CHAPTER cliv.

An Act to confer further powers upon the Metropolitan District Railway Company and for other purposes. A.D. 1904.

[1st August 1904.]

WHEREAS with a view to the construction of works in connection with the railway of the Metropolitan District Railway Company (hereinafter called "the Company") it is expedient that the Company should be authorised to deviate and alter the level of so much of the sewer of the London County Council as crosses under the railway in the lands of the Company near Glazbury Road in the metropolitan borough of Fulham:

And whereas it is expedient that the Company should be authorised to deviate certain footpaths as by this Act provided in the urban districts of Wembley and Greenford and to substitute other footpaths therefor:

And whereas it is expedient that the Company should be authorised to acquire by compulsion or agreement for the purposes of their undertaking the lands and premises hereinafter described:

And whereas it is expedient that the Company should be authorised to charge zone fares for the conveyance of passengers between the stations hereinafter specified:

And whereas plans and sections showing the line and levels of the work by this Act authorised and also a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the

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peace for the counties of London and Middlesex and are hereinafter respectively referred to as the deposited plans sections and books 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 as the Metropolitan District Railway Act 1904.

Incorporation of Acts.

2. The Lands Clauses Acts and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. 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:

And in this Act—

"The Company" means the Metropolitan District Railway Company;

"The Metropolitan Company" means the Metropolitan Railway Company;

"The council" means the London County Council;

"The county" means the administrative county of London exclusive of the city of London;

"The Act of 1879" means the Metropolitan and District Railways (City Lines and Extensions) Act 1879;

"The Act of 1882" means the Metropolitan District Railway Act 1882;

"The Act of 1897" means the Metropolitan District Railway Act 1897;

"The Act of 1902" means the Metropolitan District Railway Act 1902;

"The Act of 1903" means the Metropolitan District Railway Act 1903;

"The city lines railways" means the railways authorised by the Act of 1879.

Power to execute work.

4. Subject to the provisions of this Act the Company in constructing the railway to give access between the Railway No. 2 authorised by the Act of 1903 and the existing railway of the Company near Gliddon Road may construct and maintain in the line and according to the levels shown upon the deposited plans and sections the work hereinafter described together with all necessary and convenient or incidental works approaches or communications connected therewith and for those purposes may enter upon take and use the property delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes :—

The diversion alteration or reconstruction in the parish and metropolitan borough of Fulham of so much of the sewer of the council which passes under the Company's railway and lands between West Kensington Station and Hammersmith Station near Glazbury Road as passes under or is within the Company's railway and lands Provided that such diversion alteration and reconstruction shall be carried out under the supervision and to the satisfaction of the engineer of the council.

Power to deviate from line and levels of sections.

5. The Company may subject to the provisions of this Act in constructing the diversion of sewer and works connected therewith deviate from the line and levels as marked on the deposited sections thereof to such an extent as may be found necessary or convenient for avoiding accommodating preserving or improving the drainage or sewers or other works in or under the streets through which the diversion of sewer or works will be made and the Company may alter the inclination of the works accordingly but no vertical deviation exceeding five feet shall be made without the consent of the Board of Trade.

Period for completion of works.

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

Power to Company to acquire lands.

7. 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 enter upon take use and appropriate compulsorily or by agreement for the purposes of the improvement and enlargement of their existing railways and the erection of new

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stations and works and sidings the construction of sub-stations for the transformation and distribution of electrical power and for the general purposes of their undertaking all or any of the lands hereinafter described which are delineated on the deposited plans and described in the deposited books of reference and may exercise the powers hereinafter conferred:—

In the county of London—

(1) In the parish and metropolitan borough of Fulham certain lands and premises adjoining the Company's railway and forming portions of the gardens and lands in the rear of the premises known as numbers 16 18 20 22 24 26 28 30 32 34 36 38 40 42 and 44 Margravine Gardens:

In the parish and metropolitan borough of Hammersmith—

(2) Certain lands and premises known as No. 26 Wilson's Road and so much of the roadway of Wilson's Road as lies between such premises and the north-east limit of the Company's land on the western side of Wilson's Road and the southern end of that road:

(3) Certain lands and premises adjoining and situate on the east and north-east side of the Company's railway extending from the Broadway Hammersmith to a point on the south-west side of Rednall Terrace distant three and a half chains or thereabouts measured along the Company's boundary in a north-westerly direction from the southernmost point of that terrace bounded on the north by the said Broadway on the north-east by an imaginary line drawn parallel to the said railway and distant one chain or thereabouts therefrom and on the south and west by the Company's said railway lands and premises:

(4) Certain lands and premises adjoining and situate on the west and south-west side of the Company's railway extending from the Broadway Hammersmith to the western boundary of the yard and premises on the north side and at the rear of Yeldham Road distant eight chains or thereabouts measured in a south-easterly direction along the southern boundary of the Company's railway from the bridge carrying Great Church Lane over that railway and being bounded on the north by the said Broadway on the west and south-west by an imaginary line drawn parallel to the said railway and

distant one chain or thereabouts therefrom on the east by the western boundary of the said yard and on the north-east by the Company's said railway lands and premises:

(5) Certain lands and premises belonging to the London and South Western Railway Company situate on both sides of and adjoining that company's railway bounded on the west partly by Goldhawk Road and partly by the Raven public-house and extending eastwards eight chains or thereabouts from that road:

In the county of Middlesex—

(6) In the parish and urban district of Acton certain lands and premises bounded on the south-east by the North and South Western Junction Railway on the north-west by Ramsay Road on the south-west by Church Path and on the north-east by the northernmost boundary of the houses known as Myrtle Villa and Archway House Ramsay Road:

(7) Partly in the parish and borough of Ealing and partly in the parish and urban district of Hanwell certain lands and premises bounded on the south by the Company's Hounslow Railway on the west by Boston Road on the east by the southern boundary of the field numbered 215 on the $\frac{1}{2500}$ Ordnance map (Middlesex Sheet No. XV. 16 1894–6 edition) on the north partly by that boundary and partly by an imaginary line drawn in a westerly direction from such boundary to a point in the Boston Road distant seven chains or thereabouts from the Company's Boston Road Station:

(8) Partly in the parish and borough of Ealing and partly in the parish and urban district of Hanwell and partly in the parish of New Brentford in the urban district of Brentford certain lands and premises bounded on the north by the said Hounslow Railway on the east by Northfield Lane on the west by Boston Road and on the south by the northernmost boundary of the fields numbered 2 234 235 237 229 on the said Ordnance map:

(9) Partly in the parish and urban district of Hanwell and partly in the parish of New Brentford in the urban district of Brentford certain lands and premises bounded on the south-east by the said Hounslow Railway and on

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the west by the towing path of the Grand Junction Canal on the north-east by Boston Road and on the north-west in part by the boundary between the urban districts of Hanwell and Brentford and in part by an imaginary line drawn parallel to the said Hounslow Railway from a point in the Boston Road distant two chains or thereabouts north-west of the Boston Road Station to the said urban district boundary:

In the parish of Heston in the urban district of Heston and Isleworth—

(10) Certain lands and premises bounded on the north-west by the Company's Hounslow Railway on the east by Thornbury Road and on the south by an imaginary line drawn from a point at or near the junction of St. Mary's Crescent and Thornbury Road to the bridge over the said railway leading to the field numbered 541 on the $\frac{1}{2500}$ Ordnance map (Middlesex Sheet No. XX. 3 1896 edition) also certain lands and premises on the north side of the said Hounslow Railway and south side of Jersey Road and numbered 539 on the said Ordnance map:

(11) Certain lands and premises bounded on the west by the said Hounslow Railway and station premises on the south by the London Road and on the east by the field numbered 430 on the $\frac{1}{2500}$ Ordnance map (Middlesex Sheet XX. 7 1896 edition):

(12) Certain lands and premises bounded on the west by Vicarage Farm Lane on the south by the Bath Road on the east by the Company's Hounslow Railway and land held in connection therewith and on the north by an imaginary line drawn from the north-west corner of the said land to a point in Vicarage Farm Lane distant nine chains or thereabouts from the junction of that lane with Bath Road:

(13) Partly in the parish and borough of Ealing and partly in the detached portion of the parish of Hanwell in the urban district of Hanwell a triangular piece of land bounded on the west by the Company's said Harrow Railway on the north by the Great Western Company's Acton and High Wycombe Railway and on the east by the footpath known as Mason's Green Lane and in connection therewith to stop up and dis-

continue all rights of way (if any) over the Company's said Harrow Railway to and from the said land:

(14) In the parish and borough of Ealing certain lands and premises bounded on the west by Hanger Lane on the south by the Company's Ealing Railway on the east by the Company's Harrow Railway and on the north by the road leading from Hanger Lane to the Company's North Ealing Station.

The Company may on or under the lands in this section described execute construct and maintain such works as are necessary for effecting the purposes for which such lands or easements therein are acquired.

For protection of London and South Western Railway Company.

8. Notwithstanding anything in this Act contained or shown on the plans deposited in relation thereto the Company shall not without the previous consent in writing of the London and South Western Railway Company under the hand of their secretary enter upon take or use any lands or property belonging to that company in the parish of Hammersmith numbered 5 in and described in the section of this Act of which the marginal note is "Power to Company to acquire lands."

For protection of Great Western Railway Company.

9.—(1) Notwithstanding anything shown on the deposited plans the Company shall not enter upon take or use the lands belonging or reputed to belong to the Great Western Railway Company in the parishes of Hanwell Detached and Twyford Abbey shown upon those plans except only the strip of land described in subsection (3) of this section.

(2) The Company may acquire use and appropriate for the general purposes of their undertaking the lands (including mines and minerals (if any) thereunder) coloured red upon the plan marked "A" signed by George Estall engineer of the Company and William Wylie Grierson engineer of the Great Western Railway Company as if such lands had been included within the limits of land to be acquired shown on the deposited plans and the said Great Western Railway Company may and shall accordingly sell the same to the Company subject to existing tenancies (which tenancies the said Great Western Railway Company shall if required by the Company determine at the earliest possible date) on such terms as failing agreement may be decided by arbitration under and in accordance with the provisions of the Lands Clauses Acts with respect to

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the purchase and taking of lands otherwise than by agreement Provided that the Company shall not sell lease or part with the possession of the said lands or any part thereof to any other railway company or person for railway purposes without the consent in writing of the Great Western Railway Company.

(3) In order to straighten the boundary line between the property of the Company and of the Great Western Railway Company on the north-east side of the Company's railway near Park Royal Station the strip of land situate on the north-east side of that railway and coloured pink on the said plan marked "A" is hereby vested in the Company in exchange for the strip of land on the same side of that railway coloured blue on the said plan which is hereby vested in the Great Western Railway Company.

Company to add a certain forecourt to Goldhawk Road.

10. If the Company shall acquire any part of the surface of the forecourt of the property in the metropolitan borough of Hammersmith numbered 62 on the deposited plans the surface of the site of such forecourt shall be added to and deemed to form part of the highway of the road known as Goldhawk Road and shall be paved or otherwise made up by the Company to the satisfaction of the council of the said metropolitan borough of Hammersmith and shall thereafter be maintained repaired cleansed and lighted by the council of the said metropolitan borough.

For protection of Hammersmith Borough Council.

11. For the protection of the Hammersmith Borough Council (hereinafter called "the Hammersmith Council") the following provisions shall unless otherwise agreed between the Company and the Hammersmith Council be observed and have effect (that is to say):—

(1) The Company shall not without the consent in writing of the Hammersmith Council purchase or take under the powers of this Act the lands numbered on the deposited plans 11 12 13 51 52 in the parish and metropolitan borough of Hammersmith other than and except such portions of such lands as are coloured red on the plan signed by Cuthbert Arthur Brereton on behalf of the Company and Hugh Mair on behalf of the Hammersmith Council:

(2) In carrying out any works immediately adjoining the superintendent's house at the works depôt of the Hammersmith Council numbered on the deposited

plans 11 in the parish and metropolitan borough of Hammersmith the Company shall where necessary underpin or otherwise strengthen and secure such house and such underpinning shall be carried out to the reasonable satisfaction of the surveyor to the Hammersmith Council who shall have liberty at all reasonable times during the carrying out of such underpinning to enter upon and inspect the works but the Company shall not pull down or damage the structure of the said house or any part thereof:

(3) If the Company shall acquire the portions of the lands numbered on the deposited plans 51 and 52 in the parish and metropolitan borough of Hammersmith situate on the south-west side of the railway and coloured red on the said plan signed by Cuthbert Arthur Brereton on behalf of the Company and Hugh Mair on behalf of the Hammersmith Council they shall subject to such terms and conditions as may be agreed or failing agreement as shall be determined by arbitration afford to the Hammersmith Council a wayleave for the cables from the Hammersmith Council's electric lighting station to Great Church Lane at or near their present position and shall bear the reasonable cost of the removal of any cables from their present position consequent thereon and shall subject as aforesaid further afford to the Hammersmith Council and their workmen access at all reasonable times to lay examine or repair the said cables and also to pass to and from the existing entrance-way in Great Church Lane to the said electric lighting station:

(4) In the event of the Company under the powers of this Act extending the span of the bridge carrying Great Church Lane over the railway the Company shall construct the extended portion of such bridge of a width not exceeding forty feet between the parapets to correspond with the width of Great Church Lane:

(5) If the Company shall acquire or become possessed by virtue of this Act or any Act incorporated therewith of any lands buildings or other property in the metropolitan borough of Hammersmith assessed to the general rate they shall from time to time until

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the said works thereon shall be completed and assessed to such general rate be liable to make good the deficiency in the assessment by reason of such lands buildings or other property having been taken or used for the purposes of the works and such deficiency shall be computed according to the value at which such lands buildings or other property were assessed to the last general rate made before the passing of this Act:

(6) Any dispute or difference which may arise between the Company and the Hammersmith Council with respect to the provisions of this section or in any other way arising thereout shall be settled by arbitration by an arbitrator who shall failing agreement be appointed by the Board of Trade on the application of either party.

Application of certain sections of Company's Act of 1897.

12. The sections of the Act of 1897 of which the marginal notes are "As to exhibition of placards within county of London" (section 38) "For protection of sewers of council" (section 46) "Plans of bridges and works to be submitted to council" (section 48) and "As to entrances at stations" (section 49) are incorporated with and form part of this Act and shall extend and apply to the lands which the Company are by this Act authorised to acquire and to any works matters or things by this Act authorised as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto.

Buildings not to be brought beyond general line.

13. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company or the Metropolitan Company under the powers of this Act to encroach upon any part of the surface of any street or footway in the county or without the consent of the council to erect any building beyond the general line of buildings in any street in the said county.

Application of London Building Acts.

14. The provisions of the London Building Act 1894 the London Building Act 1894 (Amendment) Act 1898 and any Act or Acts amending the same shall except so far as the same may be expressly varied by this Act apply to the execution by the Company or the Metropolitan Company under the powers of this Act of any works in the county and to any new buildings or additions to existing buildings erected under

the powers of this Act and the Company and the Metropolitan Company shall save as aforesaid be entitled to the benefit of any special exemptions in favour of railway companies in the said London Building Acts contained but no such exemptions shall be deemed to apply to such part of any building as shall be used or intended to be used for other than railway purposes.

Setting back of buildings at stations.

15. Before the Company under the powers of this Act commence to construct or reconstruct any station upon any land within the county they shall give not less than three months' notice to the council in writing of their intention to commence the construction or reconstruction of such station and describing the site thereof and the council may at any time within three months after such notice has been given to them require that the buildings at any such site shall be set back so as to secure increased width of the street footway or space in front of the station to such an extent (if any) and on such terms including terms as to payment as in default of agreement between the council and the Company may be determined to be proper and reasonable by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and the Company shall thereupon set the same back accordingly.

Any lands added to any street footway or space under this section shall be deemed to form part thereof and shall be made up and thereafter be maintained repaired cleansed and lighted by the council of the metropolitan borough within which such street footway or space are situate.

No ventilators &c. to be made in roadways or footways.

16. The Company shall not open or make any ventilators air shafts or other similar openings in any roadway or footway within the county.

Power to stop up portion of Wilson's Road.

17. The Company may stop up the portion of Wilson's Road in the parish of Hammersmith situate between the property No. 26 in that road and the north-east limit of the Company's land on the western side of that road and the southern end of that road and thereupon all public rights of way over that portion of road shall be extinguished but such portion of such road shall not be stopped up unless the Company are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of such houses and lands may otherwise agree.

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Power to divert footpaths.

18. Subject to the provisions of this Act the Company may make and execute in the lines shown on the deposited plans relating thereto the new footpaths and alteration and deviation of footpaths and other works hereinafter described and may stop up and discontinue the portion of footpaths which will be rendered unnecessary by the construction of such new footpaths and the alteration and diversion of footpaths and may exercise the other powers in relation thereto hereinafter mentioned and may enter upon and take and use such of the lands shown on the deposited plans thereof and described in the deposited books of reference relating thereto as may be required for these purposes (that is to say) :—

The Company may stop up and discontinue all the footpaths which now cross the railway of the Company in the urban districts of Wembley and Greenford in the county of Middlesex between the stations of the Company at Perivale-Alperton and Sudbury Hill and may substitute in lieu thereof the several new footpaths shown upon the deposited plans which shall be carried over and under the railway by means of footbridges and a subway as described on the deposited plans.

Extinguishing of rights of way over diverted footpaths.

19. All public rights of way over or along any footpath which shall under the provisions of this Act be diverted stopped up or discontinued shall be extinguished as and from the date of such diversion stopping up or discontinuance but any such footpath shall not be stopped up or discontinued unless and until the said footpaths (if any) which are by this Act authorised to be substituted respectively therefor are completed to the satisfaction of two justices and are open for public use and the Company shall before applying to the justices for their certificate that any footpath is completed to their satisfaction and is open for public use give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which such footpath is situate.

Provision as to repair of new footpaths.

20. The new footpaths to be made under the authority of this Act shall unless otherwise agreed when made and completed be repaired and maintained by and at the expense of the parties on whom the expense of maintaining the adjoining parts of the said footpaths now rests.

Extension of time for purchase of

21. The respective periods limited by the Act of 1902 for the compulsory purchase of lands for and the completion of the

railway and works authorised by and described in the Act of 1897 except that portion of the said railway which was authorised by section 89 of the Act of 1903 to be abandoned are hereby extended in respect of the purchase of lands for the period of two years from the sixth day of August one thousand nine hundred and four and in respect of the completion of the railway and works for the period of three years from the sixth day of August one thousand nine hundred and six and on the expiration of those periods the powers of the Company for the compulsory purchase of lands and the completion of the said railway and works shall cease and determine except in so far as the said railway and works may then be completed The time limited by section 49 of the Act of 1902 for the payment of interest out of capital during construction is hereby also extended for a period of three years from the sixth day of August one thousand nine hundred and six.

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Lands and completion of railway authorised by Act of 1897.

22. For the protection of the Grosvenor estate the following provisions shall unless otherwise agreed in writing between the Company and the owner notwithstanding any other provision in this Act contained apply and have effect (that is to say) :—

For protection of Duke of Westminster.

(1) In this section the expression "the Grosvenor estate" shall mean lands houses and buildings situate in the parishes of St. George Hanover Square and St. Luke Chelsea whereof the Duke of Westminster is or claims to be the tenant for life and the expression "the owner" with reference to such estate shall mean and include the Duke of Westminster and his sequels in estate owners for the time being thereof :

(2) The Company shall not under the powers of the Act of 1897 or of this Act acquire any additional rights of user of any subsoil or take or use any additional lands buildings or houses upon the Grosvenor estate for any purpose save and except for the railway authorised by the Act of 1897 and for the necessary stations and works connected therewith and the Company shall not construct or use any stations for generating electrical power in and upon any part of any lands so acquired by the Company from the Grosvenor estate under the provisions of the Act of 1897 :

(3) The Company shall construct the railway where it passes under or through the Grosvenor estate in two iron

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tubes or tunnels having an internal diameter not exceeding twelve feet six inches or thereabouts except at stations and where necessary for adjustment at curves and in situation so that no part of the said tubes shall be substantially deviated from the position and situation shown on the deposited plans and sections and in the event of any strata containing water being encountered under or within a reasonable distance of the Grosvenor estate all operations requisite for constructing the said tubes or tunnels in situation shall be executed under compressed air of such pressure as to prevent the escape of water from such strata:

(4) A competent engineer or surveyor to be appointed by the owner (in this section called "the surveyor") may from time to time during the construction of the railway inspect the works through or under the Grosvenor estate and the Company shall give the surveyor all necessary facilities for such inspection and if at any time during the progress of the works the surveyor shall be of opinion that the construction of the railway or other operations of the Company are attended with danger to the Grosvenor estate the Company shall forthwith adopt such additional measures and precautions as may be reasonably necessary for the prevention of damage or injury to any premises on the Grosvenor estate:

(5) The Company shall not under the powers of the Act of 1897 or of this Act underpin or strengthen any house or building on the Grosvenor estate except under the superintendence and to the reasonable satisfaction of the surveyor who shall have liberty at all reasonable times during the carrying out of such underpinning to enter upon and inspect the works:

(6) In addition to the provisions incorporated with the Act of 1897 with respect to compensation for lands taken or injuriously affected the Company shall make compensation to the owner in respect of any house or building upon the Grosvenor estate which shall be injuriously affected by reason of the working of the railway authorised by the Act of 1897 (including the working of lifts and other works in connection with

the said railway) notwithstanding that no part of such property is taken by the Company :

Provided that all claims for compensation under this section shall be made within two years from the date of the opening of the said railway for public traffic and shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the powers of the court or a judge under section 5 of the said Act :

(7) The Company shall not in the construction of any works under the powers of the Act of 1897 or of this Act which may affect the Grosvenor estate permit or suffer any cart wagon or other vehicle employed in removing from or bringing to the said works any soil materials or plant to be loaded or unloaded upon any part of the Grosvenor estate or adjacent thereto other than on land acquired by the Company except with the consent of the owner or his agent and shall not permit or suffer any cart wagon or other vehicle employed as aforesaid to carry any soil excavated from works executed under the powers of the Act of 1897 over or through any street on the Grosvenor estate except in ordinary carts wagons or other vehicles of a size sufficient to carry not more than about one ton burden :

(8) Nothing in this section contained and no requirement of the owner or the surveyor or referee shall be construed in any way to relieve the Company from any liability they would otherwise be under for damage or injury to the Grosvenor estate or any part thereof arising from the construction of any works including underpinning executed under the powers of the Act of 1897 or of this Act :

(9) All buildings which may be erected above the street level upon land acquired by the Company from the Grosvenor estate under the provisions of the Act of 1897 or of this Act shall be erected so far as they are above the street level according to elevations shown upon plans to be submitted to and reasonably approved in writing by the owner and no advertise-

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ments of any description whatsoever within the view of any public thoroughfare shall at any time without the consent of the owner be placed or exhibited upon any of such buildings:

(10) If the Company shall resell any lands acquired from the Grosvenor estate under the powers of this Act such sales shall be subject to the restrictive covenants against nuisance and offensive trades usually inserted in Grosvenor estate leases:

(11) If any difference or dispute shall arise between the Company and the owner in respect of any of the provisions of this section except as to any sum to be paid by the Company to the owner by way of compensation for land taken and acquired by the Company as aforesaid such difference or dispute shall be settled by an arbitrator to be appointed on the application in writing of either of the parties by the President of the Institution of Civil Engineers.

Extending certain provisions of Company's Act of 1880 to certain of Company's lands.

23. The provisions of section 8 of the Metropolitan District Railway Act 1880 (of which the marginal note is "As to certain superfluous lands") shall mutatis mutandis extend and apply to any lands held by the Company in the parishes of Acton and Ealing in the county of Middlesex and to any lands acquired by the Company under any Act passed since the passing of the said Act of 1880 and under the Act of 1903 or this Act Provided nevertheless that such provisions shall not apply to any land hereditaments or premises comprised in or subject to an agreement under seal dated the twenty-second day of March one thousand nine hundred and one and made between the Commissioners of Works of the one part and the Company of the other part and executed in duplicate being an agreement for grants to the Company of user of three plots of land in connection with the existing subway of the Company and the museums at South Kensington for terms of years.

Extension of time for sale of superfluous lands.

24. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company in which that Act is incorporated the period for and within which the Company may hold sell and dispose of any superfluous lands in the parishes of Ealing and Acton respectively in the county of Middlesex connected with their railway which have not yet been applied to the purposes for which they were acquired are hereby

extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company or which the Company may consider they may require for the purpose of sidings stations offices storehouses workshops or other conveniences connected with their undertaking for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of three years from the passing of this Act but the Company shall at the expiration of such respective periods sell and dispose of as superfluous lands all such parts of those lands respectively as shall not then have been applied to and are not then required for the purposes of their undertaking.

Extending section 95 of Act of 1903 to other lands of Company.

25. The powers rights privileges and authorities granted to the Company by section 95 of the Act of 1903 (of which the marginal note is "Power to Company to build sell let deal use or dispose of shops buildings &c.") shall extend and apply to and may be exercised by the Company with respect to all lands and property acquired by them under the provisions of any former Act or of this Act and to the buildings to be erected thereon or on any part thereof but subject always to the limitations conditions and provisions in the said section contained so far as the same may be applicable.

Power to Company and Metropolitan Railway Company to build sell let deal with use or dispose of lands shops buildings &c.

26.—(1) The Company and the Metropolitan Company (in this section called "the two companies") may build sell let or otherwise deal with or dispose of fit up and decorate shops chambers flats offices or other buildings upon or over the city lines railways or any of their existing stations on the city lines railways or any stations they may hereafter construct on those railways and upon any of the lands held in connection therewith coloured red on the plan referred to in section 95 subsection (6) of the Act of 1903 and may sell and dispose of the freehold or other interest of and in any houses and buildings or any part thereof built by them over the said railways or any stations thereon or the sites thereof as freehold or they may demise such right The two companies may also sell and dispose of or demise such of the said lands coloured red on the said plan as they may under their respective common seals agree and declare are no longer required for the purposes of the city lines railways.

(2) Every such sale demise letting or disposition shall be in such manner for such consideration and on such terms and conditions as the two companies think fit and in the case of a sale

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either in consideration of a gross sum or of an annual rent or of any other payment in any other form and the two companies may make execute and do any deed act or thing proper for effectuating any such sale demise letting or disposition.

(3) Nothing herein contained shall alter or prejudicially affect the terms conditions stipulations and covenants or any of them contained in an indenture of lease dated the seventeenth day of September one thousand eight hundred and ninety-eight and made between the South Eastern Railway Company of the one part and the Metropolitan Company and the Company of the other part relating to a portion of the forecourt of the Cannon Street Station of the said South Eastern Railway Company.

(4) This section shall not apply to land belonging to the King's most Excellent Majesty.

For protection of Duke of Norfolk.

27. For the protection of the most Noble Henry Duke of Norfolk and his sequels in estate the following provisions shall unless otherwise agreed in writing have effect (that is to say) :—

(1) Nothing in this Act shall in anywise prejudice or affect the provisions of section 45 of the Metropolitan District Railways Act 1864 but such section as modified by the proviso contained in subsection (2) of section 19 of the Act of 1903 shall notwithstanding anything herein contained remain in full force :

(2) No works or buildings shall be executed erected or maintained under the powers of this Act between Somerset House and the Middle Temple above the level of the embankment roadway authorised by the Thames Embankment Act 1862.

Period for compulsory purchase of lands.

28. 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.

Persons under disability may grant easements &c.

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

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

30. And whereas 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 portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter 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 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 portion less than the whole (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

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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:

(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.

Company may acquire easements only under lands &c. and purchase cellars &c.

31. Where any improvement or extension of the Company's existing railway stations is or where any other works are to be situated below the surface of the lands described in the Second Schedule to this Act the Company shall not be required to take the lands under or over their existing railway or under or over the improved or extended station or the lands described in that schedule or any part of the surface of any of such lands or any houses buildings and premises thereon or any cellar vault arches or other construction held or connected therewith but the Company may instead of purchasing and taking the same purchase and take an easement or right of using the subsoil and under surface of any such lands and if the Company require to take use pull down or open any such cellar vault arches or other construction they may purchase take and use and the owners of and other persons interested in any such vault cellar arches or other construction shall sell the same for the purposes of such railway and such improvement and enlargement of stations or other works and the purchase of any such easement or of any such cellar vault arch or other construction shall not in any case be deemed the purchase of a part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 But nothing in this section contained nor any dealing with the lands in pursuance of this section shall relieve the Company from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 and every case of compensation to be ascertained under this Act shall be ascertained and determined according to the provisions contained in the Lands Clauses Acts.

Application of Railway Regulation Act 1842 to junction railway &c.

32.—(1) Before opening for the public conveyance of passengers the railway which the Company are constructing to give access between Railway No. 2 authorised by the Act of 1903 and the existing railway of the Company near Gliddon Road pursuant to clause 6 of the agreement of the seventeenth

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day of April one thousand nine hundred and two confirmed by section 98 of the Act of 1903 (in this section referred to as "the access railway") the Company shall comply with the requirements of section 4 of the Railway Regulation Act 1842 5 & 6 Victoria c. 55.

(2) The Company shall in respect of the access railway from time to time submit for the approval of the Board of Trade plans sections and other details of their proposals with respect to (*a*) permanent way tunnels platforms stairs lifts and other communications (*b*) rolling stock (*c*) lighting and (*d*) ventilation of the access railway and the railway rolling stock and other works shall be constructed reconstructed and maintained only in accordance with plans sections and other details as approved by the Board of Trade.

(3) The access railway shall for all purposes be part of Railway No. 2 authorised by the Act of 1903.

Zone fares.

33. Notwithstanding anything contained in any former Acts affecting or applicable to the Company—

(1) The Company may if and for so long as they think fit and after the publication of such notice as is hereinafter provided to be made charge for the conveyance of passengers either way between the stations mentioned in the Third Schedule to this Act or between such stations and any intermediate stations or between any intermediate stations zone fares not exceeding those specified in that schedule instead of the fares or maximum rates specified in the Acts respectively relating to the railways on which those stations and any intermediate stations are situate Provided that if and so long as the Company think fit to charge zone fares they shall charge zone fares between all stations upon their railway mentioned in the Third Schedule to this Act except that they shall not be under obligation to charge zone fares for passengers locally conveyed between stations on the city lines railways or for passengers conveyed upon the railway authorised by the Act of 1897 Provided also that zone fares shall not be charged in respect of local traffic (as defined in the Act of 1879) on the city lines railways except with the consent of the Metropolitan and District Joint Committee appointed

under the Act of 1879 but in case of difference arising in that committee the provisions of section 56 of the Act of 1879 shall apply:

(2) The Company shall be under no obligation to provide either separate first or second class carriages in their trains but if the Company provide first or second class carriages or compartments or any carriage or car with separate special accommodation the Company may in respect thereof charge in addition to zone fares any sum not exceeding threepence for each passenger:

(3) Such of the zone fares and charges as do not exceed one penny for a journey of any distance not exceeding a mile or where the distance travelled exceeds one mile do not exceed one penny for every complete mile; and

one halfpenny for any fraction of a subsequent mile less than one half-mile; or

one penny for any fraction of a subsequent mile exceeding one half-mile;

shall be considered as fares or charges consistent with the provisions of the Cheap Trains Act 1883 and shall not be subject to passenger duty:

The proviso to section 29 of the Act of 1882 shall not apply whilst zone fares are in force:

(4) Every passenger travelling by any train at a zone fare may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof All such personal luggage shall be carried by hand and at the responsibility of the passenger and shall not occupy any seat or part of a seat or be of a form or description to annoy or inconvenience any other passenger Provided always that while zone fares are in operation at least two convenient trains shall be run each way every day stopping at every station in which passengers shall be entitled to carry with them an amount of personal luggage not exceeding one hundred and twenty pounds for each first class passenger and sixty pounds for each third class passenger Provided also that any provision of any Act requiring the Company to carry any greater weight of luggage than in

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this section provided shall cease to apply as regards any passenger travelling at any of such zone fares :

(5) Nothing in this section shall prejudice or affect such rights as the Company now possess of entering into and carrying into effect arrangements with other companies for through working or through bookings or of charging in respect of such through bookings the fares or maximum rates specified in the Acts respectively relating to the railways on which such through bookings apply notwithstanding that zone fares may have been brought into operation by the Company in respect of passengers locally conveyed between the stations mentioned in the Third Schedule to this Act :

(6) Before zone fares shall be brought into operation the Company shall publish at each of the stations to which the same are applicable full notice for at least one month in such form as shall be prescribed by the Board of Trade of the intention to charge zone fares In like manner notice shall be given for at least one month of the Company's intention to cease charging zone fares :

(7) So long as zone fares are charged the Company shall cause to be exhibited in a conspicuous place in the booking hall of each station from which zone fares are charged by the Company a list or lists painted printed or written in legible characters containing the zone fares from that station to every other station to which zone fares are charged by the Company :

(8) This section shall not apply to the railway authorised by the Act of 1897.

Sunday rates and charges.

34. The Company shall not take or demand on Sunday or on any bank or public holiday any higher rates or charges to or from any of their stations within the city of London than those levied or made by them on ordinary working days Provided that this section shall not be deemed to impose any obligation on the Company to run workmen's trains or issue workmen's tickets at workmen's fares on Sunday Good Friday Christmas Day or on any bank or public holiday.

Power to apply corporate funds

35. The Company may apply to the purposes of this Act or to the general purposes of their undertaking to which capital is

properly applicable including the payment of such arrears on the Company's stocks as are a charge on the Company's undertaking any moneys which they now have in their hands or which they have power to raise by shares stock or mortgage or debenture stock by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable. to purposes of Act.

Agreements with other companies.

36. The Company on the one hand and the Great Northern Piccadilly and Brompton Railway Company the Charing Cross Euston and Hampstead Railway Company and the Baker Street and Waterloo Railway Company or any or either of them and any other company (in this section referred to as "the contracting companies") on the other hand may from time to time enter into and carry into effect and rescind agreements with respect to the following purposes or any of them (that is to say):—

The grant of easements or rights for the contracting companies or any of them (*a*) to lay down maintain and use cables wires and appliances mains conduits and other works on under or along the Company's railway or elsewhere for the purpose of transmitting electric power or current to the undertaking and traffic of the contracting companies or any of them (*b*) to use in common with the Company any transformer sub-station or sub-stations of the Company and the plant machinery and apparatus therein and the cables wires appliances mains conduits and other works leading to or connected therewith:

Provided that (*a*) nothing in this section or in any such agreement or grant of easement or rights contained and nothing done under any such agreement or grant shall prejudice or affect the rights of the Postmaster-General under the Telegraph Act 1868 or under an award of Sir Henry Singer Keating dated the second day of January one thousand eight hundred and seventy-nine or operate in such manner as to interfere with or involve any additional expense in the exercise of any such rights (*b*) the provisions for the protection of the Postmaster-General contained in section 12 of the Metropolitan District Railway Act 1901 and section 55 of the Act of 1902 shall extend and apply to the exercise by the contracting companies or any of them of any rights or powers conferred upon them in pursuance of this section as though the contracting companies had been included in the expression "the Company" in the said provisions.

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Provision as to general Railway Acts.

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

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS ONLY MAY BE TAKEN AND WHICH ARE REFERRED TO IN THE SECTION OF THIS ACT OF WHICH THE MARGINAL NOTE IS "OWNERS MAY BE REQUIRED TO SELL PARTS ONLY OF CERTAIN LANDS AND BUILDINGS."

Parish or other Area.	Number on deposited Plans.
ADDITIONAL LANDS.	
Metropolitan borough of Fulham - - -	1 to 15 inclusive.
Metropolitan borough of Hammersmith -	6 7 8 12 13 22 23. 34 to 39 inclusive. 41 to 57 inclusive. 61 and 62.

THE SECOND SCHEDULE.

Describing Lands &c. in respect of which Easements may be taken and which are referred to in the Section of this Act of which the Marginal Note is "Company may "acquire Easements only under Lands &c. and purchase "Cellars &c."

Metropolitan or other Borough.	Number on deposited Plans.
Additional Lands.	
Metropolitan borough of Fulham - - -	1 to 15 inclusive.
Metropolitan borough of Hammersmith -	3 to 24 and 28 to 57 inclusive.

THE THIRD SCHEDULE.

Zone Fares.

For every passenger conveyed either way between the following stations or between such stations and any intermediate stations or between any such intermediate stations :—

	s.	*d.*
South Harrow and—		
Hounslow Barracks or Hounslow Town - - - -		
Ealing Broadway - - - - - - - -	0	2
Hammersmith - - - - - - - - -		
Putney Bridge and Hurlingham - - - -	0	3
High Street Kensington or South Kensington - - -		
Aldgate East - - - - - - - - -	0	4
Whitechapel - - - - - - - - -	0	5
Hounslow Barracks or Hounslow Town and—		
Ealing Broadway - - - - - - - -	0	2
Hammersmith - - - - - - - - -		
Putney Bridge and Hurlingham - - - -	0	3
High Street Kensington or South Kensington - - -		
Aldgate East - - - - - - - - -	0	4
Whitechapel - - - - - - - - -	0	5
Ealing Broadway North Ealing or South Ealing and—		
Hammersmith - - - - - - - - -	0	2
Putney Bridge and Hurlingham - - - - -		
High Street Kensington - - - - - - -	0	3
Aldgate East - - - - - - - - -		
Whitechapel - - - - - - - - -	0	4

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SOUTH ACTON and—	*s.*	*d.*
South Harrow - - - - - - - - -	0	2
Hounslow Barracks or Hounslow Town - - - -		
Ealing Broadway - - - - - - - -		
Hammersmith - - - - - - - -		
Putney Bridge and Hurlingham - - - - -	0	3
High Street Kensington - - - - - - -		
Aldgate East - - - - - - - - -		
Whitechapel - - - - - - - - -	0	4
CHISWICK PARK AND ACTON GREEN and—		
High Street Kensington or South Kensington - - -	0	2
HAMMERSMITH and—		
Putney Bridge and Hurlingham - - - - -	0	2
High Street Kensington - - - - - - -		
Aldgate East - - - - - - - - -		
Whitechapel - - - - - - - - -	0	3
WALHAM GREEN and—		
Aldgate East - - - - - - - - -	0	2
Whitechapel - - - - - - - - -	0	3
PUTNEY BRIDGE AND HURLINGHAM and—		
High Street Kensington - - - - - - - -	0	2
Victoria - - - - - - - - - -		
Aldgate East - - - - - - - - -	0	3
Whitechapel - - - - - - - - -	0	4
HIGH STREET KENSINGTON and—		
Aldgate East - - - - - - - - -	0	2
Whitechapel - - - - - - - - -	0	3
VICTORIA and—		
Whitechapel - - - - - - - - -	0	2
CANNON STREET and—		
St. Mary's Whitechapel - - - - - - -	0	2

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