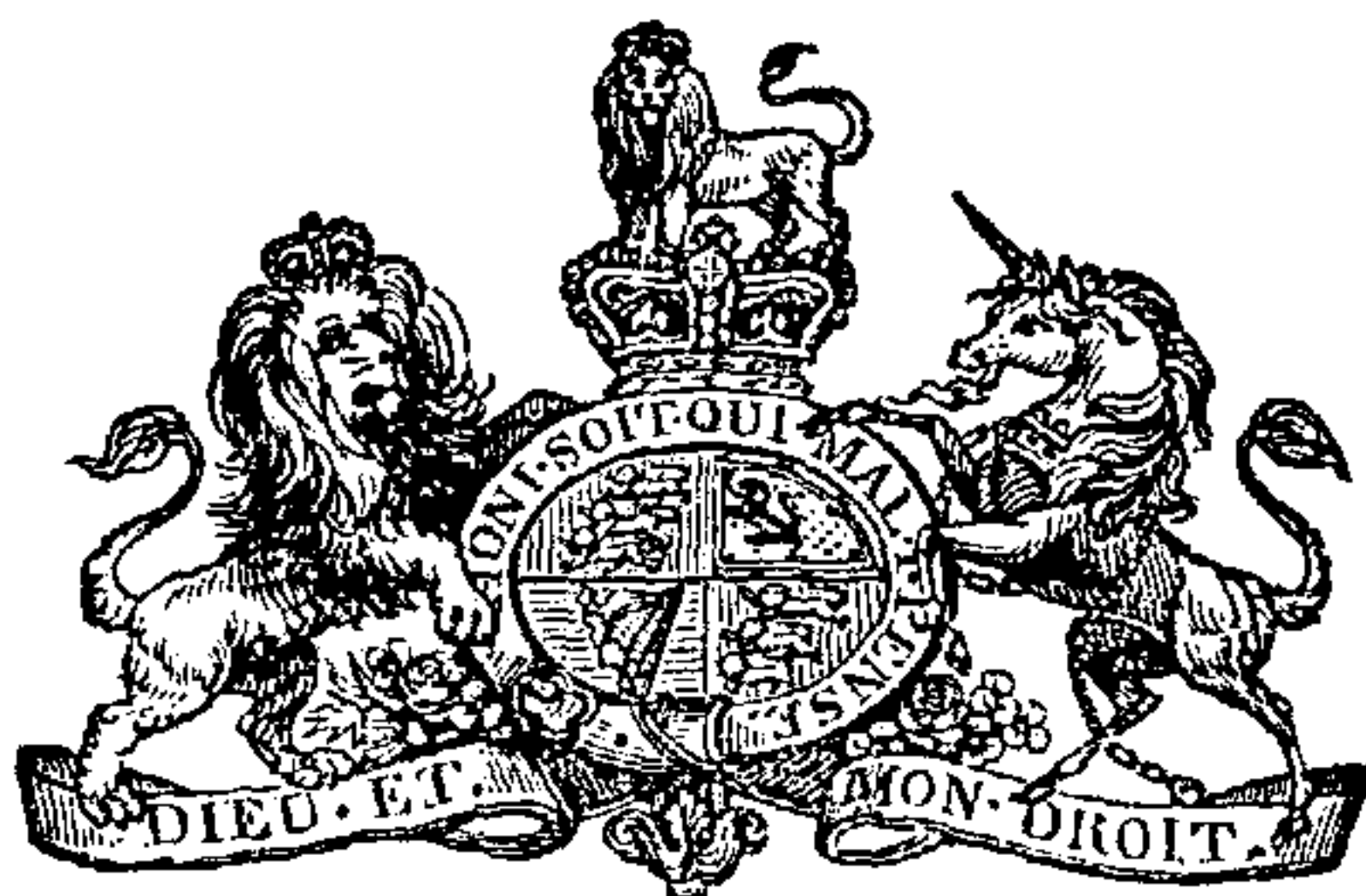




CHAPTER clxxx.

An Act to enable the Pneumatic Despatch Company (Limited) A.D. 1872.
to connect their undertaking with the railways in the
Metropolis. [6th August 1872.]

WHEREAS an Act was passed in the year one thousand eight hundred and fifty-nine, “to confer certain powers upon the
“Pneumatic Despatch Company (Limited);” and another Act was
passed in the year one thousand eight hundred and sixty-four, “for
“enabling the Pneumatic Despatch Company (Limited) to pur-
“chase lands and extend their works:”

22 & 23 Vict.
c. cxxxvii.
27 & 28 Vict.
c. cxxx.

And whereas in pursuance of the powers contained in the said Acts the Pneumatic Despatch Company (Limited), herein-after referred to as “the Company,” have constructed tubes for the conveyance of parcels, despatches, and messages from Her Majesty’s Post Office in Saint Martin’s-le-Grand to a central office or station in High Holborn, and thence to the London and North-western Railway Station at Euston Square, and it would conduce to the public convenience if the Company were authorised to extend their tubes to the stations of other railways in the metropolis, so as to place those railways in communication with a central office or central offices for the purpose of the collection and distribution of parcels, and that for that purpose the powers herein-after contained should be granted to the Company with respect to the opening of streets and the purchase or use of lands and houses, and of entering into contracts with the railway companies herein-after mentioned:

And whereas the objects aforesaid 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 Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

[Ch. clxxx.] *The Pneumatic Despatch Company* [35 & 36 VICT.]
(Limited) Act, 1872.

A.D. 1872. — and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Name of Act. 1. This Act may be cited as “The Pneumatic Despatch Company (Limited) Act, 1872.”

Provisions of general Acts herein named incorporated. 2. “The Lands Clauses Consolidation Acts, 1845, 1860, and 1869,” are, so far as they are applicable, incorporated with and form part of this Act : Provided that nothing herein contained shall enable the Company to purchase or take or enter upon lands or houses otherwise than by agreement, excepting as is expressly provided for in this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, and by the recited Acts, shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; “the Company” shall mean the Pneumatic Despatch Company (Limited) ; “the undertaking” shall mean the undertaking of the same Company ; “the railway companies” shall mean and include the London and North-western, the Great Northern, the Midland, the Great Western, and the Great Eastern Railway Companies ; “street” and “the metropolis” shall respectively have the same meanings in this Act as they have in “The Metropolitan Local Management Act, 1855 ;” “superior courts,” or “court of competent jurisdiction,” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Power to lay tubes. 4. Subject to the provisions of this Act and the Acts incorporated herewith, the Company may lay down and maintain the following tubes or pipes, and the necessary apparatus and works for the conveyance of parcels, despatches, and messages, and may for that purpose open and break up any street which it shall be necessary or convenient for them to open for the purpose of laying down the said tubes and pipes, the Company doing as little damage as may be in the execution of the said powers, and making compensation for any damage which may be done in the execution of them :

(a.) A tube or pipe from their central office or station in or near Holborn, in the parish of Saint Giles-in-the-Fields, to a central station in or near the Regent’s Circus in Oxford Street :

(b.) Tubes and pipes from the Company's tube at the north end of Tottenham Court Road, in the parish of Saint Pancras, so as to connect the said tube with the stations of the Midland and Great Northern Railway Companies in the same parish, and with the station of the Great Western Railway Company in the parish of Paddington : A.D. 1872.

The foregoing works will be in the county of Middlesex.

(c.) Tubes or pipes from the Company's tube in Newgate Street or their station in Saint Martin's-le-Grand to the authorised station of the Great Eastern Railway Company in Liverpool Street, and also to a central station or stations in or near Saint Martin's-le-Grand, Gresham Street, Cheapside, and Newgate Street :

These works will be in the city of London.

5. The sections and provisions contained in the recited Acts of 1859 and 1864 which are mentioned in the schedule to this Act and distinguished by the marginal notes thereto are incorporated with this Act, and shall be deemed to form part thereof, and to apply to the works hereby authorised. Incorporating provisions of recited Acts.

6. The sixteenth section of the Act of 1864, whereof the marginal note is "restriction of interference with Euston Road," shall not apply to this Act or to the purposes thereof. Repealing restriction of interference with Euston Road.

7. The Company shall not commence in the parish of Saint Pancras any of the works by this Act authorised until they shall have deposited with the vestry of the parish of Saint Pancras, or their chief surveyor acting by their instruction, the amount of the estimate required by the 12th section of the Act of 1864, as extended to this Act, to be deposited. Company not to commence works in St. Pancras until they have deposited estimate of expense.

8. If in constructing any of the works by this Act authorised any footpath forming the access to any house or premises in Saint Pancras is temporarily interfered with, and until such footpath is restored, the Company shall at their own expense provide such temporary means of access to such houses or premises as shall be from time to time required by the vestry of the said parish or their chief surveyor acting as aforesaid, and on default of the Company the vestry of the said parish may do the work, and the expense incurred by them shall on demand be paid by the Company. As to providing temporary access to houses where footpaths interfered with.

9. The Company shall, during the progress of any works executed under the powers of this Act in any street in the parish of Saint Pancras, at all times keep open and uninterrupted for public traffic not less than one half of such street, and shall shore up and put Not less than one half in width of any street in St. Pancras to be open at one time.

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A.D. 1872. proper hoarding to make the part to be so kept open safe for the passage of such traffic.

Provisions of
Act as to
St. Pancras
to extend
to St. Mary-
lebone and to
St. Giles.

10. All the provisions contained in or extended to or incorporated with this Act with respect to the parish and vestry of Saint Pancras shall, mutatis mutandis, extend and apply also to the parish and vestry of Saint Marylebone and to the district of Saint Giles-in-the-Fields and the Board of Works for the Saint Giles district.

For protec-
tion of sewers
of Metro-
politan and
other boards.

11. Notwithstanding anything contained in the recited Acts or this Act, where any of the intended works to be done under or by virtue of this Act shall or 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 Metropolitan Board of Works, or of any vestry or district board constituted under "The Metropolis Local Management Act, 1855," "The Metropolis Management Amendment Act, 1862," or any Act or Acts amending the same or extending the powers thereof, or with any sewers or works to be made or executed by the said boards or vestry, or either of them, or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control, the Company shall not commence such work until they shall have given to the said Metropolitan Board, or to the district board or vestry, as the case may be, fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry, as the case may be, for the time being, with a plan and section showing the course and inclination thereof, and other necessary particulars relating thereto, and until such board or vestry respectively shall have signified their approval of the same, unless such board or vestry, as the case may be, do not signify their approval, disapproval, or other directions within fourteen days after service of the said plan, sections, and particulars as aforesaid, and the Company shall comply with and conform to all orders, directions, and regulations of the said Metropolitan Board and of the respective boards or vestries in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as such boards or vestries respectively may deem necessary 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 also shall comply with any orders which the said boards respectively or vestries may make so as to secure proper access to the sewers, and so that no injury or inconvenience may be occasioned by the mode of placing the tubes or any of them, and shall save harmless the said Metropolitan Board, district board, and vestry respectively against all and every the expense to be occasioned

A.D. 1872.

thereby, and all such works shall be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board, district board, or vestry, as the case may be, at the costs, charges, and expenses in all respects of the Company, and all costs, charges, and expenses which the said Metropolitan Board or any district board or vestry 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 such boards or vestry by the Company on demand; and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said Metropolitan Board, district boards, and vestry respectively, as the case may be, 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 said Metropolitan Board, district boards, and vestries, or any or either of them, or of their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

12. The Company shall not break up or disturb any street or place or the pavement thereof under the control or direction of the Commissioners of Sewers of the City of London unless at least twenty-one days previous notice in writing of their intention so to do, specifying the street, place, or pavement intended to be broken up or disturbed, be given to the engineer or surveyor of such commissioners, or left for him at his office or at the office of such commissioners, and the Company shall attend to the directions of such engineer or surveyor with a view to secure a free passage of traffic in such streets and places and to prevent needless injury to the streets, and shall not open more of such streets or places at one time than such engineer or surveyor shall in writing authorise, and when the Company shall break up or disturb any such street, place, or pavement they shall so soon as the works affecting it are completed, and at the furthest within three months from the day on which those works were begun, restore the street, place, or pavement to as good a condition as it was in when it was broken up or disturbed, under the superintendence and to the satisfaction of the engineer or surveyor of the commissioners, and the Company shall save harmless and keep indemnified the said commissioners and their successors against any expenses consequent on any such works, and if the Com-

For the protection of the streets of the city of London.

[Ch. clxxx.] *The Pneumatic Despatch Company* [35 & 36 VICT.]
(Limited) Act, 1872.

A.D. 1872. — pany fail to comply with the requirements of this Act they shall forfeit to the said commissioners a sum of twenty pounds for every offence, and an additional sum of twenty pounds for every day that the Company shall fail to comply with the directions of such engineer or surveyor, and the said commissioners may, if they think fit, restore the street, place, or pavement broken up or disturbed, and recover the expense of such restoration and also the said sums so forfeited from the Company in an action or actions of debt.

For protec-
tion of sewers
in the city of
London.

13. Where any of the works to be done under or by virtue of this Act shall or 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 Commissioners of Sewers of the City of London, or with any sewers or works to be made or executed by the said commissioners, or shall or may in any way affect the sewage 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 said commissioners twenty-eight days previous notice at his office or at the principal office of the commissioners, with a plan and section showing the course and inclination thereof, and other necessary particulars relating thereto, and until such commissioners shall have signified their approval of the same, unless such commissioners do not signify their approval, disapproval, or other directions within twenty-eight days after service of the said plan, section, and particulars as aforesaid, and the Company shall comply with and conform to all directions and regulations of the commissioners in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as such commissioners may deem necessary 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 said commissioners 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 said commissioners, and at the cost, charges, and expenses in all respects of the Company, and all reasonable costs, charges, and expenses which the said commissioners 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 such commissioners by the Company on demand, and if any dispute shall arise between the Company and the said commissioners 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

[35 & 36 VICT.] *The Pneumatic Despatch Company* [Ch. clxxx.]
(Limited) Act, 1872.

the said commissioners; 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 said commissioners 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 said commissioners or their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed. A.D. 1872.

14. Nothing in this Act contained shall take away or abridge any of the powers vested in the London Street Tramways Company (herein-after called "the tramway company") with respect to the construction, maintenance, and working of the several tramways and works authorised by "The London Street Tramways Act, 1870," or which may be vested in that company by any Act of Parliament or provisional orders of the Board of Trade which may be passed during the present session of Parliament and conferring further powers with regard to the construction of works by that company, and the Company shall not take up or otherwise interfere with or injuriously affect the said tramways and works, or any part thereof, except so far as may be necessary in constructing and maintaining the works by this Act authorised; and if by or by reason or in execution or maintenance of any of the works by this Act authorised, or by reason of the mode of construction or of the insufficiency of or the bad state of repair of any such works, or any act or omission of the Company or of any of their agents or servants, it shall happen that the said tramways and works or any of them shall be injured, the Company shall immediately thereupon at their expense in all things so far as is practicable make good all such injury. Saving rights of the London Street Tramways Company.

15. The Company in the construction of the works by this Act authorised shall cause as little detriment or inconvenience to the tramway company as circumstances admit, and before commencing any work whereby the tramways will be interfered with or the traffic thereon interrupted, the Company shall give to the tramway company fourteen days notice of their intention to commence such work, specifying the time at which they mean to do so; all works interfering with the said tramways shall be executed at such times as may be agreed on, or failing agreement may be fixed by the Metropolitan Board of Works, under the superintendence and to the reasonable satisfaction of the tramway company, unless the tramway company refuse or neglect to give such superintendence at the Further provisions for protection of the London Street Tramways Company.

[Ch. clxxx.] *The Pneumatic Despatch Company* [35 & 36 VICT.]
(*Limited*) Act, 1872.

A.D. 1872. — time specified in the notice for the commencement of the work, and all reasonable expenses of such superintendence shall be paid by the Company.

Protecting
Metropolitan
Railway.

16. For the protection of the Metropolitan Railway Company be it enacted as follows :

(1.) Where any of the tubes or pipes to be laid down under the authority of this Act shall cross over or along any of the roads or streets in or under which the Metropolitan Railway is constructed, the same shall be laid down according to plans to be approved in writing by and executed to the reasonable satisfaction and under the superintendence and control of the engineer for the time being of the Metropolitan Railway Company, and at the expense of the Company, and such tubes or pipes and the works connected therewith shall be executed by such means and in such manner as not to interfere with the free, uninterrupted, and safe user of the Metropolitan Railway, and the working of the traffic thereon :

(2.) The Company shall at all times save harmless and keep indemnified the Metropolitan Railway Company from and against all claims, losses, liabilities, costs, and expenses which the Metropolitan Railway Company may sustain or be put unto by reason of the laying down of the tubes or pipes and maintenance of the same, and if thereby the free use of such railway by the Metropolitan Company shall be impeded or obstructed the Company shall pay to the Metropolitan Railway Company as or by way of ascertained damages the sum of one hundred pounds for every hour during which any such impediment or obstruction shall continue, and so in proportion for any less period than one hour, and in default of payment of any such sum or any such losses, liabilities, costs, or expenses on demand made on the Company, the Metropolitan Railway Company may recover the same with full costs in any court of competent jurisdiction.

Provision for
the protec-
tion of the
London Cen-
tral Railway
Company.

17. For the protection of the London Central Railway Company (herein-after referred to as "the Central Company,") be it enacted as follows :

(1.) Any tubes or pipes laid down under the authority of this Act, where such tubes or pipes will cross the London Central Railway, (herein-after referred to as "the Central Railway,") or will be within a distance of fifty feet of any part of the works of that railway, shall be con-

structed according to plans to be approved in writing by and executed to the reasonable satisfaction and under the superintendence and control of the engineer for the time being of the Central Company and at the expense of the Company, and such tubes and pipes and the works connected therewith shall be executed by such means and in such manner as not to interfere with the construction or the free, uninterrupted, and safe user of the Central Railway, or the working of the traffic thereon : A.D. 1872.

- (2.) If at any time during the laying down of the said tubes it shall appear to such engineer of the Central Company that any further or other works or appliances are required to prevent injury happening to the Central Railway, owing to or in consequence of the said tubes or pipes being carried over or under the same, the Company will immediately on being thereunto required in writing under the hand of such engineer make and execute the same at their expense :
- (3.) The Company shall at all times maintain the aforesaid works in substantial repair and good order and condition, to the reasonable satisfaction in all respects of such engineer of the Central Company, and if and whenever the Company fail to do so, the Central Company may make or do, in and upon as well the lands of the Company as their own lands, all such works and things as the Central Company may reasonably think requisite in that behalf, and (subject as herein-after mentioned) the sum from time to time certified by such engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company, and in default of full repayment the amount due may be recovered with costs by the Railway Company from the Company in any court of competent jurisdiction :
- (4.) All works connected with the laying down and maintaining of any of the said tubes or pipes over or under the Central Railway may, if the Central Company so think fit, be executed by them under the superintendence and control and to the reasonable satisfaction of the engineer of the company, and according to plans and sections previously approved by him, and the cost thereof shall upon demand be repaid to the Central Company by the Company, and in default thereof may be recovered in any court of competent jurisdiction :

[Ch. clxxx.] *The Pneumatic Despatch Company* [35 & 36 VICT.]
(Limited) Act, 1872.

A.D. 1872.

- (5.) The Company shall at all times save harmless and keep indemnified the Central Company from and against all claims, losses, liabilities, costs, and expenses which the Central Company may sustain or be put into by reason of the laying down and maintenance of any of the said tubes or pipes, and if thereby the free use of the Central Railway shall be impeded or obstructed the Company shall pay to the Central Company as or by way of ascertained damages the sum of one hundred pounds for every hour during which any such impediment or obstruction shall continue, and so in proportion for any less period than one hour, and in default of payment of any such sum or any such losses, liabilities, costs, or expenses on demand made on the Company, the Central Company may recover the same with full costs in any court of competent jurisdiction :
- (6.) The Company shall not for the purpose of laying down the said tubes or pipes purchase and take any lands of the Central Company, but the Company may purchase and take and the Central Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :
- (7.) Any differences which may from time to time arise between the Central Company and the Company with respect to any matter contained in this enactment shall be determined by an engineer to be agreed upon between the Central Company and the Company, or in default of agreement to be appointed by the Board of Trade upon the application of either party, and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration shall, so far as practicable, be applied to the settlement of any such differences.

Street authority may suggest course for tubes.

18. If the board or vestry or other body in whom the control of any street is vested, or if the Commissioners of Sewers of the City of London with respect to streets in the city of London, shall object to the laying down by the Company of tubes or pipes in any particular street, and shall suggest to the Company in writing some other street or line of streets through which they desire that the works of the Company shall be constructed, the Company shall adopt the course so pointed out unless that course involves risk or unreasonable difficulty or unreasonable expense in the construction, main-

tenance, or use of the works of the Company, and if the Company shall, upon either of the grounds aforesaid, object to the course so pointed out, the matter shall be referred to the arbitration of an engineer to be appointed by common accord between the parties, or if they cannot agree upon an arbitrator, then the matter shall be referred to an arbitrator to be appointed at the request of either party by the Board of Trade, and the decision of any such arbitrator shall be binding, and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration, shall, so far as they are applicable, apply to such arbitration, and be for that purpose incorporated with this Act, as if the Company were a railway company within that Act. A.D. 1872.

19. The Company may from time to time purchase by agreement lands, houses, and other property in the neighbourhood of their tubes for the purpose of stations or depôts, and it shall be lawful for the persons mentioned in the seventh section of "The Lands Clauses Consolidation Act, 1845," to sell and convey such lands: Provided that nothing herein contained shall authorise the Company to purchase and hold for the purposes aforesaid any greater quantity of land than two acres. Company may purchase lands.

20. The Company and the railway companies may from time to time contract with respect to the introduction of the tubes, pipes, and apparatus of the Company within their stations and works. Company may enter into contracts with railway companies.

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

SCHEDULE.

PORTIONS of ACTS incorporated with foregoing Act.

ACT OF 1859.

Section 3. Company not to interfere with the metropolitan sewers without consent, &c.

Section 4. Notice to be served before breaking up streets.

Section 5. Streets to be broken up under superintendence.

Section 6. Streets broken up to be reinstated without delay.

Section 7. Penalty for delay in reinstating streets.

[Ch. clxxx.] *The Pneumatic Despatch Company* [35 & 36 VICT.]
(*Limited*) Act, 1872.

A.D. 1872. Section 8. In case of delay other parties may reinstate and recover the expense.

Section 9. Company not to alter position of gas or water pipes except service pipes.

Section 10. Company to reinstate service pipes, make good all other damage done by them, and pay compensation.

Section 15. Securing superintendence of Commissioners of Sewers of City of London.

Section 20. This Act within the intent of 1 Vic. cap. 36.

Section 22. Restricting powers of Company to five years.

Section 23. Saving right of Post Office to establish a pneumatic post.

Section 25. Penalty for injuring Company's tubes, &c.

Section 26. Extending provisions of Railways Clauses Act as to recovery of damages, &c.

ACT OF 1864.

Section 5. Company may purchase easements.

Section 6. Arbitration in certain cases.

Section 7. Company not to break up streets without notice to gas and water companies.

Section 9. Protecting bars in streets.

Section 10. Providing for deposit of plans, &c.

Section 11. Deposit of subsoil.

Section 12. As to payment of expenses of board.

Section 13. As to removal of apparatus.

Section 14. Limiting extent of street to be opened.

Section 15. Company to complete works in St. Pancras within certain time.

Section 17. Penalty on Company for neglect, &c. in carrying out provisions herein named relating to St. Pancras.

Section 18. Local rates to be made good in the parish of St. Pancras.