

**CHAPTER clx.**

An Act to authorise a deviation of part of the Edgware and Hampstead Railway and to confer further powers on the Edgware and Hampstead Railway Company and for other purposes. A.D. 1909.
[20th October 1909.]

WHEREAS the Edgware and Hampstead Railway Company (hereinafter called "the Company") were incorporated by the Edgware and Hampstead Railway Act 1902 (hereinafter referred to as "the Act of 1902") and were empowered by that Act to construct the railways in the parishes of Edgware and Hendon therein described: 2 Edw. 7.
c. cclvii.

And whereas by the Edgware and Hampstead Railway Act 1905 (hereinafter referred to as "the Act of 1905") the abandonment of a portion of Railway No. 1 and the whole of Railway No. 2 authorised by the Act of 1902 and the construction in lieu thereof of a deviation railway therein described were authorised: 5 Edw. 7.
c. clxix.

And whereas it is expedient that the deviation railway hereinafter described should be authorised and that a further portion of the said Railway No. 1 and the deviation railway authorised by the Act of 1905 should be abandoned:

And whereas it is expedient that the time limited by the Act of 1902 as extended by the Act of 1905 for the completion of so much of the said Railway No. 1 as was not abandoned under the provisions of the Act of 1905 and as is not by this Act authorised to be abandoned should be extended and that the powers conferred by the Act of 1902 for the compulsory purchase of lands for the purposes thereof as extended by the Act of 1905 should be revived:

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And whereas it is expedient that the Company should be enabled to exercise the powers conferred upon them by the Act of 1902 as extended by the Act of 1905 relative to the payment of interest out of capital during the time limited for the construction of their works as extended by this Act:

And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas a plan and section showing the line and levels of the deviation railway authorised by this Act and a book of reference to the plan 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 clerk of the peace for the county of Middlesex and are hereinafter referred to as the deposited plan section and book of reference:

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

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

Short title.

1. This Act may be cited as the Edgware and Hampstead Railway Act 1909.

Incorporation of Acts.

2. The Lands Clauses Acts the provisions of the Railways Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

With respect to the construction of the railway and the works connected therewith;

With respect to the crossing of roads or other interference therewith;

With respect to the carrying of passengers and goods upon the railway and the tolls to be taken thereon;

With respect to the regulating of the use of the railway;

With respect to the settlement of disputes by arbitration;

With respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices; and

With respect to the provision to be made for affording access to the special Act by all parties interested;

and Part II. (Extension of time) of the Railways Clauses Act 1863 are (so far as applicable and except where expressly varied by this Act) incorporated with and form part of this Act. A.D. 1909.

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 the expression "the railway" includes the deviation railway by this Act authorised. Intepretation.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plan and section the railway hereinafter described with all necessary and proper stations approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plan and described in the deposited book of reference as may be required for those purposes (viz.) :— Power to make deviation railway and works.

A deviation railway (1 mile 7 furlongs or thereabouts in length) wholly in the urban district of Hendon in the county of Middlesex commencing by a junction with the Railway No. 1 authorised by the Act of 1902 as shown on the deposited plans referred to in the said Act at or near the junction of the road known as "The Burroughs" with Queen's Road and terminating by a junction with the Charing Cross Euston and Hampstead Railway at the termination of that railway near the Finchley Road.

5. The railway and the works connected therewith respectively executed under the powers of this Act shall for all purposes (including tolls rates and charges) form part of the undertaking of the Company. Railway to form part of undertaking.

6. In altering for the purposes of this Act the roads in the said parish and urban district of Hendon next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations hereinafter mentioned in connection therewith respectively (that is to say) :— Inclination of roads.

No. on deposited Plan.	Description of Road.	Intended Inclination.
19	Queen's Road - - - -	1 in 20
59	Woodstock Avenue - - -	1 in 20

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Stopping up
footpaths or
roads.

7. Where this Act authorises the diversion of a road or footpath or the making of a new road or footpath in substitution for an existing road or footpath or portion thereof and the stopping up of an existing road or footpath or portion thereof such stopping up shall not take place until two justices shall have certified that the new road or footpath has been completed to their satisfaction and is open for public use.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing road or footpath is situate seven days' notice in writing of their intention to apply for the same.

As from the date of the said certificate all rights of way over or along the existing road or footpath or portion shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road or footpath stopped up as far as the same is bounded on both sides by lands of the Company:

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Repair of
surface of
roads over
bridges.

8. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railway by a bridge or bridges unless the level of such road or public highway is permanently altered so as to increase the gradient of any part thereof.

Power to
deviate.

9. In making the railway by this Act authorised the Company may deviate laterally to any extent within the limits of deviation shown on the deposited plan and may deviate vertically from the levels shown on the deposited section subject to and in accordance with the provisions of the Railways Clauses Consolidation Act 1845.

Protection
of gas and
water mains

10. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this

Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company" or "society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

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of local au-
thorities.

11. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plan may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase any greater portion or the whole thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Owners may
be required
to sell parts
only of cer-
tain lands
and build-
ings.

12. And whereas the railway is shown on the deposited plan and section as intended to be constructed in tunnel through or under the properties referred to in the Second Schedule to this Act at a depth of forty feet and upwards between the crown of the tunnel and the surface of the ground Therefore the Company may purchase and acquire an easement or right of constructing and using the railway through or under those properties without being obliged to purchase the land over such railway or any houses buildings manufactories or premises thereon respectively unless the jury or the arbitrators or their umpire to whom the question of disputed compensation shall be submitted shall determine that such right or easement cannot be acquired

Power to
acquire ease-
ments for
constructing
tunnels.

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Provided that nothing in this section contained shall apply to any of the said properties the surface of which is at a less height than forty feet above the crown of the said tunnel as the same shall be constructed :

Provided also, that nothing in this section contained nor any dealing with any of the said properties in pursuance thereof shall relieve the Company from liability to compensation under section 68 of the Lands Clauses Consolidation Act 1845 in respect of any properties through or under which the Company may purchase or acquire an easement or right of constructing and using such tunnel.

Lands for extraordinary purposes.

13. The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres but nothing in this Act or in that Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Power to take easements &c. by agreement.

14. 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.

Period for compulsory purchase of lands.

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

Period for completion of works.

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

17.—(1) Section 11. (For protection of certain main roads) of the Act of 1902 so far as it relates to the works authorised by that Act over or affecting the Golder's Green Road and the Finchley Road (in that section referred to as the roads numbered 93 and 123 respectively) shall so far as applicable extend and apply to the works authorised by this Act over or affecting the same roads as numbered respectively on the deposited plans 84 and 91 in the urban district of Hendon. Provided always that the bridges for carrying the railway over the said roads respectively shall be constructed so as to afford a clear headway of sixteen feet six inches throughout.

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For protec-
of Middlesex
County
Council.

(2) The Company shall not in any manner or at any time in the execution maintenance or repair of any of their works obstruct or interfere with the free and uninterrupted user of any light railway of the Middlesex County Council (in this section referred to as "the council") or the electrical wires or other apparatus connected therewith and the council may attach to any bridge of the Company all such brackets wires and apparatus as may be required for the working of any light railways of the Council by mechanical power and the Company shall afford all reasonable facilities for enabling the council so to do:

Provided that the council shall alter the position of or remove any such brackets wires and apparatus whenever they may be reasonably required by the Company to do so. The provisions of subsection (9) of the said section 11 shall apply to any difference arising between the Company and the council under this subsection.

(3) Section 12 (For protection of certain streams &c.) of the Act of 1902 so far as it relates to the works authorised by that Act over or affecting the River Brent shall extend and apply to the works authorised by this Act over or affecting the said river.

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

For protec-
tion of Hen-
don Urban
District
Council.

(1) The Company shall not in constructing their railways alter or stop up the public roads and footpaths numbered on the deposited plans 1 5 7 and 12 respectively in the parish of Hendon nor shall the Company

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interfere with any sewer or surface-water drains in or under any such roads or footpaths without the previous consent in writing of the council and the Company shall carry the public footpath in the property numbered 38 on the said plans over the railway by means of a footbridge of not less than six feet in width and of such character as may be reasonably approved by the council :

- (2) The Company shall when it shall become reasonably necessary to do so for the protection of the Brent Valley main sewer or of the Temple Fortune main sewer of the council reconstruct so much of the said sewers as shall pass under the railway of the Company and substitute for the existing construction of such sewers cast-iron pipes laid in Portland cement concrete and the materials with which such reconstructed sewers shall be made including the dimensions thereof and the method of construction shall be such as shall be reasonably approved by the council :
- (3) If the railway passes under or near to the ornamental water known as the Burroughs Pond and numbered 6 on the deposited plans the Company shall not in constructing their works diminish or interfere with the water stored in the pond :
- (4) The bridge with the approaches thereto by which Queen's Road numbered 19 on the deposited plans shall be carried over the railway shall have a clear width between the parapets of not less than fifty feet measured on the square and the Company shall erect parapets and fences to such bridge and approaches to the reasonable satisfaction of the council and the inclination of such approaches shall not be steeper than 1 in 30 The roadway of such bridge and approaches shall be properly paved metalled kerbed and channelled with all necessary and proper footways and surface-water drains to the reasonable satisfaction of the council :
- (5) If the council's main sewer or surface-water drain in the said Queen's Road shall be broken up or destroyed or damaged in the execution of the works by this Act authorised the Company shall to the reasonable satisfaction of the council restore the same or provide

instead thereof another proper and sufficient sewer
The Company shall also at their own expense carry
out the necessary works for raising any existing man-
holes lampholes and ventilators of such sewer and
drains to the altered levels of the new road such
works to be carried out to the satisfaction of the
council :

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- (6) The Company shall if they construct the deviation railway through the public park numbered 31 on the the deposited plans construct two footbridges across the said railway in such positions as the council may require for the purposes of access and such bridges shall be of a clear width of six feet and of such design as shall be reasonably approved by the council and one of such footbridges shall be constructed along the line of and so as to carry across the railway the footbridge leading from Gooseberry Gardens to Shirehall Lane and the Company shall not remove disturb or interfere with the public shelter and public band stand erected in the said public park without the approval and consent of the council If the construction of the railway shall sever any part of the said public park so as to render the part so severed of no value as a public park the Company shall purchase and the council shall sell such part for such consideration as may be agreed upon or settled by arbitration under this section :
- (7) If the deviation railway be so constructed as to cross the roadway leading to the public shelter and public band stand in the said public park the Company shall at the point of such crossing construct a footbridge across the said railway of a width equal to the width of the road and of a character to be reasonably approved by the council and the Company shall carry the footpath crossing the property numbered 38 on the deposited plans over the railway by means of a similar footbridge :
- (8) The bridge to be constructed for carrying the railway over the public road known as Shirehall Lane numbered 43 on the deposited plans shall be of a span of at least fifty feet measured on the square with a clear headway

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of sixteen feet throughout and the abutments on such bridge shall be faced with approved glazed bricks:

- (9) For the purpose of carrying the railway over the River Brent numbered 44 on the deposited plans the Company shall construct and maintain a good and sufficient viaduct and where such viaduct passes over the river shall provide an adequate archway so that the waterway of the river shall not be diminished or in any way lessened:
- (10) The public footpath across the field numbered 54 on the deposited plans and leading from Golder's Green to Cricklewood shall be carried under the railway by means of a subway not less than ten feet in width and with a clear headway of nine feet and such subway shall be constructed and maintained to the reasonable satisfaction of the council and shall be faced with white glazed bricks and properly drained and lighted:
- (11) The council's main sewers and surface-water drains in Woodville Road numbered 56 on the deposited plans in Montpelier Road numbered 57 and 58 on the deposited plans in the Drive numbered 69 on the deposited plans and in Woodstock Avenue numbered 59 on the deposited plans and in Golder's Green Crescent numbered 90 on the deposited plans shall not be altered or interfered with Nothing in this Act shall impose any obligation upon the council for the repair or maintenance of the above roads or relieve the Company of their liability in regard thereto:
- (12) The Company shall make the approaches to the bridge for carrying Woodstock Road over the railway of a gradient not steeper than 1 in 25:
- (13) The bridge to be constructed for carrying the railway over the public road known as Golder's Green Road numbered 84 on the deposited plans shall be of a clear width of seventy feet measured on the square with a clear headway of sixteen feet six inches throughout and the abutments of such bridge shall

be faced with approved white glazed bricks unless otherwise agreed: A.D. 1909.

- (14) The public road numbered 87 on the deposited plans and known as Hoop Lane shall not be altered stopped up or interfered with. If the railway is carried over such road by means of a bridge such bridge shall be of a span of at least forty feet measured on the square with a headway of not less than sixteen feet throughout and the abutments of such bridge shall be faced with approved white glazed bricks:
- (15) The bridge to be constructed for carrying the railway over the public road known as Finchley Road numbered 91 on the deposited plans shall be of a span of at least seventy feet measured on the square with a clear headway of sixteen feet six inches throughout and the abutments of such bridge shall be faced with approved white glazed bricks:
- (16) Any bridges over public roads in the district of the council shall be so constructed as to prevent so far as practicable water percolating through such bridges on to the public roads and the abutments and foundations of such bridges shall be carried to such a depth below the surface as to enable the council to construct reconstruct or repair any sewer or drain without endangering the stability of such bridges:
- (17) Unless otherwise agreed between the Company and the council the Company shall not in any way impede the public traffic along more than one half the width of any road in the district of the council and where the surface of any such road has been interfered with or disturbed the Company in constructing the works or performing the operations by this Act authorised shall well and sufficiently and to the reasonable satisfaction of the council restore the surface so interfered with or disturbed:
- (18) If by the certificate of the surveyor to the council it appears that any of the roads repairable by the inhabitants at large have been injured or any extra expense has been incurred by the council for the repair of such roads by reason of the extraordinary

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traffic in the making or construction of the railway then the Company shall pay on demand to the council such costs charges and expenses as may be certified by such surveyor or if the amount thereof be disputed then such sum as may be awarded under the provisions for arbitration hereinafter contained:

- (19) In case of any difference or dispute arising between the council and the Company touching or concerning the construction or carrying into effect of any of the works matters or things required to be done or performed by the Company under this Act the same shall be referred to and settled by an engineer or other fit person to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application by either party after notice to the other:
- (20) The public footpath leading from Church End to Edgware and shown on the plans deposited in respect of the Bill for the Act of 1902 as crossing the railway between the distances 5 furlongs and 1 mile 5 furlongs shall be carried over the railway of the Company by means of a footbridge such bridge to be of a clear width of not less than six feet and of such design as shall be reasonably approved by the council and such bridge shall be for ever after maintained and kept in good repair by the Company to the reasonable satisfaction of the council:
- (21) The council's main sewers and surface-water drains on the Goldbeaters' and Colindale Estates shall not unless otherwise agreed be altered or interfered with and nothing in this Act shall impose any obligation upon the council for the repair or maintenance of any of the roads on the said estates:
- (22) The provisions contained in the Acts of 1902 and 1905 for the protection of the council shall be deemed to be incorporated in this Act so far as the same may be applicable and are not inconsistent with the provisions of this Act.

For protection of Metropolitan Water Board.

19. For the protection of the Metropolitan Water Board (in this section referred to as "the Board") the following provisions shall have effect (that is to say):—

(1) In constructing the bridges and approaches thereto for carrying the roads numbered respectively 19 and 59 on the deposited plans in the parish and urban district of Hendon over the railway the Company shall at their own expense substitute in the bridge and approaches carrying the road No. 19 over the railway a steel tube having an internal diameter of four inches and in the bridge and approaches carrying the road No. 59 over the railway a steel tube having an internal diameter of six inches for the existing mains of the Board laid under the aforesaid roads and also provide and thereafter maintain throughout the whole length of such bridges and approaches accommodation for the said existing mains and also accommodation for an additional main in each of such bridges and approaches which the Board may after the construction of such bridges and approaches desire to carry across or under the same as shall comply with the following conditions (*viz.*):—

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(*a*) The said accommodation shall be sufficient for the said existing mains and for an additional main having an internal diameter of twelve inches;

(*b*) The said accommodation shall be such that the space below above and on each side of the said mains shall so far as reasonably practicable be sufficient to enable the servants of the Board to obtain proper access to the said mains for the purpose of repairing examining or otherwise dealing with the same;

(*c*) The accommodation provided shall be situated beneath the footpath or footpaths of such bridges and approaches and the Company shall maintain a depth of not less than six inches from the highest part of each of the said mains to the surface of the footpath or footpaths;

(*d*) The accommodation provided and constructed shall be in accordance with plans sections and particulars to be previously submitted to and approved by the chief engineer of the Board Provided that if within one month after the receipt of any such

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plans sections and particulars the Board shall not have intimated to the Company their disapproval thereof they shall be deemed to approve the same and if any question shall arise between the Board and the Company as to the said plans sections or particulars the same shall be determined by arbitration as hereinafter provided:

- (2) The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to all the water mains pipes hydrants and other works and apparatus of the Board and shall be construed as if the Board were mentioned in those sections in addition to "company" or "society":
- (3) If any difference should arise between the Board and the Company or their respective engineers touching any work matter or thing with reference to such mains pipes works or apparatus as aforesaid under the aforesaid provisions to be done or executed by the Company or the mode of doing or executing the same such difference shall be referred to the arbitration of an engineer to be agreed upon by the Board and the Company or failing agreement by such engineer as shall on the application of either party be appointed by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference.

Station on
Goldbeaters'
Estate.

20.—(1) The Company shall construct and maintain at the point marked on the plans deposited in relation to the Act of 1902 as indicating the distance of $7\frac{3}{4}$ furlongs from the commencement of the Railway No. 1 by that Act authorised (in this and the immediately succeeding section of this Act referred to as "the railway") a station for ordinary passenger traffic with all necessary booking offices waiting rooms buildings platforms works and conveniences.

(2) In order to maintain access across the railway and to the said station the Company shall construct at or about the point marked on the said plans as indicating the distance of $7\frac{1}{2}$ furlongs from the commencement of the railway a road under the railway and shall carry the railway over the same by means of a flat

girder bridge of a single span of at least 50 feet 6 inches measured on the square between the abutments thereof with approaches The said approaches for the entire length thereof shall be of a width of at least 50 feet 6 inches clear of any embankment abutment wing wall or other obstruction and the approach on the north-east side of the railway shall extend to the north-eastern boundary of the Company's property and the approach on the south-west side shall be carried out to the Edgware Road with a bridge over the Silk Stream The said bridge over the road shall leave a clear headway for the said road throughout of at least 16 feet measured from a datum 155 feet above Ordnance datum and the Company shall do what is reasonably necessary to prevent water percolating through same on to the roadway and footways.

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21. For the protection of the trustees of the will of Sir John Blundell Maple Baronet deceased (in this section called "the owners") the following provisions shall unless otherwise agreed between the owners and the Company have effect (that is to say) :—

For protec-
tion of Gold-
beaters'
Estate.

- (1) The station referred to in the preceding section of this Act which will be situate upon land acquired from the owners and all buildings thereat including any dwelling-house erected for a station-master shall be of a reasonably ornamental character but no goods siding coal depôt or other building shall (save as aforesaid) be constructed by the Company at the said station or elsewhere on the lands of the owners The Company shall keep the said station open for the purposes of such traffic to the same extent as other principal stations on the railway :
- (2) Notwithstanding anything shown on the plans deposited with relation to or contained in the Act of 1902 or this Act the Company shall not enter upon take or use any portion of the lands of the owners except so much thereof as may be required for the purpose of the construction of the railway and the said station and works connected therewith :
- (3) The railway shall not be constructed upon the lands of the owners otherwise than upon surface or embankment or in cutting except as may be necessary for the

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said station and no series of brick arches or other open viaduct shall be constructed by the Company on such lands :

- (4) The Company shall soil and sow with good grass seed the slopes of the embankments upon which the railway will be carried through the property of the owners No sleeper fence shall be erected and all boundary fences erected by the Company between the railway and other property of the owners shall be either wooden open post and rail fences or open iron railings of a reasonably ornamental character No advertisements of any kind shall without the consent of the owners be exhibited or placed on any embankment or cutting upon either side of the railway or elsewhere except at the said station on any land acquired by the Company from the owners :
- (5) The road under the railway at the distance of $7\frac{1}{2}$ furlongs from the commencement of the railway shall be constructed to the reasonable satisfaction of the owners and with wing walls at an angle to be approved by them In constructing the said road the Company shall provide to the reasonable satisfaction of the owners such surface-water sewers and soil sewers pipes and other works as may be necessary for conveying surface water and sewage from the owners' estate having regard to the proper development thereof as a building estate as regards any surface-water sewer from the north-eastern boundary of the property of the Company up to and into the Silk Stream and as regards any soil sewer from that boundary up to and (with the consent of the authority having control of the existing public sewer situate on lands immediately to the south-west of the Silk Stream) into that sewer The abutments of the bridge over the said road shall be faced with approved gault bricks and the foundations of the said abutments and of the said wing walls shall be constructed at such depths as the owners may reasonably require for the purposes of the road and sewers under the said bridge :
- (6) The Company shall construct a bridge of a reasonably ornamental character with suitable abutments wing

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walls and embanked approaches at the point marked on the said plans as indicating the distance of 1 mile 2 furlongs or thereabouts from the commencement of the railway with a width of at least 50 feet 6 inches clear measured on the square between the parapets thereof and with approaches of a like width throughout measured on the square and with an inclination of 1 in 30. The Company shall form and construct upon the said bridge and its embanked approaches a suitable road comprising a carriageway 32 feet 6 inches wide and kerbed footways each 9 feet wide on both sides thereof with substantial parapets or close screens 4 feet 6 inches in height above the level of the road over such bridge and the approaches thereto. No part of the said carriageway shall be at a higher level than 170 feet above Ordnance datum. The approach on the north-east side of the railway shall run out to the level of the surface of the ground and the approach on the south-west side of the railway shall stop at the north-east side of Silk Stream:

The Company shall at the expense of the owners if and when required by the owners so to do channel both sides of the carriageway and pave or otherwise complete the footways of the road on the said bridge and the approaches thereto. The Company shall at their own expense maintain and keep in good repair the bridges abutments wing walls embankments and approaches parapets and screens referred to in this and the immediately preceding section:

No portion of the bridges abutments wing walls parapets or close screens referred to in this section shall be used for the posting of bills or for any other advertising purposes except announcements in suitable detachable frames relating to the trains and business of the Company:

- (7) If the sewer and appurtenances thereto recently laid by the owners across the line of the railway at the point marked on the said plans as indicating the distance of 1 mile 2 furlongs or thereabouts from the commencement thereof or the surface-water sewer and appurtenances thereto recently laid by the owners

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across the line of the railway near such point shall be broken up destroyed or damaged in the execution of the works the Company shall to the satisfaction of the owners restore the same or provide instead thereof other proper and sufficient sewers in substitution for any part so broken up destroyed or damaged The Company shall also at their own expense carry out the necessary works for raising any existing manholes lampholes and ventilators of the said soil sewer and surface-water sewer to the altered levels of the new road and for protecting the same from damage by trains passing over them such works to be carried out to the reasonable satisfaction of the owners :

- (8) The owners shall be at liberty at any time to excavate the surface and subsoil of the roads to be constructed by the Company under this and the immediately preceding section so far as such roads are situate on the lands of the owners or on lands acquired by the Company from the owners and on the approaches to such roads for the purpose of laying renewing repairing altering connecting with or removing sewers drains gas water electric or other mains or pipes and of erecting ventilators lamp standards telegraph and telephone poles and of planting trees and of laying renewing repairing altering connecting with or removing any additional sewers drains or pipes but the owners in exercising this right shall not be entitled to commit any act which would impair the stability of the railway or works connected therewith and shall make good any disturbance occasioned thereto by such exercise with all reasonable despatch :
- (9) The owners and all other persons to be authorised by them shall be entitled for ever to use at all times and for all the purposes of a road or roads with or without motors carts and other vehicles and horses or other animals the roads and approaches to be constructed by the Company as provided by this and the immediately preceding section The Company shall not erect any gate or other obstruction on the said roads and approaches or any part thereof or across either end thereof nor do or permit any act which would

prevent the free use thereof as accommodation roads to provide or maintain access between lands of the owners on the north-east and south-west of the railway or as public roads if the local authority shall at any time be willing to take them over as public roads repairable by the inhabitants of the district at large: A.D. 1909.

- (10) The owners shall be entitled to the free passage and running of water and soil through the soil sewer and surface-water sewer and appurtenances thereto respectively already laid by the owners and referred to in this section and if the owners or local or other authority should at any time after the completion of the railway require to inspect repair renew alter or remove the said sewers and appurtenances thereto or any part thereof the Company shall with all due despatch execute any such work upon receiving reasonable security for the cost thereof exclusive of the cost of any work which the Company may be liable to execute in accordance with the provisions of this section or otherwise:
- (11) The owners shall for ever be entitled to the free passage and running of water and soil gas and electricity through any pipes tubes sewers drains or mains which may be laid or constructed under the roads and approaches to be constructed by the Company under this and the immediately preceding section and to connect any pipes tubes sewers drains or mains of the owners therewith. The owners and all other persons corporations and local and other authorities to be authorised by them shall be entitled to free passage of gas water and electricity through any pipes or mains which may be laid or constructed by or for them or with their consent in upon over or under the roads and approaches referred to in this and the immediately preceding section:
- (12) The owners shall be entitled to construct any road or roads through and upon the embanked approaches to the bridge to be constructed by the Company at or about the point 1 mile 2 furlongs from the commencement of the railway as provided by this section and to connect any such road or roads with the road

A.D. 1909.

to be constructed by the Company upon the said embanked approaches and in the event of the owners constructing any such connecting road or roads the owners shall be entitled to similar rights of way drainage excavation and otherwise under upon and over the same as the owners shall have in the case of roads to be constructed by the Company as provided by this section :

- (13) Any exercise by the owners or any duly authorised person or authority of the right to disturb any road or approach shall not relieve the Company of any obligation to repair the same but in the event of any such disturbance to any road which the Company are liable to maintain not being made good with reasonable despatch the Company may make good such disturbance and recover the cost of making same good from the person or authority by whom such disturbance shall have been occasioned :
- (14) Any difference or dispute arising between the Company and the owners under the provisions of this section shall be referred to the determination of an engineer to be appointed by agreement between the Company and the owners or in default of agreement to be nominated by the President for the time being of the Institution of Civil Engineers.

For protection of
Golder's
Green
Estates.

22. For the protection of the Golder's Green (Finchley Road) Estates Limited and the Golder's Green (Hendon Road) Freehold Estates Limited so far as regards the property of those companies (which companies are together referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the Company and the owners apply and have effect:—

The powers by this Act conferred on the Company for the compulsory acquisition of the property of the owners numbered on the deposited plans 83 85 and 86 in the parish and urban district of Hendon shall not be exercised except subject to and in accordance with the following provisions:—

- (1) Within one month from the passing of this Act the Company shall pay to the owners the sum of five hundred pounds as hereafter provided and the said powers

shall not be exercised after the expiration of twelve months from the date of the passing of this Act; A.D. 1909.

(2) The owners shall in addition to the amount to be paid to them by way of compensation for the land actually acquired by the Company under the powers of this Act or on the requirement of the owners as hereafter provided and for damage by reason of the execution of the works by this Act authorised be entitled to claim compensation for any loss which they may have sustained in consequence of the existence of the powers conferred by this Act having prevented or hindered the development and sale of the estates of the owners or otherwise injuriously affected such estates or either of them;

(3) The Company shall also if required by the Golder's Green (Hendon Road) Freehold Estates Limited by notice in writing within three months after the date of the service upon them of notice by the Company to treat for the lands required for the railway purchase and take the lands of that company coloured red and green upon the plan signed by Herbert John Sinclair Abrams on behalf of the owners and Harley Hugh Dalrymple Hay on behalf of the Company so far as such lands are not required for the railway and if required by the Golder's Green (Finchley Road) Estates Limited by notice in writing as aforesaid purchase and take the lands of that company coloured in part blue and in part red cross-hatched upon the same plan but as to the land coloured blue subject to but with the benefit of a building agreement with James Gibb but the Company shall not construct any sidings on any such lands nor shall they erect any factories or other similar buildings on any such lands nor shall they use any such lands for any purpose that shall cause any nuisance to the owners and occupiers of other parts of the owners' estates;

(4) The Company shall pay to the owners as hereafter provided a sum of one thousand pounds as the agreed compensation for additional damage claimed to have been sustained by the owners by reason of the extension of time for making the railway and costs and expenses in which they have been involved in relation to the powers

A.D. 1909.

obtained or sought by the Company and the said sum shall be paid as regards five hundred pounds within one month after the passing of this Act in satisfaction of the payment provided for in subsection (1) hereof and as regards the other five hundred pounds out of the first capital issued and raised by the Company after the passing of this Act;

(5) All bridges over the public roads within sight of any houses erected on the estates of the owners previously to the commencement of the construction of the railway shall subject to the requirements of this Act and to any arrangements which may be made with the authority having charge or control of such roads be of a reasonably ornamental character to the approval in writing of the owners;

(6) The slopes of the embankments by which the railway will be carried across the said properties of the Golder's Green (Hendon Road) Freehold Estates Limited numbered 85 and 86 shall be planted with trees or shrubs and such plantations shall be maintained by the Company and no advertisement boards signs or hoardings shall be placed or erected thereon except such as relate to the traffic or business of the Company;

(7) Any difference which may arise under this section between the Company and the owners or either of them shall be referred to and determined by a suitable person to be appointed in default of agreement by the President for the time being of the Surveyors' Institution and the Arbitration Act 1889 and any modifying or re-enacting Act shall apply to any such reference.

Extension of
time for com-
pletion of
works under
Act of 1902.

23. The powers granted by the Act of 1902 for the completion of so much of Railway No. 1 and the works connected therewith authorised by that Act as was not abandoned under the authority of the Act of 1905 and as is not abandoned under the authority of this Act are hereby extended and may be exercised for a period of two years from the eighteenth day of November one thousand nine hundred and ten and the Act of 1902 shall be read and construed as if the period limited by this Act for the completion of the said railway and works had been the period limited by the Act of 1902 for the completion thereof.

24. The powers granted to the Company by the Act of 1902 for the compulsory purchase of lands for the purposes of so much of Railway No. 1 and the works connected therewith authorised by that Act as was not abandoned under the authority of the Act of 1905 and as is not abandoned under the authority of this Act are hereby revived and may be exercised at any time within a period of three years from the passing of this Act but on the expiration of the said period the said powers shall cease except so far as they shall then have been exercised.

A.D. 1909.
Revival of powers for compulsory purchase of lands under Act of 1902.

25.—(1) The Company shall abandon the construction of—
So much of Railway No. 1 authorised by the Act of 1902 as lies between the commencement of the railway by this Act authorised and the commencement of the deviation railway authorised by the Act of 1905;

Abandonment of portion of authorised railway

The deviation railway authorised by the Act of 1905.

(2) The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1902.

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

(3) Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall

Compensation to be made in respect of railway abandoned.

A.D. 1909. — be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Division of ordinary shares of Company into two classes.

26. The Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a meeting of the Company specially convened for the purpose may by resolution divide their ordinary capital authorised by the Act of 1902 whether already created or not into two classes to be called respectively preferred ordinary shares and deferred ordinary shares and the Company may provide by such resolution that the holders of such deferred ordinary shares shall not be entitled to dividend in any year unless or until the holders of the preferred ordinary shares shall have received dividend in respect of such year at such fixed rate as may be defined in the resolution dividing the capital and the Company may by such resolution attach to such preferred and deferred ordinary shares respectively such rights as may be defined therein with respect to any surplus profits after providing dividend at such fixed rate as aforesaid on the preferred ordinary shares.

Applying and extending certain provisions of Act of 1902.

27. The provisions of the following sections of the Act of 1902 shall apply to and with respect to the railway and works by this Act authorised as well as to and with respect to so much of Railway No. 1 authorised by the Act of 1902 as was not abandoned under the Act of 1905 and as is not abandoned under the provisions of this Act as if such sections were in terms re-enacted in this Act with reference to the railway and works by this Act authorised (that is to say):—

- Section 16 (General provisions for protection of water gas hydraulic power and electric companies);
- Section 20 (For protection of Regent's Canal and Dock Company);
- Section 23 (Motive power);
- Section 25 (Provisions respecting use of electrical power);
- Section 26 (For protection of Postmaster-General);
- Section 48 (Saving power of Board of Trade under section 18 of Light Railways Act 1896);
- Section 49 (Landowners may exercise powers of Light Railways Act);

and any such person as is referred to in section 19 of the Light Railways Act 1896 may subject to the provisions of the said

section 19 with respect to the sanction of the Board of Agriculture accept in whole or in part satisfaction of any purchase money or compensation payable to him any debentures debenture stock shares or stock of the Company and the receipt of any such person for any debentures debenture stock shares or stock of the Company so accepted by him shall be a sufficient discharge to the Company for the purchase money or compensation so payable.

A.D. 1909.

28. The rate of interest payable by the Company under the provisions of section 60 (Power to pay interest out of capital during construction) of the Act of 1902 shall in lieu of the rate of three per centum prescribed by that section be such rate not exceeding four pounds per centum per annum as the directors may determine.

Further provision as to payment of interest out of capital.

29. It shall be lawful for trustees in whom lands situate upon or in the neighbourhood of the Company's authorised railways are vested and who may consider that the railways of the Company will be of substantial advantage to the lands vested in them respectively to invest in the debentures debenture stock shares or stock of the Company of any class moneys held by them respectively upon the trusts of or arising under any settlement in which such lands are comprised and to hold such debentures debenture stock shares or stock and any proceeds arising therefrom whether by way of capital or revenue upon the same trusts as the lands held by them in respect of which such investment is made Provided that no such investment unless authorised by the deed or other instrument creating the trust shall be made by such trustees until they shall have applied for and obtained an order of the High Court authorising such investment.

Trustees may in certain cases invest in shares &c.

30. The agreement dated the tenth day of August one thousand nine hundred and nine between the Underground Electric Railways Company of London Limited of the one part and the Company of the other part of which a copy is set out in the Third Schedule to this Act is hereby confirmed and made binding upon the parties thereto respectively :

Confirming agreement between Company and underground Electric Railways Company.

Provided that any prospectus issued by the Company before the cancellation of the shares referred to in the said agreement and inviting subscriptions of money to the capital of the Company shall state the purport of paragraph 3 of the said agreement.

A.D. 1909.

For protec-
tion of
Charing
Cross Euston
and Hamp-
stead Rail-
way Com-
pany.

31. Notwithstanding anything to the contrary in the Act of 1902 and the Act of 1905 or either of them or in this Act the Company shall not without the previous consent of the Charing Cross Euston and Hampstead Railway Company under their common seal enter upon take use or in any way interfere with any lands or property of that company or run their trains over any part of the railways of that company.

Power to
apply funds.

32. The Company may apply for or towards the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by the Act of 1902 and which are not required for the purposes to which they are by that Act made specially applicable.

Provision as
to general
Railway
Acts.

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

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act.

A.D. 1909.

THE FIRST SCHEDULE.HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PARTS
ONLY MAY BE TAKEN.

Parish.	Numbers on deposited Plan.
Hendon - - -	16 26 35 37 39 40 41 45 46 50 60 61 62 63 64 65 66 67 71 72 73 74 75 76 80 85.

THE SECOND SCHEDULE.DESCRIBING LANDS &C. IN RESPECT OF WHICH EASEMENTS
MAY BE TAKEN.

Parish.	Numbers on deposited Plans.
Hendon - - -	1 2 3 4 5 6 7 8 9 10 11 12.

THE THIRD SCHEDULE.

AGREEMENT made the tenth day of August one thousand nine hundred and nine between the UNDERGROUND ELECTRIC RAILWAYS COMPANY OF LONDON LIMITED (hereafter called "the Underground Company") of the one part and the EDGWARE AND HAMPSTEAD RAILWAY COMPANY (hereafter referred to as "the Edgware Company") of the other part.

WHEREAS the Edgware Company are under the Edgware and Hampstead Railway Act 1902 and the Edgware and Hampstead Railway Act 1905 (hereinafter referred to as "the Edgware Company's Acts") authorised to construct and work an electric passenger railway from Golders Green to Edgware having an end-on junction with the Charing Cross

Stamp.

Ten
Shillings.

A.D. 1909. Company's line at Golders Green and they are promoting in the present session of Parliament a Bill entitled "An Act to authorise a deviation of the Edgware and Hampstead Railway and to confer further powers on the Edgware and Hampstead Railway Company and for other purposes" (hereinafter referred to as "the Edgware Bill"):

And whereas the Edgware Company have issued two thousand three hundred and sixty-seven shares of ten pounds each of which two thousand two hundred shares are credited with five pounds per share and one hundred and sixty-seven shares are credited with two pounds per share and such shares are all owned by the Underground Company and stand in the name of that company or its nominees:

And whereas the Underground Company has expended in the promotion of the Edgware Company's Acts and in the acquisition of lands for the Edgware Company and otherwise seventeen thousand three hundred and twenty-three pounds which is to the extent of eleven thousand three hundred and thirty-four pounds represented by the said credits on the said two thousand three hundred and sixty-seven shares in the Edgware Company:

And whereas the Underground Company has also provided the parliamentary deposits for the Edgware Company's Acts and such deposits are represented by the sum of eleven thousand eight hundred and ninety-three pounds sixteen shillings and tenpence consols which if the Edgware Bill passes will continue subject to the provisions to the deposit money under the Edgware Company's Acts and the Act to follow on the said Bill:

And whereas the Underground Company has agreed to contribute towards the expenses of promoting the Edgware Bill to the extent and upon the terms and conditions hereinafter appearing:

Now these presents witness:—

1. The Underground Company will from time to time contribute towards the expenses of promoting the Edgware Bill Provided that the total liability of the Underground Company hereunder and under any previous agreement with regard to contributing moneys for the promotion of the Edgware Bill shall not (including moneys already contributed for the purpose) exceed one thousand pounds.

2. The Edgware Company shall at the request of the Underground Company credit such of the two thousand three hundred and sixty-seven shares as the Underground Company may require with five thousand nine hundred and eighty-nine pounds (being the difference between the said sum of eleven thousand three hundred and thirty-four pounds and the said sum of seventeen thousand three hundred and twenty-three pounds) and also with sums equal in the aggregate

[9 EDW. 7.] *Edgware and Hampstead Railway* [Ch. clx.]
Act, 1909.

to the moneys now or hereafter contributed by the Underground Company for the purpose of such promotion as aforesaid. A.D. 1909.

3. The Edgware Company shall not at any time without the previous consent in writing of the Underground Company make any calls on any of the said two thousand three hundred and sixty-seven shares.

4. The Edgware Company shall at any time on the request of the Underground Company accept a surrender of the said two thousand three hundred and sixty-seven shares in the Edgware Company and such surrender shall operate to extinguish all liabilities and rights with respect to such shares and upon such surrender the Edgware Company shall forthwith issue to the Underground Company or its nominees shares of the Edgware Company credited as fully paid up of a nominal amount equal to the total of the sums which were credited as paid up on the shares so surrendered at the date of surrender such shares to be deferred ordinary shares if the Edgware Company are by the Act to follow on the said Bill authorised to issue preferred ordinary shares and deferred ordinary shares.

5. Until such surrender and issue as aforesaid shall have been made the Edgware Company shall not without the previous consent in writing of the Underground Company incur any liabilities which will not be covered by the contribution aforesaid from the Underground Company unless the cash to meet such liabilities is first paid to the Edgware Company by parties other than the Underground Company in consideration of the issue of shares in the Edgware Company equal in nominal amount to the cash so paid.

6. When the Edgware Company shall have raised sufficient capital for the purpose and before they commence the construction of any of their railways and works the Edgware Company shall pay or procure the payment to the Underground Company of the then market value of the eleven thousand eight hundred and ninety-three pounds sixteen shillings and tenpence consols constituting the parliamentary deposits aforesaid and upon such payment the Underground Company shall sell and transfer to the Edgware Company or as that company may direct all the interest of the Underground Company in the said consols freed and discharged from any incumbrance or liability affecting the same which has accrued prior to the date of these presents. Until such payment and transfer as aforesaid shall have been made the Edgware Company shall not without the previous consent in writing of the Underground Company do anything which will give rise to any claim on the said parliamentary deposits. If the said payment has not been made within one year from the date hereof the Underground Company may at any time thereafter by notice in writing determine this clause of these presents.

A.D. 1909.

7. This agreement is subject to confirmation by Parliament by the Act to follow on the Bill and if not so confirmed or if Parliament makes any alterations therein which the Underground Company are unwilling to consent to the Edgware Company shall forthwith withdraw the Bill.

The common seal of the Underground Electric Railways
Company of London Limited was hereunto affixed in
the presence of—

L.S.

GEORGE S. GIBB Director.
L. M. YORKE for Secretary.

The common seal of the Edgware and Hampstead Rail-
way Company was hereunto affixed in the presence
of—

L.S.

L. M. YORKE for Secretary.

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