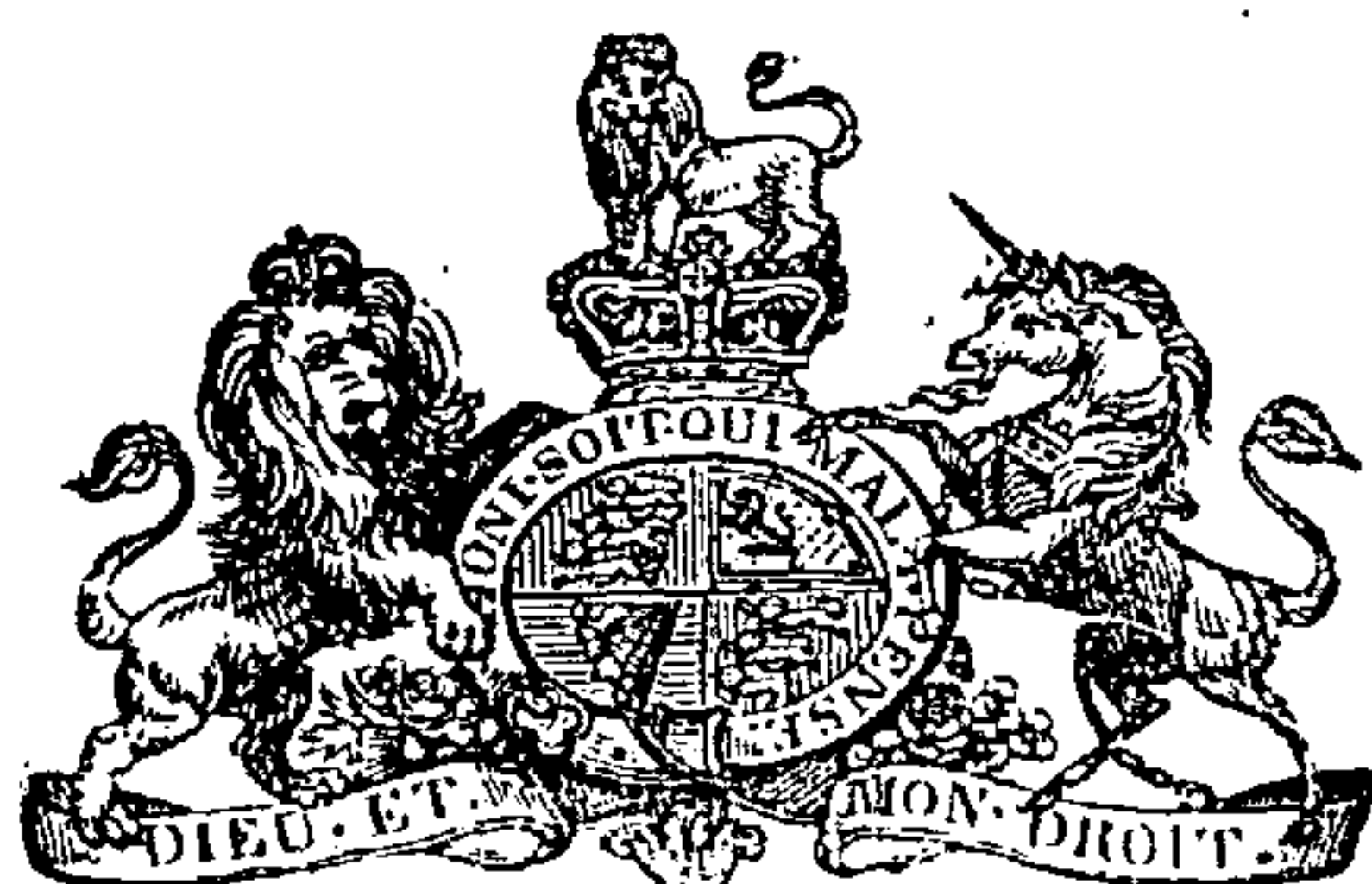


[2 EDW. 7.]

*Brompton and Piccadilly Circus  
Railway Act, 1902.*

[Ch. cclix.]



CHAPTER cclix.

An Act to confer further powers on the Brompton and Piccadilly Circus Railway Company for the construction of new railways and works and for the use of part of the Metropolitan District Railway to extend the time for compulsory purchase of land and completion of works and to authorise working and other agreements with other companies and for other purposes.

A.D. 1902.

[18th November 1902.]

**W**HEREAS the Brompton and Piccadilly Circus Railway Company (in this Act called "the Company") were incorporated by the Brompton and Piccadilly Circus Railway Act 1897 (in this Act referred to as "the Company's Act of 1897" or "the Act of 1897") and authorised to construct the underground railways and subways and other works in that Act described and to raise six hundred thousand pounds in sixty thousand shares of ten pounds each and to borrow in respect thereof not exceeding two hundred thousand pounds :

And whereas by the Brompton and Piccadilly Circus Railway (Extensions) Act 1899 (in this Act referred to as "the Company's Act of 1899") the Company were empowered to make certain extension railways and works in that Act described and to raise any additional capital not exceeding four hundred thousand pounds and to borrow in respect thereof not exceeding one hundred and thirty-three thousand pounds :

And whereas by the Metropolitan District Railway Act 1900 the time limited by the Act of 1897 for the compulsory purchase of lands was extended for a period of two years from the sixth day of August one thousand nine hundred and the time limited by the Act of 1897 for the completion of the railways subways and other works authorised by that Act was extended for a period of two

A.D. 1902. — years from the sixth day of August one thousand nine hundred and two :

And whereas it is expedient that the periods limited by the Company's Act of 1897 and the Company's Act of 1899 for the compulsory purchase of lands and for the construction and completion of the railways and works should be further extended as by this Act provided and that the period during which the Company are authorised to pay interest or dividends upon the amount paid up from time to time in respect of shares in the capital of the Company should be enlarged :

And whereas by the Great Northern and Strand Railway Act 1899 the Great Northern and Strand Railway Company (in this Act called "the Strand Company") were incorporated and authorised to make certain railways and works from Finsbury Park to and under the new street in course of construction by the London County Council from Southampton Row to the Strand :

And whereas it is expedient that the Company should be empowered to make the railways by this Act authorised to connect their authorised railway at Piccadilly with the authorised railway of the Strand Company at the said new street :

And whereas it is also expedient that provision should be made as to agreements between the Company and the Metropolitan District Railway Company (hereinafter called "the District Company") and otherwise with respect to the undertakings and powers of the Strand Company and the District Company as in this Act set forth :

And whereas it is expedient that the Company should be empowered to make the subways and works and to acquire the additional lands in this Act described :

And whereas it is expedient that the Company should be authorised to apply their capital and raise additional capital for the general purposes of their undertaking and for the extensions by this Act authorised :

And whereas it is expedient that the name of the Company should be changed as hereinafter provided :

And whereas the powers by this Act conferred will render unnecessary the construction of Railway No. 2 authorised by the Company's Act of 1897 and also of part of Railway No. 1 authorised by the said Act and it is expedient that the Company should be authorised to abandon the said Railway No. 2 and the said part of the said Railway No. 1 authorised by the said Act :



And whereas it is expedient that the Company should be authorised to enter into and carry into effect agreements as hereinafter provided and that the agreement set forth in the Fourth Schedule to this Act between the Company and the District Company should be confirmed : A.D. 1902.

And whereas by the Metropolitan District Railway Act 1900 the District Company were authorised to work the traffic of their railways by electrical power and to construct at Lots Road Chelsea a generating station for generating electrical energy :

And whereas by the Company's Act of 1899 the Company and the District Company were authorised to enter into and carry into effect agreements as to the supply of electrical energy to or by the Company and the District Company or either of them :

And whereas by the Metropolitan District Railway Act 1901 an agreement as set forth in the schedule thereto between the District Company and the Metropolitan District Electric Traction Company Limited was confirmed and it was by such agreement provided that the last-mentioned Company (therein and hereinafter called "the Traction Company") should erect upon the said site at Lots Road to be acquired by the District Company the generating station authorised by the Metropolitan District Railway Act 1900 :

And whereas by an agreement made the 21st day of April 1902 between the District Company and the Traction Company and scheduled to and confirmed by the Metropolitan District Railway Act 1902 the terms of the recited agreement were varied and it was provided that the Traction Company their successors and assigns should at all times thereafter furnish the District Company upon the terms therein mentioned with such a supply of electrical power as may be necessary for the full continuous and efficient working and lighting of the traffic and undertaking of the District Company and of the traffic and undertaking of the Company :

And whereas by an agreement made the 28th day of April 1902 between the District Company the Traction Company and the Company it was agreed that so soon as the authorised railways and extension railways of the Company or any of them are constructed the District Company or the Traction Company should at all times thereafter supply or cause to be supplied to the Company from the generating station at Lots Road and that the Company should take therefrom all such electrical power as the Company may require for the working of the traffic on such railways and also for

A.D. 1902. the electrical lighting of their stations and trains and for the working of lifts and any auxiliary machinery on such railways or any of them or the stations thereon :

And whereas the undertaking of the Traction Company is about to be taken over by a company under the name of the Underground Electric Railways Company of London Limited :

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the 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 London and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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

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

## PART I.

### PRELIMINARY.

Short title.

**1.** This Act may be cited as the Brompton and Piccadilly Circus Railway Act 1902.

Division of  
Act into  
Parts.

**2.** This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Railways Works Lands &c.

Part III.—Capital.

Part IV.—Extension of Time.

Part V.—Abandonment.

Part VI.—Miscellaneous.

Incorporation of  
general  
Acts.

**3.** The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to construction of a railway) Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863.



**4.** Subject to the provisions of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

A.D. 1902.  
—  
Extending  
certain pro-  
visions of  
Companies  
Clauses  
Acts.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

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

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) Part III. (relating to debenture stock) and Part IV. (relating to change of name) of the Companies Clauses Act 1863 as amended by any subsequent Act shall extend and apply to the capital to be raised under this Act in shares and stock and by borrowing and to the proprietors thereof.

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

Interpreta-  
tion.

“The Company” means the Brompton and Piccadilly Circus Railway Company ;

“The District Company” means the Metropolitan District Railway Company ;

The expression “the railway” or “the railways” means the railways subways and works by this Act authorised ;

“The council” means the London County Council ;

The expression “the county” means and includes the administrative county of London ;

A.D. 1902.

The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall as regards the administrative county of London mean the town clerks of the metropolitan boroughs in which the lands affected are respectively situate.

## PART II.

### RAILWAYS WORKS LANDS &c.

Power to  
make rail-  
ways and  
works.

**6.** Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways subways and other works hereinafter described with all necessary and proper sidings stations shafts lifts tunnels subways roads approaches junctions works and conveniences connected therewith or incidental thereto and may subject as aforesaid enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes:

Provided always that (except for the purpose of making trial borings as provided by section 43 of the Act of 1897 as incorporated with this Act and for the purpose of diverting sewers or gas or water pipes cables or wires) nothing in this Act shall authorise the Company to enter upon take or use the surface of any public street or road without the consent of the council of the metropolitan borough in whom the maintenance and repair of the street or road is vested and of the London County Council so far as any sewers streets or other works and property of the London County Council are or may be affected:

But the Company may enter upon take and use so much of the subsoil and under surface of any public street road or footway shown on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes aforesaid without being required to purchase the same or any easement therein or thereunder.

Description  
of railways  
and works.

**7.** The railways and works hereinbefore referred to and authorised by this Act will be situate in the county of London and are—

Railway No. 1 (9·20 chains in length) in the parish of St. James Westminster in the city of Westminster commencing by a junction with Railway No. 1 authorised by the Act of 1897 at the point of commencement thereof under Piccadilly at the southern end of Air Street as shown on the plans deposited



for that Act with the clerk of the peace for the county of London in the month of November 1896 and terminating under the eastern end of Piccadilly opposite the south-west corner of Great Windmill Street : A.D. 1902.

Railway No. 2 (6 furlongs 3 chains in length) commencing in the parish of St. James Westminster in the city of Westminster by a junction with Railway No. 1 by this Act authorised at its termination before described and terminating in the parish of St. Giles-in-the-Fields in the metropolitan borough of Holborn by a junction with Railway No. 4 authorised by the Great Northern and Strand Railway Act 1899 at a point under Little Queen Street eighty yards or thereabouts south of the northern end of Little Queen Street where such street joins High Holborn :

Subway (No. 1) situate in the said parish of St. James Westminster and in the city of Westminster commencing on the northern side of Regent Street Quadrant near the Shaftesbury Memorial and terminating at the southern end of Piccadilly Circus on the eastern side of Regent Street :

Subway (No. 2) in the said parish of St. James Westminster commencing at the south-eastern corner of Shaftesbury Avenue and terminating under the south-eastern end of Regent Street Quadrant by a junction with Subway No. 1 hereinbefore described.

8.—(1) The following provisions shall apply to the construction of the railways by this Act authorised other than the portion of railway authorised by the Metropolitan District Railway Act 1897 which the Company are by this Act authorised to construct. General provisions as to mode of construction.

(2) The railways shall be constructed in two tunnels for separate up and down traffic and shall be approached by means of stairs and hydraulic or other lifts or of inclines.

(3)—(A) The tunnels of which the railways will so in part consist (including those for the stations) and all tunnels whether temporary or permanent shall be constructed by means of steel or other sufficient metal shields driven forward or onward by hydraulic pressure as the work proceeds such shields being of sufficient length to protect the whole of the soil for a reasonable distance both in front of and behind the working faces All such permanent tunnels shall be lined throughout with iron or other sufficient metal plates properly jointed throughout or with other suitable materials

A.D. 1902. Provided always that such tunnels so far as they shall be situate under or near to any sewer or other property or works vested in the council shall if lined or constructed with other material than iron not be constructed otherwise than to the reasonable approval of the engineer of the council.

(B) Every shaft shall be constructed as a cylinder of iron sunk from the surface of the earth to a depth of at least eight feet below the surface of the London clay at each such shaft. Every such shaft shall below the said depths be constructed in manner aforesaid or by underpinning.

(C) The station tunnels shall not have an internal diameter exceeding twenty-five feet and the tunnels between the stations shall not (except where necessary for adjustment at curves) have an internal diameter exceeding twelve feet six inches and the internal diameter of the shafts shall not exceed forty feet.

(D) The railways shall be constructed at a depth below the surface of not less than twenty-five feet measured from the surface of the street to the extreme top of the tunnel.

(4) Sufficient trial borings shall be kept ahead of the works in all tunnels and shafts in order to ascertain by frequent examinations the nature of the soil in advance of the working faces and the Company may in any street make such borings subject to such reasonable restrictions as to surface borings as the local authority having the maintenance of that street may impose.

(5) Any space between the lining of the tunnels (including stations) and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure.

(6) Before commencing any of the above works at any point the Company shall provide air-compressing machinery sufficient to provide a proper quantity of air at such pressure as will prevent the advent or inflow of any sand gravel water or soil and the Company shall take such precautions that they may at any time during the progress of the work be able to carry on the tunnelling under compressed air. All such machinery shall be kept in full working order until the completion of the works in respect of which it may be required to be used and shall be used at the working faces wherever the use thereof is for any reason reasonably necessary or prudent.

(7) Should the nature of the soil extracted by means of the said trial borings be such as to show that it would be reasonably necessary or prudent to work at any working face under compressed air then the Company shall immediately stop all further excavating



work and the further driving of the tunnel at such working face until the said air-compressing machinery and apparatus is in position and in full working order and the work at such working face shall be carried on under compressed air until the said trial borings shall show that such precautions may be reasonably and prudently dispensed with.

A.D. 1902.

(8) Except in the case of unforeseen accident or for the purpose of removing rain water or other trifling amounts of water no use shall be made of pumping or of other modes of removing water from the work. The compressed air shall be used as hereinbefore provided and so as to restrain the advent or inflow of water into the tunnels.

9. The Company shall from time to time submit for the approval of the Board of Trade plans sections and other details of their proposals with respect to—

Plans &c.  
to be approved by  
Board of  
Trade before  
works commenced.

- (a) permanent way tunnels platforms stairs lifts and other communications ;
- (b) rolling stock ;
- (c) lighting ; and
- (d) ventilation ;

and the railway rolling stock and other works shall be constructed re-constructed and maintained only in accordance with plans sections and other details as approved by the Board of Trade.

10.—(1) In addition to the provisions of the Acts incorporated herewith or with the Company's Act of 1897 and Acts amending the same with respect to compensation for lands taken or injuriously affected the Company shall make compensation to the owner lessee and occupier of any land house or building which shall be injuriously affected by reason of the working of any railway of the Company where constructed in tunnel (including the working of lifts and any other works in connection with such railway) notwithstanding that no part of the property of such owner lessee or occupier 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 such 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 judge under section 5 of the said Act.

Compensation for  
damage by  
working.

(2) An arbitrator under this section may with the consent of all parties concerned hear together any class or group of claims under this section.

A.D. 1902.

Procedure  
where more  
than one  
company  
concerned.

**11.** If the Piccadilly City and North East London Railway Bill and the London United Electric Railways Bill now pending in Parliament or either of them shall pass into law then—

(1) With respect to so much of the railway authorised by the Company's Act of 1897 and this Act as is situate between Hyde Park Corner and the junction of Rupert Street and Coventry Street if any land house or building shall be injuriously affected by the construction or working of the said portion of railway (including the lifts and any other works in connection therewith) and by the construction or working of the railways which may be authorised by any Act passed in pursuance of the said Bills or either of them (including lifts and any other works in connection with those railways respectively) or by the construction or working of any or either of the said railways and the owner lessee or occupier of such land house or building shall be in doubt by the construction or working of which of the said railways such injurious affection is wholly or partially caused such owner lessee or occupier may in one proceeding claim compensation against the Company and both or either of the companies which may be constituted under any Act passed as aforesaid Provided that the arbitrator shall not as against any company award any compensation for injury by working to be paid by that company unless the claim was made within two years from the date of the opening for public traffic of the railway of that company :

(2) Every such claim shall be referred to and settled by a single arbitrator who shall determine whether the whole or any and what proportion of such compensation if any as he may award shall be paid by the Company and whether the whole or any and what proportion thereof shall be paid by such other companies or either of them :

(3) Any question of disputed compensation under this section 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 that Act.

Power to  
take addi-  
tional lands.

**12.** The Company may (in addition to the lands which they are empowered to acquire for the railways and works by this Act authorised) enter upon take and use all or any of the lands hereinafter described and delineated on the



deposited plans and described in the deposited book of reference A.D. 1902.  
(that is to say) :—

Certain lands in the parish of St. Luke Chelsea in the metropolitan borough of Chelsea bounded on the north by Brompton Road on the south by Basil Street on the west by Hooper's Court and extending eastward for about one chain from the eastern side of Hooper's Court ;

Certain lands in the parish of St. Mary Abbotts Kensington in the metropolitan borough of Kensington at or near Gloucester Road Station bounded on the north by the Metropolitan District Railway on the east by Gloucester Road and Courtfield Road on the south by Ashburn Mews and on the west by Ashburn Place :

And the Company may construct on and under the said lands stations buildings shafts lifts tunnels subways and conveniences connected therewith.

**13.** The District Company may by agreement transfer to the Company all their powers (as extended by the Metropolitan District Railway Act 1902) of constructing the portion of the railway described in and authorised by the Metropolitan District Railway Act 1897 between the commencement of that railway near Earl's Court Station and South Kensington Station and of entering upon taking and using land therefor and the Company may by agreement accept and acquire the same together with all or any of the lands and property appertaining thereto and together with the interest of the District Company in such portion of the deposit money now in the hands of the Paymaster-General as security for the completion of that railway as is applicable to that portion thereof and such agreement may provide for the joint user of any existing or new stations Upon the completion of any such transfer all powers rights privileges duties and obligations of the District Company in respect of the said portion of railway including power to levy tolls rates and charges upon or in respect thereof in accordance with the provisions of the Metropolitan District Railway Act 1897 shall be transferred to and vested in the Company and the Company may in accordance with the powers so transferred construct and maintain the said portion of railway and exercise all such powers in respect thereof and the said portion of railway shall upon such transfer and subject to the terms of any such agreement form part of the undertaking of the Company provided that there shall be reserved to the District Company the right to run over and

Company  
may con-  
struct por-  
tion of  
District  
Company's  
deep level  
railway.



A.D. 1902. use the same upon such terms and conditions as shall be agreed between the Company and the District Company or failing agreement as shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either Company.

Provision as  
to cellars  
under streets  
not refe-  
renced.

**14.** Nothing in this Act shall authorise the Company to enter upon take or use (except by agreement) any cellar or vault or other part of the structure of a building in or under any street belonging to or connected with any building unless such cellar or vault or part of the structure of a building or the building with which it is connected or of which it forms part is described or referred to in the deposited book of reference.

Power to  
deviate  
vertically.

**15.** In the execution of the railways and works by this Act authorised but subject to the provisions of this Act the Company may deviate vertically from the levels thereof marked on the deposited sections to such an extent as may be found necessary or convenient. Provided that the railways and works by this Act authorised shall not be constructed within twenty-five feet of the surface of any street or road except in accordance with plans and sections previously submitted to and approved by the London County Council.

Incorporation of cer-  
tain sections  
of Act of  
1897 with  
this Act.

**16.** The sections of the Act of 1897 which are enumerated and referred to in the first part of the First Schedule to this Act (except so far as the same or any part or parts thereof are expressly repealed amended or varied by this Act) are incorporated with and form part of this Act and shall extend and apply to the railways and works by this Act authorised (other than the portion of railway authorised by the Metropolitan District Railway Act 1897 which the Company are by this Act authorised to construct) the roads under and along which the same are to be made and the several bodies or persons named or referred to in those sections as fully and effectually to all intents and purposes as if those sections had been re-enacted in this Act with reference thereto. Provided that any provisions of the said incorporated sections referring to a vestry or district board shall be read and have effect as applying to the council of the metropolitan borough :

Provided that section 61 of the Company's Act of 1897 as incorporated in this Act shall as regards the works by this Act authorised have effect as if the Charing Cross and Strand Electricity Supply Corporation Limited were a protected company referred to in that section and were included in the expression "protected companies" And provided also that in addition to any other



notice which under the said section they are required to give the Company shall except in cases of emergency not less than twenty-four hours and not more than forty-eight hours before commencing any works whereby any apparatus of the protected company may be interfered with or affected give to the protected company notice of their intention to commence any part of such works stating to what part of the works the notice refers. A.D. 1902.

**17.** Section 10 of the Act of 1897 is hereby repealed and in lieu thereof the following provisions shall have effect:—

For pro-  
tection of  
Postmaster-  
General

(1) The Company shall so construct their electric lines and works of all descriptions and shall so work their undertaking in all respects as to prevent any interference whether by induction or otherwise with the telegraphic lines from time to time laid down or used by the Postmaster-General or with telegraphic communication by means of such lines :

(2) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

(3) If a telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company be injuriously affected and he is unable to ascertain whether such injurious affection is caused by the Company or by any other persons generating or using electrical currents for traction purposes the Postmaster-General may give notice to the Company requiring them to make at such times as he may specify such experiments (by working their generating stations running their cars or otherwise working any part of their undertaking or in case of continuous working by stopping the current generated for the purpose of their undertaking at such

A.D. 1902.

times as would not unduly interfere with the traffic) as he may deem necessary to enable him to discover which of the undertakings causes the disturbance and such tests shall be carried out by the Company as and when required by the Postmaster-General :

- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5) This section shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him on or along the railway :
- (6) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878 :
- (7) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :
- (8) This section shall extend and apply to any railway or portion thereof authorised by the Metropolitan District Railway Act 1897 which may be transferred to the Company under this Act and the expression "the Company" shall include any company or person working the Company's railways or any of such transferred railways under this Act or supplying electric power for the purpose of such working.

Rates and  
charges.

**18.** The Company may demand and take for the conveyance of passengers and for small parcels conveyed upon the railways rates or charges not exceeding those specified in the sections of the Act of 1897 which are enumerated in the second part of the First Schedule to this Act which sections are hereby incorporated with this Act.

Company  
not to in-  
crease fares  
on bank  
holidays &c.

**19.** It shall not be lawful for the Company to take or demand on Sunday or on any bank or public holiday any higher rates or charges than those levied or made by them on ordinary working days.



**20.**—(1) At all times after the opening of the railway or any part thereof for conveyance of passengers the Company shall on every morning of the week except Sundays Christmas Day Good Friday and bank holidays run a sufficient number of trains which shall be timed to arrive at each terminus up to eight o'clock.

A.D. 1902.

Workmen's  
trains.

(2) The Company shall issue at all stations tickets for workmen available for any train starting from or calling at the station at which such ticket is issued at or before half-past seven o'clock a.m. and such ticket shall be issued at fares which shall not exceed the following (viz.) :—

Single. Return.

For any distance on the railway between—

Earl's Court and King's Cross - - - 1*d.* 2*d.*

Strand and King's Cross - - - 1*d.* 2*d.*

Earl's Court and stations beyond King's

Cross to Finsbury Park (inclusive) - 1½*d.* 3*d.*

Strand and stations beyond King's Cross to

Finsbury Park (inclusive) - - - 1½*d.* 3*d.*

King's Cross and Finsbury Park - - - 1*d.* 2*d.*

but the Company shall not be required to issue any such tickets after half-past seven o'clock a.m.

(3) A workman's ticket issued in pursuance of this section shall entitle the holder to travel in a suitable carriage by any such train starting from the station at which such ticket is issued at or before half-past seven o'clock a.m. and a return ticket shall entitle the holder to return in a like carriage by any train during the day of issue and to leave the train at the station from which the holder started or at any intermediate station at which the train shall stop.

(4) Provided that in the event of third-class carriages being used and being available on any such train the workman's ticket shall not entitle the holder to travel except in a third-class carriage.

(5) The Company shall publish and keep published in some conspicuous and convenient part of every station on the railway notice boards or placards setting forth the conditions on which workmen's tickets are issued and fares charged in respect thereof and the trains by which such tickets are available.

(6) The liability of the Company under any claim to compensation for injury or otherwise in respect of any passenger travelling by any train run or provided under this section or any passenger returning at fares fixed under and for the purposes of

A.D. 1902. this section shall be limited to a sum not exceeding one hundred pounds.

(7) On complaint being made to the Board of Trade with respect to the sufficiency convenience number or times of workmen's trains or the sufficiency of the accommodation provided thereby or the fares or tickets the Board of Trade may after inquiry make such order upon the Company as having regard to the circumstances may appear to the Board to be necessary to give effect to the purposes of this section.

(8) For the purposes of this section the term "railway" shall be deemed to include the whole of the railways and undertaking of the Company and of the Strand Company.

Section 88 of the Company's Act of 1897 is hereby repealed.

For pro-  
tection of  
scientific  
institutions.

**21.** Section 11 of the Company's Act of 1897 incorporated with this Act shall be read and construed as if the following subsection had been added thereto :—

When any department of His Majesty's Government represents to the Board of Trade that the use of electrical power under this Act injuriously affects or is likely to injuriously affect any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that department the Board of Trade after such inspection or inquiry as they may think proper may by their regulations require the Company to use such reasonable and proper precautions (including insulated returns) as the Board of Trade may deem necessary for the prevention of such injurious affection For the purposes of this subsection any inspector of the Board of Trade may during his inspection of the Company's works and apparatus be accompanied by any person or persons appointed in that behalf by the Government department concerned and the Company shall give all due facilities for the inspection Provided always that in the case of any observatory or laboratory established after the passing of this Act or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of this Act the Board of Trade shall consider to what extent if any it is expedient in the interests of the public that the powers of this subsection should be exercised regard being had to the site of the observatory or laboratory or the purposes of the instruments or apparatus as the case may be :



The expression "Company" in this section shall include licencees and any person owning working or running carriages over any railway of the Company. A.D. 1902.

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

**23.** And whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses buildings or manufactories shown on the deposited plans 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 Second 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 the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. Owners may be required to sell parts only of certain lands and buildings.

**24.** Where the crown of the tunnel of any railway or subway by this Act authorised to be constructed is twenty-five feet or more than twenty-five feet below the surface of the ground the Company shall not be required to take the lands described in the Third Schedule to this Act or any part of the surface thereof 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 the railway and Company may acquire easements only under lands &c. and purchase cellars &c.



A.D. 1902. works and the purchase of any such easement or of any such cellar vault arches 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 compensation under the sixty-eighth section 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.

Deposit  
money not to  
be repaid  
except so far  
as railway  
opened.

**25.** Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of ninety thousand two hundred and nineteen pounds two and three-quarters per centum consolidated stock being equal in value to five per centum on the amount of the estimate in respect of the railways and works originally proposed to be authorised by the Bill for this Act has been deposited with the Paymaster-General for and on behalf of the supreme court in respect of the application to Parliament for this Act :

And whereas Railway No. 3 and Railway No. 4 as originally proposed are not authorised by this Act and the sum of sixty thousand and seventy-two pounds two and three-quarters per centum consolidated stock (part of the said sum of ninety thousand two hundred and nineteen pounds) is attributable to the said Railways Nos. 3 and 4 :

And whereas the sum of thirty thousand one hundred and forty-seven pounds two and three-quarters per centum consolidated stock being the balance of the said sum of ninety thousand two hundred and nineteen pounds is equal in value to five per centum on the amount of the estimate of the railways and works by this Act authorised which sum of thirty thousand one hundred and forty-seven pounds is in this Act referred to as "the deposit fund" :

Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the



expiration of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the railways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

A.D. 1902.

**26.** If the Company do not previously to the expiration of the period limited by this Act for the completion of the railways complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in

Application  
of deposit.



A.D. 1902. the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors. Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of  
portion of  
deposit  
money.

**27.** On the application of the depositors in a summary manner at any time after the passing of this Act the High Court may and shall order that the sum of sixty thousand and seventy-two pounds two and three-quarters per centum consolidated stock hereinbefore mentioned and any interest thereon shall be transferred to the depositors or as they may direct.

Period for  
completion  
of works.

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

Powers to  
cease unless  
works sub-  
stantially  
commenced.

**29.** If within twelve months from the passing of this Act the Company shall have failed to substantially commence the construction of their railway and such failure shall be due to any cause within the control of the Company the powers of the Company under or as extended by this Act for the construction of works shall at the expiration of that period cease and determine and the certificate of the Board of Trade as to whether or not the said railway has been substantially commenced or any failure to commence the same has been due to a cause within the control of the Company shall be final and binding.

For pro-  
tection of  
metropolitan  
boroughs.

**30.** With reference to so much of the railways and works by this Act authorised as will be made in the respective metropolitan boroughs of Westminster Holborn Chelsea and Kensington the following provisions unless otherwise agreed between the Company and the respective councils of those boroughs (in this section respectively referred to as "the council") shall apply:—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company without the consent of the council to encroach upon any part of the surface of any street or footway:



- (2) The railway where under streets or roads shall be constructed at a depth below the surface of at least twenty-five feet measured from the surface of the street to the extreme top of the tunnel and in such manner as not to damage or in any way interfere with any sewer drain or pipe belonging to the council or the surface of the streets or footways : A.D. 1902.
- (3) All tunnels arches and other works shall be constructed and maintained by the Company in such manner as at all times to support not only the ordinary traffic but also any exceptional traffic lawfully using the streets and also any steam roller traction engine or other motor by whatever power worked that the council may use for repairing streets or other purposes and the Company shall indemnify and make good to the council all costs expenses and damages that they may at any time incur or be put to or be liable for by reason of any defect or insufficiency in strength in such tunnels arches or works or of any neglect to properly and efficiently maintain the same as aforesaid or otherwise by reason of the said railway and works :
- (4) The Company shall not deposit any soil subsoil or materials anywhere within the said boroughs so as to cause any nuisance or obstruction to any person using the streets roads or footways thereof :
- (5) All costs charges and expenses properly incurred by the council in removing any soil dropped on any road in consequence of the execution of the works shall on demand be paid by the Company to the council and be a debt due to the council by the Company :
- (6) The Company shall make full compensation to the council for any subsidence of or damage to any road footpath sewer drain or other work vested in or under the jurisdiction or control of the council which may be caused by or in consequence of the act or default of the Company their contractors servants or agents and whether such damage or subsidence shall happen during the construction of the works by the Company or at any time thereafter :
- (7) The reasonable costs charges and expenses of or incurred by the council in respect of the execution or repair of any works constructed by the Company under this Act or in respect of the inspection and approval of any plans or sections hereby required to be submitted to them or in respect of any other

A.D. 1902.

matter under this section shall be borne and paid by the Company and be a debt due from the Company to the council :

- (8) 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 or any of them assessed or liable to be assessed to the general rate or any other rates or contributions they shall from time to time until the said works shall be completed and assessed to such several rates or contributions to an amount equal to or greater than the value at which the said lands buildings or other property respectively were assessed to the last rate made before the passing of this Act be liable to make good the deficiency in the several assessments for such rates or contributions 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 rate made before the passing of this Act.

Provisions  
operative if  
pending  
Piccadilly  
City and  
North East  
London  
Railway Bill  
pass into an  
Act.

**31.** Whereas part of the railways and works authorised by the Company's Act of 1897 and this Act are in course of construction or proposed to be constructed under the same streets as railways proposed by the Piccadilly City and North East London Railway Bill of the present session Therefore if the said Bill shall pass into an Act in the present or next following session of Parliament the following provisions shall have effect for the protection of the company proposed to be incorporated by the said Bill (in this section referred to as "the proposed company") :—

- (1) The Company shall not in constructing their railway under the streets along which the proposed company will be authorised to construct railways deviate downwards more than ten feet from the levels marked on the deposited sections of the railway by this Act authorised or more than fifteen feet from the levels marked on the deposited sections referred to in their Act of 1897 except by agreement with the proposed company or under an award of an arbitrator as hereinafter mentioned :
- (2) The Company shall so construct their railway and works along the said streets as not to interfere with the safe and proper construction of the railways and works of the proposed company in such manner and subject to such conditions as may be defined by such Act :



- (3) Any difference arising between the Company and the proposed company under this section shall be referred to an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers. A.D. 1902.

**32.** If the Bill now pending in Parliament under the title of the London United Electric Railways Bill pass into law and if a company incorporated under an Act passed in pursuance of the said Bill construct Railway No. 11 proposed to be authorised by the said Bill then where the said Railway No. 11 will cross the railway of the Company at the northern end of Sloane Street the Company shall not deviate their railway to any greater extent than three feet downwards from the level shown on the section signed by Sir Lewis McIver Baronet the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred and the said Railway No. 11 shall if authorised be so constructed as to allow a clear space of not less than five feet between the respective tunnels of the two companies.

Provisions operative if pending London United Electric Railways Bill pass into an Act.

**33.** For the protection of the Charing Cross Euston and Hampstead Railway Company (in this section called "the Charing Cross Company") the following provisions shall unless otherwise agreed between the Charing Cross Company and the Company be observed and have effect (that is to say) :—

For protection of Charing Cross Euston and Hampstead Railway Company.

- (1) Notwithstanding anything shown upon the deposited plans and sections or contained in this Act the Company shall not purchase take enter upon use or interfere with either permanently or temporarily the railways of the Charing Cross Company authorised by the Charing Cross Euston and Hampstead Railway Acts 1893 to 1902 (herein-after called "the railway of the Charing Cross Company") or any of the lands works or property of the Charing Cross Company without the consent in writing of the Charing Cross Company under their common seal but the Company shall acquire an easement only under any works lands and property of the Charing Cross Company which may be necessary for constructing maintaining and using the railway and works by this Act authorised :

- (2) Before commencing to construct that part of the railway of the Company which shall or may pass under or within one hundred lineal feet of the railway of the Charing Cross Company the Company shall deliver to that company plans sections and specifications of the works as proposed to be

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made by the Company for a distance of one hundred lineal feet on each side of the Charing Cross Company's railway and if at the expiration of twenty-one days from such delivery the plans sections and specifications should not be approved by the Charing Cross Company there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in the manner hereinafter provided and such works shall be carried into effect to the reasonable satisfaction of the engineers for the time being of the Charing Cross Company and at the costs charges and expenses in all respects of the Company and when commenced shall be proceeded with without cessation :

(3) The Company shall at all times maintain the works by which the said railway shall be carried under or within one hundred lineal feet of the railway of the Charing Cross Company and the works and conveniences connected therewith in substantial repair and good order and condition to the reasonable satisfaction in all respects of the Charing Cross Company and if and whenever the Company fail so to do the Charing Cross Company may make and do in and upon as well the works and lands of the Company as their own lands and works all such works and things as the Charing Cross Company may reasonably think requisite and the sum from time to time certified by the Charing Cross engineers to be the reasonable amount of their expenditure in that behalf shall be repaid to the Charing Cross Company by the Company and in default of full repayment the amount due subject to arbitration in case of difference may be recovered by the Charing Cross Company from the Company The engineers of the Charing Cross Company and their duly authorised assistants shall at all reasonable times have free access to the railway where the said works shall pass under or within one hundred lineal feet of the railway of the Charing Cross Company and for the distance above mentioned and every facility shall be afforded them for the inspection thereof and every reasonable notice which they may give touching any defect or want of repair shall immediately or as soon as possible be complied with by the Company :

(4) If during and by the execution of the said works the railway of the Charing Cross Company or any of the works or conveniences connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing



so to do the Charing Cross Company may make good the same and recover the costs thereof against the Company : A.D. 1902.

- (5) The Company shall not in making and maintaining and working or using the railways and works by this Act authorised in any manner obstruct hinder or interfere with the free or uninterrupted and safe user of the railway of the Charing Cross Company or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the railway of the Charing Cross Company or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall forfeit and pay to the Charing Cross Company for each such obstruction fifty pounds per hour by way of ascertained damages for every hour during which each such obstruction hindrance or interference shall continue :
- (6) All reasonable fees costs charges and expenses in respect of any of the matters in this section contained shall be borne and on demand paid by the Company and during the construction renewal or repair of the railways and works by this Act authorised under and adjacent to the railway of the Charing Cross Company the Company shall bear and on demand shall pay to the Charing Cross Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the railway of the Charing Cross Company and the works and conveniences connected therewith and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Company or from the acts or defaults of the contractors of the Company or of any person or persons in their employ or otherwise :
- (7) In the event of the Charing Cross Company desiring to reasonably alter or extend their railway or any of the works or buildings connected therewith the Company shall on reasonable terms afford to the Charing Cross Company every reasonable facility for the execution of such alteration or extension :
- (8) No electricity shall be generated by the Company under any portion of the railway of the Charing Cross Company or under any land or works of the Charing Cross Company :
- (9) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Charing Cross Company all costs losses damages and expenses which

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may be occasioned to the Charing Cross Company or to any of the works lands or property thereof or to any person or persons using the same or otherwise by reason of the construction maintenance or failure of the railways and other works by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the Charing Cross Company from all claims and demands upon or against them by reason of such construction maintenance or failure and of any such omission :

- (10) Any dispute or difference which may arise between the Company and the Charing Cross Company with respect to the provisions of this section or in any way arising thereout shall be settled by arbitration by a civil engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers on the application of the Company and the Charing Cross Company or either of them and the Arbitration Act 1889 shall apply to such arbitration.

For protection of  
Baker  
Street and  
Waterloo  
Railway  
Company.

**34.** For the protection of the Baker Street and Waterloo Railway Company (in this section called "the Baker Street Company") the following provisions shall unless otherwise agreed between the Company and the Baker Street Company be observed and have effect (that is to say) :—

- (A) The Company shall not without the previous consent in writing of the Baker Street Company enter upon take or use either temporarily or permanently any property acquired by the Baker Street Company or without the like consent alter vary or in any way interfere with the Baker Street Company's station or any works connected therewith :
- (B) The Company shall so construct their railways and works as not to interfere with or require any alteration whatever of any of the works of the Baker Street and Waterloo Railway without the consent in writing of the Baker Street Company and so that at no point shall there be without the consent of the Baker Street Company a space of less than two feet between the outsides of the tunnel (including the works connected therewith) of either company and shall one calendar month before they commence those portions of the railways and works by this Act authorised which shall or may pass under over or by the side of the railway and works of the



A.D. 1902.

Baker Street Company and for a distance of one hundred lineal feet on either side thereof (hereinafter called "the said works") furnish to the Baker Street Company proper and sufficient plans sections and specifications of the said works and such plans sections and specifications shall be settled and agreed upon between the respective engineers of the Company and the Baker Street Company and in case of any difference arising between them the same shall be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and the said works shall be carried into effect only in accordance with such determination or agreement and under the supervision and to the reasonable satisfaction of the Baker Street Company and at the costs charges and expenses in all respects of the Company :

- (c) The Company shall construct the said works so as to leave undisturbed the railway and works of the Baker Street Company and if and whenever the Company fail so to do the Baker Street Company may make and do in and upon as well the railway and works of the Company as their own railway and works all such works and things as the Baker Street Company may reasonably think requisite and the sum from time to time certified by their engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company :
- (d) If during and by reason of the execution of the said works the Baker Street Company's railway or works connected therewith or any of the property of the Baker Street Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the Baker Street Company may make good the same and the Company shall repay to them the amount so expended :
- (e) The Company shall not in making and maintaining the railways and works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the Baker Street Company's railway or any traffic thereon or interfere with the free and uninterrupted access to the Baker Street Company's stations and booking offices :
- (f) During the construction of the said works the Company shall bear and on demand pay to the Baker Street Company any costs and expenses of the Baker Street Company reasonably

A.D. 1902.

incurred pursuant to this section including the expense of the employment by them of inspectors and watchmen to be appointed by them for watching the Baker Street Company's railway and works for preventing as far as may be all interference danger and accident from any of the operations of the Company or from the acts or defaults of their contractors or of any persons or person in their employ :

- (G) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Baker Street Company all costs charges losses damages and expenses which may be occasioned to the Baker Street Company's railway or to any person or persons using their railway by reason of the construction or failure of the railway and works by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors and others and the Company shall effectually indemnify and hold harmless the Baker Street Company from all claims and demands upon or against them by reason of such execution or failure or of any such omission :
- (H) If any difference shall arise between the Company and the Baker Street Company as to any matter or thing comprised in or arising out of the provisions of this section the same shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.°

For protec-  
tion of Moss'  
Empires  
Limited.

**35.** For the protection of Moss' Empires Limited whose property comprising the London Hippodrome and adjacent buildings and premises bounded by Charing Cross Road on the east Cranbourn Street on the south Ryder's Court on the west and Newport Street on the north is hereinafter referred to as "the Hippodrome" the following provisions shall unless otherwise agreed between the Company and Moss' Empires Limited have effect :—

- (1) In constructing the railway along Cranbourn Street opposite the Hippodrome the Company notwithstanding anything in this Act contained shall not deviate vertically in an upward direction so as to bring the under side of the crown of the arch of the tunnel of the railway nearer than fifty feet to the surface of the street and shall not deviate the centre line of the railway northwards from the position of the centre line shown upon the deposited plans :
- (2) For the purpose of ascertaining whether the provisions of this section are duly observed Moss' Empires Limited may



from time to time at their own expense appoint some competent engineer on their behalf to inspect and survey the railway works under Cranbourn Street where the same pass in front of the Hippodrome and shall give notice to the Company of such appointment and the Company shall furnish to such engineer and his assistants all necessary and proper means and facilities for making such inspection and survey : A.D. 1902.

- (3) In any case in which the owners lessees or occupiers for the time being of the Hippodrome shall be entitled or claim to be entitled to compensation either under the Acts incorporated herewith or under the section of this Act the marginal note whereof is "Compensation for damage by working" by reason of the Hippodrome or some part thereof being injuriously affected by the construction or the working of the railway of the Company and shall be entitled or claim to be entitled to compensation under similar enactments by reason of the Hippodrome or some part thereof being injuriously affected by the construction or the working of the railway authorised by the Charing Cross Euston and Hampstead Railway Act 1893 as amended by the Charing Cross Euston and Hampstead Railway Act 1902 and such owners lessees or occupiers shall be in doubt by the construction or working of which of the said railways the said premises shall have been so injuriously affected either wholly or in part then such owners lessees or occupiers may in one proceeding claim such compensation against both the Company and the Charing Cross Euston and Hampstead Railway Company :
- (4) Every such claim shall be referred to a single arbitrator who shall determine whether the whole of such compensation as he may award shall be paid by one only or by both of the said companies and if by both then in what proportions and the provisions of the Arbitration Act 1889 shall apply to every such arbitration 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 that Act :
- (5) In respect of any claim made under this section against both the said companies the period of two years fixed by the section of this Act the marginal note whereof is "Compensation for damage by working" shall run from the opening for public traffic of such of the railways of the said companies adjacent to the London Hippodrome as shall be last opened.

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For pro-  
tection of  
St. George's  
Hospital.

**36.** For the protection of the President Vice-Presidents Treasurers and Governors of St. George's Hospital Hyde Park Corner (hereinafter called "the hospital board") the following provisions shall notwithstanding anything contained in this Act or in the Company's Act of 1897 or in the Company's Act of 1899 or in the Metropolitan District Railway Act 1900 have effect :—

- (1) The expression "hospital premises" where used in this section means and includes the hospital and the medical school offices cellars and other premises connected therewith situate in the parish of St. George Hanover Square and belonging to or reputed to belong to and occupied by the hospital board :
- (2) The Company shall not enter upon take use or interfere with either permanently or temporarily any part of the hospital premises whether above or under ground or any subsoil under any part of the said premises except such part thereof if any as lies under the surface of Knightsbridge Road or the footpath thereof :
- (3) The Railway No. 1 by the Company's Act of 1897 authorised shall where it passes the hospital premises and for a distance of three hundred feet therefrom be so constructed that there shall be no deviation upwards to a greater extent than five feet from the levels shown on the sections deposited in respect of the Company's Act of 1897 The horizontal joints of the plates forming the tubes or tunnels shall be machine faced In sinking any shaft no pumping shall take place until the iron lining of such shaft has been sunk at least six feet into the London clay :
- (4) The railway tunnels for the said railway where they pass the hospital premises shall not in any part be nearer to the said premises than is shown by the plan signed in duplicate by the Right Honourable Lord Windsor the Chairman of the Committee of the House of Lords to whom the Bill for this Act was during its progress through Parliament referred and one copy whereof has been deposited in the Office of the Clerk of the Parliaments and the other copy whereof has been deposited in the Private Bill Office of the House of Commons :
- (5) No part of the station tunnels to be constructed at or near Hyde Park Corner in connection with the said railway shall be nearer to the hospital premises than is shown by the said plan and the construction thereof shall not be commenced further eastward than a point opposite the premises No. 6



St. George's Place and the part of such tunnels east of that point shall be driven from west to east : A.D. 1902.

- (6) The surface entrance to the Hyde Park Corner Station shall be on the site of the premises now known as Nos. 6 and 7 St. George's Place and except with the written consent of the hospital board not elsewhere and the Company shall not sink any shaft nor make any opening whether temporary or permanent in the surface of the ground within three hundred feet of the hospital premises except on the said premises Nos. 6 and 7 St. George's Place :

Provided that if the station tunnels and access thereto of any other underground railway shall be constructed under powers granted in the present session of Parliament under the open space between St. George's Hospital and the Green Park nothing in this subsection contained shall prevent the Company from placing the station tunnel of their railway with access thereto under such open space :

- (7) The Company shall not construct any station for generating electricity or other motive power within two hundred yards from any part of the hospital premises :
- (8) The Company shall not at any time cause or suffer any cart wagon or other vehicle employed in the carriage of any materials plant or soil for the purposes of or in connection with the construction of any railway or works constructed by the Company to pass in front of any part of the hospital premises between the hours of seven o'clock in the evening and six o'clock in the morning and shall not between the hours aforesaid work any engine or machinery on the surface of the ground at any point nearer the hospital premises than the site of the premises No. 6 St. George's Place :
- (9) The engineer of the hospital board may from time to time inspect any works authorised to be constructed by the Company within three hundred feet from any part of the hospital premises during the construction thereof and the Company shall give such engineer all necessary facilities for such inspection and if he shall be of opinion that the construction of the works or other operations of the Company are attended with danger to the hospital premises the Company shall forthwith adopt such additional measures and precautions as may be considered necessary for the purpose of preventing damage or injury to the hospital premises and



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in the event of any difference arising between the hospital board and the Company with reference thereto such difference shall be referred to an independent engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party Provided always that the engineer of the hospital board shall be Arthur Coard Pain of 17 Victoria Street Westminster or him failing an engineer to be appointed on the application of the hospital board by the President of the Institution of Civil Engineers :

(10) The Company shall not underpin or strengthen any part of the hospital premises unless the engineer of the hospital board shall consider such underpinning or strengthening necessary in which event it shall be carried out under his supervision at the Company's cost and risk and section 59 of the Company's Act of 1897 shall not extend or apply to the hospital premises If any difference shall arise between the Company and the hospital board as to the necessity of or the mode of effecting such underpinning or strengthening the same shall from time to time as the case requires be referred to an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party :

(11) The Company shall pay the reasonable costs charges and expenses of the hospital board in connection with the inspection of the railway and works hereinbefore referred to and such costs charges and expenses may be recovered from the Company.

For protection of  
Duke of  
Devonshire  
K.G.

**37.** For the protection of the Most Noble Spencer Compton Duke of Devonshire owner in fee simple of the mansion house known as Devonshire House and the buildings and courtyard adjoining thereto abutting on Piccadilly and of the gardens on the north side of such house (all which house buildings courtyard and gardens and the site thereof and any buildings now standing or which may hereafter be erected on such site are hereinafter referred to as "Devonshire House") and his heirs and successors in estate and assigns and his and their tenants (all of whom are in this section included in the expression "the owners") the following provisions shall unless otherwise agreed between the owners and the Company be observed and have effect (that is to say) :—

(1) The railway where it passes Devonshire House shall not be deviated vertically in an upward direction nor laterally in a



northerly direction from the position of the proposed railway as shown upon the deposited plans and sections : A.D. 1902.

- (2) The Company shall not construct any part of a station or entrance thereto or exit therefrom in under or upon Piccadilly between Bolton Street and Berkeley Street or in under or upon the Green Park between the same points.

**38.** Whereas the Most Noble Arthur Charles Duke of Wellington is tenant in tail male of the mansion house known as Apsley House abutting on Piccadilly (which expression for the purposes of this section means Apsley House and the site thereof northwards of the railings separating the same from the footway of Piccadilly including the cellars offices vaults and passages which underlie the footway in front thereof but not including any estate or interest in the subsoil of the roadway) Therefore the following provisions for the protection of his grace and other the person or persons for the time being tenants in tail male of Apsley House (in this section called "the owners") shall unless otherwise agreed between the Company and the owners be observed and have effect (that is to say):—

For pro-  
tection of  
Duke of  
Wellington.

- (1) The Company shall not enter upon take use or interfere with either temporarily or permanently any part of Apsley House :
- (2) The railway where it passes Apsley House shall be constructed at such a distance that no part of the tube nearest to Apsley House shall be nearer to the main front wall of the house in a straight horizontal line than sixty-five feet and a perpendicular dropped from the end of such horizontal line and the railway shall be constructed at such depth as that there shall be not less than ten feet in thickness of London clay above the crown of the tunnels :
- (3) The Company shall not construct a station or any part thereof or any entrance or approach thereto within one hundred yards of any part of Apsley House except that if the station tunnels and access thereto of any other underground railway shall be constructed under powers granted in the present session under the open space between St. George's Hospital and the Green Park nothing in this subsection contained shall prevent the Company from placing the station tunnel of their railway under such open space with access thereto from such open space.

A.D. 1902.

For pro-  
tection of  
Hyde Park  
Hotel  
Limited.

**39.**—(1) If the London United Electric Railways Bill of the present session shall pass into law and the railway proposed by the said Bill be sanctioned then if the Hyde Park Hotel shall be injuriously affected by the construction or working of the railway by the Company's Act of 1897 authorised (including lifts and other works in connection with the railway) and by the construction or working of the railways authorised by any Act passed upon the said pending Bill (including lifts and other works in connection with these railways) or by the construction or working of any or either of the said railways and the owners lessees or occupiers of Hyde Park Hotel shall be in doubt by the construction or working of which of the said railways such injurious affection is wholly or partially caused the said owners lessees or occupiers may in one proceeding claim compensation against the Company and the company (if any) who may in pursuance of such Act be authorised to construct such railways or against either of such companies Provided that the arbitrator shall not as against either company award any compensation for injury by working to be paid by that company unless the claim was made within two years from the date of the opening for public traffic of the railway of that company

(2) Every such claim shall be referred to and settled by a single arbitrator who shall determine whether the whole or any and what proportion of such compensation (if any) as he may award shall be paid by the Company and such other company or either of them.

(3) Any question of disputed compensation under this section 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 that Act.

For protec-  
tion of  
London  
County  
Council.

**40.**—(1) All buildings erected by the Company in the new street from High Holborn to the Strand authorised by the London County Council (Improvements) Act 1899 or any part thereof shall be constructed on an elevation and design approved by the council so as to harmonise with the general design of buildings erected on the lands of the council fronting on the said new street and any difference which may arise between the council and the Company with respect to the elevation and design of any such buildings shall be determined by His Majesty's First Commissioner of Works or an architect to be appointed by him.



That part of Railway No. 2 which is proposed to be made under the site of the new Central Street from Holborn to the Strand authorised by the London County Council (Improvements) Act 1899 shall be subject to the like provisions and conditions as to payment and otherwise as the portion of Railway No. 4 authorised by the Great Northern and Strand Railway Act 1899 with which the said Railway No. 2 is authorised to form a junction under this Act. A.D. 1902.

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not except with the consent of the council enter upon take use or interfere with any part of the Shaftesbury Memorial Fountain at Piccadilly Circus or any part of the surface of Leicester Square Gardens but the Company may without such consent construct the railway thereunder.

(3) The Company shall furnish to the council full and detailed information as to the strata traversed in any boring for the purposes of the works authorised by this or any former Act of the Company.

(4) Notwithstanding anything contained in this Act or in any former Act or in any Act relating to the Great Northern and Strand Railway Company or shown on the deposited plans in such Acts referred to it shall not be lawful for the Company 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 or maintain any building or structure beyond the general line of buildings in any street part of a street place or row of houses in the county or (except as to lands acquired before the passing of this Act) to erect any building or structure in such manner that any external wall thereof above the surface of the ground or the external fence or boundary of any forecourt or space in front thereof shall be within twenty feet from the centre of the roadway of any street or way (being a highway) upon which the same will abut.

Section 46 of the Company's Act of 1897 is hereby repealed.

(5) The provisions of the London Building Act 1894 and any Act or Acts amending the same shall except so far as the same may be expressly varied by this Act or the Company's Act of 1897 apply to the execution by the Company of any works on any lands in the county and the Company shall save as aforesaid be entitled to the benefit of any special exemptions in favour of railway companies in the said London Building Acts contained

A.D. 1902. 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.

(6) The Company shall on demand pay to the council the amount of all costs charges and expenses (other than remuneration for work done in the ordinary course of their employment by salaried officers of the council) incurred by them in or about the inspection in respect of any matter or thing which the council are by this or any former Act required or permitted to do.

(7) Where under the provisions of this or any former Act any notice plans sections elevations or drawings are required to be given or submitted to the council the same shall save where otherwise expressly required be deemed to have been duly given or submitted if the same shall have been sent by post addressed to the clerk to the council.

Map and  
plan of  
under-  
ground  
works of  
Company to  
be made.

**41.** The Company shall within six months from the time at which any underground stations platforms approaches passages subways tunnels sidings shafts lifts stairs or other underground works shall have been laid down or formed by them cause a survey and map to be made of the district within which any such pipes or underground works shall be laid down or formed on a scale not less than five feet to a mile and shall cause to be marked thereon the course and situation of all such existing underground works belonging to them in order to show all such underground works within the said district and their situation relatively to any streets or roads on the surface over near or adjacent to the same and shall within six months of the making of any alterations or additions cause the said map to be from time to time corrected and such additions made thereto as may show the line and situation of all such underground works as may be laid down or formed by them from time to time after the passing of this Act and such map and plan or a copy thereof with the date thereon of the last time when the same shall have been so corrected as aforesaid shall be kept in the office of the Company and shall be open to the inspection of the council and of the council of the city of Westminster who shall be at liberty to take copies or extracts therefrom.

Protection  
of council's  
subway in  
Shaftesbury  
Avenue.

**42.** Nothing in this Act shall authorise the Company without the consent of the council to alter vary or in any way interfere with the council's existing subway under Shaftesbury Avenue.

Protection  
of council's  
subway

**43.** The Company shall so construct the Railway No. 2 as not to involve any alteration of the levels of or any interference with



A.D. 1902.

the subway tramway and works authorised by the London County Council (Subways and Tramways) Act 1902. tramways &c.

**44.** In constructing so much of the railway as shall be between Piccadilly Circus and Charing Cross Road the Company notwithstanding anything in this Act contained shall not deviate vertically in an upward direction more than five feet from the levels shown upon the deposited sections. Protection of council's freehold property.

**45.** The approval by the council of any plans sections elevations or drawings or the supervision or inspection by the council of any works of the Company or any consent given by the council shall not exonerate the Company from any liability for damage caused by or resulting directly or indirectly from any works executed by the Company. Provided that the Company shall not be liable for any injury or damage to any sewers streets tramways or other works or property of the council if the same be occasioned by or by reason of the execution or failure of any works which shall be executed in accordance with any order direction or regulation of the council or by or by reason of any act or omission of the council. Company not to be exonerated by approval of plans &c.

**46.** The Company shall not commence to construct any building upon any of the lands in the city of Westminster delineated on the deposited plans and described in the deposited book of reference and therein numbered 51 52 53 54 55 57 58 59 60 and 73 or any part or parts of such lands until they shall have given notice in writing to the council of their intention so to do and describing the site thereof and the council may at any time within two months after any such notice has been given to them require any part or parts of such lands (being in advance of the red lines shown and figured on the plans signed by Sir Lewis McIver Baronet the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred) to be thrown into and form part of the public roadway or footway and the price to be paid by the council shall be a pro rata proportion of the cost to the Company of acquiring such lands. Widening of certain streets.

**47.** The following provisions shall unless otherwise agreed have effect for the protection of Nathan Salaman his heirs executors administrators and assigns the trustees for the time being of the will and codicils of Myer Salaman deceased and Fanny Simmons her executors administrators and assigns and their property known as Coventry House Haymarket in the county of London (which For protection of Nathan Salaman and others.



A.D. 1902. — property is in this section referred to as “the premises of the owner” and the respective parties interested therein as “the owner”) (that is to say):—

(1) The railway shall where it passes the premises of the owner be formed of two iron tubes or tunnels which shall be constructed in the London clay but this requirement shall not apply to short or sudden depressions or pot holes in the clay :

(2) No works for generating electrical power shall be erected by the Company within a distance of one hundred yards from the premises of the owner.

Restrictions  
on displacing  
persons of  
labouring  
class in  
London.

**48.**—(1) The Company shall not under the powers of this Act or of any former Act extended by this Act purchase or acquire in any metropolitan borough or in the city of London twenty or more houses or sites of houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(B) Shall have given security to the satisfaction of the Secretary of State for the carrying out of the scheme.

(2) The approval of the Secretary of State to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons



residing in the houses in respect of which the scheme is made are displaced : A.D. 1902.

Provided that the Secretary of State may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary of State may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Secretary of State out of the High Court.

(5) If the Company acquire or appropriate any house or site for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house or site which penalty shall be recoverable by the Secretary of State by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require.

(7) The Company may on any lands belonging to them or purchased or acquired under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Secretary of State may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he may see fit.

A.D. 1902.

(8) All buildings erected or provided by the Company in the administrative county of London for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) and any other Act or Acts relating to buildings in that county.

(9) The Secretary of State may direct any inquiries to be held by any persons appointed by him as inspectors which he may deem necessary in relation to any scheme under this section or to the carrying out thereof and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(10) The Company shall pay to the Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the Secretary of State for the services of such inspector.

(11) Any houses purchased or acquired by the Company for or in connection with any of the purposes of this Act or of any former Act the powers of which are extended by this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act or of such former Act as the case may be and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State under any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary of State is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary of State they might have been sufficient to accommodate.

(12) For the purposes of this section—

The expression "house" means any house or part of a house occupied as a separate dwelling; and

The expression "labouring class" means mechanics artizans



labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

A.D. 1902.

## PART III.

## CAPITAL.

**49.** 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 Company's Acts of 1897 and 1899 and which are not required for the purposes to which they are by those Acts made specially applicable.

Power to  
apply funds.

**50.** The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the issue of new ordinary shares or stock any amount of capital not exceeding one million four hundred and twenty-five thousand pounds in addition to the capital which they are authorised to raise under the Company's Acts of 1897 and 1899 and which they are authorised to raise in exercise of the powers acquired by them from the Strand Company but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Power to  
raise additional  
capital.

**51.** The following sections of the Company's Act of 1897 shall be applicable to and have effect in the case of the shares in the capital of the Company authorised by the Company's Act of 1899 and this Act as if those sections had been set out in extenso in this Act with reference thereto (viz.) :—

As to division of  
shares.

No. of Section.

Marginal Note.

- |    |   |
|----|---|
| 15 | Power to divide shares.   |
| 16 | Dividends on half shares.   |
| 17 | Dividends on preferred shares to be paid out of profits of the year only. |
| 18 | Half shares to be registered and certificates issued.                     |
| 19 | Terms of issue to be stated in certificates.                              |
| 20 | Forfeiture of preferred half shares.                                      |
| 21 | Preferred shares not to be cancelled or surrendered.                      |
| 22 | Half shares to be half shares in capital.                                 |

A.D. 1902.

Further  
borrowing  
powers.

**52.** The Company may in respect of the additional capital of one million four hundred and twenty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any moneys not exceeding in the whole four hundred and seventy-five thousand pounds and of that sum they may from time to time borrow any sum not exceeding in the whole one hundred and sixty thousand pounds in respect of each of the first two instalments of four hundred and eighty thousand pounds of such additional capital and not exceeding one hundred and fifty-five thousand pounds in respect of the last instalment of four hundred and sixty-five thousand pounds of such additional capital but no part of any such sum of one hundred and sixty thousand pounds or one hundred and fifty-five thousand pounds as the case may be shall be borrowed until shares for so much of the capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid are paid up bonâ-fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same. Upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appoint-  
ment of a  
receiver.

**53.** Section 26 of the Act of 1899 shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act



under such provision The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. A.D. 1902.

**54.** The Company may create and issue debenture stock subject to the provisions of section 25 of the Act of 1897 and notice of the effect of that enactment shall be endorsed on all mortgages granted and debenture stock issued under the powers of this Act. Debenture stock.

**55.** All moneys raised under this Act whether by shares or stock or debenture stock or borrowing shall be applied only to the purposes of the Company's undertaking to which capital is properly applicable. Application of moneys.

#### PART IV.

##### EXTENSION OF TIME.

**56.** The powers granted to the Company by their Act of 1897 with respect to the compulsory purchase or taking of lands as extended by the Metropolitan District Railway Act 1900 (except as hereafter provided) are hereby further extended and shall continue in force until the sixth day of August one thousand nine hundred and four and the powers granted to the Company by their Act of 1899 with respect to the compulsory purchase or taking of lands are hereby extended and shall continue in force until the sixth day of August one thousand nine hundred and four : Extension of time for purchase of lands.

Provided that this section shall not extend the time for the purchase and taking of—

- (a) Lands for the purpose of the portions of railway authorised by the Company's Act of 1897 which are to be abandoned under this Act ;
- (b) The lands for the generating station mentioned in section 9 of the Company's Act of 1897 ;
- (c) The lands numbered 7 to 14 both inclusive in the parish of St. James Westminster on the plans deposited in relation to the Company's Act of 1897.

**57.** The powers granted to the Company by their Act of 1897 for the construction and completion of the railways and works thereby authorised as extended by the Metropolitan District Railway Act 1900 are hereby extended for the period of two years Extension of time for construction of railways.

A.D. 1902. from the sixth day of August one thousand nine hundred and four (except as regards the portion of Railway No. 1 and Railway No. 2 authorised by the said Act of 1897 hereinafter described as to be abandoned) The powers granted to the Company by their Act of 1899 for the construction and completion of the railways and works thereby authorised are hereby extended for the period of two years from the sixth day of August one thousand nine hundred and four and on the expiration of those periods those powers shall cease except as to so much of the said railways and works as shall then be completed.

## PART V.

## ABANDONMENT.

Company  
may abandon  
portions of  
authorised  
line.

**58.—**(1) The Company shall abandon the construction of—

(a) So much of Railway No. 1 authorised by the Act of 1897 as lies between the authorised junction therewith of Railways Nos. 2 and 3 authorised by the Act of 1899 at a point under the centre of Alfred Place and the authorised termination of such Railway No. 1 at a point in Alfred Place West near the southern end of Exhibition Road ;

(b) Railway No. 2 authorised by and described in the Company's Act of 1897.

Compensa-  
tion for  
damage to  
land by entry  
&c. for pur-  
poses of  
railways  
abandoned.

(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 Company's Act of 1897.

Compensa-  
tion to be  
made in  
respect of  
railways  
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 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.

A.D. 1902.

(4) Subject to the provisions of this Act and of section 80 of the Company's Act of 1897 with respect to compensation to landowners or other persons injured and for the protection of creditors the High Court may and shall at any time after the passing of this Act on application by or on behalf of the depositors mentioned or referred to in section 79 of the Company's Act of 1897 or the survivor or survivors of them or the executors or administrators of such survivor or by or on behalf of any other person entitled to the deposit fund referred to in that Act order that the sum of three thousand two hundred pounds being the portion attributable to the railway and part of a railway by this Act authorised to be abandoned of the sum of twenty-five thousand two hundred and twenty-three pounds ten shillings and one penny two and three-quarters per centum consolidated stock the deposit fund mentioned in the Company's Act of 1897 and the interest or dividends then due on the said portion of such sum be transferred and paid to the depositors or any other persons or person entitled thereto or to any persons or person whom they or he may appoint in that behalf and upon such order being made the sum so authorised to be paid out and the interest or dividends thereon shall be transferred and paid to such persons or person accordingly.

Providing  
for repay-  
ment of de-  
posit money  
in respect of  
abandoned  
railways.

## PART VI.

## MISCELLANEOUS.

**59.** The agreement as set forth in the Fourth Schedule to this Act between the Company and the District Company is hereby confirmed and made binding and shall have effect and may be carried out as if it formed part of this Act.

Confirma-  
tion of  
agreement  
with District  
Company.

**60.** The Company on the one hand and the District Company the Baker Street and Waterloo Railway Company the Charing Cross

Power to  
Company to  
enter into

A.D. 1902.  
working and  
traffic agree-  
ments.

Euston and Hampstead Railway Company the Great Northern and Strand Railway Company the Great Northern Railway Company and the Underground Electric Railways Company of London Limited or any or either of them (hereinafter referred to as "the contracting companies") on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 and of this Act 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 working maintenance use and management by the Company and the contracting companies or any or either of them of their respective existing or authorised railways and of the railways and subways by this Act authorised :

The management regulation interchange collection transmission and delivery of traffic coming from or destined for the existing or authorised railways of the Company and of the contracting companies or any or either of them and of the railways and subways by this Act authorised :

The supply and maintenance under and during the continuance of any agreement for the railways of the Company being worked and used by the contracting companies or any or either of them of engines motors stock plant and machinery necessary for the purposes of such agreement :

The supply of electrical energy to or by the Company and the contracting companies or any or either of them the construction use and operation of sub-stations for the reduction storage and supply of electrical power the provision of electric locomotives motor trail and other cars :

The construction of interchange stations sidings junctions buildings and incidental works and conveniences and the maintenance use and repair thereof :

The fixing subject to authorised maximum rates collection payment appropriation apportionment and distribution of the tolls rates fares charges income and profits arising from the respective existing or authorised railways and works of the Company and the contracting companies or any or either of them and of the railways and subways by this Act authorised or any part thereof :

The employment of officers and servants :

The appointment of joint committees for the purposes of any such agreements.



**61.** The Company may enter into and carry into effect contracts agreements and arrangements with the Commissioners of His Majesty's Woods and with the London County Council the mayor aldermen and councillors of any metropolitan borough or city or any other local authority or other authority company body or person having the control or management of streets roads sewers water gas hydraulic or other pipes wires or apparatus or with the contracting companies or any or either of them with respect to the construction maintenance or user of the Company's railways subways and works authorised by the recited Acts or this Act or such part thereof as adjoins any property of any one of those corporations companies or persons the acquisition and appropriation of lands works and property the widening of the roadway in Piccadilly the formation and user of approaches to the railways and subways from any streets roads or public places and any incidental matters.

A.D. 1902.

Agreements  
with public  
bodies.

**62.—**(1) The Company on the one hand and the District Company and the Underground Electric Railways Company of London Limited or either of them on the other hand may enter into and carry into effect agreements for or with respect to the supply to the Company of electric power or current for the working of their railways or any of them and as to the haulage by the District Company and the said limited company or either of them of the trains on and the equipment and working and handling of the traffic of the said railways and the said last-mentioned companies or either of them may apply their funds or revenues to or for the purposes of any such agreement :

Agreements  
as to supply  
of electric  
power and  
working—  
lease.

Provided that the powers by this section conferred upon the District Company for the equipment of such railways shall only be exercised under and during the continuance of any agreement for the working of the traffic thereon by the District Company.

(2) The Company shall grant and the said limited company shall take a lease in perpetuity of the undertaking of the company either at a rent payable to the company or on a guarantee of dividend to the company equivalent to not less than four per centum on the debenture and share capital of the company as from time to time created and issued. In case of difference as to the terms of such lease the same shall be settled by Charles Alfred Cripps K.C. or failing him by some counsel of ten years' standing to be appointed by agreement between the said two companies or failing agreement by the President of the Incorporated Law Society on



A.D. 1902. the application of either company and the lease shall contain such powers of distress or re-entry and such other powers and provisions as such counsel shall determine. Such lease shall not be valid until a certificate has been obtained from the Board of Trade that the Company have paid up one half of the capital authorised to be raised by the Company's Acts of 1897 and 1899 and this Act and have expended for the purposes of such Acts a sum equal thereto and that the said limited company have paid up one half of their share capital.

Saving for  
Postmaster-  
General.

**63.** Nothing in any agreement made under the authority of this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the contracting companies or any or either of them as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Change of  
name of  
Company.

**64.** From and after the passing of this Act or the passing of the Great Northern and Strand Railway Bill in the present session whichever shall last occur the name of the Company shall be "The Great Northern Piccadilly and Brompton Railway Company" with a common seal and the provisions of Part IV. (Change of name) of the Companies Clauses Act 1863 shall apply accordingly.

As to lands  
&c. under  
management  
of Commis-  
sioners of  
Works.

**65.** Nothing contained in this Act or in the Company's Acts of 1897 and 1899 or in any of the enactments incorporated with such Acts shall authorise the Company--

- (1) To enter upon take use or in any manner interfere with any land or soil sub-soil or under-surface of any street road or footway or other tenements or hereditaments or any rights of whatsoever nature belonging to or enjoyed or exerciseable by the King's most Excellent Majesty in right of His Crown and under the management or control or direction of the Commissioners of His Majesty's Works and Public Buildings (in this Act called "the Commissioners"); or
- (2) To enter upon take use or in any manner interfere with any land or soil subsoil or under-surface of any street road or



footway or other tenements or hereditaments or other Govern- A.D. 1902.  
ment property vested for any estate or interest in or in the  
occupation of or any rights of whatsoever nature belonging  
to or enjoyed or exerciseable by the Commissioners under or  
by virtue of any Act of Parliament or otherwise; or

- (3) To make any deviation laterally from the centre line as laid down on the deposited plans or any shafts or subways with or without communication with the surface or openings of any description within one hundred and fifty feet or borings within two hundred feet of any such Crown or Government property or any tunnel or railway or subway within two hundred yards laterally of any such Crown or Government property at such a depth that there shall be less than thirty feet of London clay impervious to the passage of water between the crown of the tunnel or covering of any such railway or subway including any station tunnel or covering and the surface without the consent in writing of the Commissioners on behalf of His Majesty or otherwise first had and obtained for that purpose which consent for all the purposes of this section the Commissioners are hereby authorised to give under and subject to such conditions as they may think fit to prescribe.

**66.** Nothing in this Act or the Company's Act of 1897 shall empower the Company to erect any station for generating electrical power or to generate electrical power on any lands other than those described in section 9 of the Act of 1897 or in section 17 of the Metropolitan District Railway Act 1900 or in section 22 of the Metropolitan District Railway Act 1902 but this section shall not apply to transformer stations.

Restriction  
as to site of  
generating  
station.

**67.** Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments (including the subsoil and under-surface of any street road or footway) or any rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Saving  
rights of  
Crown.

A.D. 1902.

Powers of  
Commissioners of  
Woods to  
grant a  
lease for  
999 years to  
Company.

**68.** The powers of leasing given by the Crown Lands Act 1829 to the Commissioners of Woods shall extend to enable the Commissioners of Woods with the consent of the Treasury to grant and to enter into any agreement for granting to the Company a lease or leases of such Crown lands easements and rights as may be required for any of the purposes of this Act for any term not exceeding 999 years from the passing of this Act and the Commissioners of Woods may take a fine on the granting of any such lease in lieu of such annual sum as it shall appear to them would together with any annual sum reserved by the lease have been a reasonable rent or consideration for such lease in case no fine had been taken and the amount of any fine taken under the powers of this Act shall be carried to the account of the capital of the land revenues of the Crown and be applied accordingly.

Power to  
pay interest  
out of capital  
during con-  
struction.

**69.** Section 96 of the Company's Act of 1897 and section 42 of the Company's Act of 1899 are hereby repealed. The Company may out of any capital which they are authorised to raise pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of works or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say) :—

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of their authorised share capital in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed two hundred and twenty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :



(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares : A.D. 1902.

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

**70.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

**71.** 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. Provision as to general Railway Acts.

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

A.D. 1902.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.SECTIONS AND PROVISIONS OF THE ACT OF 1897 WHICH ARE  
INCORPORATED WITH THIS ACT.

Marginal Note of Section.	Number of Section.
<b>FIRST PART.</b>	
Motive power - - - - -	8
Provisions respecting use of electric power - - -	11
Persons authorised to convey lands may grant easements -	35
Power to sell &c. lands - - - - -	36
Power to deviate laterally - - - - -	37
Conditions to be observed in opening road for boring purposes -	43
For protection of sewers of Council - - - - -	44
Walls of buildings to be made good - - - - -	47
Inspection of works by Council - - - - -	48
Deposit of objects of interest - - - - -	49
Exhibition of placards - - - - -	50
As to carting materials and soil - - - - -	51
As to entrances at stations &c. - - - - -	53
For protection of sewers of district boards and vestries -	54
Company empowered or may be required to underpin or other- wise strengthen houses near railway - - - - -	59
General provisions for protection of water gas hydraulic power electric and telephonic companies - - - - -	61
Working class trains - - - - -	89
<b>SECOND PART.</b>	
Tolls for passengers - - - - -	82
Tolls for small parcels - - - - -	83
Regulations as to tolls - - - - -	84
Passengers' luggage - - - - -	85
Foregoing charges not to apply to special trains - - -	86
Company not to carry goods - - - - -	87



[2 EDW. 7.]

*Brompton and Piccadilly Circus  
Railway Act, 1902.*

[Ch. cclix.]

## THE SECOND SCHEDULE.

A.D. 1902.

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

Metropolitan Borough.	Numbers on deposited Plans.
SUBWAY No. 1.	
City of Westminster - - - - -	2 3
SUBWAY No. 2.	
City of Westminster - - - - -	2 3

## THE THIRD SCHEDULE.

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

Metropolitan Borough.	Numbers on deposited Plans.
RAILWAY No. 1.	
City of Westminster - - -	1 to 8 inclusive 18 25
RAILWAY No. 2.	
City of Westminster - - -	1 25 26 34 to 39 inclusive 45 46 56 63 to 72 inclusive
Metropolitan Borough of Holborn	1 to 37 inclusive 47 50
SUBWAY No. 1.	
City of Westminster - - -	1 2 3 4
SUBWAY No. 2.	
City of Westminster - - -	1 2 3 4

A.D. 1902.

## THE FOURTH SCHEDULE.

HEADS OF AGREEMENT made the 13th day of MARCH 1902 BETWEEN THE METROPOLITAN DISTRICT RAILWAY COMPANY (herein called "the District Company") and THE BROMPTON AND PICCADILLY CIRCUS RAILWAY COMPANY (herein called "the Brompton Company").

WHEREAS the Brompton Company are promoting in Parliament a Bill for powers to construct certain underground railways to connect their authorised railway with the Great Northern and Strand Railway and for powers to construct the portion of the District Company's authorised deep level railway between the junction therewith of the Brompton Company's authorised railway at South Kensington and Earl's Court where it will form a junction with the District Company's existing railway :

Now it is hereby agreed as follows :—

1. If the above-mentioned powers are granted to the Brompton Company in the ensuing session each company will afford to the other full and sufficient facilities for the interchange transmission and delivery of traffic between the railways of the two companies viâ the intended junction at Earl's Court and arrangements shall be made for the running of through services of trains.
2. A formal agreement shall be drawn up if so required by either party.
3. This agreement is subject to the sanction of Parliament in the ensuing session.

The common seal of the Metropolitan District Railway Company was hereunto affixed in the presence of

W. JONES

Secretary.

L.S.

The common seal of the Brompton and Piccadilly Circus Railway Company was hereunto affixed in the presence of

W. JONES

Secretary.

L.S.

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