



## CHAPTER liv.

An Act to transfer to and vest in the Metropolitan Railway Company the undertaking of the Great Northern and City Railway Company to empower the Metropolitan Railway Company to construct a new railway and works to acquire additional land to raise additional capital and for other purposes. A.D. 1913.

[15th August 1913.]

**W**HEREAS the undertaking of the Metropolitan Railway Company (in this Act called "the Company") comprises with other railways and works a railway in the metropolitan area extending from Aldgate in the east to South Kensington in the west and forming part of the railway known as the Inner Circle Railway:

And whereas the Great Northern and City Railway Company (in this Act called "the City Company") were incorporated by the Great Northern and City Railway Act 1892 (in this Act called "the City Act of 1892") and are owners of a railway wholly situated in the metropolitan area extending from Drayton Park to Finsbury Pavement in the city of London where it is connected with the Inner Circle Railway of the Company by means of a subway and are lessees of an extension of the said railway from Drayton Park to Finsbury Park:

And whereas the First Schedule to this Act contains a statement of the particulars of the whole of the capital raised and issued by the City Company and of the annual rentcharges payable by and of the pecuniary liabilities and obligations of the City Company:

And whereas it would be of public and local advantage and it is expedient that the undertaking of the City Company should

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And whereas the Company and the City Company have agreed that such transfer and vesting should be effected upon the terms and conditions set forth in this Act :

And whereas it would be of public and local advantage if the railway of the City Company by this Act transferred to and vested in the Company was extended as herein-after provided and it is therefore expedient that the Company should be empowered to make and maintain the railway in the city of London described in this Act and to acquire the lands in this Act mentioned in that behalf :

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

And whereas written application explaining the objects of the Bill for this Act has been made to the holders of the existing debenture stock of the City Company and the holders of upwards of three fourths in value of such stock have signified their consent in writing to the provisions of this Act :

And whereas the Bill for this Act was submitted by the directors of the City Company to a meeting of the preferred and deferred ordinary shareholders and preference stockholders of the City Company convened by circular in the manner required by the standing orders of both Houses of Parliament and approved by those present in person or by proxy :

And whereas it is expedient that the Company should be authorised subject to the provisions of this Act to pay interest upon the amount paid up from time to time in respect of the stock by this Act authorised to be created for the construction of the new railway and works and for the general purposes of the undertaking of the Company :

And whereas it is expedient that the other powers contained in this Act be conferred upon the Company and the Joint Committee as herein-after defined :

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised such plans also showing the additional land to be acquired under this Act with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the

occupiers of the lands required or which may be taken compulsorily or used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the city of London and with the clerk of the peace for the county of Middlesex which plans sections and book of reference are in this Act respectively referred to as "the deposited plans and sections" and "the deposited book of reference":

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

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

## PART I.

### PRELIMINARY.

1. This Act may be cited for all purposes as the Metropolitan Railway Act 1913. Short title.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Vesting of Great Northern and City Railway in the Company.

Part III.—New Railway and Works.

Part IV.—Finance and Miscellaneous.

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

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

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;  
 The conversion of the borrowed money into capital;  
 The consolidation of the shares into stock;  
 The general meetings of the Company;  
 The making of dividends; and  
 The giving of notices:

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 subsequent Acts;

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845; and

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

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 And in this Act---

The expression "the Company" means the Metropolitan  
 Railway Company;

The expression "the City Company" means the Great  
 Northern and City Railway Company;

The expression "the Joint Committee" means the Metro-  
 politan and Great Central Joint Committee;

The expression "the City Act of 1892" means the Great  
 Northern and City Railway Act 1892;

The expression "the City Act of 1897" means the Great  
 Northern and City Railway Act 1897;

The expression "the City Acts" means the City Act of 1892  
 the Great Northern and City Railway Act 1895 the City  
 Act of 1897 the Great Northern and City Railway Act  
 1902 the Great Northern Railway (No. 2) Act 1902 the  
 Great Northern and City Railway Act 1903 the Great  
 Northern Railway Act 1903 the Great Northern and City  
 Railway Act 1904 the Great Northern Railway Act 1906  
 the Great Northern and City Railway Act 1907 and the  
 Great Northern Railway Act 1911;

The expression "the city undertaking" means the undertaking of the City Company and includes all railways works lands stations sidings buildings telegraphic and telephonic apparatus plant rolling stock machinery books stores real and personal property estate and effects moneys book and other debts assets rights running and other powers and privileges of what nature and kind soever belonging to or vested in or held used enjoyed or exerciseable by the City Company and also the interests of the City Company in other railway undertakings or portions of undertakings stations and works and the interests of the City Company with respect to the use management and maintenance of or otherwise in relation to such undertakings or portions of undertakings stations and works and with reference to the purchase of lands construction and maintenance of works and levying of tolls rates and charges;

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The expression "the metropolitan undertaking" means the undertaking of the Company exclusive of the city undertaking;

The expression "revenue assets" means unissued stores balances on revenue account cash in hand special revenue funds or accounts debts owing to or accruing due to the City Company and other revenue assets.

## PART II.

### VESTING OF GREAT NORTHERN AND CITY RAILWAY IN THE COMPANY.

5.—(1) As on and from the 30th day of June 1913 (in this Part of this Act called "the date of vesting") the city undertaking including therein all railways lands and buildings whether freehold or leasehold and other property of every description is by virtue of this Act transferred as a going concern to and vested in the Company and amalgamated with the undertaking of the Company subject to the obligations debts and liabilities of the City Company specified in Parts III. and IV. of the First Schedule to this Act and to all other debts liabilities obligations contracts and engagements of the City Company under any Act of Parliament deed lease contract agreement or otherwise affecting the City Company but freed and discharged from any claim on the part of the holders of debenture stock preference stock

Vesting  
city under-  
taking in  
Company.



A.D. 1913. and ordinary shares of the City Company and shall thenceforth subject to the provisions of this Part of this Act form part of the undertaking of the Company and at and from the date of vesting all the lands property powers rights privileges easements and authorities vested in and belonging to the City Company and all lands acquired by that company for the purposes of the city undertaking including all superfluous lands and all other the rights powers privileges easements and authorities belonging to or which may be exercised by the City Company (except as regards the levying and recovery of fares rates and charges which are provided for by the section of this Act whereof the marginal note is "Rates and charges for passengers goods and merchandise traffic") are subject as aforesaid hereby vested in and may be exercised by the Company and as on and from the date of vesting the City Company are hereby dissolved except for the purpose of winding up their affairs as provided by this Part of this Act.

(2) The said vesting shall be deemed to be an amalgamation of the city undertaking with the metropolitan undertaking within the meaning of Part V. (relating to amalgamation) of the Railways Clauses Act 1863 and the provisions of the said Part V. shall extend and apply thereto accordingly except so far as the same are inconsistent with or expressly varied by the provisions contained in this Part of this Act.

Directors of  
City Com-  
pany to  
continue in  
office.

6. Notwithstanding anything contained in this Part of this Act the directors of the City Company in office at the passing of this Act and the survivors of them shall as from the date of vesting continue in office without re-election for the purposes only of exercising and may and shall exercise all powers necessary for winding up the affairs of the City Company in pursuance of this Act and so soon as conveniently may be after the date of vesting the affairs of the City Company shall be wound up accordingly and on the completion of such winding up the City Company shall be by virtue of this Act finally dissolved and cease to exist.

For the purposes of this section the directors of the City Company shall have the services of all clerks officers and servants of that company free of charge.

If the number of directors of the City Company be reduced by death resignation or otherwise below three before the completion of such winding up the continuing directors shall subject

to the approval of the Company to be signified under their common seal choose a person or persons who immediately before the date of the passing of this Act was or were a shareholder or shareholders of the City Company to fill the vacancy or vacancies so caused. A.D. 1913.

7. The costs and expenses of the City Company of and in connexion with the negotiations for and otherwise in relation to applying for and obtaining the passing of this Act and of and in connexion with the winding up of the City Company shall be borne and paid by the Company. As to costs of City Company.

8.—(1) The City Company shall up to the date of vesting manage the city undertaking in the ordinary manner but with due regard to the interests of the Company and shall discharge all contracts obligations debts and liabilities of every description of the City Company up to such date other than those to be taken over by the Company and shall obtain the approval of the Company before entering into any contract which shall continue after the date of vesting or deciding upon any question which might affect the value and earning capacity of the undertaking of the City Company at and after the date of vesting. As to management debts and dividends.

(2) All interest rents and charges becoming due and payable at and prior to the date of the passing of this Act and which if this Act had not been passed would have been payable out of the revenue and revenue assets of the City Company shall be borne and paid out of such revenue and revenue assets.

(3) Any balance of revenue and revenue assets remaining in the hands of the City Company after making the payments provided for by this section shall belong to the Company and be handed over by the City Company accordingly.

9. Notwithstanding anything contained in this Part of this Act any books accounts or documents which may be required for the purpose of making up the accounts of the City Company and for and in connexion with the winding up of that Company may be retained by them until such winding up is completed when they shall be handed over to the Company. As to books &c. of City Company.

10.—(1) In addition to any other capital which the Company are authorised to raise— Additional capital for purposes of vesting.

(A) Upon the passing of this Act there shall be created by virtue of this Act without further or other authority

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stock of the Company of the several classes or descriptions and amounts in this subsection mentioned (that is to say):—

Five hundred and four thousand two hundred and sixteen pounds three and a half per cent. "A" debenture stock;

Seventy-five thousand pounds three and a half per cent. "A" preference stock; and

Nine hundred and seventy-five thousand pounds consolidated ordinary stock; and

- (B) The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise for the purposes of providing the necessary capital to enable the Company to redeem or pay off the loans and liabilities of the City Company specified in Part IV. of the First Schedule to this Act and any compensation or other payments for which the Company may be liable under the provisions of this Part of this Act such additional capital as may be requisite for those purposes by the issue at their option of new ordinary stock or new preference stock or wholly or partially by any one or more of those modes respectively and the provisions of section 24 of the Metropolitan Railway Act 1905 shall apply to any preference stock created under the powers of this subsection.

(2) Except as in this section otherwise provided with respect to dividends the stock created under subsection (1) (A) and the stock created under subsection (1) (B) of this section and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the stock created under subsection (1) (A) and the stock created under subsection (1) (B) of this section respectively were part of the now existing capital of the Company of the same class or description and the new stock were stock in that capital.

(3) At any time within three months from the passing of this Act the Company shall issue free of expense to the respective registered holders of the debenture stock and of the preference stock and ordinary shares of the City Company certificates or scrip for the undermentioned amounts of stock of the Company on production of the certificates and in exchange for the



stock or shares now held by such holders respectively (that is to say):— A.D. 1913.

- (a) To the respective registered holders of the five hundred and four thousand two hundred and sixteen pounds four per cent. debenture stock of the City Company certificates for Metropolitan Railway Three and a Half per Cent. "A" Debenture Stock of the same nominal value ranking for dividend as from the 1st day of July 1913:
- (b) To the respective registered holders of the eighty-five thousand four per cent. preference stock of the City Company scrip entitling the registered holders thereof to exchange the same at any time after the 30th day of June 1916 for certificates to the aggregate amount of seventy-five thousand pounds Metropolitan Railway Three and a Half per Cent. fully paid "A" Preference Stock ranking for dividend from the 1st day of July 1916:
- (c) To the respective registered holders of the seventy-eight thousand four per cent. preferred ordinary Class "A" shares of ten pounds each of the City Company certificates for consolidated ordinary stock of the Company to the amount of seventy-five pounds nominal value of such stock in respect of each ten of such shares and so in proportion for any greater or less number of shares:
- (d) To the respective registered holders of the seventy-eight thousand five per cent. deferred ordinary Class "B" shares of ten pounds each of the City Company certificates for consolidated ordinary stock of the Company to the amount of fifty pounds nominal value of such stock in respect of each ten of such shares and so in proportion for any greater or less number of shares:

Provided always that the nine hundred and seventy-five thousand pounds consolidated ordinary stock of the Company herein-before by this section created and to be issued in accordance with the provisions of (c) and (d) of this subsection shall be entitled during the period from the date of vesting until the 31st day of December 1919 to participate only in the dividends in excess of two per cent. per annum from time to time paid by the Company in respect of such period on the consolidated ordinary stock for the time being issued by the Company

A.D. 1913. exclusive of the nine hundred and seventy-five thousand pounds of such stock created by this section and shall be distinguished until the said 31st day of December 1919 as "Metropolitan Consolidated Ordinary (Deferred Dividend) Stock":

The certificates for the stock or shares of the City Company so exchanged shall upon such exchange be cancelled:

Provided that where the Company are for twelve months after the passing of this Act unable after diligent inquiry to ascertain the person to whom any certificate of stock ought to be issued as aforesaid or cannot obtain a sufficient discharge for the same the Company may transfer such stock to the Paymaster General for and on behalf of the Supreme Court under any Act for the time being in force for the relief of trustees and every such transfer shall conclusively discharge the Company from all further liability with respect to any stock so transferred and for the purposes of this Act such stock shall be deemed to have been issued to the person entitled thereto and any person afterwards showing to the satisfaction of the court that he is entitled thereto may obtain transfer thereof accordingly.

(4) No person shall become entitled under the provisions of this section to any fractional part of a pound of stock or debenture stock of the Company but in every case in which any such person would but for this enactment have become entitled to a fractional part of a pound of such stock or debenture stock the Company may at their option receive from such person such a further sum in cash as will make up an even pound of stock or debenture stock or pay to such person in cash the market value of such fractional part.

(5) If any certificate of any stock or shares of the City Company in exchange for which any stock of the Company is to be issued under this Act be lost or destroyed then upon proof thereof and upon an indemnity being given against any claim in respect of such lost or destroyed certificate to the satisfaction of the directors of the Company the Company shall deliver to the person entitled to any such certificate a certificate for the stock of the Company to which he would be entitled under this section as if such first-mentioned certificate had been delivered by him as herein-before provided.

(6) All stock issued and cash paid to holders of stock or shares of the City Company under this section shall be held subject to the same trusts and obligations as those to which

the stock or shares in respect of which such stock or stock and cash is or are substituted were immediately before the issue to the said holders of the substituted stock held or subject and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting any such stock or shares of the City Company and every deed or other instrument or testamentary disposition of or affecting such stock or shares shall take effect with reference to the whole or a proportionate part of the stock so substituted therefor as the case may be. A.D. 1913.

(7) Trustees executors and administrators being holders of any stock or shares of the City Company may and shall accept the stock or debenture stock of the Company to be issued under the provisions of this section to the several holders of the stock or shares of the City Company in substitution for such stock or shares and may and shall hold and dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the stock or shares for which such stock or debenture stock of the Company was substituted.

11. The Company shall have power to grant such pensions or to make such compensation as may be deemed expedient to any director of the City Company and to any officer clerk or servant or any other person regularly employed by the City Company. As to directors officers &c. of City Company.

12. All unexercised powers of raising money conferred upon the City Company by any Act of Parliament are hereby repealed. Capital powers of City Company repealed.

13. The provisions of the City Acts relating to the constitution and to the general meetings and directors of the City Company shall subject to the provisions of this Act be repealed. Application of special Acts.

14. Nothing in this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the City Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights Saving for Postmaster-General.

A.D. 1913. aforesaid notwithstanding that the undertaking of the City Company is transferred to and vested in the Company as freely and fully in all respects as he was entitled to do before the passing of this Act.

### PART III.

#### NEW RAILWAY AND WORKS.

Power to  
make works.

**15.** 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 railway and works hereinafter described together with all necessary and convenient rails sidings tunnels subways stations platforms signals shafts lifts escalators inclines stairs approaches passages stagings buildings sewers drains pipes wires apparatus plant machinery appliances 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.

Description  
of railway.

**16.** The railway herein-before referred to and authorised by this Act is—

A railway (shown upon the deposited plans as Railway No. 4) (2 furlongs 2·82 chains or thereabouts in length) to be situate wholly in the parish of the City of London commencing by a junction with the existing railway of the City Company at its southern termination beneath Finsbury Pavement and terminating beneath the northern end of Princes Street at a point twenty-seven yards or thereabouts measured in a southerly direction from the intersection of the centre lines of Moorgate Street and Lothbury.

Power to  
Joint Com-  
mittee to  
acquire  
additional  
land.

**17.** Subject to the provisions of this Act and in addition to the lands which the Company are authorised to acquire the Joint Committee may enter upon take and use and appropriate for the general purposes of their undertaking and works connected therewith all or any of the land delineated on the deposited plans and described in the deposited book of reference relating thereto (that is to say):—

In the county of Middlesex Certain land in the parish of Pinner in the rural district of Hendon on the north side of and immediately adjoining the railway of the

Company in lease to the Joint Committee and situated between the said railway and the Pinner Road being the inclosure numbered 622 in the said parish on the  $2\frac{1}{500}$  Ordnance map (Sheet X 7 2nd edition 1896) and numbered 2 on the deposited plans for the parish of Pinner Provided that the Joint Committee shall not exhibit or permit the exhibition of advertisements (other than such as relate to the business of the Joint Committee or any other railway company) upon any land taken under this section. A.D. 1913.

**18.** The following provisions shall apply to the construction of the railway by this Act authorised where the said railway is shown on the deposited plans and sections as to be constructed in tunnel:— General provisions as to mode of construction.

- (1) Railway No. 4 shall be in two tunnels for separate up and down traffic except at cross-overs where it may be in a single tunnel of enlarged diameter :
- (2) The railway at stations shall be approached from the surface by means of stairs inclines subways electric or other lifts or escalators :
- (3)—(A) The tunnels (including those for stations) shall be constructed by means of steel or other sufficient metal shields driven forward 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 tunnels shall be lined throughout with iron or other sufficient metal plates properly jointed throughout Provided that nothing in this subsection contained shall prevent the Company from removing not more than four consecutive rings or a length of six feet of lining of the station tunnels for the purpose of constructing openings for access between the platforms in such tunnels and that no two such openings shall be constructed at one time nearer each other than fifty feet and that the permanent openings so to be made and left shall not be more than six feet each in length with intervening portions unopened of not less than four feet six inches in length the portion of the soil and plates above the opened portions being supported by sufficient girders and columns ;



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- (B) Every shaft and gallery (whether temporary or permanent) shall be constructed either by underpinning or sinking or by driving and of iron or other sufficient metal plates properly jointed throughout;
  - (C) The station tunnels shall not have an internal diameter exceeding twenty-three feet and the tunnels between stations shall not (except where necessary for cross-overs and adjustment at curves) have an internal diameter exceeding sixteen feet and the internal diameter of the shafts shall not exceed thirty feet;
  - (D) Any space between the lining of the tunnels (including station tunnels) and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure:
- (4) Before commencing any of the above works in tunnel at any point the Company shall provide air compressing machinery sufficient to provide a proper quantity of air at such pressure as will prevent the advent or inflow of any sand, gravel water or soil and the Company shall take such precautions that they may at any time during the progress of the work be able to carry on the tunnelling under compressed air All such machinery shall be kept in full working order until the completion of the works in respect of which it is to be used and shall at all times be used at the working faces:
- (5) No use shall be made of pumping or of other like modes of removing water from the subsoil.

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

**19.** 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 (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 reconstructed and maintained only in accordance with plans sections and other details as approved by the Board of Trade.

Power to deviate laterally.

**20.** 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

Provided always that nothing in this section contained shall authorise the Company to deviate from the said lines so that any part of the works shall extend under the front wall (above the street level) of any house or building abutting upon any street under and along which the railway is constructed unless such house or building shall have been purchased by the Company or the consent in writing of the owners lessees and occupiers thereof shall have been first obtained. A.D. 1913.

**21.** In the execution of the 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 Provided always that nothing contained in this section shall be deemed to authorise the Company to deviate upwards from the levels of the railway by this Act authorised as shown on the deposited sections to a greater extent than two feet. Power to deviate vertically.

**22.** Subject to the provisions of this Act the Company may for the purposes of the railway by this Act authorised appropriate and use without payment of compensation therefor the subsoil and under-surface of any public street road footway or place shown on the deposited plans and described in the deposited book of reference or so much thereof as shall be necessary for the purposes aforesaid but nothing herein contained shall restrict the right of the Company to the use of streets or roads for purposes of ordinary traffic or of access to or in connexion with any of their lands or buildings or take away or diminish any rights which they would have as owners or occupiers of lands or buildings abutting upon any street or road. As to use of subsoil of streets.

**23.** Subject to the provisions of this Part of this Act the Company may stop up temporarily and enter on and open up within the limits of deviation shown on the deposited plans— Power to open surface of streets and places.

For the purpose of constructing a station on the railway and works incidental thereto at or near the southern end of Moorgate Street the surface of the public streets and places next herein-after mentioned (that is to say):—

Moorgate Street Princes Street and Lothbury:

And subject as aforesaid the Company may make and maintain such permanent openings in the surface of Lothbury as may be necessary or convenient for the purpose of giving access to the said station:

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Provided always that in the exercise of the powers conferred by this section the Company shall comply with such directions as the Commissioner of City Police may prescribe with regard to the position of hoardings and road works generally and shall complete their operations when once commenced by working continuously day and night:

Provided further that no permanent opening in the surface of Lothbury shall be constructed which prevents reasonable means of access for vehicles to the entrances of any premises fronting on those streets.

Period for compulsory purchase of lands.

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

Period for completion of works.

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

Company not liable to repair surface of roads level of which is not permanently altered.

**26.** Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway under which the railway by this Act authorised shall be constructed except so far as the level of such road or highway is permanently altered.

Provisions as to cellars under streets not referenced.

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

Railway may be worked by electrical power.

**28.** The Company may at any time work by electrical power or partly by electrical and partly by other mechanical power the traffic on the railway by this Act authorised or any part thereof and for that purpose may lay down maintain and use along upon in or under such railway and upon in or under any lands of the Company conductor rails electric cables mains wires engines carriages and apparatus necessary or convenient for transmitting electrical energy or for such working Provided always that the traffic on the said railway shall not be worked by steam locomotives.

**29.**—(1) In addition to the provisions of the Acts incorporated herewith 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 railway by this Act authorised where constructed in tunnel (including the working of lifts and any other works in connexion with the said 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 said railway for public traffic and shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the powers of the court or a judge under section 5 of the said Arbitration Act.

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—  
Compensation for damage by working.

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

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

Power to hold patent rights.

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

Provisions as to use of electric power.

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

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

(3) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as “the prescribed regulations”) with respect to the employment of insulated returns or of uninsulated metallic returns

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of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

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

(5) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other



means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of two years from the passing of this Act nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents. If any difference arises between the Company and any other party with respect to anything in this subsection 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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**32.** If the Admiralty are of opinion that the generation or use of electrical energy under or for the purposes of this Act by the Company injuriously affects or is likely to injuriously affect any instrument or apparatus in or adjacent to the Royal Observatory at Greenwich including the Magnetic Pavilion or the efficient working of such instrument or apparatus the Admiralty may after such inspection and inquiry as they think proper require that the Company shall use such precautions including insulated returns as the Admiralty may deem necessary for the prevention of such injurious affection and the Company shall forthwith comply with such requisition. For the purpose of this section any person authorised in writing by the Admiralty shall have access at all reasonable times to the works and apparatus of the Company who shall give all due facilities for the inspection. Provided always that in the event of any instrument or apparatus hereafter used in the said Observatory which may be of a different character and of materially greater delicacy

For protection of Royal Observatory Greenwich from effects of electrical energy.

A.D. 1913. — than those used therein at the passing of this Act the Admiralty shall consider and may in their discretion determine to what extent the powers of this section should be exercised regard being had to the interests of the public as well as to the purposes of the instruments or apparatus as the case may be. The Admiralty Suits Act 1868 shall apply for the purposes of proceedings in regard to any breach of the provisions of this section or for injurious affection of the said Observatory or instruments or apparatus.

Rates and charges for passengers goods and merchandise traffic.

**33.** The railways forming part of the city undertaking transferred to and vested in the Company by this Act and also the railway by this Act authorised all of which railways are in this section referred to as "the said railways" shall for the purposes of maximum fares rates and charges be deemed to be part of the Company's railways as if the same had been part of the Metropolitan Railway at the date of the passing of the Railway Rates and Charges No. 13 (Metropolitan Railway &c.) Order Confirmation Act 1892 and the Order thereby confirmed shall be applicable to the said railways as if they were part of the Metropolitan Inner Circle Railway in the Order specially mentioned:

Provided that the maximum fares to be charged for the conveyance of passengers upon the said railways including every expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage three-pence per mile;

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

For every passenger conveyed in a third-class carriage one penny per mile;

For every passenger conveyed on the said railways for a less distance than two miles the Company may charge as for two miles and every fraction of a mile beyond two miles or any greater number of miles shall be deemed a mile:

Cheap fares for labouring classes.

Provided also that section 62 of the Great Northern and City Railway Act 1902 (Cheap fares for labouring classes) shall extend and apply to the said railways and subsection (8) thereof shall be read and construed as if the railways therein mentioned had included the railway by this Act authorised.

Provided also that with respect to small parcels not exceeding five hundred pounds in weight the provisions of section 24 of the Kingsbury and Harrow Railway Act 1874 and with respect to passengers' luggage the provisions of section 27 of the same Act shall extend and apply to the said railways :

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Small parcels and passengers' luggage.

And provided further that nothing in this section contained shall be deemed to alter or repeal the provisions of section 88 of the City Act of 1892.

**34.** 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 or the Joint Committee as the case may be 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.

Power to owners to grant easements &c.

**35.** The Company or the Joint Committee as the case may be and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Power to Company or Joint Committee to enter upon property for survey and valuation.

**36.** The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company or the Joint Committee as the case may be award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company or the Joint Committee as the case may be by the claimant giving sufficient particulars and in sufficient time to enable the Company or the Joint Committee as the case may be to make a proper offer and if the tribunal shall be of opinion

Costs of arbitration &c. in certain cases.

A.D. 1913. that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company or the Joint Committee as the case may be has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company or the Joint Committee as the case may be to amend the statement in writing of the claim delivered by him to the Company or the Joint Committee as the case may be in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company or the Joint Committee as the case may be if they object to the amendment and such amendment shall be subject to such terms enabling the Company or the Joint Committee as the case may be to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case. Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Compensation in case of recent improvements &c.

**37.** In settling any question of disputed purchase money or compensation payable under this Act by the Company or the Joint Committee as the case may be the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirty-first day of October one thousand nine hundred and twelve if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Underpinning of houses near works.

**38.** And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet thereof it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners or lessees of any such house

or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions in substitution for the provisions of the London Building Act 1894 relating to underpinning works shall have effect (that is to say) :— A.D. 1913.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :
- (3) If any owner lessee or occupier of any such house or building or the Company shall within seven days after the giving of such notice give a counter notice in writing disputing the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade and the Arbitration Act 1889 shall apply to the reference :
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section :



A.D. 1913.

- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the arbitrator the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Company from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts:
- (9) Nothing in this section contained shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Power to deal with surplus lands.

**39.** The Company may sell or grant building repairing or other leases of or otherwise let or dispose of on such terms and conditions or may retain hold and use for such purposes as they may think fit any lands and buildings acquired by them or on their behalf under the authority of this Act or any part thereof and which lands may not be required for the purposes of the undertaking of the Company and any such land shall not be deemed to be land not required for the purposes of such undertaking within the meaning of the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands.

For protection of Postmaster-General.

**40.** Section 67 of the Great Northern and City Railway Act 1902 (For protection of Postmaster-General) shall apply in relation to the working by electrical power of the railway authorised by this Act by the Company or the transmission of electrical energy for such working.

41. If any work authorised by this Act involves the removal or alteration of any Post Office letter box the Company shall not remove or alter such box but shall give notice to the Postmaster-General of the removal or alteration required and the Postmaster-General shall remove or alter the box as he may think fit and the Company shall pay to the Postmaster-General all expenses incurred by him in relation to such removal or alteration.

A.D. 1913.

For further protection of Post Office.

42.—(1) Before commencing any works by this Act authorised in or under any street in or under which any mains pipes syphons plugs wires or other works (herein-after called “apparatus”) of any local authority company body or person whose mains pipes wires or other works may be interfered with during the construction of the railway and works by this Act authorised (each herein-after referred to as “the protected company”) are situate the Company shall deliver to the protected company plans sections and descriptions of all works so proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to the protected company at least twenty-eight days before the commencement of any such work.

General provisions for protection of gas water hydraulic power and electric companies and public bodies.

If it should appear to the protected company that such works will interfere with or endanger any of their apparatus or impede the supply of water gas hydraulic power or electric energy the 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 fourteen days after the receipt by them of notice of the intended commencement by the Company of any such works of the Company so require the

A.D. 1913. protected company may by their own engineer or workmen do and execute protective works so far as they affect the apparatus of the protected company 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.

(2) In the event of the plans sections and descriptions so delivered to the protected company as aforesaid not being objected to within twenty-eight days from such delivery the works shown and described thereon shall be executed in strict accordance therewith.

(3) The protected company may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any apparatus of the protected company will be interfered with or affected during 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 the protected company.

(4) If any interruption in the supply of water gas hydraulic power or electric energy by the protected company shall without the written authority of the 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 default 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 the protected company for the use and benefit of the protected company a sum not exceeding ten pounds for every hour during which such interruption shall continue.

(5) The expense of all repairs or renewals of any apparatus of the protected company or any works in connexion therewith which may at any time hereafter be rendered necessary either by reason of the exercise 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 railway and works or at any time thereafter shall be borne and paid by the Company.

(6) It shall be lawful for the protected company and the engineers workmen and others in their employ at all times when

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it may be necessary to enter upon the lands works and premises of the Company at any point or place where there is existing apparatus of the 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 and notwithstanding the stopping up temporarily of any public street or place under the powers of this Act to exercise the same rights of access as they now enjoy to all or any apparatus of the protected company situate in or under any such street or place Provided always that in so doing the protected company their engineers or workmen or others in the employ of the protected Company shall not interrupt the user of any of the works of the Company by this Act or any other Act authorised Provided also that the protected company shall make good and reimburse to the Company all damages to such works occasioned by the exercise of the powers by this section reserved to the protected company.

(7) If any difference shall arise with respect to any matter under this section between the Company and the protected company or their respective engineers or concerning any plans sections or descriptions to be delivered to the protected company under the foregoing provisions of this section the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of the Company and the protected company or either of them by the President of the Institution of Civil Engineers under the provisions of the Arbitration Act 1889 and 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 their apparatus and may if he thinks fit require the Company to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the protected company's apparatus is used.

43.—(1) If the City and South London Railway Bill of the present session shall pass into law and the enlargement of the tunnels of the railway of the City and South London Railway Company proposed by the said Bill be sanctioned then if any premises shall be injuriously affected by the construction or working of the railway or of any works authorised by this Act or by the working of the railway of the City and South London Railway Company or by the construction of any of the works

Provisions  
as to joint  
claims  
against  
Company  
and City  
and South  
London  
Railway  
Company.

A.D. 1913. authorised by the Act passed in pursuance of the said Bill and the owner lessee or occupier of the said premises shall be in doubt by the construction or working of which of the said railways or works such injurious affection is wholly or partially caused such owner lessee or occupier may in one proceeding claim compensation against the Company and the City and South London Railway Company Provided that the arbitrator shall not as against either Company award any compensation for injury by working to be paid by that Company unless the claim was made within the respective periods within which claims for damage by working are limited under this Act and any Act passed in pursuance of the said Bill.

(2) Every such claim shall be referred to and settled by a single arbitrator who shall subject to the provisions of this Act and any Act passed in pursuance of the said Bill determine whether the whole or any and what proportion of such compensation if any as he may award shall be paid by the Company and whether the whole or any or what proportion thereof shall be paid by the City and South London Railway Company.

(3) Any question of disputed compensation under this section shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the powers of the court or a judge under section 5 of that Act.

For protection of Metropolitan Water Board.

44. For the protection of the Metropolitan Water Board (in this section referred to as "the Board") the following provisions shall unless otherwise agreed in writing between the Board and the Company have effect (that is to say):—

The Company shall not raise sink or otherwise alter the position of any apparatus of the Board or alter the level of any street or road in which such apparatus is situate so as to leave over such apparatus a covering of less than three feet or more than five feet.

For protection of Metropolitan Water Board and Gas Light and Coke Company.

45. The provisions of the sections of this Act of which the marginal notes are respectively "Provisions as to joint claims against Company and City and South London Railway Company" and "Compensation for damage by working" shall unless otherwise agreed in writing apply to any main pipe valve plug hydrant syphon or other apparatus of the Metropolitan



Water Board and the Gas Light and Coke Company as if the same were expressly included in the premises lands houses and buildings protected by such sections respectively. A.D. 1913.

**46.** Notwithstanding anything in this Act contained or shown on the deposited plans and sections or described in the deposited book of reference the following provisions for the protection of the several buildings and premises in the city of London described in the Second Schedule to this Act and for the benefit and protection of the respective owners (as hereinafter defined) shall unless otherwise agreed in writing between the Company and the owner be observed and have effect (that is to say):—

For protection of properties in city of London.

(1) In this section—

The expression “the protected premises” means each of the buildings and premises described in the first column of the said schedule or any other buildings or erections at any time on the site thereof and includes in each case any vaults arches cellars works and conveniences belonging thereto and the subsoil under the said buildings and under such vaults arches cellars works and conveniences as are beneath the pavements in Lothbury and Moorgate Street to a depth of thirty-five feet from the surface of either of those streets;

The expression “the owner” means and includes in the case of each of the protected premises the several persons mentioned or described in the second column of such schedule in connexion with such premises or their successors in title;

The expression “the railway” means the railway by this Act authorised or any part thereof:

(2) The Company their contractors officers or servants shall not for any purpose whatever (save for the purpose of underpinning in accordance with the provisions of this section) enter upon take use or interfere with either permanently or temporarily any part of the protected premises:

(3) The railway where situate within a distance of one hundred feet measured horizontally from any part of the subsoil under the protected premises (in this section referred to as “the prescribed distance”)

A.D. 1913.

shall be constructed and maintained in accordance with the following provisions (that is to say):—

(A) The tubes or tunnels of the railway shall be lined throughout and at all times kept lined wholly and solely with cast iron or steel and the horizontal joints of the plates forming such lining shall be machine faced;

(B) The grouting referred to in 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 tubes or tunnels is bolted up behind the shield;

(C) In all other respects the railway and all works and conveniences in connexion therewith within the prescribed distance shall be constructed strictly in accordance with the provisions of the said section of this Act of which the marginal note is "General provisions as to mode of construction";

(D) No shaft shall be sunk within ten feet of the protected premises measured from the front wall at street level:

(4) The Company before commencing any work within the prescribed distance shall give to the owner not less than three weeks' notice in writing of their intention so to do accompanied by plans and sections of all works proposed to be constructed within the prescribed distance:

(5)—(A) The persons named in the second column of the Second Schedule to this Act may jointly appoint a competent engineer (in this section called "the engineer") to be agreed upon between such persons or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of any of such persons;

(B) The engineer may from time to time inspect the railway and works in connexion therewith within the prescribed distance during the construction thereof and the Company shall give the engineer all necessary facilities for such inspection and access to all working drawings and if in the opinion of the Company's engineer and the engineer or (in case

of difference) in the opinion of an arbitrator to be appointed as herein-after provided the construction of such works or other operations of the Company are attended with danger to the protected premises the Company shall forthwith at their own expense adopt such additional measures and precautions as may be considered necessary for the purpose of preventing damage or injury to the protected premises:

- (6) The Company shall not underpin or strengthen any part of the protected premises unless the engineer or (in the event of difference of opinion between the engineer and the Company's engineer) an arbitrator to be appointed as herein-after provided shall consider underpinning or strengthening necessary in which event it shall be carried out under the supervision of the engineer at the Company's cost and risk and the section of this Act the marginal note whereof is "Underpinning of houses near works" shall not extend or apply to the protected premises:
- (7) If any difference shall arise between the Company or their engineer on the one hand and the owner or the engineer on the other hand under the foregoing provisions of this section the same shall be referred to and settled by an arbitrator to be agreed upon between the owner and the Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference:
- (8) If during or after the construction of the railway and works by this Act authorised any structural damage shall be caused to the protected premises by the construction or working of the railway or such works or by the working of the railway of the City and South London Railway Company before the commencement of any works authorised by the City and South London Railway Act 1913 such damage shall as between the Company and the owner be deemed to have resulted from the construction or working of the railway and subject to the provisions of this Act the Company shall pay compensation therefor to the owner accordingly:

A.D. 1913.

(9) If the protected premises shall be injuriously affected (otherwise than by structural damage referred to in the last preceding subsection) by reason of the working of the railway (including the working of lifts and any other works in connexion with the railway) or by reason of the working of the City and South London Railway before the commencement of any works authorised by the City and South London Railway Act 1913 the claims for compensation shall be made and settled as, provided in the section of this Act the marginal note of which is "Compensation for damage by working" but such injurious affecting shall as between the Company and the owner be deemed to have resulted from the working of the railway and works in connexion therewith and subject to the provisions of this Act the Company shall pay compensation therefor to the owner accordingly :

(10) All claims for compensation in reference to the protected premises whether under the provisions of the Acts incorporated with this Act or under subsections (8) and (9) of this section shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the power of the court or a judge under section 5 of that Act :

(11) The Company shall on demand pay to the owner the reasonable costs charges and expenses incurred by him in relation to any of the matters contained in or referred to in this section other than matters which become the subject of arbitration under the provisions of this section.

For protection of  
Walter  
Andrew  
Inderwick  
and others.

47. Notwithstanding anything in this Act contained or shown on the deposited plans or sections or described in the book of reference the following provisions for the benefit and protection of Walter Andrew Inderwick Edith Fanny Inderwick Robert Hamilton Few Arthur Boulderson Henry Chartres Biron and Frank Hastings Daune y or other the owner or owners for the time being of the buildings and premises in the city of London known as No. 5 Lothbury and No. 2 Moorgate Street (all of whom are in this section included in the expression "the owner")

shall unless otherwise agreed in writing between the Company and the owner be observed and have effect (that is to say):— A.D. 1913.

(1) In this section the expression "the protected premises" means the said buildings and premises known as No. 5 Lothbury and No. 2 Moorgate Street or either of them or any other buildings or erections at any time on the site thereof or of either of them and includes any vaults arches cellars works and conveniences belonging to or held with any such buildings premises or erections and the subsoil under the said buildings or erections and under such vaults arches cellars works and conveniences as are beneath the pavements in Moorgate Street and Lothbury The expression "the railway" means the railway by this Act authorised or any part thereof:

(2) The Company their contractors officers surveyors workmen or servants shall not for any purpose whatever enter upon take use or interfere with either permanently or temporarily any part of the protected premises save as by subsection (3) of this section provided and save for the purpose of underpinning in accordance with the provisions of subsection (7) of this section:

(3) The section of this Act the marginal note whereof is "As to use of subsoil of streets" shall not apply to any subsoil forming part of the protected premises but the Company may purchase and take and the owner shall sell and grant subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement an easement or right of using for the purposes of the railway and the works by this Act authorised so much of the subsoil forming part of the protected premises as is beneath the pavement in Moorgate Street and shall be required for the purposes aforesaid:

(4) The railway and all works and conveniences in connexion therewith where situate within a distance of two chains measured horizontally from any part of the protected premises (in this section referred to as "the prescribed distance") shall not be constructed



A.D. 1913.

~~and maintained otherwise than in accordance with~~  
the following provisions (that is to say):—

(A) The tubes or tunnels of the railway shall be lined throughout and at all times kept lined wholly and solely with cast iron or steel and the horizontal joints of the plates forming such lining shall be machine faced;

(B) The grouting referred to in 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 tubes or tunnels is bolted up behind the shield;

(C) In all other respects the railway and all works and conveniences in connexion therewith within the prescribed distance shall be constructed strictly in accordance with the provisions of the said section of this Act of which the marginal note is "General provisions as to mode of construction";

(D) No shaft shall be sunk within ten feet from the protected premises measured from the front wall at street level;

(5) Before commencing any work within the prescribed distance the Company shall give to the owner not less than three weeks' notice in writing of their intention so to do accompanied by plans and sections of all works proposed to be constructed within the prescribed distance:

(6) The owner may from time to time appoint a competent engineer (in this section called "the engineer") who may from time to time inspect the railway and all works and conveniences in connexion therewith within the prescribed distance during the construction thereof and the Company shall give the engineer all necessary facilities for such inspection and access to all working drawings and if in the opinion of the Company's engineer and the engineer or (in case of difference) in the opinion of an arbitrator to be appointed as herein-after provided the construction of the railway or such works or conveniences or other operations of the Company are attended with

danger to the protected premises the Company shall forthwith at their own expense adopt such additional measures and precautions as may be considered necessary for the purpose of preventing damage or injury to the protected premises : A.D. 1913.

- (7) The Company shall not underpin or strengthen any part of the protected premises unless the engineer or (in the event of difference of opinion between the engineer and the Company's engineer) an arbitrator to be appointed as herein-after provided shall consider underpinning or strengthening necessary in which event it shall be carried out under the supervision of the engineer at the Company's cost and risk and the section of this Act the marginal note whereof is "Underpinning of houses near works" shall not extend or apply to the protected premises :
- (8) If any difference shall arise between the Company or their engineer on the one hand and the owner or the engineer on the other hand under the foregoing provisions of this section other than under subsection (3) of this section the same shall be referred to and settled by an arbitrator to be agreed upon between the owner and the Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference :
- (9) If during or after the construction of the railway and the works by this Act authorised any structural damage shall be caused to the protected premises by the construction or working of the railway or such works or by the working of the railway of the City and South London Railway Company before the commencement of any works authorised by the City and South London Railway Act 1913 such damage shall as between the Company and the owner be deemed to have resulted from the construction or working of the railway and the works by this Act authorised and subject to the provisions of this Act the Company shall pay compensation therefor to the owner accordingly :

A.D. 1913.

(10) If the protected premises shall be injuriously affected (otherwise than by structural damage referred to in the last preceding subsection) by reason of the working of the railway (including the working of lifts and any other works in connexion with the railway) or by reason of the working of the City and South London Railway before the commencement of any works authorised by the City and South London Railway Act 1913 the claims for compensation shall be made and settled as provided in the section of this Act the marginal note of which is "Compensation for damage by working" but such injurious affecting shall as between the Company and the owner be deemed to have resulted from the working of the railway and the works by this Act authorised and subject to the provisions of this Act the Company shall pay compensation therefor to the owner accordingly:

(11) Save as herein-after in this subsection provided all claims for compensation in reference to the protected premises whether under the provisions of the Acts incorporated with this Act or under subsections (9) and (10) of this section shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 except that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the power of the court or a judge under section 5 of that Act Provided that the provisions of this subsection shall not apply to any claim for purchase money or compensation under subsection (3) of this section:

(12) The Company shall on demand pay to the owner the reasonable costs charges and expenses incurred by him in relation to any of the matters contained in or referred to in this section save that any costs charges and expenses which are in the discretion of an arbitrator acting under subsections (8) and (11) of this section shall be paid as he may direct.

For protection of Governor

48. The following provisions for the protection of the Governor and Company of the Bank of England (in this section

called "the Bank") shall unless otherwise agreed be observed and have effect (that is to say):—

A.D. 1913.  
and Com-  
pany of  
Bank of  
England.

(1) In this section the expression "Bank of England" means and includes the house offices cellars and premises connected therewith known as the Bank of England Threadneedle Street and situate between that street Princes Street Lothbury and Bartholomew Lane The expression "Bank premises" means and includes the Bank of England and also the houses being numbers 1 to 3 (inclusive) Bank Buildings all situate in the parish of the city of London and belonging or reputed to belong to and occupied by the Bank or its tenants:

(2) The Company shall for the protection of the Bank premises before commencing any works within one hundred feet of the Bank premises complete the underpinning of the front wall of the Bank of England between a point about one hundred and twenty feet measured in a southerly direction from the north-west corner and extending round such north-west corner to near the western side of the entrance in Lothbury by taking the existing foundations of the wall down into the solid clay The underpinning provided for in this subsection shall be of such a width and shall be constructed in such manner and with such materials and with such precautions as shall be reasonably prescribed by and generally under the supervision of the architect to the Bank (in this section called "the architect") or of an engineer to be appointed for the purpose by the Bank (in this section called "the engineer") and shall be executed as far as possible from the outside of the wall and so that no person shall be able to gain access into the Bank of England through the works of the underpinning The whole cost and risk of the underpinning including the making good of all injury consequent thereon and the reasonable charges and expenses of the architect or engineer shall be borne and paid by the Company:

(3) Notwithstanding anything shown on the deposited plans and sections or contained in this Act the Company

A.D. 1913.

shall not without the previous consent in writing of the Bank enter upon take use or in any way interfere with any portion of the Bank premises including the subsoil under any part of the structure thereof:

- (4) The Company shall construct so much of the railway by this Act authorised as shall be situated within a distance of twenty feet of the Bank premises (in this subsection called "the prescribed distance") in two tunnels for separate up and down traffic placed three feet six inches apart from one another and the internal diameter of such tunnels shall not exceed thirteen feet from a point seventy-five feet measured in a northerly direction from the point described on the deposited plan of Railway No. 4 as "the termination of Railway No. 4" (at which point the railway by this Act authorised shall terminate) to such point of termination. The construction of the tunnels between the said points shall be proceeded with separately work on one tunnel to be completed before the second tunnel is commenced and the work of constructing each tunnel shall be proceeded with one ring at a time and no pilot heading shall be driven nor shall piles be used in front of the shield without the approval of the engineer being first obtained in writing. The longitudinal joints of the segments of the tunnels shall break joint in alternate rings and the faces of all longitudinal joints shall be machined:

The Company shall not break open the ground or construct any station or other work in Lothbury or Princes Street within the prescribed distance without the written consent of the Bank which shall not be unreasonably withheld being first obtained and the Company shall not in any case break open or occupy the ground within a distance of five feet six inches of the Bank premises;

The Company shall not carry out any pumping or in any other manner abstract water from the subsoil in connexion with the works;

The construction of the railway by this Act authorised and of any works that may be constructed by the Company beneath the surface of



Lothbury and Princes Street shall so far as is reasonably practicable be carried out under compressed air of such pressure as the engineer may reasonably prescribe and the Company shall provide and maintain an efficient compressing plant within a reasonable distance of the works capable of maintaining an effective working pressure of 20 lbs. to the square inch ;

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Any space left between the exterior lining of the tunnels and the surrounding soil shall be properly filled up with Portland cement grouting injected at such pressure as the engineer may decide and the work of grouting shall in all cases follow upon and be kept completed to a point as near to the working faces of each tunnel as shall be reasonably possible :

- (5) No deviation either in the centre line or upwards from the level of the tunnels as marked on the deposited plans and sections shall be made within a distance of twenty yards of the Bank premises without the consent of the Bank in writing which shall not be unreasonably withheld being first obtained :
- (6) The Company shall twenty-eight days before they commence any works within a distance of twenty yards of the Bank premises furnish to the Bank proper and sufficient plans sections and specifications of the works proposed to be carried out by the Company within such distance together with a full and complete description of the manner in which it is proposed to execute such works and if the Bank shall not within twenty-one days after such plans sections specifications and description shall have been so furnished object to the same by notice served in writing upon the Company the said plans sections specifications and description shall be deemed to have been approved for the purpose of the works under this section and if the Bank make any such objection then unless the said plans sections specifications and description be agreed between the Bank and the Company within fourteen days after the service of such objection any matter in difference shall be settled by arbitration as herein-after provided :

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- (7) The works of the Company within a distance of twenty yards of the Bank premises shall be carried out in strict accordance with the agreed plans sections specifications and description and under the superintendence and to the reasonable satisfaction of the architect or engineer :
- (8) The architect and engineer shall have full liberty to inspect the works of the Company within a distance of twenty yards of the Bank premises during construction and the Company shall at all times give them or either of them all necessary facilities for such inspection and if they or either of them shall be of opinion that the construction of the works or other operations of the Company are or may be attended with danger to the Bank premises the Company shall if required to do so stop the construction of the works or other operations and forthwith proceed to adopt such additional measures and precautions as the architect or engineer may consider necessary for the purpose of preventing damage or injury to the Bank premises and in the event of any difference arising between the Bank and the Company with reference thereto such difference shall be settled by arbitration as hereinafter provided The reasonable charges and expenses of the architect and engineer in relation to any of the matters contained or referred to in this subsection shall be paid by the Company :
- (9) During the construction of the railway by this Act authorised or of any works in connexion therewith within a distance of twenty yards of the Bank premises the Company shall on demand pay to the Bank the reasonable expense of the employment by the Bank of a sufficient number of inspectors and watchmen to be appointed by the Bank for the purpose of watching the construction of the said railway and works and for preventing as far as may be all risk of injury or damage being caused to the Bank premises :
- (10) If it shall appear to the architect or engineer either during the construction or after the completion of the railway and works by this Act authorised that any further protective works are required either by way

of underpinning the Bank premises or otherwise so as to prevent injury or damage happening to the Bank premises the Company shall on being thereunto required in writing by the architect or engineer forthwith proceed to carry out at their own expense and shall complete with all reasonable despatch all such further works to the reasonable satisfaction of the architect or engineer: A.D. 1913.

- (11) The Company shall at all times hereafter maintain the railway and works by this Act authorised within a distance of twenty yards of the Bank premises and all the works both temporary and permanent incident to the construction thereof and also all further works which may be constructed under the provisions of the last preceding subsection in substantial repair and good order to the reasonable satisfaction in all respects of the architect and if and whenever the Company fail so to do the Bank may construct on the land of the Company or on the land of the Bank all such works as the architect may reasonably think necessary and the expense so incurred by the Bank as certified by the architect to be reasonable shall be repaid to the Bank by the Company:
- (12) Any difference arising under the foregoing provisions of this section shall be referred to an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party whose decision shall be final and the costs of reference and of the award shall be borne as such engineer shall direct:
- (13) The Company shall pay to the Bank compensation for all damage or injury of every description which may arise to the Bank premises by or from the construction or working of the railway or other works by this Act authorised and the Bank may claim receive and recover such compensation from the Company notwithstanding that no part of the Bank premises is actually taken:
- (14) If the City and South London Railway Bill now pending in Parliament shall pass into law then if the Bank premises shall be injuriously affected by

A.D. 1913.

the construction or working of the railway or of any of the works by this Act authorised or by the construction or working of the railway or of any of the works authorised by any Act passed in pursuance of the said Bill or by the City and South London Railway Act 1893 and the Bank shall be in doubt by the construction or working of which of the said railways or works such injurious affection is wholly or partially caused the Bank may in one proceeding claim compensation against the Company and the City and South London Railway Company :

(15) Every such claim shall be referred to and settled by a single arbitrator who shall determine whether the whole or any and what proportion of such compensation if any as he may award shall be paid by the Company and whether the whole or any and what proportion of such compensation if any shall be paid by the City and South London Railway Company :

(16) Any question of disputed compensation under subsections (13) (14) and (15) of this section shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the powers of the court or a judge under section 5 of that Act.

For protection of corporation of city of London.

**49.** Notwithstanding anything contained in this Act the following provisions with reference to the station public subway lavatories and stairways at Lothbury (herein-after in this section referred to as "the said works") shall have effect unless otherwise agreed between the corporation of the city of London (herein-after called "the corporation") and the Company :—

(1) Two months before commencing the said works the Company shall submit to the corporation full and detailed plans sections and specifications of the said works (the stairways to be in the positions shown on the plan at street level already approved and for the purpose of identification signed by Frank Sumner and William Willox) together with full particulars of and the proposed mode of executing the same and the corporation may prescribe any modifications or

alterations to be made in such plans sections and specifications and may consent to any proposed alterations in the same by the Company: A.D. 1913.

- (2) The corporation shall also have full power to prescribe the materials to be used and the mode of construction of the said works together with the method of ventilating and lighting the same and the Company shall execute the said works in accordance with the said plans sections and specifications materials and other matters so approved:
- (3) When once commenced the construction of the said works shall be proceeded with continuously day and night:
- (4) In the construction of the said public subway lavatories and stairways the contractors to the corporation shall if the corporation so require be employed at the expense of the Company to do all the paving work in all respects as if such work was part of the ordinary work of the corporation and such subway and stairways shall be paved lighted cleansed and maintained and so for ever kept and repaired to the satisfaction of the corporation but at the sole expense of the Company and such subway and stairways shall for police and all other purposes form part of the public way within the city:
- (5) All work connected with the construction of the subway and stairways thereto shall be carried out in accordance with the approved plans sections and specifications herein-before referred to and shall be executed under the supervision and to the entire satisfaction of the corporation to whom the Company shall pay all reasonable fees costs and expenses:
- (6) Except as regards the two entrances facing east the corporation or the Commissioner of the City Police shall have power to close all public entrances to the station or subway at such times and for such purposes as they may deem necessary:
- (7) Any other railway company having an underground station in the vicinity of Lothbury shall be entitled subject to the written approval of the corporation to have access by means of a subway from such under-



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ground station to the public subway to be constructed by the Company under this Act subject to such other company paying to the Company such contribution towards the cost of constructing and maintaining the said subway as in default of agreement shall be determined by an arbitrator to be appointed in default of agreement by the corporation on the application of the Company or any such other company. Provided that nothing herein contained shall entitle such other company to have the use of or to interfere with the station lifts escalators or booking offices of the Company :

(8) The Company shall at their own expense and to the reasonable satisfaction of the corporation construct public lavatories for both sexes in substitution for the existing lavatories under Lothbury (the site of which will be occupied by a part of the said works) and the said substituted lavatories shall when completed become the sole property of the corporation:

(9) The said works and all works in connexion therewith shall be executed in all respects to the reasonable satisfaction of the corporation who may at the expense of the Company supervise the mode in which the works are carried out and for this purpose may appoint such engineers clerks of works inspectors and watchmen as they may think fit:

Provided always that the supervision as aforesaid by the corporation or any person appointed by them of any works of the Company shall not exonerate the Company from any liability for damage caused by any of such works:

(10) The approval by the corporation of any plans sections elevations or drawings or the supervision or inspection by the corporation of any of the works of the Company or any consent given by the corporation shall not exonerate the Company except as against the corporation from any liability for damage caused by or resulting directly or indirectly from any works executed by them:

(11) At least fourteen clear days before commencing any vertical borings from the surface of any part of any

street within the city of London the Company shall serve notice in writing of their intention to commence the same on the corporation and such notice shall describe the place or places at which such borings are intended to be made and if within fourteen days after the service of such notice any objection is made by the corporation the matter shall unless otherwise agreed between them be determined by arbitration before the boring is commenced but if no such objection is made the said borings may be proceeded with ;

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The Company shall not unless with the consent of the corporation carry on any works of boring through any part of the surface of a street within the city of London except between the hours of ten in the evening and eight in the morning ;

The Company shall furnish to the corporation full and detailed information as to the strata traversed in any boring for the purposes of the works by this Act authorised and other matters of the like nature :

(12) The Company shall continue to keep open for public traffic the station at Finsbury Pavement after the opening of the station at Lothbury :

(13) Where any of the works to be done under or by virtue of this Act may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the corporation or with any sewers or works to be made or executed by the corporation or shall or may in any way affect the sewerage or drainage of the districts under their control the Company shall not commence such work until they shall have given to the engineer or surveyor of the corporation twenty-eight days' previous notice at his office or at the principal office of the corporation with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the corporation shall have signified their approval of the same unless the corporation do not signify their approval disapproval or other direction within

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twenty-eight days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the corporation in the execution of the said works and shall provide by the new altered or substituted works in such manner as the corporation may reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the said intended works or any part thereof and shall save harmless the corporation against all and every the expense to be occasioned thereby and all such works may be done by or under the direction superintendence and control of the engineer or other officer or officers of the corporation and at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the corporation may be put to by reason of the 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 corporation by the Company on demand and if any dispute shall arise between the Company and the corporation as to the amount of such costs charges and expenses the same shall be settled by a justice of the peace of the city of London and be a debt due from the Company to the corporation 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 and 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 corporation as any sewers or works now are or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the corporation or their successors but all such rights powers or authorities shall be as valid and effectual as if this Act had not been passed Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid such matter or difference shall be referred to an arbitrator.

to be appointed on the application of either party by the President of the Institution of Civil Engineers in accordance with the provisions of the Arbitration Act 1889 : A.D. 1913.

(14) In the construction of the railway by this Act authorised the Company shall not unless with the consent of the corporation permit or suffer any cart 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 cart waggon or other vehicle to carry any soil excavated from the railway through the streets of the said city in the daytime between the hours of eight in the morning and seven in the evening except in carts or waggons so constructed as to prevent any of such soil dropping therefrom and the Commissioner of the City Police shall be at liberty to seize and retain without notice any cart waggon or other vehicle used in contravention of this enactment together with its contents and any horses and harness attached thereto and upon proof of the facts before a court of summary jurisdiction the said court may authorise such cart waggon or other vehicle to be sold together with its contents and the horses and harness attached thereto and apply the proceeds after deducting the costs incident to such seizure and proceedings before the said court to the City of London Police Superannuation Fund :

(15) The Company shall not affix exhibit or permit to be affixed or exhibited upon any of the works constructed under the powers of this Act within view of any public street within the city of London any placards or advertisements other than those relating to the railway of the Company unless the same shall have been approved in writing by the corporation and if any such placard or advertisement be affixed or exhibited without such approval the corporation 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 :

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- (16) The Company shall carefully preserve and remove all objects of geological or antiquarian interest discovered by them in the execution of their works 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 city of London shall be deposited in the Guildhall Museum as the property of the corporation:
- (17) The Company shall keep the corporation indemnified against all actions claims and demands whatsoever brought or made against the corporation by any person by or in consequence of the construction of the railway and works by this Act authorised:
- (18) It shall not be lawful for the Company to take or demand on Sunday or on any Bank or public holiday any higher rates or charges than those levied or made by them on ordinary working days.

For protec-  
tion of City  
and South  
London  
Railway  
Company.

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

- (1) The Company shall not without the previous consent in writing of the South London Company which shall not be unreasonably withheld take use enter upon or interfere with any lands or property of the South London Company except so far as may be necessary for the purposes of the works at or near the Moorgate Street Station of the South London Company:
- (2) The Company shall not without such previous consent construct the railway by this Act authorised at a lower level than that shown on the deposited sections between the commencement of such railway and a point under the southern termination of Finsbury Pavement or at a lower level than six feet below the level shown on the deposited sections between the last-named point and the termination of the said railway:
- (3) The Company shall twenty-eight days before they commence the construction of the railway and works by this Act authorised furnish to the South London



Company proper and sufficient plans sections and specifications of the works proposed to be made by the Company and such plans sections and specifications shall be settled and agreed upon between the respective engineers of the Company and the South London Company or in case of their failing to agree or of any difference arising between them the same shall be settled and determined by an arbitrator to be appointed as herein-after provided and such works shall be carried into effect only in accordance with such agreement or determination and under the superintendence and to the reasonable satisfaction of the South London Company and at the costs charges and expenses in all respects of the Company:

- (4) The Company shall at all times maintain the railway and works by this Act authorised and the works and conveniences connected therewith to the reasonable satisfaction in all respects of the engineer of the South London Company and so as to leave undisturbed at all times the railway and other works connected therewith of the South London Company and if and whenever the Company fail so to do the South London Company may make or do in or upon as well the railway and works of the Company as their own railway and works all such works and things as may be reasonably necessary so as to protect and leave undisturbed the railway and works of the South London Company and the sum certified by such engineer to be the reasonable amount of their expenditure on that behalf shall be repaid to them by the Company. The engineer of the South London Company and his duly authorised assistants shall at all reasonable times and at his and their own risk have free access to the works by this Act authorised and every reasonable facility shall be afforded them for the inspection thereof:
- (5) If during the execution of the works or at any time after the completion thereof the South London Company's railway or any of the works connected therewith respectively 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

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failing so to do the South London Company may make good the same and recover the amount expended in so doing from the Company and the Company shall if necessary and required by the South London Company execute such protective works as their engineer shall reasonably require for the protection of their railway and works :

- (6) The Company shall not in making the railway and works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the South London Company's railway or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the said railway or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall forfeit and pay to the South London Company for each such obstruction one hundred pounds by way of liquidated damages for every hour during which each such obstruction hindrance or interference shall continue and so in proportion for any period of less than one hour Provided that nothing herein shall render the Company liable to make compensation by reason of abstraction of traffic or competition in consequence of the opening of the railway by this Act authorised :
- (7) During the construction of the railway and works by this Act authorised the Company shall bear and on demand pay to the South London Company the reasonable costs charges and expenses of their engineer and assistants and the expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for watching the South London Company's railway and the works and conveniences connected therewith with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger or accident from any of the operations of the Company or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise :
- (8) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to

the South London Company all costs charges losses damages and expenses which may be occasioned to the South London Company's railway or to any person or persons using the said railway and works by reason of the construction or failure of the railway and works by this Act authorised 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 South London Company from all claims and demands upon or against them by reason of such execution or failure or of any such omission :

A.D. 1913.

- (9) The fact that any work or thing has been done or executed in accordance with any plan approved or not objected to by the South London Company or with any requirement of the South London Company or under the superintendence of their engineer or in accordance with any direction or award of an arbitrator shall not excuse the Company from any liability for damage caused to the railway or works of the South London Company or affect any claim by them for injury caused to their railway or the traffic thereon or demands of any other company person or persons using the same :
- (10) Any question by this section referred to arbitration or any difference arising on or in connexion with the matters dealt with by this section shall unless otherwise agreed be referred to an arbitrator to be agreed upon between the two Companies or failing agreement to be nominated on the application of either Company by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to such reference.

**51.** The following provisions shall unless otherwise agreed have effect for the protection of the London County Council (herein-after in this section called "the council") (that is to say) :—

For protection of London County Council.

- (1) Notwithstanding anything contained in this Act section 13 of the Metropolitan Railway Act 1898 is incorporated with and forms part of this Act and shall extend and apply to any works matters or things by this

A.D. 1913.

Act authorised as fully and effectually to all intents and purposes as if that section had been repeated and expressly re-enacted in this Act with reference thereto :

(2) So soon as reasonably practicable after the completion of any underground works which have been executed by them under the powers of this Act the Company shall prepare plans and sections on a scale of not less than 5 feet to a mile of such works which shall also show their situation relative to streets over or near to the same and shall at their own expense furnish the council with a copy of such plans and sections :

(3) The Company shall construct the railway and works by this Act authorised beneath the surface of Lothbury at or near its junction with Moorgate Street and Princes Street in such manner as to allow of the construction by the council at its own cost of a new sewer in tube with an external diameter not exceeding 9 feet 4 inches in a line to be agreed between the Company and the council or failing agreement to be settled by an arbitrator to be nominated by the President of the Institution of Civil Engineers on the application of either party and the said new sewer shall be constructed so that the under side thereof shall be at the level of 5 feet 6½ inches below Ordnance datum and so as not to affect or interfere in any way with the construction user or working of the railway and works by this Act authorised whether such railway and works be constructed before or after the construction of the said new sewer.

#### PART IV.

##### FINANCE AND MISCELLANEOUS.

Power to  
Company to  
raise addi-  
tional  
capital.

52. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 and in addition to the capital by this Act authorised to be raised for the purposes of Part II. of this Act raise any additional capital not exceeding in the whole seven hundred and fifty thousand pounds nominal capital 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 and the provisions of section 24 of the Metropolitan Railway Act 1905 shall apply to any preference stock created under the powers of this Act 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 part of the amount of such share shall have been paid in respect thereof. A.D. 1913.

**53.** Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Part of this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. New shares or stock to be subject to same incidents as other shares or stock.

**54.** The capital in new shares or stock so created shall form part of the capital of the Company. New shares or stock to form part of capital of Company.

**55.** Every person who becomes entitled to such new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be. Dividend on new shares or stock.

**56.** Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock. New and existing shares or stock may be of same class.

**57.** The Company may from time to time issue and dispose of any capital which they are authorised to raise at such times to such persons on such terms and conditions at such price above or below the nominal amount and in such manner as the directors think advantageous to the Company and the Issue of capital and exercise of borrowing powers.



A.D. 1913. Company may create and issue debenture stock for the money which they are authorised to borrow notwithstanding that the stock in respect of which it is authorised to be borrowed is issued at a discount.

Power to  
borrow on  
mortgage.

**58.** The Company may in respect of the additional capital of seven hundred and fifty thousand pounds which they are by this Part of this Act authorised to raise by the creation and issue of shares or stock from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole two hundred and fifty thousand pounds at the times and in the manner herein-after provided (that is to say) When the sum of one hundred and fifty thousand pounds in respect of such additional capital shall have been bonâ fide paid up and certified as herein-after mentioned they may borrow on mortgage any sum of money not exceeding fifty thousand pounds and a like additional sum of fifty thousand pounds when every further sum of one hundred and fifty thousand pounds shall have been so bonâ fide paid up and certified but no such borrowing powers shall be exercised by the Company until they shall have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 before he so certifies that shares or stock for raising such additional capital or some part thereof have or has been bonâ fide paid up to the extent of one hundred and fifty thousand pounds in respect of every sum of fifty thousand pounds intended to be borrowed 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 proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

Debenture  
stock.

**59.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

**60.** Any debenture stock which under the provisions of this Act or any other Act or Acts of Parliament passed before or after the passing of this Act may be created or issued by the Company may if issued as a three and a half per centum debenture stock be of the same class and description in all respects as and may be in addition to and form part of the existing Metropolitan Railway Three and a Half per Centum "A" Debenture Stock.

A.D. 1913.  
Provisions  
as to issue of  
debenture  
stock.

**61.** If any money is payable to a stockholder shareholder mortgagee or debenture stockholder of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in  
case of per-  
sons not sui  
juris.

**62.** Every provision in any Act passed before the present session of Parliament whereby the Company are authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or interest or principal money and interest 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 any such provision.

For appoint-  
ment of a  
receiver.

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 and 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.

**63.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing  
mortgages  
to have pri-  
ority.

**64.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the equipment for electric traction

Application  
of moneys by  
Company.

A.D. 1913. of the railway by this Act authorised and to the general purposes of the Company being in each case purposes to which capital is properly applicable.

Power for Company to apply corporate funds to purposes of Act.

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

Power for Company to pay interest out of capital during construction.

**66.** Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money by this Part of this Act authorised to be raised pay interest at such rate not exceeding four pounds per centum per annum as the directors may determine to any shareholder or stockholder on the amount from time to time paid up on the shares or stock held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the capital authorised by this Part of this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders or stockholders who or whose executors administrators or assigns are legally liable for the same :

(B) No such interest shall accrue in favour of any shareholder or stockholder for any time during which any call on any of his shares or stock is in arrear :

(c) The aggregate amount to be so paid for interest shall not exceed sixty-five thousand pounds and the amount so paid shall not be deemed 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 have 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 or stock and in every certificate of shares or stock: A.D. 1913

(E) The 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 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 or stockholder on the amount of the calls made in respect of the shares or stock held by him but nothing in this Act shall prevent the Company from paying to any shareholder or stockholder 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.

**67.**—(1) The Company on the one hand and any other railway company owning or working railways over which or any part thereof and the railways of the Company or any part thereof through traffic is now carried or may hereafter be authorised to be carried or with which the Company now have or hereafter may have a physical connexion interchange station or exchange passage or subway on the other hand may enter into and carry into effect agreements for the supply of electrical energy for use by any such other railway company on any part of the railway railway stations and goods yards of any such other railway company:

Power to  
Company  
and other  
companies  
as to supply  
&c. of elec-  
trical energy

Provided that nothing in this subsection shall authorise the Company to supply electrical energy for the purpose of working any railway unless the Company or person owning or working such railway is authorised by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament to work such railway by electrical power.

(2) The Company may for the purposes of any such agreement as aforesaid transform supply and transmit electrical energy by means of or through their electrical substations railways cable subways cables and other works and may apply their funds and revenues for or in relation to all or any of the purposes of this section.

A.D. 1913.

(3) Nothing in this section shall authorise the Company to open and break up the soil or pavement of any street for the purpose of supplying electrical energy and the Electric Lighting Acts 1882 to 1909 shall not apply to the Company.

For protection of Post Office telegraphs.

**68.**—(1) All provisions for the protection of the telegraphic lines of the Postmaster-General contained in this Act or in any of the Acts of the Company shall extend and apply to any supply of electrical energy under the preceding section of this Act and any works constructed for the purpose of such supply and to the exercise of any of the powers conferred by the said section or by any agreement made thereunder.

(2) Any electrical energy supplied under the preceding section of this Act shall be used by the Company receiving such supply in such manner as to prevent any interference whether by induction or otherwise with the telegraphic lines of the Postmaster-General or with telegraphic communication by means of such lines but this provision shall not apply to any such company as is authorised to use electrical energy by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such telegraphic lines in respect of the use of electrical energy.

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

**69.** 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.

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

Costs of Act.

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



The SCHEDULES referred to in the foregoing Act. A.D. 1913.

THE FIRST SCHEDULE.

STATEMENT OF CAPITAL AND LIABILITIES OF THE CITY COMPANY.

PART I.

SHARE CAPITAL.

Description of Capital authorised.	Amount created.	Amount issued and raised.	Amount unissued.
	£	£	£
4 per cent. preferred ordinary class "A" shares of 10 <i>l.</i> each.	780,000	780,000	—
5 per cent. deferred ordinary class "B" shares of 10 <i>l.</i> each.	780,000	780,000	—
4 per cent. preference stock -	450,000	85,000	365,000

PART II.

LOAN CAPITAL.

Amount authorised to be borrowed.	Amount borrowed by issue of Debenture Stock at 4 per cent.	Reductions in borrowing Powers.	Available borrowing Powers.
£ 670,000	£ 504,216	£ Under section 98 of the City Act of 1892 and section 19 of the City Act of 1897 - 15,784 Capitalised amount of rentcharge of 740 <i>l.</i> - 14,800 Capitalised amount of rentcharge of 250 <i>l.</i> - 5,000 Capitalised amount of interest paid during construction one third of 50,000 <i>l.</i> - 16,667 £52,251	£ 113,533

A.D. 1913.

PART III.

ANNUAL RENTCHARGES.

Amounts.	Particulars of Document securing same.	To whom payable.
£      s.      d. 2,000    0    0	Great Northern Railway Act 1906 section 34.	The Great Northern Company.
740    0    0	Indenture dated 21st July 1905 and made between S. Pearson and Son Limited of the one part and the City Company of the other part being the conveyance of the site of the generating station at Poole Street Shoreditch.	The Royal Liver Friendly Society.
250    0    0	Grant of easement dated the 7th February 1907 and made between the Great Northern Company of the one part and the City Company of the other part for construction of station at Drayton Park.	The Great Northern Company.
15,101 14    0	Indenture dated 22nd March 1907 and made between the Great Northern Company of the one part and the City Company of the other part being a lease for 999 years from 14th February 1904 of the railway and other premises situate in the parish of Islington and therein particularly described.	The Great Northern Company.

PART IV.

LOANS AND LIABILITIES.

Amounts.	Security.	Rate of Interest.	Date of Repayment of Capital.	To whom payable.
£ 193,000	Lloyd's bonds	4 per cent. per annum.	30th June 1916 -	S. Pearson and Son Limited.
688	-      -      -	4 per cent. per annum.	30th June 1916 -	S. Pearson and Son Limited.
1,500	-      -      -	4½ per cent. per annum.	On or before 30th June 1916 (by instalments).	Williams Deacon's Bank Limited.
7,784	-      -      -	-      -      -	-      -      -	Sir Douglas Fox and partners.

THE SECOND SCHEDULE.

A.D. 1913.

DESCRIPTION OF PREMISES AND PERSONS ENTITLED TO THE  
BENEFIT OF THE SECTION OF THE FOREGOING ACT OF WHICH THE  
MARGINAL NOTE IS "FOR PROTECTION OF PROPERTIES  
IN CITY OF LONDON."

Description of Premises.	Persons entitled to benefit of Section.
Nos. 1 and 5 Moorgate Street and Nos. 3 and 4 Lothbury.	Northern Assurance Company Limited.
No. 2 Moorgate Street and Founders Court.	Sir Alexander Hargreaves Brown Baronet Lawrence Edlmann Chalmers Edward Clifton Brown and Montague Collet Norman.
Nos. 34 36 and 38 Finsbury Pavement	Guests Estates Limited.
No. 4 Moorgate Street - - -	The Mercers Company. The British Bank of South America Limited.
Nos. 13 and 15 Moorgate Street -	The Metropolitan Life Assurance Society.
No. 17 Moorgate Street - - -	The Corporation of Foreign Bondholders.
Nos. 30 32 34 and 35 Moorgate Street -	The Star Assurance Society.
Basildon House Moorgate Street - -	Hugh Morrison.
Nos. 6 8 10 20 22 30 32 Moorgate Street premises at rear of Nos. 20 to 26 Moor- gate Street Nos. 1 2 3 and 4 Moorgate Street Buildings and Nos. 7 to 11 and 15 and 16 Telegraph Street.	Worshipful Company of Clothworkers.
Nos. 36 40 42 44 and 46 Moorgate Street - - - - } The premises in rear thereof known as Cross Keys Court - - - } The premises known as Moorgate Court }	Ocean Accident and Guarantee Corpora- tion Limited.
Nos. 12 14 16 18 and 20 Moorgate Street - - - - } Nos. 17 and 18 Telegraph Street - }	Royal Mail Steam Packet Company.
Nos. 14 16 56 58 and 60 Moorgate Street	The Weavers Company.
No. 24 Moorgate Street - - -	Licenses Insurance Corporation and Guarantee Fund Limited.

A.D. 1913.

Description of Premises.	Persons entitled to benefit of Section.
Nos. 34 36 40 42 and 44 on east side of Moorgate Street and Nos. 45 47 49 51 and 53 on west side of Moorgate Street - - - Nos. 72 and 73 Coleman Street - - Coleman Street Buildings - -	The Worshipful Company of Innholders of City of London.
No. 48 Moorgate Street - -	Thomas Foster Knowles and Richard Foster.
Nos. 56 58 and 60 Moorgate Street and Cross Keys House.	Gerard John Mathieson.

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