.
21	"	House garden and premises.
35	"	House and premises.
35A	"	Warehouse and yard.
36	"	House and premises.

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