



CHAPTER clxiii.

An Act to confer further powers on the Great Northern A.D. 1905.
Piccadilly and Brompton Railway Company.

[4th August 1905.]

WHEREAS the Brompton and Piccadilly Circus Railway Company were incorporated by the Brompton and Piccadilly Circus Railway Act 1897 (in this Act referred to as "the Act of 1897") and authorised to construct the underground railways and subways and other works in that Act described: 60 & 61 Vict. c. cxcii.

And whereas by the Brompton and Piccadilly Circus Railway (Extensions) Act 1899 (in this Act referred to as "the Act of 1899") the Brompton and Piccadilly Circus Railway Company were empowered to make certain extension railways and works in that Act described: 62 & 63 Vict. c. cclxii.

And whereas by the Great Northern and Strand Railway Act 1899 (herein-after called "the Strand Company's Act of 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 in that Act described: 62 & 63 Vict. c. cciii.

And whereas by the Great Northern and Strand Railway Act 1902 certain alterations of the railways authorised by the Strand Company's Act of 1899 were sanctioned and by virtue of the said Act of 1902 and of the Act next herein-after recited all the powers rights privileges and authorities of the Strand Company under the Strand Company's Act of 1899 and the said Act of 1902 were transferred to the Brompton and Piccadilly Circus Railway Company and the Strand Company was dissolved: 2 Edw. 7. c. ccxxxv.

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2 Edw. 7.
c. cclix.

And whereas by the Brompton and Piccadilly Circus Railway Act 1902 (herein-after referred to as "the Act of 1902") further powers were conferred on the Brompton and Piccadilly Circus Railway Company and the name of that Company was changed to the Great Northern Piccadilly and Brompton Railway Company who are in this Act referred to as "the Company":

3 Edw. 7.
c. clxxxvi.

And whereas by the Great Northern Piccadilly and Brompton Railway (Various Powers) Act 1903 (herein-after called "the Act of 1903") further powers were conferred on the Company:

And whereas the Company have made considerable progress and are proceeding rapidly with the construction of the railways and works authorised by the said Acts and it is expedient that powers should be conferred upon them to make the additional railways and works by this Act authorised:

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

And whereas the construction of Railway No. 3 by this Act authorised will render unnecessary the construction of parts of Railways Nos. 3 and 4 authorised by the Strand Company's Act of 1899 and the construction of Railways Nos. 5 and 5A by this Act authorised will render unnecessary the construction of part of Railway No. 2 authorised by the Act of 1902 and it is expedient that the Company should be authorised to abandon the said portions of railway:

And whereas it is expedient that such other provisions as are in this Act contained should be made with reference to the Company and their undertaking:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act and plans showing the lands which may be taken or used compulsorily under the powers of 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 such lands were duly deposited with the clerk of the peace for the county of London and are herein-after 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 :—

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—

1. This Act may be cited as the Great Northern Piccadilly and Brompton Railway (Various Powers) Act 1905. Short title.

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

The Lands Clauses Acts :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the following matters or contained in the following sections thereof (that is to say) :—

The construction of the railway and the works connected therewith ;

The carrying of passengers upon the railway and the tolls to be taken thereon ;

The regulating of the use of the railway ;

The settlement of disputes by arbitration ;

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

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

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

3. 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) :— Extending certain provisions 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 ;

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

The conversion of 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) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by any subsequent Act shall extend and apply to the capital and money hereby authorised to be raised in shares and stock and by borrowing and to the proprietors thereof.

Interpreta-
tion.

4. 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 :

"The Company" means the Great Northern Piccadilly and Brompton Railway Company ;

The expression "the railway" or "the railways" means the railways and works by this Act authorised ;

The expression "the London Council" means the London County Council ;

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

Power to
make rail-
ways and
works.

5. 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 and other works herein-after described with all necessary and proper sidings stations shafts lifts tunnels subways 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 : A.D. 1905.

Provided always that 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 roads or other works and property of the London County Council are or may be affected :

But the Company may subject to the provisions of this Act 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.

6. The railways and works herein-before referred to and authorised by this Act will be situate in the county of London and are — Description
of railways
and works.

Railway No. 1. A railway (1 furlong 2·5 chains or thereabouts in length) wholly in the parish of Saint Clement Danes in the city of Westminster commencing by a junction with Railway No. 4 authorised by the Strand Company's Act of 1899 at the termination of the said authorised railway as described in the said Act at a point under the site of the intended road known as "Kingsway" (now in course of construction) and terminating south of the Strand under the roadway of Surrey Street at its junction with Howard Street :

Railway No. 3. A railway (1 furlong 8·04 chains or thereabouts in length) wholly in the metropolitan borough of Holborn commencing by a junction with the western tunnel of the Railway No. 3 authorised by the Strand Company's Act of 1899 at a point $4\frac{1}{2}$ chains (or thereabouts) measured in a northerly direction along Southampton Row from the centre of High Holborn and terminating by a junction with the said Railway No. 4 authorised by the said Act at a point $1\frac{1}{2}$ chains (or thereabouts) north of the junction of Sardinia Place with Sardinia Street :

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Railway No. 4. A railway (9·62 chains or thereabouts in length) wholly in the metropolitan borough of Holborn commencing at a point under the warehouse occupied by Messrs. Ullathorne and Company abutting upon George Yard being about 2 chains in a south-easterly direction from the south-eastern corner of the Holborn Restaurant and terminating by a junction with the said Railway No. 4 authorised by the Strand Company's Act of 1899 at a point $1\frac{1}{2}$ chains (or thereabouts) north of the junction of Sardinia Place with Sardinia Street :

Railway No. 5. A railway (1 furlong 5·26 chains or thereabouts in length) wholly in the metropolitan borough of Holborn in extension of the Railway No. 2 authorised by the Act of 1902 commencing by a junction with the northern tunnel of that railway at a point under Great Queen Street opposite the north-eastern corner of the Freemasons' Tavern and terminating by a junction with the western tunnel of the said Railway No. 3 authorised by the Strand Company's Act of 1899 at a point under Southampton Row $4\frac{1}{2}$ chains (or thereabouts) measured in a northerly direction along Southampton Row from the centre of High Holborn :

Railway No. 5A. A railway (1 furlong 6 chains or thereabouts in length) wholly in the metropolitan borough of Holborn in extension of the said Railway No. 2 authorised by the Act of 1902 commencing at the point herein-before described as the commencement of Railway No. 5 but by a junction with the southern tunnel of the Railway No. 2 authorised by the Act of 1902 and terminating by a junction with the eastern tunnel of the said Railway No. 3 authorised by the Strand Company's Act of 1899 at a point $4\frac{1}{2}$ chains (or thereabouts) measured in a northerly direction along Southampton Row from the centre of High Holborn.

General provisions as to mode of construction.

7.—(1) The following provisions shall apply to the construction of the railways by this Act authorised.

(2) Railway No. 1 shall be constructed in two tunnels for separate up and down traffic except at crossovers where it may be constructed in a single tunnel of enlarged diameter.

Railways Nos. 3 4 5 and 5A shall be constructed in single tunnels. A.D. 1905.

The railways shall be approached by means of stairs inclines or electric or other lifts.

(3)—(A) The tunnels of which the railways will so 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 either be lined throughout with iron or other sufficient metal plates properly jointed throughout or constructed wholly or partly of brick concrete or other equally substantial and durable material 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 London County 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 said Council In the event of any difference arising between the Company and the engineer of the said Council with respect to such approval the same shall be referred to the arbitration of an engineer to be appointed by the Board of Trade.

(B) Every shaft shall be constructed either by underpinning or by sinking and either of brick concrete iron or other equally substantial and durable material.

(c) The station tunnels shall not have an internal diameter exceeding thirty-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 tunnels for the railways shall be constructed at a depth below the surface of not less than forty feet measured from the surface of the street to the extreme top of the tunnel.

(4) 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.

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(5) If the presence of water in the works be found in such quantities as to necessitate the employment of compressed air the Company shall immediately stop all further excavating work and the further driving of the tunnels at the working faces thereof until they have provided air-compressing machinery sufficient to provide such a pressure of air as will prevent the advent or inflow of any sand gravel water or soil and such machinery shall be maintained in full working order and the work at the working face shall be carried on under compressed air as long as may be necessary.

(6) 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 herein-before provided and so as to restrain the advent or inflow of water into the tunnels.

Motive
power.

8. The traffic on the railways shall be worked by means of carriages moved by electrical power or such other motive power (not being steam power) as the Board of Trade may sanction.

Provisions
as to use of
electrical
power.

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

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:
- (3) The electrical power shall be used only in accordance with regulations to be prescribed by the Board of Trade (in this section referred to as "the Board

of Trade regulations") and in such regulations provisions shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

- (4) The Company shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Company and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

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- (7) 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 :
- (8) The Company using electrical power contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electrical power under the authority of this Act have made default

in complying with the provisions of this Act or the Board of Trade regulations may by order direct the Company to cease to use electrical power and thereupon the Company shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

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- (9) The expression "the Company" in this section includes any company or person working the railway.

10. For the protection of the Postmaster-General the following provisions shall have effect :—

For protection 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

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ascertain whether such injurious affection is caused by the Company or by any other persons generating or using electric 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 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 experiments 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 railways of the Company :
- (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) In this section the expression "the Company" shall include any company or person working the Company's railways or any part thereof under this Act or supplying electric power for the haulage of trains or any other purpose connected with the Company's undertaking.

11. 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—

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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.

12.—(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 the railways where constructed in tunnel (including the working of lifts and any other works in connexion with the 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 the 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) Notwithstanding anything contained in this Act any claim made under this section in respect of any houses or buildings erected within ten years from the passing of this Act on any lands of the London Council lying between the north side of Aldwych and the south side of the Strand may be made at any time within two years from the completion of the houses and buildings in respect of which such claim is made.

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

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Power to
take addi-
tional lands.

13. 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 for the purposes of their undertaking all or any of the lands in the county of London herein-after described and delineated on the deposited plans and described in the deposited book of reference and may hold for the like purposes any of the said lands which may have been purchased by the Company by agreement before the passing of this Act and the same shall be deemed to be lands acquired under the powers of this Act (that is to say):—

Lands in the parish of Saint Mary Islington and metropolitan borough of Islington situate in and on the western side of Caledonian Road and bounded on the western side by property belonging to the Great Northern Railway Company and on the southern side by premises known as No. 465 Caledonian Road:

Lands in the parish and metropolitan borough of Saint Pancras situate in and on the southern side of Bernard Street bounded on the eastern side by property belonging to the Company on the southern side by premises known as the Friend-at-Hand Hotel and on the western side by premises known as No. 5 Bernard Street.

Provision as
to cellars
under
streets not
referenced.

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.

Persons
authorised to
convey lands
may grant
easements
&c.

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

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16. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained the Company may from time to time sell lease or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or buildings or any interest in any lands or buildings acquired or provided by them under this Act and not required for the purposes of the undertaking and may make execute and do any deed act or thing proper for effectuating any such sale lease or other disposition.

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Power to sell
&c. lands.

17. In the execution of the works by this Act authorised but subject to the provisions of this Act the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon.

Power to
deviate
laterally.

18. 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 forty 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:

Power to
deviate ver-
tically.

Provided also that no part of the railway or the works connected therewith where the railway crosses the Strand shall be constructed at a greater depth than twelve feet below the level of the rails as shown on the deposited sections.

19. The following sections of the Strand Company's Act of 1899 the Great Northern and Strand Railway Act 1902 and the Act of 1902 viz.:—

Application
of certain
sections of
former Acts.

As regards Railways Nos. 1 3 and 4 by this Act authorised—

Section 61 (As to entrances at stations)
of the Strand Company's Act of 1899 ;

Section 34 (Map and plan of underground works of
Company to be made);

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Section 36 (Application of London Building Acts) ;

Section 46 (Company not to increase fares on Sundays &c.) ; and

Section 47 (Company not to be exonerated by approval of plans &c.)

of the Great Northern and Strand Railway Act 1902;
and

As regards Railways Nos. 5 and 5A by this Act authorised—

Section 19 (Company not to increase fares on bank holidays &c.) ;

Section 29 (Powers to cease unless works substantially commenced) ;

Section 41 (Map and plan of underground works of Company to be made) ; and

Section 45 (Company not to be exonerated by approval of plans &c.)

of the Act of 1902 ;

are incorporated with and form part of this Act and shall extend and apply to the lands which the Company are by this Act authorised to acquire for the purposes of the said railways respectively and to any works matters or things by this Act authorised for the purposes aforesaid and the roads under or along which the same are to be made as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto and in such sections the expression “the Council” or “the London Council” as the case may be shall be deemed to mean the London County Council and the expression “the county” shall be deemed to mean the administrative county of London.

As to rail-
ways and
works under
Kingsway.

20. Notwithstanding anything in this Act contained compensation for any easements to be acquired by the Company under any land of the London Council for the purposes of the railways by this Act authorised shall be paid and shall be determined in the same manner as compensation for easements acquired by the Company from the London Council under the Strand Company's Act of 1899,

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Partial repeal
of section 54
of London
County
Council (Im-
provements)
Act 1899.

For pro-
tection of
sewers of
London
Council.

21. So much of section 54 of the London County Council (Improvements) Act 1899 as authorises the Company to require the London Council to sell to the Company any lands is hereby repealed.

22. Unless the London Council otherwise agree the following provisions for the protection of the sewers of the London Council shall have effect (namely):—

- (1) The Company shall not commence any of the works by this Act authorised which shall or may pass over under or by the side of or so as to interfere with the sewers of the London Council until they shall have given to the London Council one month's previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the London Council with plans and sections thereof as herein-after defined and until the London Council shall have signified their approval of the same unless the London Council do not signify their approval disapproval or other directions within twenty-eight days after service of the said plans and sections as aforesaid and the Company shall comply with and conform to all reasonable orders directions and regulations of the London Council in the execution of the said works and shall provide by new altered or substituted works in such manner as the London Council shall reasonably require for the proper protection of and for preventing injury or impediment to the said sewers by reason of the intended works or any part thereof and shall save harmless the London Council against all expenses to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer of the London Council at the costs charges and expenses in all respects of the Company And all costs charges and expenses which the London Council may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the London Council by the Company on demand And when any new altered or substituted

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works as aforesaid or any works of defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the London Council as any sewers or works now or hereafter may be :

- (2) As regards any work in respect of which the Company are under the provisions of the last preceding subsection required to submit plans and sections to the London Council the London Council may require the Company in constructing such works to make any reasonable deviation within the limits prescribed by this Act from the line or levels shown upon such plan or section for the purpose of avoiding injury or risk of injury to the sewers of the London Council and the Company shall in constructing such work deviate accordingly :
- (3) It shall not be lawful for the Company to remove any soil or material from under any road except so far as it may be necessary for constructing the tunnels bridges and stations and the approaches thereto :
- (4) The plans to be submitted to the London Council for the purposes of this Act shall include detailed plans drawings sections and specifications describing the exact position and manner in which and the level at which the works are proposed to be constructed and shall accurately describe the position of all sewers of the London Council within the limits of deviation shown on the deposited plans (for which purpose the London Council shall allow the Company access to plans in their possession and to any sewers in order to enable the Company to obtain precise information) and shall comprise detailed drawings of every alteration which the Company may propose to make in any such sewer :
- (5) The Company shall be liable to make good all injury or damage caused by or resulting from any of their works or operations to any sewers drains or works vested in the London Council and the London Council

[5 EDW. 7.] *Great Northern Piccadilly and Brompton* [Ch. clxiii.]
Railway (Various Powers) Act, 1905.

shall from time to time have power to recover the amount thereof from the Company in any court of competent jurisdiction Provided that the Company shall not be liable for any such injury or damage 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 London Council or by or by reason of any act or omission of the London Council :

A.D. 1905.

- (6) The Company shall not discharge any condensing water or water used for condensing purposes from any buildings or works erected executed or maintained under the powers of this Act into any of the said sewers or into any pipe conduit or drain directly or indirectly communicating therewith :
- (7) If any difference shall arise between the London Council and the Company touching this section or anything to be done or not to be done thereunder the same shall be determined by the chief engineer of the London Council Provided that if the determination of the said chief engineer would in the opinion of the Company prevent the practical construction of the railway such difference shall be referred to and determined by an engineer to be agreed on between the London Council and the Company or failing agreement to be appointed by the Board of Trade on the application of either party after notice to the other.

23.—(1) Before commencing to construct any part of any railway by this Act authorised which shall or may pass under or within one hundred lineal feet of the tramway or subway of the London Council authorised by the London County Council (Subways and Tramways) Act 1902 or any pipe subway of the London Council the Company shall deliver to the London Council plans sections and specifications of the works as proposed to be made by the Company for a distance of one hundred lineal feet on each side of such tramway or subway or any such pipe subway as the case may be and if at the expiration of twenty-eight days from such delivery the plans sections and specifications shall not be approved by the London Council there shall be deemed to be a difference and such difference shall unless

Protection
of London
Council's
subway and
tramway.

A.D. 1905. otherwise agreed be settled in the manner herein-after provided and such works shall be carried into effect to the reasonable satisfaction of the chief engineer for the time being of the London Council and at the costs charges and expenses in all respects of the Company and when commenced shall be proceeded with with all reasonable despatch.

(2) The Company shall at all times maintain the works by which any railway of the Company shall be carried under or within one hundred lineal feet of such tramway or subway or any such pipe subway and the works and conveniences connected therewith in substantial repair and good order and condition to the reasonable satisfaction in all respects of the London Council and if and whenever the Company fail so to do the London Council 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 London Council may reasonably think requisite and the reasonable amount of the London Council's expenditure in that behalf shall be repaid to the London Council by the Company. The chief engineer of the London Council and his duly authorised assistants shall at all reasonable times have free access to the railway and works of the Company where the said railway and works shall pass under or within one hundred lineal feet of the said tramway or subway or any such pipe subway as the case may be and for the distance above mentioned and every reasonable 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.

(3) If during and by the execution of the said works of the railway the said tramway or subway or any such pipe subway as the case may be 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 London Council may make good the same and recover the costs thereof against the Company.

(4) 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 said tramway or subway or

any such pipe subway as aforesaid or any traffic in such subway or on such tramway and if at any time or times hereafter the free and uninterrupted and safe user of the said tramway or subway or any traffic therein or thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall pay to the London Council for each such obstruction damages in respect thereof. A.D. 1905.

(5) All reasonable 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 or adjacent to the said tramway or subway or any such pipe subway as aforesaid the Company shall bear and on demand shall pay to the London Council the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the said properties of the London Council or any of them 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 acts or defaults of the contractors of the Company or of any person or persons in their employ or otherwise.

(6) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the London Council all costs losses damages and expenses which may be occasioned to the said London Council or to any of their said works lands or property or to any person or persons using the same or otherwise by reason of the construction maintenance or failure of the railways and works of the Company and the works in connexion 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 said London Council from all claims and demands upon or against them by reason of such construction maintenance or failure and of any such omission.

(7) Any dispute or difference which may arise between the London Council and the 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

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905. — application of the Company and the said London Council or either of them and the Arbitration Act 1889 shall apply to such arbitration.

As to buildings erected in New Street (Holborn to Strand).

24. 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 London Council so as to harmonise with the general design of buildings erected on the lands of the London Council fronting on the said new street and any difference which may arise between the London 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 as arbitrator.

For protection of London Council's property.

25. Notwithstanding anything contained in this Act or shown on the deposited plans or in the Strand Company's Act of 1899 or shown on any plans deposited in respect of the Bill for that Act the Company in constructing so much of any railways by this Act authorised under Kingsway Aldwych and the Strand or any property of the London Council shall not deviate vertically in an upward direction nor construct any works above the level of the top of the tunnels as shown on the deposited sections without the consent of the London Council.

As to railways and works under London Council's lands.

26.—(1) Notwithstanding anything contained in this Act if at the expiration of eighteen months from the date of the passing of this Act the Company shall not have completed the tunnels of so much of any railways and works by this Act authorised as are intended to be under any lands lying between the north side of Aldwych and the south side of the Strand the powers of the Company for the construction of so much of any such railway and works as aforesaid shall (unless the London Council otherwise agree) absolutely cease and determine.

(2) The Company shall immediately after the completion of the tunnels under the said lands of the London Council supply to the London Council an accurate survey plan to a scale not less than one-eighth of an inch to the foot showing thereon the position of the said tunnels under and in relation to the said lands and the surface thereof.

27. The Company shall forthwith after acquiring the property numbered 1 in the metropolitan borough of Saint Pancras on the deposited plans add to Bernard Street the land now forming the forecourt of such property and such forecourt shall thereupon be deemed to form part of the highway of Bernard Street and shall be paved or otherwise made up by the Company to the reasonable satisfaction of the council of the said metropolitan borough and shall thereafter be maintained repaired cleansed and lighted by the council of the said metropolitan borough.

A.D. 1905.
 Company to add certain forecourts to certain streets.

28. The Company shall so construct their Strand station as to leave on all sides thereof which may abut upon a public street or footway a foot pavement not less with the existing footway than fifteen feet wide along the whole frontage of such station to any such street or way.

Width of footway by Strand station.

29. The Company shall furnish to the London Council full and detailed information as to the strata traversed in any boring for the purposes of any works authorised by this Act.

Information as to strata.

30. The Company shall not erect or permit to be erected in connexion with any part of the works authorised by this Act in or within view of any public street in the administrative county of London any machinery which shall not be effectively screened from view or any unsightly hoarding and if the Company shall erect any such machinery or any hoarding which shall in the opinion of the London Council be unsightly they shall upon being required by the London Council so to do forthwith make such alterations therein as the London Council may reasonably prescribe and if the Company shall neglect or omit to make such alterations the London Council and their authorised officers may remove such machinery or hoarding or any part thereof and recover from the Company the costs charges and expenses incurred in so doing.

As to unsightly hoardings.

31. The Company shall not where any house or building shall have been wholly or in part demolished by them leave any adjoining structures or any portion of a partly demolished structure in any unsightly condition viewed from the highway for any longer period than is reasonably necessary.

Walls of buildings to be made good.

32. It shall be lawful for the chief engineer or other officer of the London Council duly appointed for the purpose

Inspection of works by London Council.

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905. — by the said chief engineer upon giving to the Company previous notice in writing to that effect to enter at all reasonable times upon and inspect any underground works of the Company in the county of London.

Deposit of
objects of
interest.

33. The Company shall carefully preserve and remove all objects of geological or antiquarian interest discovered by them in the execution of their works in the county of London and subject to the rights of the Crown and except so far as the same may be proved to be the property of any other person any such objects discovered in the county of London shall be subject to the disposal of the London Council in such manner as the London Council may hereafter resolve.

Exhibition
of placards
in county of
London.

34. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act or upon any building or hoarding and whether during or after the construction of the works within view of any public street any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the London Council and by the town clerk to the metropolitan borough in which such part of the works is situate and if any such placard or advertisement be affixed or exhibited without such approval the London Council or the council of such metropolitan borough and their authorised officers may remove the same but this provision shall not prevent the Company from exhibiting on the outside of any station placards giving information to the public as to the traffic of the Company.

As to carting
materials
and soil.

35. In the construction of the railways the Company shall not permit or suffer any cart or waggon or other vehicle employed in removing from or bringing to the said works any soil materials or plant to be loaded or unloaded in any part of the public thoroughfare and shall not permit or suffer any soil excavated from the railway or works to be carried through the public streets except in carts or waggons so constructed and managed as to prevent as far as reasonably practicable any of such soil dropping therefrom and if the Company their contractors servants or agents commit any breach of this section they shall be liable to a penalty not exceeding forty shillings for each offence and any such penalty may be recovered in a summary manner before any court of summary jurisdiction.

36. Where any works to be done by the Company by virtue of this Act shall or may pass over or under so as to interfere with any sewer drain or work under the jurisdiction or control of the council of any metropolitan borough or any sewers or works to be made or executed by any such council or shall or may in any way affect the sewerage or drainage of the districts respectively under their control the Company shall not commence such works until they shall have given to such council twenty-one clear days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such council with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and if such council signify their disapproval of such plan and section or particulars within twenty-one days after the service of the said plan section and particulars as aforesaid the Company shall not except with the consent of such council commence nor execute any such works unless and until a plan and section thereof shall have been approved by an engineer to be appointed by the Board of Trade on the application of any of the said parties interested and the Company shall comply with and conform to all directions of such engineer in the execution of the said works and shall save harmless such council against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of such council at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses occasioned by reason of such works of the Company shall be paid by the Company on demand and if any dispute shall arise as to the amount of such costs charges and expenses the same shall be settled by a referee to be appointed by the Board of Trade and be a debt due from the Company to such council and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of such council as any sewers or works now or hereafter may be And nothing in this Act shall except as herein-before provided extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in such council or of their successors but all such rights

A.D. 1905.

For protection of sewers of metropolitan borough councils.

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905. powers and authorities shall be as valid and effectual as if this Act had not been passed.

For protection of metropolitan borough of Holborn.

37. The following provisions shall have effect for the protection of the council of the metropolitan borough of Holborn (that is to say) :—

Section 20 of the Strand Company's Act of 1899 shall extend and apply to the works by this Act authorised to be executed within the metropolitan borough of Holborn and to the mayor aldermen and councillors of the said borough as fully and effectually as though the said council had been named therein instead of the Saint Giles District Board of Works and as if the same had been incorporated in and had formed part of this Act.

For protection of city of Westminster.

38. The following provisions shall have effect for the protection of the council of the city of Westminster (that is to say) :—

(1) Section 19 of the Strand Company's Act of 1899 shall extend and apply to the works by this Act authorised to be executed within the city of Westminster and to the mayor aldermen and councillors of the said city as fully and effectually as though the said mayor aldermen and councillors had been named therein instead of the Strand District Board of Works and as if the said section had been incorporated in and had formed part of this Act :

(2) The sanitary works and arrangements of any station within the city by this Act authorised shall be so constructed as to be reasonably satisfactory to the said mayor aldermen and councillors and before the said works and arrangements in connexion with such stations are commenced plans thereof shall be submitted to the said mayor aldermen and councillors and in default of approval within fourteen days or in case of disapproval the same shall be settled by an engineer to be appointed failing agreement in the manner prescribed by subsection (6) of section 19 of the Strand Company's Act of 1899.

General provisions for protection of water gas hydraulic

39.—(1) Before commencing any works by this Act authorised in or under any street in or under which any mains pipes syphons plugs wires or other works (herein-after called "apparatus") of the Metropolitan Water Board or of any gas

water hydraulic power telephone company or of any undertakers under any electric lighting order (each herein-after referred to as "the protected company" and collectively as "the protected companies") are situate the Company shall from time to time deliver to such protected company or companies plans and sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to such protected company or companies at least fourteen days before the commencement of any such work.

A.D. 1905.
—
power and
telephonic
companies.

If it should appear to any protected company that such works will interfere with or endanger any of their apparatus or impede the supply of water hydraulic power electric energy telephonic communication or gas such protected company may give notice to the Company to lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution laying or placing cement concrete or other like substance (herein-after called "protective works") shall be settled as herein-after provided and all such protective works shall (save as herein-after provided) be done and executed by and at the expense of the Company but to the satisfaction and under the superintendence of the engineer of the protected company and the reasonable costs charges and expenses of such superintendence shall be paid by the Company And if any protected company by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any works of the Company so require such protected company may by their own engineer or workmen do and execute the protective works and the Company shall on the completion thereof pay to the protected company the reasonable expenses incurred by them in the execution of such protective works to be recovered against the Company in any court of competent jurisdiction.

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

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 Edw. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905.

(3) Any protected company may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any apparatus of such protected company will be interfered with or affected during their construction repair or renewal and the reasonable wages of such watchmen or inspectors shall be borne by the Company and be paid by them to such protected company to be recovered against the Company in any court of competent jurisdiction.

(4) If any interruption in the supply to any consumer or consumers of water or gas by any protected company (not due to an interruption of the water or gas supply of a protected company as in the next subsection provided) shall without the written authority of such protected company be in any way occasioned or any losses damages expenses or penalties be sustained or incurred by any protected company either by reason of the exercise of the statutory powers conferred upon the Company or by the act or acts or default or defaults of the Company or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall pay to such protected company for the use and benefit of such protected company such sum as shall be equal to the aggregate losses damages expenses or penalties which the protected company may sustain or incur by reason of the exercise of such powers or by such acts or defaults as aforesaid.

(5) If any interruption in the supply of water hydraulic power electric energy telephonic communication or gas by any protected company shall without the written authority of such protected company be in any way occasioned either by reason of the exercise of the statutory powers conferred upon the Company or by the act or acts or default or defaults of the Company or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to such protected company for the use and benefit of such protected company at the option of the protected company either (a) a sum not exceeding ten pounds for every hour during which such interruption shall continue or (b) such sum as shall be equal to the aggregate loss or damages which the protected company may sustain or incur by reason of such interruption such sum in

either case to be recovered by such protected company against the Company in any court of competent jurisdiction. A.D. 1905.

(6) The expense of all repairs or renewals of any apparatus of any such protected company or any works in connexion therewith which may at any time hereafter be rendered necessary either by reason of the statutory powers conferred upon the Company or by the acts or defaults of the Company their contractors agents workmen or servants or any person in the employ of them or any or either of them or rendered necessary by reason of any subsidence resulting from the works of the Company whether during the construction of the railways and works or at any time thereafter shall be borne and paid by the Company and may be recovered against the Company by such protected company as the case may be in any court of competent jurisdiction.

(7) It shall be lawful for any protected company and the engineers workmen and others in their respective employ at all times when it may be necessary to enter upon the lands works and premises of the Company at any point or place where there is existing any apparatus of such protected company and to do all such works in and upon such lands and premises as may be necessary for repairing maintaining or removing or replacing or extending such apparatus under or over the same lands and premises Provided always that in so doing such protected company their engineers or workmen or others in the employ of such company shall not interrupt the use of any of the works by this Act authorised and provided also that such protected company shall make good and reimburse to the Company all damages to the works by this Act authorised occasioned by the exercise of the powers by this section reserved the amount of such damages to be recoverable by the Company against such protected company in any court of competent jurisdiction.

(8) It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the railway by electricity whereby any electric apparatus of the National Telephone Company Limited or the London Electric Supply Corporation Limited is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten feet of any part of any electric apparatus of such company (other than repairs or the laying of lines

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905. crossing the electric apparatus of such company at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not less than fourteen days before commencing such work shall give written notice to such company specifying the course of the line or rail and the nature of the work including the gauge of any wire or wires intended to be used for electrical energy and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by such company for the purpose of preventing any electric apparatus of such company from being injuriously affected by the said act or work.

(9) If any difference shall arise with respect to any matter under this section between the Company and any protected company or their respective engineers or concerning any plans sections or descriptions to be delivered to any such company under the foregoing provisions of this Act the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

(10) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the protected company may be under in respect of its apparatus and may if he thinks fit require the Company to execute any temporary or other works so as to avoid interference with any purpose for which the protected company's apparatus is used so far as may be possible.

Nothing in this section contained shall authorise any protected company or any telephone company to extend their existing apparatus or to place any apparatus under or over any streets or roads in any parish without the consent of the local authority of such parish.

For protection of Strand estate of Duke of Norfolk.

40. In this section the expression "the Arundel estates" means the estates for the time being subject to the uses of an Act of Parliament passed in the third year of the reign of King Charles the First whereby certain estates were settled upon the heirs male of Thomas Earl of Arundel and Surrey the expression "the owner" means the Most Noble Henry Duke of Norfolk and every future owner in possession of the Arundel estates and the guardian or guardians of every such future owner during his minority the expression "the Strand estate" means such parts of the Arundel estates as are situate

A.D. 1905.

in the parish of Saint Clement Danes in the county of London the expression "the Duke's portion of Surrey Street" means that portion of Surrey Street Strand which lies between a line drawn east across that street in prolongation of the northern boundary of the Norfolk Hotel in that street (being the hereditaments numbered on the deposited plans 29 in the city of Westminster) on the one hand and the approach road at the south end of Surrey Street aforesaid leading to the Thames (Victoria) Embankment on the other hand the expression "the lessees" means lessees of any part of the Strand estate the expression "the authorised railway" means those portions of Railway No. 1 by this Act authorised which lie between the north side of the Strand on the one hand and the termination of that railway on the other hand the expression "the works" means the stations shafts and works connected with the authorised railway and notwithstanding anything in this Act contained or shown on the deposited plans and sections the following provisions for the benefit and protection of the owner shall (unless otherwise agreed in writing between the owner and the Company) have effect (that is to say):—

(1) (A) The authorised railway shall be formed of two tunnels each circular in section and of an internal diameter of eleven feet eight and one quarter inches and no more except—

(i) At the Strand station where the tunnels may be constructed with an internal diameter of twenty-one feet two and one-half inches;

(ii) Where and so far as may be necessary for adjustment at curves;

(iii) Where shield chambers are required and which may be constructed of an internal diameter not exceeding twenty-seven feet six inches;

(iv) For thirty-seven yards northwards of the termination of the authorised railway where the "up" and "down" lines may be placed in a single tunnel not exceeding twenty-three feet six inches internal diameter;

(B) In constructing the said tunnels for the authorised railway the Company shall not deviate upwards from the levels respectively shown on the deposited sections

A.D. 1905.

or increase the internal diameter of the tunnels beyond the dimensions above specified respectively No part of the authorised railway or of the works so far as the same are under Surrey Street aforesaid shall be situate eastward of the eastern limit of deviation shown on the deposited plans for that railway :

- (c) Each of the said tunnels except the head walls in connexion therewith shall be constructed and maintained solely of iron and the said tunnels as well as the whole of the works shall if so required by the engineer to be appointed by the owner as hereinafter provided be constructed under compressed air The horizontal joints of the plates forming the said tunnels respectively shall be machine faced The grouting referred to in subsection (4) of the section of this Act of which the marginal note is "General provisions as to mode of construction" shall be inserted as and when each section of the said tunnels respectively is bolted up and 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 and save as aforesaid the authorised railway and the works shall be constructed strictly in accordance with the last-mentioned section of this Act :
- (D) Before the Company commence the construction of the authorised railway they shall make the following trial borings (subject to their obtaining all consents necessary to make such trial borings in the public streets) that is to say one within thirty feet of the northern end of Surrey Street aforesaid (but not in Surrey Street) and one within thirty feet of the junction of Surrey Street aforesaid with Howard Street aforesaid (but not in Surrey Street) Certified copies of the sections of such trial borings shall be supplied by the Company to the owner as soon as may be after the result of such borings is known :
- (E) The owner may from time to time appoint a competent engineer (hereinafter in this section referred

to as "the engineer") who may from time to time inspect the authorised railway and the works during construction and shall give notice to the Company of any such appointment and the Company shall permit the engineer and one assistant to have access to the authorised railway and the works and shall give to the engineer and such assistant all necessary facilities for such inspection and for enabling the engineer to judge of the effect on the Strand estate of the authorised railway and the works under construction or proposed to be constructed by the Company and if he shall be of opinion that the construction of the authorised railway or the works or other operations of the Company is or are attended with danger to any part of the Strand estate the Company shall forthwith adopt such additional measures and precautions as may be reasonably necessary for the purpose of preventing damage or injury to the Strand estate or any part thereof. If the engineer shall reasonably consider the underpinning or strengthening of any building on the Strand estate to be necessary in order to avert risk of injury to such building by reason of the construction maintenance or user of the authorised railway or the works the Company shall at their own cost and risk underpin or strengthen such building under the supervision of the engineer and to his satisfaction:

- (F) In the event of any difference arising between the owner or the engineer on the one hand and the Company on the other hand under the foregoing subsections such difference shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party:
- (2) The Company shall make compensation to the owner and the lessees respectively for or in respect of any damage or injury which may be caused to any buildings or works on the Strand estate by reason of the abstraction or diversion of underground water caused by the construction of the authorised railway

A.D. 1905.

or the works and the provisions of the Lands Clauses Acts with respect to the settlement of disputed questions of compensation shall extend and apply to any claim for compensation under this subsection and the provisions of this subsection shall be in addition to the other provisions of this Act and the Acts incorporated therewith with respect to compensation :

- (3) Nothing in this section contained and no requirement of the owner or the engineer or of any referee shall be construed in any way to relieve the Company from any responsibility they may be under for the safety of the buildings on the Strand estate or from any liability imposed upon them by the section of this Act the marginal note of which is "Compensation for damage by working" :
- (4) The Company shall on demand pay to the owner the reasonable costs charges and expenses of the engineer and of the owner in relation to any of the matters contained or referred to in this section :
- (5) No shaft shall be sunk and no hoarding or erection above the ground level shall be erected or made by the Company temporarily or permanently in Surrey Street aforesaid save the hoarding required to enclose the station site which shall not exceed eight feet in height :
- (6) The Company shall purchase from and shall pay to the owner compensation for the right of entering upon taking and using (in accordance with and to the extent requisite under this section) the subsoil and under-surface of the Duke's portion of Surrey Street and the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall extend and apply to such right.

For protection of owners of property numbered 22 in city of Westminster.

41. For the protection of the owners for the time being of the property numbered on the deposited plans 22 in the city of Westminster (in this section referred to as "the owners") the following provisions shall have effect unless otherwise

agreed between the Company and the owners in the execution of the works by this Act authorised (that is to say):— A.D. 1905.

- (1) In constructing Railway No. 1 where it will be constructed under the said property the Company shall not deviate upwards more than ten feet from the levels thereof shown on the deposited sections:
- (2) If the owners shall reasonably consider the underpinning or strengthening of any buildings on the said property to be necessary in order to avert risk of injury to such buildings by reason of the construction maintenance or user of the said railway or the works connected therewith the Company shall at their own cost and risk underpin or strengthen such building to the reasonable satisfaction of the owners:
- (3) In the event of any difference arising between the owners and the Company under the foregoing provisions of this section such difference shall be determined by an engineer to be appointed as arbitrator on the application of either party by the President of the Institution of Civil Engineers:
- (4) The Company shall make compensation to the owners for or in respect of any damage or injury which may be caused to any buildings on the said property by reason of the abstraction or diversion of underground water caused by the construction of the said railway or works and the provisions of the Lands Clauses Acts with respect to the settlement of disputed questions of compensation shall extend and apply to any claim for compensation under this subsection and the provisions of this subsection shall be in addition to the other provisions of this Act and the Acts incorporated therewith with respect to compensation:
- (5) Nothing in this section contained and no requirements of the owners or of any arbitrator shall be construed in any way to relieve the Company from any responsibility they may be under for the safety of the buildings on the said property or from any liability imposed upon them by the section of this Act the marginal note of which is "Compensation for damage by working."

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905.

For protection of Central London Railway Company.

42. For the protection of the Central London Railway Company the following provisions shall unless otherwise agreed have effect in the execution of Railways 3 4 5 and 5A by this Act authorised (that is to say) :—

Subsections (2) to (9) inclusive of section 9 of the Strand Company's Act of 1899 shall extend and apply to the said railways as fully and effectually to all intents and purposes as if such subsections had been enacted in this Act in reference thereto.

New works to form part of existing undertaking for purpose of leasing and other arrangements.

43. The railways and works authorised by this Act shall for the purpose of any lease of the authorised railways of the Company or of any agreement relating thereto and for all other purposes be deemed to form part of the undertaking of the Company and all the powers of the Company the Metropolitan District Railway Company and the Underground Electric Railways Company of London Limited as to agreements with respect to the ownership use management and working thereof the supply of electric power or current the haulage of trains on and the equipment working and handling of the traffic on the said railways shall apply and extend to the railways by this Act authorised.

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

44. Where the crown of the tunnel of any railway 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 schedule to this Act or any part of the surface thereof or any houses buildings and premises thereon or any cellar vault arch 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 arch or other construction they may purchase take and use and the owners of and other persons interested in any such vault cellar arch or other construction shall sell the same for the purposes of the railway and 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

[5 EDW. 7.] *Great Northern Piccadilly and Brompton* [Ch. clxiii.]
Railway (Various Powers) Act, 1905.

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. A.D. 1905.

45. 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.

46. If the railways 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. Period for completion of works.

47. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of twenty-eight thousand one hundred and twenty-six pounds seven shillings and sevenpence two and a half per cent. consolidated stock being equal in value to five per centum on the amount of the estimate in respect of the railways 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: Deposit money not to be repaid except so far as railway is opened.

And whereas Railway No. 2 as originally proposed is not authorised by this Act and the sum of seven thousand five hundred and twenty-seven pounds two and a half per cent. consolidated stock (part of the said sum of twenty-eight thousand one hundred and twenty-six pounds seven shillings and sevenpence) is attributable to the said Railway No. 2:

And whereas the sum of twenty thousand five hundred and ninety-nine pounds seven shillings and sevenpence two and a half per cent. consolidated stock (being the balance of the said sum of twenty-eight thousand one hundred and twenty-six pounds seven shillings and sevenpence) is equal in value to five per centum on the amount of the estimate in respect of the railways by this Act authorised which sum of twenty thousand five hundred and ninety-nine pounds seven shillings and sevenpence is in this Act referred to as "the deposit fund":

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 Edw. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905

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.

Application
of deposit.

48. 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

A.D. 1905.
—

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 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 re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as herein-before 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.

49. 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 seven thousand five hundred and twenty-seven pounds two and a half per cent. consolidated stock herein-before mentioned and any interest or dividends thereon shall be transferred to the depositors or as they may direct.

Release of
portion of
deposit
money.

50. The Company may subject to the provisions of this Act demand and take for every passenger conveyed in carriages in or upon the railway or any part thereof including tolls and charges for the use of the subway and of carriages and for motive power and for other expenses incidental to such conveyance any tolls or charges not exceeding the following (that is to say) :—

Tolls for
passengers

For every passenger conveyed in a first-class carriage the sum of threepence per mile ;

For every passenger conveyed in a second-class carriage the sum of twopence per mile ;

For every passenger conveyed in a third-class carriage the sum of one penny per mile.

51. The section of the Act of 1902 of which the marginal note is "Workmen's trains" (section 20) shall be read and

Workmen's
trains.

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 Edw. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905. — construed as if the railways by this Act authorised had been part of the railways and undertaking of the Company at the date of the passing of the Act of 1902.

Rates for
small
parcels.

52. The Company may demand and take for small parcels conveyed upon the railway any rates or charges not exceeding the following (that is to say) :—

For any parcel not exceeding seven pounds in weight three-pence ;

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight ninepence and for any parcels weighing fifty-six pounds and upwards any sum which the Company may think fit ;

Fractional
parts of a
mile.

Every fraction of a mile beyond an integral number of miles shall be deemed a mile ;

General
weight.

With respect to parcels the weight shall be determined according to the imperial avoirdupois weight :

Provided always that articles sent in large aggregate quantities although made up in separate parcels shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Passengers
luggage.

53. Every passenger travelling upon the railway may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat or to be of a form or description to annoy or inconvenience any other passenger.

Foregoing
charges not
to apply to
special
trains.

54. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed by the Company for the conveyance of passengers upon the railway.

[5 EDW. 7.] *Great Northern Piccadilly and Brompton* [Ch. clxiii.]
Railway (Various Powers) Act, 1905.

55. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole three hundred and thirty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively 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.

A.D. 1905.
 Power to
 apply funds
 and to raise
 additional
 capital.

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

As to divi-
 sion of
 shares.

Number 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.

57. The Company may in respect of the additional capital of three hundred and thirty thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any moneys not exceeding in the whole one hundred and ten thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such 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 capital have been issued and

Further
 borrowing
 powers.

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905. — accepted and that one-half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such 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 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 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 their executors administrators successors or assigns are legally liable for the same and 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 appointment of a receiver.

58. Section 25 of the Act of 1903 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.

Debenture stock.

59. 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.

Application of moneys.

60. 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.

61. The Company may with respect to the whole or any portion of debenture stock created or to be created by them and subject to such regulations as may from time to time be made by the Company issue under their common seal a certificate (herein-after referred to as "a debenture stock certificate to bearer") stating that the bearer of the certificate is entitled to the portion of debenture stock therein specified and may provide by coupons whether attached to such certificate or not for the payment of interest on the portion of stock included in the certificate :

A.D. 1905.
 Power to
 issue debenture stock
 certificates to bearer.

Provided always that nothing in this Act contained shall empower the Company to issue to a registered holder of debenture stock issued prior to the passing of this Act a debenture stock certificate to bearer for the debenture stock last aforesaid held by him without first obtaining his consent in writing.

Section 29 of the Companies Clauses Act 1863 shall not apply to a debenture stock certificate to bearer.

62. A debenture stock certificate to bearer shall entitle the bearer thereof to the portion of debenture stock therein specified and such portion may be transferred by delivery of the certificate.

Effect of debenture stock certificate.

63. On the issue of a debenture stock certificate to bearer in respect of any portion of debenture stock the Company instead of making in the register of debenture stock holders with reference to such portion of debenture stock the entries provided for by section 28 of the Companies Clauses Act 1863 shall strike out of such register the name of the person (if any) then entered therein as holding such portion of debenture stock and shall enter in the register the following particulars :—

Entries in register on issue of debenture stock certificate.

- (i) The fact of the issue of the certificate ;
- (ii) A statement of the amount of the portion of debenture stock included in the certificate ;
- (iii) The date of the issue of the certificate.

64. The bearer of a debenture stock certificate to bearer shall—

Registration of debenture stock on surrender of certificate.

- (A) On surrendering such certificate with all coupons issued in respect thereof and for the time being outstanding for cancellation ;

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905.

(b) Complying with such regulations as may from time to time be made by the Company for the purpose of enabling the Company to ascertain the name address and description of such bearer and for obtaining a specimen of his signature;

(c) Paying to the Company all stamp or other Government duties (if any) which may be payable by the Company in consequence of such surrender;

(d) Paying to the Company such fee not exceeding five shillings as the Company may prescribe;

be entitled to have his name entered in the register of debenture stock holders and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in that register the name of any bearer of a debenture stock certificate to bearer in respect of the portion of stock therein specified without the certificate and such coupons as aforesaid being surrendered and cancelled.

Provision in case of applications to Parliament affecting rights of holders of debenture stock.

65. If and so often as any application shall be made to Parliament for an Act affecting the rights of the holders of any class of debenture stock which shall for the time being have been issued by the Company and be outstanding and in respect whereof or any part whereof debenture stock certificates to bearer shall be then outstanding the following provisions shall have effect (that is to say) :—

(1) In this section the following expressions shall have the following meanings unless repugnant to the context :—

“The debenture stock” means the debenture stock of such class as last aforesaid for the time being issued and outstanding;

“The bearer debenture stock” means such of the debenture stock as shall for the time being be comprised in debenture stock certificates to bearer;

“Bearer certificates” means the debenture stock certificates to bearer for the time being issued in respect of the debenture stock or any part thereof and outstanding;

“The bearers” means the bearers for the time being of the bearer certificates and “bearer” means one of the bearers;

“Registered holders” means the registered holders for the time being of any of the debenture stock; A.D. 1905.

“Meeting” means a meeting of the registered holders and the bearers under this section;

“Voting certificate” means a voting certificate issued in pursuance of this section:

- (2) Any meeting convened for the purpose of approving any such application to Parliament as aforesaid or any bill for such Act as aforesaid shall so far as the bearers are concerned be duly convened by advertising the notice convening the same once in two newspapers published in London and once in the same two newspapers in the next week following the publication of the first advertisement provided the same shall be convened for a date not less than twenty-one days or more than forty days after the last insertion of the advertisement thereof in such two newspapers. It shall also be lawful for but not obligatory on the Company to advertise such notice as last aforesaid in any other newspaper or newspapers either in the United Kingdom or abroad. Every such advertisement as aforesaid shall state the name and address of a bank in London and if the Company think fit so to do but not otherwise of any other bank or banks either in the United Kingdom or abroad at which the bearers may not less than forty-eight hours before the time for holding the meeting or any adjournment thereof deposit their bearer certificates and obtain voting certificates in respect thereof:
- (3) At a meeting or any adjournment thereof the bearer of a bearer certificate shall be treated as the legal holder thereof whether such bearer shall or shall not be the owner thereof and for all the purposes of the meeting or any adjournment thereof the bearer of a voting certificate issued under this section in respect of a bearer certificate shall be deemed to be the bearer of such bearer certificate:
- (4) Prior to convening a meeting the Company shall make such arrangements as will entitle any bearer who

A.D. 1905.

shall not less than forty-eight hours before the time for holding such meeting or any adjournment thereof deposit a bearer certificate in the bank or one of the banks to be named for that purpose in the notice convening the meeting to receive from the bank with whom such deposit is made (a) a receipt for the bearer certificate so deposited such receipt to be in such form as (subject to the provisions of the next succeeding subsection) will entitle the bearer thereof to have the bearer certificate in respect of which the same was given delivered to him in exchange therefor by the bank with whom such bearer certificate was deposited whether such bearer be or be not in fact the true owner of such bearer certificate and (b) a voting certificate which receipt and voting certificate shall be signed by some official of such bank and shall specify the denoting number of the bearer certificate so deposited and the amount of the debenture stock comprised therein A voting certificate shall not except as provided by subsection (3) of this section confer any title on the holder thereof to the bearer certificate or to the debenture stock referred to therein :

- (5) A bearer certificate deposited as last aforesaid shall be deposited subject to (amongst others) the condition that the same shall be retained by the bank with which the same is so deposited until the meeting has been held or abandoned or until the receipt given by such bank therefor and the voting certificate issued by such bank in respect thereof shall be delivered to such bank whichever shall be the earlier.

Loss or
destruction
of debenture
stock certi-
ficate to
bearer or
coupon.

66. If a debenture stock certificate to bearer or coupon is lost or destroyed then upon—

- (A) Proof to the satisfaction of the directors of the ownership of such lost or destroyed certificate or coupon and of the loss or destruction thereof;
- (B) Such indemnity to the Company and the directors as the directors deem adequate being given;

(c) Payment of all stamp and other Government duties (if any) payable in respect of the new certificate or coupon together with a fee of five shillings; A.D. 1905.

a new debenture stock certificate to bearer or coupon as the case may be in lieu of the certificate or coupon so lost or destroyed shall be issued by the Company and a due entry of the issue of such new debenture stock certificate to bearer or coupon shall be made by the secretary in the register of debenture stock holders.

67. A trustee unless authorised by the terms of his trust shall not apply for or hold a debenture stock certificate to bearer issued under the authority of this Act but nothing in this section shall impose on the Company or any person authorised to issue any such debenture stock certificate to bearer any obligation to inquire whether the person applying for a debenture stock certificate to bearer is or is not a trustee or subject them to any liability in the event of their issuing a debenture stock certificate to bearer to a trustee nor invalidate a debenture stock certificate to bearer if issued to a trustee. Trustees unless expressly authorised not empowered to hold debenture stock certificates to bearer.

68. A copy of the sections of this Act of which the marginal notes are "Registration of debenture stock on surrender of certificate" "Provision in case of applications to Parliament affecting rights of holders of debenture stock" and "Trustees unless expressly authorised not empowered to hold debenture stock certificates to bearer" shall be endorsed on every debenture stock certificate to bearer which shall be issued by the Company in addition to the declaration required by section 14 of the Railway Companies Securities Act 1866. Endorsement of provisions on debenture stock certificates to bearer.

69. Any person who shall commit in relation to a debenture stock certificate to bearer or coupon or voting certificate issued or purporting to be issued in pursuance of this Act any of the offences which are specified in sections 34 to 36 of the Companies Act 1867 in relation to share warrants issued in pursuance of that Act shall be liable to the penalties imposed by those sections as if he had committed the offence or offences in relation to a share warrant issued in pursuance of that Act. Application of certain provisions of Companies Act 1867.

70.—(1) The Company shall abandon the construction of—
 So much of Railways Nos. 3 and 4 authorised by the Strand Company's Act of 1899 as would be situate Abandonment of portions of authorised line.

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905.

between the point of commencement of Railway No. 3 authorised by this Act and the point of termination thereof as herein-before described;

So much of Railway No. 2 authorised by the Act of 1902 as would be situate between the commencement as herein-before described of the Railways Nos. 5 and 5A and the termination of the said Railway No. 2 as authorised by the said Act of 1902.

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

(2) The abandonment by the Company under the authority of this Act of any portion of any railway 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 may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act authorising the construction of such railway.

Compensation 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 portion of the railways 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.

Providing for repayment of deposit

71. Subject to the provisions of this Act with respect to compensation to landowners or other persons injuriously affected by any acts of the Company in respect of the portions of railway

which the Company are by this Act required to abandon the High Court may and shall at any time after the passing of this Act on application by or on behalf of the depositors respectively mentioned or referred to in sections 71 and 72 of the Strand Company's Act of 1899 and sections 25 and 26 of the Act of 1902 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 funds respectively referred to in those Acts order that the respective sums of five thousand six hundred and seventy-seven pounds two and a half per cent. consolidated stock and two thousand five hundred and sixteen pounds of such stock being the portions respectively attributable to the portions of railway by this Act authorised to be abandoned of the respective sums of one hundred and three thousand four hundred and sixty-seven pounds five shillings and fivepence two and a half per cent. consolidated stock and thirty thousand one hundred and forty-seven pounds two and a half per cent. consolidated stock (which two last-mentioned amounts of stock were originally deposited as two and three-quarters per cent. consolidated stock and were subsequently converted into two and a half per cent. consolidated stock) the deposit funds respectively mentioned in the said Acts and the interest or dividends then due on the said portions of such sums 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 sums so authorised to be paid out and the interest or dividends thereon shall be transferred and paid to such persons or person accordingly.

A.D. 1905.

—
 money in
 respect of
 abandoned
 railways.

72. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the King's most excellent Majesty and in particular nothing contained herein 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 His 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.

Saving
 rights of
 Crown.

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905.

For protec-
tion of Com-
missioners of
Works.

73.—(A) Nothing contained in this Act 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 or other tenements or hereditaments forming part of or lying under King's College or the site thereof or any part of such site ; or
- (2) 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 or borings within two hundred feet of any Crown or Government property or of King's College or any part of the site thereof or any tunnel or railway or subway within two hundred yards laterally of any Crown or Government property or of King's College or any part of the site thereof at such a depth that there shall be less than twenty 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 of Works on behalf of His Majesty or otherwise first had and obtained for that purpose which consent for all the purposes of this section the said Commissioners are hereby authorised to give under and subject to such conditions as they may think fit to prescribe.

(B) The tunnels of the Railway No. 1 shall be constructed at such a depth at the southern end thereof as shall be necessary to make the upper surface of the rails not less than three feet lower than the depth thereof below the surface of the ground as shown on the deposited plans and sections but so that the size of the tunnels be not altered.

As to erection of
generating
stations and
supply of
electricity.

74. The Company shall not except with the approval of the Commissioners of Works erect any generating station or take a supply of energy for traction purposes from any generating station unless the site for such generating station is specified in an Act of Parliament or in an Order confirmed by or having the effect of an Act of Parliament Provided always

that this section shall not apply to any sub-station for the transformation and distribution of electrical power Provided also that this section shall not apply to any station which may be in existence and which shall not be extended beyond the limits of the site occupied by the buildings of such station at the time of the passing of this Act. A.D. 1905.

75. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description including the subsoil and under-surface of any street road or subway belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said Duchy. Saving rights of Duchy of Lancaster.

76. Section 28 of the Act of 1903 is 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):— Power to pay interest out of capital during construction.

- (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 :

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Railway (Various Powers) Act, 1905.

A.D. 1905.
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- (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 fifty-five 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:
- (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 herein-before 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.

Deposits for
future Bills
not to be
paid out of
capital.

77. 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.

Provision as
to general
Railway
Acts.

78. 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

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the commencement of this Act or from any future revision or A.D. 1905.
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.

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

[Ch. clxiii.] *Great Northern Piccadilly and Brompton* [5 EDW. 7.]
Railway (Various Powers) Act, 1905.

A.D. 1905. The SCHEDULE referred to in the foregoing Act.

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