



CHAPTER cxiv.

An Act to empower the City of London and Southwark
Subway Company to extend their authorised Subway to
Clapham to change the name of the Company and for
other purposes. A.D. 1890.
[25th July 1890.]

WHEREAS the City of London and Southwark Subway Com-
pany (herein-after called the Company) were by the City of
London and Southwark Subway Act 1884 (herein-after called the
Act of 1884) incorporated and authorised to construct a subway
under the River Thames from King William Street in the city of
London to Short Street in the parish of St. Mary Newington then
in the county of Surrey and now in the county of London :

And whereas by the City of London and Southwark Subway
(Kennington Extensions &c.) Act 1887 (herein-after called the Act of
1887) the Company were authorised to extend their subway to
Kennington and Stockwell in the same county :

And whereas it is expedient that the Company should be
empowered to make the new subway in extension of their authorised
subway in this Act mentioned or referred to :

And whereas plans and sections showing the lines and levels of
the subway and other works authorised by this Act and plans
showing the lands required or which may be taken for the purposes
or under the powers of this Act and also a book of reference con-
taining the names of the owners and lessees or reputed owners and
lessees and of the occupiers of those lands were duly deposited
with the clerk of the peace for the county of London and are
herein-after referred to as the deposited plans sections and book of
reference :

And whereas it is expedient that the time limited by the Act of
1884 for the opening for public traffic of the subway and works by
that Act authorised should be extended and that the period for the
compulsory purchase of certain lands by the Act of 1887 authorised
to be acquired should be extended :

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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 whereas it is expedient to change the name of the Company and to empower the Company to increase the number of their directors as prescribed by the Act of 1884 :

And whereas the objects of this Act cannot be attained 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 and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the City and South London Railway Act 1890 and the Act of 1884 the Act of 1887 and this Act may be cited together as the City and South London Railway Acts 1884 to 1890.

Incorporation of general Acts.

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

The Lands Clauses Acts :

The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

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 nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The borrowing of money on mortgage or bond ;

The conversion of the borrowed money into capital ;

The giving of notices ; and

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

And Part I. (relating to cancellation and surrender of shares)

Part II. (relating to additional capital) Part III. (relating to

debenture stock) and Part IV. (relating to change of name) of the Companies Clauses Act 1863. A.D. 1890.

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

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

The expression "the subways" means the subways and works authorised by the Acts of 1884 and 1887 and the subway or underground railway and works authorised by this Act;

The expression "the undertaking" means the undertaking of the Company as authorised by the Acts of 1884 and 1887 and this Act;

The expression "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 simple contract debt and not a debt or demand created by statute;

The expression "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or places within the metropolis as defined by the Metropolis Management Act 1855 in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

4. 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 subway or underground railway herein-after described with all necessary approaches tunnels shafts hydraulic and other lifts buildings works machinery and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose: Power to
Company
to make
subway.

The works authorised by this Act are as follows:—

A subway or underground railway seven furlongs and nine chains in length wholly in the county of London commencing at or

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near the termination of the Company's authorised line in Clapham Road at or near the junction of the Stockwell Road with Clapham Road and passing thence along and under Clapham Road and High Street Clapham and terminating in that street 50 yards or thereabouts eastward of the junction of Clapham Park Road with that street ;

The subway shall consist of two tunnels or archways for separate up and down traffic and shall be approached by means of staircases and by hydraulic lifts or by either of such means ;

The gauge to be adopted for the subway shall be a four feet eight inches and a half gauge ;

The traffic of the subways shall be worked by means of carriages propelled by electricity or by such means other than steam locomotives as the Board of Trade may from time to time approve.

Power to
acquire
additional
lands.

5. Subject to the provisions of this Act the Company may in addition to the other lands which they are by this Act authorised to acquire from time to time enter upon take and use for the purposes of their undertaking the lands and buildings delineated on the deposited plans and described in the deposited book of reference relating thereto and situate in the parishes of St. Saviour St. Olave and St. Thomas in the county of London at or near the junction of Denman Street and Railway Approach with High Street Borough.

Correction
of errors as
to lands.

6. If any omission misstatement or wrong description of any lands or of any owner lessee or occupier of any lands described in or intended or purporting to be described in the deposited plans and book of reference be discovered the following provisions shall have effect (that is to say) :—

The Company may apply to a police magistrate or two justices for the correction thereof giving ten days notice in writing to the owners lessees and occupiers of the lands affected by the proposed correction :

If it appears to such magistrate or justices that the omission misstatement or wrong description arose from mistake he or they shall certify the same stating in the certificate the particulars of the omission misstatement or wrong description :

The certificate shall be deposited as if the same had originally formed part of the deposited plans or book of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and the Company may enter upon take and use the lands for the several purposes

to which they are appropriated by this Act in accordance with the certificate as if there had not been any omission misstatement or wrong description. A.D. 1890.

7. The Company may but only by agreement purchase acquire and hold any land adjoining or near to the subways not exceeding in the whole two acres for extraordinary purposes. Such extraordinary purposes include the making and providing additional stations sidings yards and places for the accommodation of passengers storage or standing room for carriages the erection of offices engine or machinery houses and other buildings and conveniences the making approaches to the subways and any other purpose which may be requisite or convenient for the formation or use of the subways but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being created by them on any land taken by agreement under the powers of this section. Lands for extraordinary purposes.

8. The Company shall not under the powers of this Act or under the powers of the Act of 1887 as extended by this Act purchase or acquire in any parish in the metropolis twenty or more houses which after the passing of this Act have been or on the fifteenth day of December one thousand eight hundred and eighty-six or the fifteenth day of December last as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers: Restriction on taking houses of labouring class.

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

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

10. If the subway 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions Persons authorised to convey

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lands may
grant ease-
ments.

of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water) 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
retain sell
&c. lands.

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

Powers of
deviation.

13. In the execution of the subway stations and 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 so that no part of the tunnels forming the subway shall extend beyond those limits and may deviate vertically from the levels thereof marked on the deposited sections to such an extent as may be found necessary or convenient Provided always that it shall not be lawful for the Company to deviate upwards from the said levels to a greater extent than three feet without the consent in writing of the vestry or board of works of the parish or district in which the deviation is made nor to a greater extent than ten feet without the further consent of the Board of Trade.

Provisions
as to tem-
porary
shafts.

14. Subject to the provisions of this Act the Company may make and (during the construction and until the completion of the subway but no longer) maintain temporary shafts or openings from the surface of any land or street within the limits of deviation shown on the deposited plans to any portions of the proposed works constructed under the surface thereof and may appropriate and use the subsoil and under-surface of any such land or street for the purposes of the subway but no such temporary shafts or openings shall be made within or under any part of the Borough High Street within the said limits of deviation.

Inspection
by Board
Trade.

15. The subway and works therein shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

16. With respect to any lands which the Company are by this Act authorised to enter on and take and use for the purposes of the subway and works and which are in or under the roadway or footway of any street road or highway the Company shall not be required wholly to take those lands or any part of the surface thereof or any cellar vault or other construction therein or thereunder held or connected with any house in any such street road or highway but the Company may appropriate and use the subsoil and under-surface of any such roadway or footway and if the Company require to take use pull down or open any such vault cellar or arches they may purchase take and use and the owners of and other persons interested therein shall sell the same for the purposes of the subway and works and the purchase of any such cellar vault or other construction shall not in any case be deemed the purchase of a part of a house or other building or manufactory within section 92 of the Lands Clauses Consolidation Act 1845.

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Company
may ac-
quire ease-
ments only
under roads
&c. and
purchase
cellars &c.

17. Nothing in this Act 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 is described in the deposited book of reference relating to the subway and works but this provision shall not apply to any cellar or vault belonging to or connected with the additional lands in the parishes of St. Saviour St. Thomas and St. Olave which the Company are by this Act authorised to acquire.

Provision
as to cellars
under streets
not sche-
duled.

18. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of seven thousand and seventy-one pounds thirteen shillings two and three-quarters per centum consolidated stock being equal in value to five per centum upon the amount of the estimate in respect of the subway (which is herein-after referred to as the deposit fund) has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act. Be it enacted that the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for the completion of the subway open the same for the public conveyance of passengers. Provided that if within such period as aforesaid the Company open any portion of the subway for the public conveyance of passengers then on the production of a

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

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certificate of the Board of Trade specifying the length of the portion of the subway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the subway so opened bears to the entire length of the subway the High Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the fact therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit
fund.

19. If the Company do not previously to the expiration of the period limited for the completion of the subway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the subway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon

shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors. A.D. 1890.

20. Nothing in this Act contained nor any dealing with lands in pursuance of this Act shall relieve the Company from the liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other enactment and every case of compensation to be ascertained under this Act shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Acts as varied by the Regulation of Railways Act 1868. Act not to relieve Company from compensation &c.

21. The sections of the Act of 1884 and the Act of 1887 which are enumerated and referred to in the schedule to this Act (except so far as the same or any part or parts thereof are expressly repealed or varied by this Act) are incorporated with and form part of this Act and shall extend and apply to the works by this Act authorised the roads under and along which the same are to be laid the London County Council as successors to the Metropolitan Board of Works and the road authorities companies and persons affected by the construction thereof as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto. Extending certain sections of Acts of 1884 and 1887 to this Act.

22. In addition to the provisions for the protection of sewers which are contained in section 56 of the Act of 1884 as extended by this Act the following provisions for the protection of sewers and of the London County Council (herein-after called "the Council") shall have effect namely:— Further provisions for the protection of sewers.

- (1.) As regards any work in respect of which the Company are under the provisions of the said section required to submit a plan and section to the Council the Council may require the Company in constructing such works to make any reasonable deviation within the limits prescribed by this Act from the line or levels shown upon such plan or section and the Company shall in constructing such work deviate accordingly;
- (2.) The tunnels of which the subway consists (including stations) shall unless otherwise agreed between the Company and the Council be constructed by means of a shield driven forward by hydraulic pressure and shall be lined with iron plates properly jointed throughout;
- (3.) It shall not be lawful for the Company to remove any soil or material except such as must be excavated from the space to be occupied by the said tunnels and stations;

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- (4.) Any space between the lining or construction of the tunnels (including stations) and the surrounding material shall be properly filled up with cement placed therein under pressure ;
- (5.) The plans to be submitted to the Council for the purposes of this Act shall be detailed plans drawings sections and specifications describing the exact position and manner in which and the level at which the works are proposed to be constructed and shall accurately describe the position of all public sewers within the limits of deviation shown on the deposited plans so far as such position can be ascertained by reference to plans in the possession of the Council and access to the sewers and shall comprise detailed drawings of every alteration which the Company may propose to make in any sewer ;
- (6.) The Council may require such modifications to be made in the said plans drawings sections and particulars as may be reasonably necessary to secure the sewers and drainage system of London against interference or risk of damage and to provide and secure a proper and convenient means of access to the said sewers.

Damage to be made good.

23. The Company shall be liable to make good all injury or damage caused by or resulting from any of their works or operations to any sewers drains or works vested in the Council and the Council shall from time to time have power to recover the amount thereof from the Company in any court of competent jurisdiction.

For the protection of the Wandsworth District Board of Works.

24. For the protection of the Board of Works for the Wandsworth District (herein-after called "the Wandsworth Board") the following provisions shall be observed and have effect viz. :—

- (1.) Any paving metalling or other road material excavated or displaced by the Company in the construction of the undertaking from the surface of any road under the jurisdiction or control of the Wandsworth Board or under the surface to a depth of twelve inches shall be the property of the Wandsworth Board and the Company shall if and when required deliver the said paving metalling or other road material to the surveyor for the time being of the Wandsworth Board or to such person or persons as he may appoint to receive the same and at such depôt in the parish of Clapham as he may direct Provided that if within seven days from the excavation or displacement of any such paving metalling or other road material the same is not delivered to the surveyor or to such person or persons or at such depôt as aforesaid the Company shall forfeit and pay to the Wandsworth Board a sum not exceeding five pounds for every day during which the said paving metalling or material is not

so delivered and such penalty shall be recoverable by and payable to the Wandsworth Board: A.D. 1890.

- (2.) The Company after the restoration of any opening in any road or street in the district of the Wandsworth Board shall at their own expense keep and maintain such portion of the road or street as shall have been broken up by them in good and substantial repair in every respect to the reasonable satisfaction of the said Board for twelve months next after the same shall have been so restored as aforesaid:
- (3.) In case any part of any street place or pavement should sink or be in any way injuriously affected at any time by or in consequence of the works of the Company the Wandsworth Board may repair such street place or pavement and the Company shall pay to the Wandsworth Board the expense thereof on demand provided that the Wandsworth Board shall give immediate notice to the Company of their intention to do such repairs:
- (4.) The Company shall not construct any permanent shaft or opening in any road or street:
- (5.) The Company shall not for the purposes of their stations or approaches to the subway or for any other purpose acquire or take any part of the surface of any road or street:
- (6.) Except as by this Act otherwise provided nothing in this Act contained shall extend or be construed to take away prejudice or lessen any of the powers rights privileges or authorities of the Wandsworth Board.

25. With reference to so much of the subway and works by this Act authorised as will be made in or under the parish of Lambeth (in this section called "the parish") and for the protection of the vestry of the parish (in this section called "the vestry") the following provisions shall be observed and have effect viz.:— For the protection of the vestry of the parish of Lambeth.

- (1.) The Company after the restoration of any opening in any road or street in the parish shall at their own expense keep and maintain such portion of the road or street as shall have been broken up by them in good and substantial repair in every respect to the reasonable satisfaction of the vestry for twelve months next after the same shall have been so restored as aforesaid:
- (2.) In case any part of any street place or pavement in the parish or any sewer drain or work belonging to the vestry or under their control should sink or be in any way injuriously affected at any time by or in consequence of the works of the Company the vestry may repair such street place pavement sewer drain or work and the Company shall pay to the vestry

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the expense thereof on demand provided that the vestry shall give immediate notice to the Company of the discovery of the injury and of their intention to do such repairs:

- (3.) The Company shall not construct any permanent shaft or opening in any road or street :
- (4.) The Company for the purposes of their stations or approaches to the subway or for any other purpose shall not acquire or take any part of the surface of any road or street :
- (5.) Except as by this Act otherwise provided nothing in this Act contained shall extend or be construed to take away prejudice or lessen any of the powers rights privileges or authorities of the vestry.

As to shafts
&c. in
streets.

26. The Company shall not make any approach to the subway or any permanent tunnel shaft or other work in such a manner as to interfere after the completion thereof with the carriage or footway of any street and they shall not under the powers of this Act make in the parish of Saint Mary Lambeth more than two or in the parish of Clapham more than two temporary shafts or openings in the surface of any street without the consent in writing of the London County Council and of the vestry of the parish or board of works of the district in which such shaft or opening is proposed to be made and no temporary shaft or opening shall be permitted to remain for any longer period or otherwise than in such position of such dimensions and character and in accordance with such conditions as to the removal or closing thereof and otherwise as may be reasonably prescribed by such council board or vestry respectively and if the Company shall fail to observe any of the conditions under which the making of any temporary shaft or opening shall have been permitted or shall fail to remove or close the same within the period prescribed for that purpose by such council board or vestry the Company shall be liable to a penalty of not exceeding twenty pounds for such default and to a further penalty of not exceeding twenty pounds for every day on which such default shall continue which may be recovered by the council board or vestry and without prejudice to any other remedy such council board and vestry or either of them may forthwith remove and close any such temporary shaft or opening and the amount of all costs and expenses incurred by them respectively in so doing shall be recoverable by them respectively from the Company in a summary way :

In giving their consent to any temporary shaft or opening the vestry of the parish or board of works of the district in which it will be made may prescribe reasonable conditions as to the

restoration of the street on the removal or closing of such shaft or opening and the materials to be used therein either by the Company or by such vestry or board as such vestry or board may think fit and on any such removal or closing such vestry or board may restore and make up the street in such manner and with such materials as they may think fit and in any event all costs and expenses incurred by such vestry or board in restoring and making up the surface of the street and the materials thereof shall be recoverable by such vestry or board from the Company in a summary way: A.D. 1890.

All such shafts or openings shall at night and when otherwise requisite be lighted outside the hoardings to the satisfaction of the vestry or board of works:

Any difference which may arise under the provisions of this section between such council board and vestry or either of them and the Company shall be from time to time referred to and determined by an engineer to be agreed upon between the parties in difference or failing such agreement by an engineer to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

27. Section 45 of the Act of 1887 is hereby repealed and in the event of any of the subways or works of the Company being worked by electricity the following provisions shall have effect:— Provisions
for protec-
tion of the
Postmaster-
General.

(1.) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator. Provided that this sub-section shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him in any subway of the Company:

(2.) (a.) Before any electric line is laid down or any act or work for working the subways or works by electricity is done within

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ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work :

- (b.) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :
- (3.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (4.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid any accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with

this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section :

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(7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :

31 & 32 Vict.
c. 119.

(9.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

28. The provision contained in subsection 2 of section 46 of the Act of 1887 is hereby repealed and in lieu thereof the following provision shall have effect :—

As to
carrying of
mails.

The remuneration for any services which have been performed by the Company in pursuance of the enactments relating to the conveyance of Her Majesty's mails by railway (except in the case where a mail guard is sent with bags of letters upon the same conditions as any other passenger under the power conferred by section 11 of the statute 7 and 8 Vic. cap. 85) shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by the Railway and Canal Commission which is hereby empowered to determine the same in the manner provided by the Railway and Canal Traffic Acts 1873 and 1888 with respect to differences between railway companies and for this purpose the Company and the Postmaster-General shall be deemed to be railway companies and this provision shall have effect in lieu of any provision respecting remuneration contained in the enactments relating to the conveyance of mails by railway :

For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

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For the
protection
of the
National
Telephone
Company.

29. For the protection of the National Telephone Company Limited its successors and assigns (in this section called "the Telephone Company") the following provisions shall have effect in the event of any subways of the Company being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say) :—

- (1.) The Company shall so construct their electric circuits and other works of all descriptions and shall so work their subway in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the Telephone Company for the purpose of telephonic communication or with the currents in such circuits Provided that as regards electric circuits erected or laid down by the Telephone Company after the construction of the works of the Company this sub-section shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such circuits and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Company :
- (2.) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines belonging to the Telephone Company and lawfully laid down or placed in any position by them may be injuriously affected the Company shall unless otherwise agreed with the Telephone Company give to that company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Company shall conform with such reasonable requirements as may from time to time be made by the Telephone Company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid :
- (3.) If any difference arises between the Company and the Telephone Company with respect to anything in this section contained such difference shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company and the Telephone Company were companies within the meaning of that Act :
- (4.) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

30. And whereas it is intended that the subway shall be carried under the line of the London Chatham and Dover Railway Company (herein-after called "the Chatham Company") where the same is carried over Clapham Road and it is expedient that provision should be made for the protection of the railways works and property of the Chatham Company Therefore the following provisions shall unless otherwise agreed between the Company and the Chatham Company be observed and have effect (that is to say):—

(1.) The Company shall twenty-eight days before they take use enter upon interfere with or affect either temporarily or permanently any part of the railways or any of the works or conveniences of or connected therewith respectively for the purpose of constructing or commencing the construction of that part of the subway which shall or may pass under the said railway and for a distance of two hundred lineal feet on each side of the bridge carrying the said railway over Clapham Road furnish to the Chatham Company proper and sufficient plans sections and specifications of the works proposed to be made by the Company under the said bridge and for a distance of two hundred lineal feet on each side thereof and such plans sections and specifications shall be settled and agreed upon between the respective engineers of the Company and the Chatham Company or in case of their failing to agree or of any difference arising between them the same shall be settled and determined by a civil engineer to be on the application of the two Companies or either of them appointed by the Board of Trade and such works shall be carried into effect only in accordance with such determination and agreement and under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Chatham Company and at the costs charges and expenses in all respects of the Company :

(2.) The Company shall at all times maintain the works by which such subway shall be carried under the said railway and the works land and conveniences connected therewith in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the Chatham Company and if and whenever the Company fail so to do the Chatham Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the Chatham Company may reasonably think requisite and the sum from time to time certified by such engineer to be the reasonable amount of their expenditure in that behalf shall be

A.D. 1890.

Works affect-
ing London
Chatham
and Dover
Railway
Company to
be approved
by and done
under the
superinten-
dence of their
engineer.

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repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the Chatham Company from the Company in any court of competent jurisdiction :

- (3.) If during the execution of the works the said railways 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 failing so to do the Chatham Company may make good the same and recover the costs thereof against the Company in any court of competent jurisdiction :
- (4.) The Company shall not in making and maintaining the said subway and works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe use of the railways or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the said railways or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall forfeit and pay to the Chatham Company for each such obstruction twenty-five pounds per hour by way of ascertained damages for every hour during which each such obstruction hindrance or interference shall continue :
- (5.) During the construction of the subway and works hereby authorised under and adjacent to the said railways the Company shall bear and on demand shall pay to the Chatham Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their railways 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 and accident to arise from any of the operations of the Company or from the acts or defaults of the contractors or of any person or persons in their employ or otherwise :
- (6.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Chatham Company all costs losses damages and expenses which may be occasioned to the railways or to any of the works or property thereof or to the traffic thereon or to any person or persons using the same or otherwise by reason of the construction or failure of the subway 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 Chatham Company from all claims and demands upon or against them by reason of such execution or failure and of any such omission. A.D. 1890.

31. And whereas the subway and works authorised by the Act of 1884 could not be opened for the public conveyance of passengers until the completion of the subway and works authorised by the Act of 1887 and the deposit fund referred to in section 60 of the Act of 1884 could not be repaid to the depositors under the provisions of that section Therefore notwithstanding anything contained in the Act of 1884 the period for the completion of the subway and works by that Act authorised shall be the period prescribed by the Act of 1887 for the completion of the subway and works authorised by that Act and section 60 of the Act of 1884 shall be read and construed accordingly. Providing for release of deposit under Act of 1884.

32. The period limited by the Act of 1887 for the compulsory purchase and taking of the lands next herein-after mentioned and by that Act authorised to be acquired is hereby extended and may be exercised at any time within but shall not be exercised after the expiration of two years from the twelfth day of July one thousand eight hundred and ninety : Extending period limited by Act of 1887 for purchase of lands.

The lands above referred to are—

(1.) The lands numbered on the deposited plans referred to in section 4 of the Act of 1887 26 in the parish of St. Mary Lambeth in the county of Surrey being the lands and premises numbered 197 in Clapham Road :

(2.) The lands numbered on the deposited plans referred to in section 17 of the said Act 3 in the parish of St. Margaret in the city of London being the lands and premises numbered 44 and 45 in King William Street.

33. Section 40 of the Act of 1887 is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) The Company may from time to time demand and take for every passenger conveyed in carriages in or through the subways or any part or parts thereof including tolls and charges for the use of the subways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding twopence per mile and for parcels (not being personal luggage carried in the hand) under fifty-six pounds in weight any sum not exceeding eightpence and for parcels weighing fifty-six pounds and upwards any sum which the Company may think fit Provided always that for passengers conveyed for a less distance Amendment of existing provisions as to tolls.

A.D. 1890. than two miles the Company may demand and take tolls and charges as for two miles and any fraction of a mile beyond two miles or beyond any greater number of miles shall be deemed one mile Provided also that the Company shall not be entitled to charge a greater sum than threepence in respect of any parcel under fifty-six pounds in weight carried for any distance not exceeding a mile and a half.

Extending certain provisions of Acts of 1884 and 1887 as to tolls.

34. Subject as aforesaid sections 79 80 83 84 85 and 89 of the Act of 1884 and sections 41 42 and 43 of the Act of 1887 relating to tolls shall extend and apply mutatis mutandis to the tolls by this Act authorised.

Application of provisions of Railway and Canal Traffic Act 1888 as to revision of rates.

35. Section twenty-four of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the companies to which the provisions of the said enactment in terms applied Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Power to raise additional capital.

36. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new shares any additional capital not exceeding in the whole the sum of two hundred thousand pounds and such new shares may be wholly or partially ordinary shares or wholly or partially preference shares as the Company think fit.

Shares not to be issued until one fifth part thereof shall have been paid up.

37. The Company shall not issue any share created under the authority of this Act of a less nominal amount than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

38. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Restriction as to votes in respect of preferential shares.

39. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

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

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Further
borrowing
powers to
the Com-
pany.

41. Section 12 of the Act of 1887 shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

For ap-
pointment
of a receiver.

42. The principal moneys secured by all mortgages granted by the Company before the passing of this Act in pursuance of the powers of any former Act of Parliament and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Existing
mortgages
to have
priority

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Debenture stock. **43.** The Company may create and issue debenture stock subject to the provisions of section 22 of the Act of 1884 and section 14 of the Act of 1887.
- Application of moneys. **44.** All moneys raised under this Act whether by shares or debenture stock or borrowing shall be applied only to the purposes of this Act being in every case purposes to which capital is properly applicable.
- Power to apply corporate funds to purposes of Act. **45.** The Company may apply to the purposes of this Act or to the general purposes of their undertaking being in all cases purposes 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 or debenture stock or borrowing by virtue of the Acts of 1884 and 1887 and which may not be required for the purposes to which they are by those Acts made specially applicable.
- Power to alter number of directors. **46.** Notwithstanding anything contained in section 25 of the Act of 1884 the Company may from time to time increase and reduce the number of directors provided that the number be not less than three nor more than seven.
- Change of name. **47.** From and after the passing of this Act the name of the Company shall be the City and South London Railway Company instead of their present name of the City of London and Southwark Subway Company.
- Recovery and application of penalties. **48.** All offences under this Act and all penalties damages charges tolls and costs imposed or payable under this Act may be recovered in a summary manner under the provisions of the Summary Jurisdiction Acts.
- Costs of Act. **49.** All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

A.D. 1890.

SECTIONS of the ACTS of 1884 and 1887 which are extended to this ACT.

No. of Section.	Marginal Note of Section.
ACT OF 1884.	
37	For the protection of the London Tramways Company Limited.
38	In case of damage to works of London Tramways Company Limited.
39	Company to pay all damages sustained by London Tramways Company Limited.
41	Company empowered or may be required to underpin or otherwise strengthen houses near subway.
54	For protection of the streets of the metropolis.
56	For protection of sewers of Metropolitan and other boards.
71	All works affecting water and gas companies to be executed to the satisfaction of their engineers.
72	Penalty for interrupting the supply of water or gas.
73	Repairs of waterpipes to be borne by Company in certain cases.
74	Water and gas companies empowered to lay and repair pipes on lands of Company.
75	For settlement of disputes between Company and gas and water companies.
92	For protection of subway.
ACT OF 1887.	
36	Exhibition of placards prohibited.
37	Water or gas companies not to be liable for certain damages.
38	Further provisions for the protection of the Southwark and Vauxhall and Lambeth Water Companies.
46	As to conveyance of mails.
49	Saving rights of Duchy of Cornwall.

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