



CHAPTER cxcii.

An Act for incorporating the Brompton and Piccadilly
Circus Railway Company and for empowering them
to construct an Underground Railway from Piccadilly
Circus to South Kensington and for other purposes.

A.D. 1897.

[6th August 1897.]

WHEREAS the construction of the underground railway by this Act authorised between Piccadilly Circus and South Kensington in the county of London by means of railways constructed underground in two tunnels (for separate up and down traffic) to be worked by electricity or other motive power (not being steam power) as herein-after provided at such a depth and in such manner under the public streets as not to interfere with the surface or roadway thereof would be of public and local advantage :

And whereas the persons herein-after named with others are willing to carry the undertaking into execution and it is expedient that they be incorporated into a Company (in this Act called "the Company") and that the requisite powers be conferred upon them :

And whereas it is expedient that the Company be empowered to enter into and carry into effect agreements with the various public bodies and companies herein-after mentioned :

And whereas plans and sections showing the lines and levels of the railway authorised by this Act and books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the administrative county of London and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

[Ch. cxcii.] *Brompton and Piccadilly Circus* [60 & 61 Vict.]
Railway Act, 1897.

A.D. 1897. 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 :—

Short title. 1. This Act may be cited as the Brompton and Piccadilly
Circus Railway Act 1897.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 Part I.
(relating to cancellation and surrender of shares) and Part III.
(relating to debenture stock) of the Companies Clauses Act 1863
as amended by the Companies Clauses Act 1869 the Lands Clauses
Acts the provisions of the Railways Clauses Consolidation Act 1845
with respect to the following matters or contained in the following
sections thereof (that is to say) :—

The construction of the railway and the works connected
therewith ;

Section 45 (as to lands for additional stations) ;

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

The regulating of the use of the railway ;

The settlement of disputes by arbitration ;

Sections 138 and 139 (as to service of notices and tender of
amends) ;

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

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

and Part III. (relating to working agreements) of the Railways
Clauses Act 1863 are (except where expressly varied by this Act)
incorporated with and form part of this Act.

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

The expressions "the railway" and "the undertaking" mean
respectively the underground railway subways and the
undertaking by this Act authorised ;

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

The expressions "parish clerks" and "clerks of the several
parishes" in sections 7 8 and 9 of the Railways Clauses
Consolidation Act 1845 shall with reference to the Company
and as regards those parishes or places in 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 clerk of the parish and in the second case the clerk of the district board respectively ;

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And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or 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.

4. Sir Joseph Cockfield Dimsdale Knight Charles Grey Mott Percy Mortimer George Potter Neele Steuart Augustus Sillem and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railways and subways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Brompton and Piccadilly Circus Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Company
incorporated.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways subways and other works herein-after described with all necessary and convenient rails sidings wires tunnels subways covered ways stations shafts lifts sewers drains pipes approaches buildings and other machinery apparatus works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes :

Power to
make
railways and
works.

Provided always that nothing in this Act shall authorise the Company to enter upon take or use the surface of any public street or road except for the purpose of laying down and repairing the armoured cables or line of pipes by this Act authorised but (subject as aforesaid) the Company may subject to the provisions of this Act enter upon take and use the subsoil and under-surface of any public street road or footway shown on the deposited plans and

A.D. 1897. described in the deposited books of reference or so much thereof as shall be necessary for the purposes aforesaid And provided also that the Company shall not enter upon take or use the lands in the parish of St. George Hanover Square numbered respectively 24 28 and 34 upon the deposited plans or any part thereof or the surface of the lands in the same parish numbered 32 upon the said plans.

Description
of railways
and works.

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

- (1) Railway No. 1 (1 mile 7 furlongs 8 chains in length) commencing in the parish of St. James Westminster at a point in Piccadilly at or opposite the southern end of Air Street and terminating in the parish of St. Mary Abbott's Kensington at a point in Alfred Place West at or near the southern end of Exhibition Road:
- (2) Railway No. 2 (1 furlong 3.60 chains in length) wholly in the parish of St. Mary Abbott's Kensington commencing by a junction with the intended Railway No. 1 before described at a point in the Brompton Road fifteen yards or thereabouts east of the southern end of Cottage Place and terminating at a point fifteen yards or thereabouts north-east of the south-eastern end of Yeoman's Row:
- (3) A subway for foot passengers only wholly in the parish of St. James Westminster commencing at the commencement of the intended Railway No. 1 before described and terminating in Air Street thirty-five yards or thereabouts north-west of Piccadilly:
- (4) A subway for foot passengers only wholly in the parish of St. George Hanover Square commencing at a point in Piccadilly at the southern end of Dover Street and terminating in Dover Street at a point forty-five yards or thereabouts north of Piccadilly:
- (5) An armoured cable or cables or line of pipes for conducting the electrical power by means of cables or wires enclosed therein carried from the generating station (herein-after described) to the railway such line of pipes to be laid under the following streets (viz.) Alfred Place West Thurloe Square South Street Alexander Square Fulham Road Keppel Street Leader Street Cale Street Sydney Street Britten Street Arthur Street King's Road Church Street Chelsea Embankment Cheyne Walk and Lots Road in the parishes of St. Mary Abbott's Kensington and St. Luke Chelsea in the county of London.

7.—(1.) The railways (except Railway No. 2) shall be constructed in two tunnels for separate up and down traffic and shall be approached by means of stairs and hydraulic or other lifts or of inclines.

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General
provisions as
to mode of
construction.

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

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

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

(D) The Railway No. 1 shall be constructed at a depth below the surface of not less than twenty feet measured from the surface of the street to the extreme top of the tunnel.

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

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

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

A.D. 1897. it may be required to be used and shall be used at the working faces whenever the use thereof is for any reason reasonably necessary or prudent.

(6.) Should the nature of the soil extracted by means of the said trial borings be such as to show that it would be reasonably necessary or prudent to work at any working face under compressed air then the Company shall immediately stop all further excavating work and the further driving of the tunnel at such working face until the said air-compressing machinery and apparatus is in position and in full working order and the work at such working face shall be carried on under compressed air until the said trial borings shall show that such precautions may be reasonably and prudently dispensed with.

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

Motive
power.

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

Power to
take land for
generating
station.

9. The Company may enter upon take and use for the purpose of a generating station for the production of electricity the following lands shown on the deposited plans and described in the deposited books of reference viz. :—

A piece of land situate wholly in the parish of St. Luke Chelsea and county of London known as "the Swan Wharf" bounded on the north by Lots Road on the west partly by Lots Road and partly by Chelsea Creek on the south by Chelsea Creek and on the east by the western boundary of Salopian Wharf.

Provisions
for pro-
tection of
Postmaster-
General.

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

(1) The Company shall construct their electric lines and works of all descriptions and shall work their railway in all respects so as to prevent any interference whether by induction or otherwise with the telegraphic lines from time to time laid down or used by the Postmaster-General or with telegraphic communication by means of such lines. Provided that this section shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him on or along the railway:

(2) 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 : A.D. 1897.

(3) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878 :

(4) 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.

11. 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
respecting
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 Board of Trade regulations") for regulating the employment of insulated returns or of uninsulated metallic returns 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 Board of Trade regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided

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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 Board of Trade 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 sub-section 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 sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

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12. The capital of the Company shall be six hundred thousand pounds in sixty thousand shares of ten pounds each.

Capital.

13. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Shares not to be issued until one fifth paid up.

14. One fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall intervene 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.

Calls.

15. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half-shares of which one shall be called "preferred half-share" and the other shall be called "deferred half-share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half-share (being the whole amount payable thereon) and the residue to the credit of the preferred half-share.

Power to divide shares.

16. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half-shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half-share and the remainder (if any) in payment of dividend on the deferred half-share and the Company shall not pay any greater amount of dividend on the two half-shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on half-shares.

17. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available

Dividends on preferred shares to be paid out of profits of the year only.

A.D. 1897. — for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half-shares to be registered and certificates issued.

18. Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half-share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

19. The terms and conditions on which any preferred half-share or deferred half-share created under this Act is issued shall be stated on the certificate of each such half-share.

Forfeiture of preferred half-shares.

20. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half-shares created under the authority of this Act and every such preferred half-share shall for that purpose be considered an entire share distinct from the corresponding deferred half-share and until any forfeited preferred half-share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of the forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

21. No preferred half-share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half-shares to be half-shares in capital.

22. The several half-shares under this Act shall be half-shares in the capital of the Company and every two half-shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

23. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole two hundred thousand pounds but no part of such sum of two hundred

thousand pounds shall be borrowed until the whole of the share capital is 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 such 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted 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 or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof. A.D. 1897.

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

25. 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 created and issued or granted by the Company under this 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. Power to create debenture stock.

26. If any money is payable to a shareholder or mortgagee or debenture stock holder 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 persons not sui juris.

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

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First ordinary meeting.

28. The first ordinary meeting of the Company shall be held within nine months next after the passing of this Act.

Number of directors.

29. The number of directors shall be seven but the Company may from time to time reduce and again increase the number of directors provided that the number be not more than seven nor less than five.

Qualification of directors.

30. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum of directors.
First directors.

31. The quorum of a meeting of directors shall be three.

Election of directors.

32. Sir Joseph Cockfield Dimsdale Knight Charles Grey Mott Percy Mortimer George Potter Neele Steuart Augustus Sillem and two other duly qualified persons to be nominated by them or the majority of them and consenting to the nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained of increasing or reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

33. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding in the whole two acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section Provided always that for the purposes of this section extraordinary purposes shall not include the erection of buildings nor works for generating electricity without the consent of the council or the provision of yards wharves and places for receiving depositing and loading or unloading goods or

cattle Any buildings erected on any land acquired under this section (except such buildings or parts of buildings as may be used for the purposes of a station) shall be subject to the provisions of the Acts relating to buildings in the metropolis. A.D. 1897.

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

35. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water in which other than the grantors have an easement) 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. Persons authorised to convey lands may grant easements.

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

37. 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. Power to deviate laterally.

38. In the execution of the works by this Act authorised but subject to the provisions of this Act the Company may deviate Power to deviate vertically.

A.D. 1897. vertically from the levels thereof marked on the deposited sections to such an extent as may be found necessary or convenient. Provided always that Railway No. 1 shall be constructed at a depth below the surface not less than twenty feet measured from the surface of the street to the extreme top of the tunnel and that no part of any subway be brought within twenty feet of the surface without the consent of the council;

Provided also that the Company shall not deviate upwards except with the consent of the engineer for the time being of the council in the construction of any works under or near any sewer of the council.

For the protection of Smith's Charity Estate.

39. Nothing in this Act contained shall authorise the Company to deviate upwards from the levels marked on the deposited sections of the works by this Act authorised to be made under the estate of the trustees of Henry Smith's Charity in the parish of St. Mary Abbott's Kensington.

Company not to break up surface of streets.

40. The Company shall not break up or disturb the surface of any street or road for the purpose of constructing the railways or subways by this Act authorised nor open or make any ventilators air shafts or other similar openings in any roadway or footway.

As to subways for foot passengers.

41. Any subway for foot passengers by this Act authorised shall so far as it is to be constructed under and within twenty feet of the surface of any public street be constructed only in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the council.

Provision as to cellars under streets not referenced.

42. 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 or the building with which it is connected is described in the deposited books of reference.

Conditions to be observed in opening road for boring purposes.

43. At least seven clear days before commencing any vertical borings from the surface of any part of any street the Company shall serve notice in writing of their intention to commence the same on the engineer of the council and the surveyor of the vestry of the parish in which such street is situate and such notice shall describe the place or places at which such borings are intended to be made and if within seven days after the service of such notice any objection is made by the engineer of the council or such surveyor of the parish 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.

44. Unless the council otherwise agree the following provisions for the protection of the sewers of the council shall have effect (namely):—

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For
protection
of sewers
of council.

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

- (2) As regards any work in respect of which the Company are under the provisions of the last preceding sub-section required to submit plans and sections to the council the council may

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require the Company in constructing such works to make any reasonable deviation within the limits prescribed by this Act from the line or levels shown upon such plan or section for the purpose of avoiding injury or risk of injury to the sewers of the council and the Company shall in constructing such work deviate accordingly :

- (3) It shall not be lawful for the Company to remove any soil or material from under any road except such as must be excavated from the space to be occupied by the tunnels and stations and the approaches thereto :
- (4) 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 sewers of the council within the limits of deviation shown on the deposited plans (for which purpose the council shall allow the Company access to plans in their possession and to any sewers in order to enable the Company to obtain precise information) and shall comprise detailed drawings of every alteration which the Company may propose to make in any such sewer :
- (5) The 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 under the jurisdiction and control of the council against interference or risk of damage and to provide and secure a proper and convenient means of access to the said sewers :
- (6) 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 :
- (7) The approval by the council of any plans or superintendence by the council of any work under the provisions of this section shall not exonerate the Company from any liability or affect any claim for damages under this section or otherwise.

As to main
sewer in site
of genera-
ting station.

45. As regards the main low level sewer belonging to the council situate in the land required for the generating station the Company shall either leave the said sewer undisturbed providing suitable means (to be approved by the council) for relieving the

sewer from the weight of any buildings if erected over the same also providing proper means of access and reserving for the said council full rights of access thereto or shall divert the said sewer substituting at their own expense a new sewer therefor of such length as may be necessary together with all necessary works in connexion therewith the whole to be executed to the satisfaction of the council. A.D. 1897.

46. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway or without the consent of the council to erect or maintain any building beyond the general line of building in any street. Buildings not to be brought beyond general line.

47. The Company shall not where any house or building shall have been wholly or in part demolished by them leave any adjoining structures or any portion of a partly demolished structure in any unsightly condition for any longer period than is reasonably necessary. Walls of buildings to be made good.

48. It shall be lawful for the engineer or other officer of the council duly appointed for the purpose by the said engineer from time to time to enter upon and inspect any works of the Company. Inspection of works by council.

49. 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 shall be subject to the disposal of the council in such manner as the council may hereafter resolve. Deposit of objects of interest.

50. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of the works authorised by this Act or upon any building or hoarding and whether during or after the construction of the works within view of any public street any placards or advertisements except such as shall have been approved in writing by the clerk or other officer of the council and by the clerk to the district board or vestry of the district or parish in which such work is situate and if any such placard or advertisement be affixed or exhibited without such approval the said council district board or vestry 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. Exhibition of placards.

51. In the construction of railways and works the Company shall not permit or suffer any cart or waggon or other vehicle employed in removing from or bringing to the said works any soil materials or As to carting materials and soil.

A.D. 1897. — plant to be loaded or unloaded in any part of the public thoroughfare and the carts or waggons used for such purpose shall be so constructed and managed as to prevent any of such soil dropping therefrom and if the Company their contractors servants or agents commit any breach of this section they shall be liable to a penalty not exceeding forty shillings for each offence and any such penalty may be recovered in a summary manner before any court of summary jurisdiction.

Setting back
of stations.

52. Before the Company commence to construct any station upon any land acquired under the authority of this Act they shall give notice to the council in writing of their intention to commence the construction of such station and describing the site thereof and the Company shall not commence any such station until they have given such notice and the council may at any time within two months after such notice has been given to them require that the buildings at any such site shall be set back so as to secure increased width of thoroughfare and space in front of the station to such an extent (if any) and on such terms as in default of agreement between the council and the Company may be determined to be proper and reasonable by an arbitrator to be appointed on the application of either of them by the president for the time being of the Institution of Civil Engineers and the Company shall thereupon set the same back accordingly.

As to
entrances at
stations &c.

53. The entrances and exits to and from the stations buildings and subways and the waiting accommodation to be provided therein for passengers shall be so designed and of such extent as to secure the least practicable inconvenience to the public traffic in the adjoining streets and the works shall not be commenced until plans thereof shall have been submitted to and approved by the council or in case the Company and the council shall fail to agree with respect thereto by an arbitrator to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers.

For protec-
tion of
sewers of
district
boards and
vestries.

54. Where any works to be done by the Company by virtue of this Act shall or may pass over or under so as to interfere with any sewer drain or work under the jurisdiction or control of any district board of works or vestry constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or any sewers or works to be made or executed by any such board or vestry or shall or may in any way affect the sewerage or drainage of the districts respectively under their control the Company shall not commence such works until

they shall have given to such 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 the service of the said plan section and particulars as aforesaid. Provided that if any difference shall arise as to the said works it shall be referred to an engineer to be appointed by the Board of Trade on the application of any of the said parties interested and the Company shall comply with and conform to all directions and regulations of such reference in the execution of the said works and subject to such reference as aforesaid shall provide by new altered or substituted works in such manner as such board or vestry respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless such board and vestry respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of such board or vestry (as the case may be) at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses occasioned by reason of such works of the Company shall be paid by the Company on demand and if any dispute shall arise as to the amount of such costs charges and expenses the same shall be settled by a referee to be appointed by the Board of Trade and be a debt due from the Company to such board or vestry (as the case may be) and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of such board or vestry (as the case may be) as any sewers or works now or hereafter may be. And nothing in this Act shall except as herein-before provided extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in such board or vestry 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.

A.D. 1897.

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As to laying
the line of
pipes.

55. Before executing any works in respect of the armoured cables or lines of pipes proposed to be laid down under the authority of this Act for conducting electrical power under any street the Company shall give to the council two months' notice in writing of their intention and shall at the same time furnish to the council all proper and sufficient plans and sections showing the nature position course and inclination and other necessary particulars of such armoured cables or pipes and works. The said armoured cables or pipes and works shall be laid and executed in such manner and according to such plans sections and particulars as may be approved of by the council.

Alteration of
cable if
necessary for
street works.

56. If at any time the council shall require to alter or widen any street or to alter the line or level of any street under which the cable or line of pipes by this Act authorised may have been laid the Company shall at their own expense make such alterations in the position of such cable or line of pipes as may be necessary to suit such alteration or widening and all such alterations shall be executed by the Company in accordance with the reasonable requirements of the council and in case the Company do not within twenty-one days after notice to do so served upon the Company by the council proceed to execute the alterations so required the council may proceed to execute the same at the cost of the Company who shall be liable to pay all reasonable expenses which may if necessary be recovered from the Company in any court of competent jurisdiction.

Owners may
be required
to sell parts
only of
certain lands
and build-
ings.

57. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of certain of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions

required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. A.D. 1897.

58. Where the crown of the tunnel is twenty feet or more than twenty feet below the surface of the ground the Company shall not with respect to the lands described in the Second Schedule to this Act which the Company are by the provisions of this Act authorised to enter on take and use for the purposes of the railway and works be required wholly to take those lands or any part of the surface thereof or any houses buildings manufactories and premises therein or any cellar vault or other construction held or connected therewith but the Company may appropriate and use the subsoil and under-surface of any such lands and if the Company require to take use pull down or open any such vault cellar or arches as aforesaid they may purchase take and use and the owners of and other persons interested in any such vault cellar or arches shall sell the same for the purposes of the railway and works and the purchase of any such cellar vault or 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 But nothing in this section contained nor any dealing with the lands in pursuance of this section shall relieve the Company from the liability to compensation under the 68th section of the Lands Clauses Consolidation Act 1845 and every case of compensation to be ascertained under this Act shall be ascertained according to the provisions contained in the Lands Clauses Acts.

59. If in the execution and maintenance of any works authorised by this Act it shall be necessary in order to avoid injury to the houses and buildings within one hundred feet of the railway to underpin or otherwise strengthen the same 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 shall have effect (that is to say) :—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and 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 and lessees

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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 as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they (as the case may be) disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :
- (4) Such referee 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 cost of the reference shall be in the discretion of the referee :
- (6) 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 enactment :
- (7) 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 referee 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 :
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act :

(9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts : A.D. 1897.

(10) Nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act 1845.

60.—(1.) The Company shall not under the powers of this Act purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses which on the fifteenth day of December next before the passing of this Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or which have been or shall be subsequently so occupied unless and until—

Restrictions
on displacing
persons of
labouring
class.

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

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

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

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new buildings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

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

(4.) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned

A.D. 1897. requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State out of the High Court.

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

Provided that the court may if it think fit reduce such penalty.

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

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

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

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

(8.) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) and the Metropolis Management Act 1855 and any Act or Acts amending the same respectively.

(9.) The said Secretary of State may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed

shall for the purpose of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purpose of inquiries directed by that Board under the Public Health Act 1875 :- A.D. 1897.

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

Any houses on any of the lands shown on the plans deposited with reference to this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Secretary of State shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the said Secretary of State is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary of State they might have been sufficient to accommodate.

(10.) The expression "labouring class" in this section includes mechanics artisans 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 such persons who may be residing with them.

61.—(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 of the following companies viz. the Grand Junction Waterworks Company the Chelsea Waterworks Company the Gas Light and Coke Company the London Hydraulic Power Company the Chelsea Electricity Supply Company the London Electric Supply Corporation Limited the St. James' and Pall Mall Electric Light Company Limited the Westminster Electric Supply Corporation Limited the Kensington and Knightsbridge Electric Lighting Company Limited and the National Telephone Company Limited or any other gas water

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

A.D. 1897. — telephone or electric company whose mains or pipes may be interfered with during the construction of the railway (each herein-after referred to as the "protected company" and collectively as the "protected companies") are situate the Company shall from time to time deliver to such protected company or companies plans and sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to such protected company or companies at least fourteen days before the commencement of any such work :

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

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

(3.) Any protected company may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any apparatus of such protected company will be interfered with or affected during their construction repair or renewal and the reasonable wages of such watchmen or inspectors shall be borne by the Company and be paid by them to such protected Company to be recovered against the Company in any court of competent jurisdiction. A.D. 1897.

(4.) If any interruption in the supply of water hydraulic power electric energy telephonic communication or gas by any protected company shall without the written authority of such protected company be in any way occasioned by the Company or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to such protected company for the use and benefit of such protected company at the option of the protected company either (A) a sum not exceeding ten pounds for every hour during which such interruption shall continue or (B) such sum as shall be equal to the aggregate loss or damages which the protected company may sustain or incur by reason of such interruption such sum in either case to be recovered by such protected company against the Company in any court of competent jurisdiction.

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

(6.) It shall be lawful for any protected company and the engineers workmen and others in their respective employ at all times when it may be necessary to enter upon the lands works and premises of the Company at any point or place where there is existing any apparatus of such protected company and to do all such works in and upon such lands and premises as may be necessary for repairing maintaining or removing or replacing or extending such apparatus under or over the same lands and premises Provided always that in so doing such protected company their engineers or workmen or others in the employ of such company shall not

A.D. 1897. interrupt the use of any of the works by this Act authorised And provided also that such protected company shall make good and reimburse to the Company all damages to the works by this Act authorised occasioned by the exercise of the powers by this section reserved the amount of such damages to be recoverable by the Company against such protected company in any court of competent jurisdiction.

(7.) It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the railway by electricity whereby any electric apparatus of the Chelsea Electricity Supply Company or of the London Electric Supply Corporation Limited or of the St. James' and Pall Mall Electric Light Company Limited or of the Westminster Electric Supply Corporation Limited or of the Kensington and Knightsbridge Electric Lighting Company Limited or of the National Telephone Company Limited is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten feet of any part of any electric apparatus of such company (other than repairs or the laying of lines crossing the electric apparatus of such company at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not less than fourteen days before commencing such work shall give written notice to such company specifying the course of the line or rail and the nature of the work including the gauge of any wire or wires intended to be used for electrical energy and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by such company for the purpose of preventing any electric apparatus of such company from being injuriously affected by the said act or work.

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

(9.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the protected company may be under in respect of its apparatus and may if he thinks fit require the Company to execute any temporary or other works so

as to avoid interference with any purpose for which the protected company's apparatus is used so far as may be possible. A.D. 1897.

62. For the further protection of the Gas Light and Coke Company (in this section referred to as "the gas company") the following provisions shall have effect (that is to say):—

For further
protection of
Gas Light
and Coke
Company.

(1) Whereas there are divers mains pipes syphons and other apparatus belonging to the gas company in divers streets highways roads footpaths lanes courts passages and other places within the limits shown on the deposited plans which are now used by the gas company for supplying gas to the streets highways roads footpaths lanes courts passages and other places aforesaid and such streets or other places or some of them will or may be done away with under the powers of this Act Therefore when the Company for any purposes of this Act take any of those mains pipes syphons or other apparatus they shall pay to the gas company the value thereof and the same shall thereupon become the property of the Company and the Company shall also pay to the gas company their reasonable charge of removing or altering any of the mains pipes syphons or other apparatus in immediate communication therewith which the works of the Company shall render useless or which shall require to be altered :

(2) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company or to any of their mains pipes syphons apparatus property works and conveniences (including any loss of gas or interruption in the supply of gas by the gas company and all injury or loss by explosion or otherwise) through by reason of or consequent on the execution user or failure of any of the intended works or through by reason of or consequent on any act or omission of the Company or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others or by reason of or consequent on any subsidence caused by the railway of the Company or any works authorised by this Act to be done by the Company and the Company will effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission or subsidence or matter or thing aforesaid :

(3) The fact that any work or thing has been done or executed in accordance with any plan not objected to or approved by the

A.D. 1897.

gas company or with any requirement of the gas company or in accordance with any direction or award of an arbitrator shall not excuse the Company from paying or making good to the gas company under this Act any costs losses damages expenses interruption or compensation or from indemnifying the gas company under this Act :

- (4) Provided always that except as is by this Act expressly provided this Act or anything herein contained shall not take away diminish alter or prejudice any of the rights powers privileges or authorities of the gas company.

For protection of united vestry of parishes of St. Margaret and St. John the Evangelist Westminster.

63. With reference to so much of the railways and subway by this Act authorised as will be constructed in or under the parishes of St. Margaret and St. John the Evangelist Westminster in the county of London (in this section herein-after called "the parishes") and for the protection of the vestry of the parishes (in this section herein-after called "the vestry") the following provisions shall apply and have effect :--

- (1) The railway within the parishes shall be constructed at a depth below the surface of at least twenty-five feet measured from the surface of the street to the extreme top of the tunnel and in such manner as not to in any way interfere with the surface of the streets or footways :
- (2) All tunnels arches and other works within the parishes shall be constructed and maintained by the Company in such manner as at all times to support not only the ordinary traffic but also any steam or other roller that the vestry may use for repairing the streets and the Company shall indemnify and make good to the vestry on demand all costs and expenses that the vestry may incur or be put to by reason of any defect or insufficiency of strength in such tunnels arches or works or any neglect or omission to properly and efficiently maintain the same as aforesaid or otherwise by reason of the said railway subway and works :
- (3) The Company shall not deposit any subsoil or materials anywhere within the parishes so as to cause any nuisance or obstruction to any persons using the roads or footways within the parishes :
- (4) The Company shall make full compensation to the vestry for any damage to or subsidence of any sewer drain convenience or underground erection or work of any kind or work under the jurisdiction or control of the vestry in or under any street road or footway in or under which any railway or works by this Act authorised may be executed by the Company which may

be caused by or in consequence of the act or default of the Company their contractors servants or agents and whether such damage or subsidence shall happen during the construction of such railways or works or at any time thereafter : A.D. 1897.

(5) While the Company are possessed under the authority of this Act of any lands houses buildings cellars easements or other property within the united parishes of St. Margaret and St. John the Evangelist Westminster assessed or liable to be assessed to any parochial poor or sewer rate or other general or special rate and until any works to be constructed by the Company in the said parishes under or consequent on the powers of this Act are so far completed as to be assessed or liable to be assessed the Company shall be liable to make good and shall make good the deficiency in the assessment for such rates by reason of such lands houses buildings cellars easements or other property being taken or used by them for the purposes of this Act or other the purposes of their undertaking and the deficiency shall be computed according to the rental at which such lands houses buildings cellars easements and other property respectively are rated at the time of the passing of this Act and on demand the Company shall pay the deficiency to the collectors of such rate or rates respectively :

(6) No electricity shall be generated on in or under any part of any lands acquired by the Company under the powers of this Act which are situate in the parishes.

64. With reference to so much of the railway and works by this Act authorised as will be made in the parish of St. James Westminster (in this section called "the vestry") the following provisions shall apply :—

For protection of vestry of parish of St. James Westminster.

(1) The proposed railway within the said parish shall be constructed at a depth below the surface of at least twenty-five feet measured from the surface of the street to the extreme top of the tunnel and in such manner as not to damage or in any way interfere with any sewer drain or pipe belonging to the vestry or the surface of the streets or footways :

(2) All tunnels arches and other works shall be constructed and maintained by the Company in such manner as at all times to support not only the ordinary traffic and any other exceptional traffic lawfully using the streets within the said parish but also any steam roller or other apparatus that the vestry or its contractors for the time being may use for repairing the streets or roadways under its control and the Company shall indemnify

A.D. 1897.

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the vestry against and make good to it all costs and expenses that such vestry may incur or be put to by reason of any defect or insufficiency in strength in any tunnels arches or works or any neglect to properly and efficiently maintain the same as aforesaid or in the construction or working of the proposed railway and works:

- (3) The Company shall make full compensation to the vestry for any damage to interference with or subsidence of any carriage-way footway sewer or other work or property vested in the vestry or under its jurisdiction or control which may be caused by or in consequence of the act or default of the Company their contractors servants or agents and whether such damage shall happen during the construction of such railways or works or at any time thereafter :
- (4) The Company shall not generate electricity anywhere within the said parish :
- (5) While the Company are possessed under the authority of this Act of any lands houses buildings cellars easements or other property within the said parish assessed or liable to be assessed to any poor or other parochial rates and until the works to be constructed by the Company in or upon any such lands are so far completed as to be assessed or liable to be assessed to an amount equal to or greater than the aggregate value at which the said lands houses buildings cellars easements and property were assessed to the last rate made before the passing of this Act the Company shall be liable to make good and shall make good and pay any deficiency in the assessments by reason of such lands houses buildings cellars easements or other property being taken or used by them and the deficiency shall be computed according to the value at which such lands houses buildings cellars easements or other property were assessed to the last rate made before the passing of this Act :
- (6) The Company shall not deposit any subsoil or materials anywhere within the said parish so as to cause any nuisance or obstruction to any person using the streets roads or footways within the said parish :
- (7) It shall be lawful for the surveyor or other officer of the vestry duly appointed for the purpose from time to time until the works to be executed by the Company under this Act shall be completed to enter upon and inspect any works of the Company in the parish.

65. The following provisions so far as regards so much of the railway and works by this Act authorised as will be situated within the parish of St. George Hanover Square and for the protection of the vestry of the said parish (in this section called "the vestry") shall have effect viz. :—

A.D. 1897.
For protection of
parish of
St. George
Hanover
Square.

- (1) The railway shall be constructed at a depth below the surface of at least twenty feet measured from the surface of the street to the extreme top of the tunnel and in such manner as not to damage or in any way interfere with any sewer drain or pipe belonging to the vestry or the surface of the streets or footways :
- (2) All tunnels arches and other works within the said parish shall be constructed and maintained by the Company in such manner as at all times to support not only the ordinary traffic but also any steam roller that the vestry may use for repairing the streets and the Company shall indemnify and make good to the vestry all costs and expenses that the vestry may incur or be put to by reason of any defect or insufficiency of strength in such tunnels arches or works or any neglect to properly and efficiently maintain the same as aforesaid or otherwise by reason of the said railway and works :
- (3) The Company shall not deposit any subsoil or materials anywhere within the said parish so as to cause any nuisance or obstruction to any persons using the roads or footways within the parish :
- (4) The Company shall make full compensation to the vestry for any damage to or subsidence of any sewer drain or work under the jurisdiction or control of the vestry in or under any street road or footway in or under which any railways or works by this Act authorised may be executed by the Company which may be caused by or in consequence of the act or default of the Company their contractors servants or agents and whether such damage or subsidence shall happen during the construction of such railways or works or at any time thereafter :
- (5) The Company shall not where any house or building has been demolished by them leave the flanks thereof or of any adjoining structures in any unsightly condition after the completion of the railway :
- (6) The Company shall not generate electricity anywhere within the said parish :
- (7) While the Company are possessed under the authority of this Act of any lands houses buildings cellars easements or other property within the said parish assessed or liable to be assessed to any poor or other rates and until any works to be

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constructed by the Company in or upon any such lands are so far completed as to be assessed or liable to be assessed to any amount equal to or greater than the aggregate value at which the said lands houses buildings cellars easements and property were assessed to the last rate made before the passing of this Act the Company shall be liable to make good and shall make good and pay any deficiency in the assessments by reason of such lands houses buildings cellars easements or other property being taken or used by them and the deficiency shall be computed according to the value at which such lands houses buildings cellars easements or other property are assessed to the last rate made before the passing of this Act :

- (8) In the construction of so much of the railway and works as are situate within the said parish the Company shall not permit or suffer any cart or waggon or other vehicle employed in removing from or bringing to the said works any soil materials or plant to be loaded or unloaded in any part of the public thoroughfare and shall not permit or suffer any cart waggon or other vehicle to carry any soil excavated from the railway or works through the streets of the said parish except in carts or waggons so constructed and managed as to prevent any of such soil dropping therefrom and if the Company their contractors servants or agents commit any breach of this sub-section they shall be liable to a penalty not exceeding forty shillings for each offence and any such penalty may be recovered in a summary manner before any court of summary jurisdiction :
- (9) At least seven clear days before commencing any vertical borings from the surface of any part of any street the Company shall serve notice in writing of their intention to commence the same on the engineer of the council and the surveyor of the vestry of the parish in which such street is situate and such notice shall describe the place or places at which such borings are intended to be made and if within seven days after the service of such notice any objection is made by the engineer of the council or such surveyor of the vestry the matter shall unless otherwise agreed be determined by arbitration before the boring is commenced but if no objection is made the said borings may be proceeded with.

For protec-
tion of
Chelsea
Vestry.

66. The Company shall in the laying of electric cables or line of pipes along the streets within the parish of Chelsea not commence such works until they have given to the Chelsea Vestry fourteen days' previous notice in writing of their intention to commence the same by leaving such notice at the office of the Vestry together with a plan and section showing the position where it is proposed to place

the said cables or line of pipes and all other necessary particulars relating thereto and until the vestry shall have signified their approval of the same unless they do not signify their approval disapproval or other directions within fourteen days after the service of the said plan section and particulars as aforesaid such approval not to be unreasonably withheld Provided that if any difference shall arise as to the said works it shall be referred to an engineer to be appointed by the Board of Trade on the application of the Company or the vestry and the Company shall comply with and conform to all directions and regulations of such reference in the execution of the works and subject to such reference as aforesaid shall conform in the execution of the said works to all the reasonable requirements of the vestry and shall save harmless the vestry against all and every the expenses to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the surveyor of the vestry at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses occasioned by reason of such works of the Company shall be paid by the Company on demand and if any dispute shall arise as to the amount of such costs charges and expenses the same shall be settled by a referee to be appointed by the Board of Trade and be a debt due from the Company to the vestry Provided also that the reinstatement of all roadways and footways disturbed in making and maintaining the said cables or line of pipes shall be carried out by the vestry at the cost of the Company such cost in case of difference to be determined by reference as above mentioned And provided further that after the cables or line of pipes shall have been laid the Company shall send to the vestry a plan and section showing the position when so laid And provided also that the roadway in the parish shall not be disturbed for the purpose of examination or repair of the cables or line of pipes without previous notice in writing thereof to the vestry.

A.D. 1897.
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67. With reference to so much of the railways and other works by this Act authorised (in this section called "the works") as will be made in the parish of St. Mary Abbott's Kensington in the administrative county of London (in this section called "the parish") and for the protection of the vestry of the parish of St. Mary Abbott's Kensington (in this section called "the vestry") the following provisions shall unless otherwise agreed apply:—

For protec-
 tion of
 Kensington
 Vestry

- (1) The Railway No. 1 within the parish where under streets or roads shall be constructed at a depth below the surface of at least twenty-five feet measured from the surface of the street to the extreme top of the tunnel and in such manner as not to damage or in any way interfere with any sewer drain or

A.D. 1897.

pipe belonging to the vestry or the surface of the streets or footways :

- (2) All tunnels arches and other works within the parish shall be constructed and maintained by the Company in such manner as at all times to support not only the ordinary traffic but also any exceptional traffic lawfully using the streets within the parish and also any steam roller traction engine or other motor by whatever power worked that the vestry may use for repairing streets or other purposes and the Company shall indemnify and make good to the vestry all costs expenses and damages that the vestry may at any time incur or be put to or be liable for by reason of any defect or insufficiency in strength in such tunnels arches or works or of any neglect to properly and efficiently maintain the same as aforesaid or otherwise by reason of the said railway and works :
- (3) It shall be lawful for the surveyor or other officer of the vestry duly appointed for the purpose from time to time until the works to be executed by the Company under this Act shall be completed to enter upon and inspect any works of the Company in the parish :
- (4) The Company shall not deposit any soil or materials anywhere within the parish so as to cause any nuisance or obstruction to any persons using the streets roads or footways within the parish :
- (5) In the construction of the works the Company shall not permit or suffer any cart or waggon or other vehicle employed in removing from or bringing to the works any soil materials or plant to be loaded or unloaded in any part of any public thoroughfare in the parish and shall not permit or suffer any soil excavated from the works to be carried through any street in the parish except in carts or waggons so constructed and managed as to prevent any of such soil dropping therefrom :
- (6) All costs charges and expenses incurred by the vestry in removing any soil dropped on any road in the parish in consequence of the execution of the works shall on demand be paid by the Company to the vestry and be a debt due to the vestry :
- (7) The Company shall make full compensation to the vestry for any subsidence of or damage to any road footpath sewer drain or other work vested in or under the jurisdiction or control of the vestry which may be caused by or in consequence of the act or default of the Company their contractors servants or agents and whether such damage or subsidence shall happen

during the construction of the works by the Company or at any time thereafter : A.D. 1897.

- (8) The reasonable costs charges and expenses of or incurred by the vestry in respect of the execution or repair of any works constructed by the Company under this Act or in respect of the approval inspection or supervision of any plans sections specifications and works or in respect of any other matter under this section shall be borne and paid by the Company and be a debt due from the Company to the vestry :
- (9) While the Company are possessed under the authority of this Act of any lands houses buildings cellars easements or other property within the parish assessed or liable to be assessed to any poor or other rates or contributions and until any works to be constructed by the Company in or upon any such lands or other property are so far completed as to be assessed or liable to be assessed to an amount equal to or greater than the value at which the said lands houses buildings cellars easements and property respectively were assessed to the last rate made before the passing of this Act the Company shall be liable to make good and shall make good and pay any deficiency in the assessments by reason of such lands houses buildings cellars easements or other property being taken or used by them and the deficiency shall be computed according to the value at which such lands houses buildings cellars easements or other property are assessed to the last rate made before the passing of this Act :
- (10) In the event of the Company acquiring any land or property situate on the north side of Brompton Road Kensington and between the east side of Brompton Square and Cheval Place the Company shall not erect any station or building above the level of the ground the main front wall of which shall project south of the line of proposed widening of Brompton Road shown by a dotted red line on the plan signed by William Woodall Esquire the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred and the Company shall dedicate to the public the user of the surface of so much of such land as lies to the south of the said line provided that the vestry commence to carry out the remainder of the said proposed widening within three years and three months from the date of the passing of this Act and shall forthwith carry the same into effect :
- (11) The Company shall in the laying of electric cables or line of pipes along the streets within the parish not commence such works until they have given to the vestry fourteen days'

A.D. 1897.

previous notice in writing of their intention to commence the same by leaving such notice at the office of the vestry together with a plan and section showing the position where it is proposed to place the said cables or line of pipes and all other necessary particulars relating thereto and until the vestry shall have signified their approval of the same unless they do not signify their approval disapproval or other directions within fourteen days after the service of the said plan section and particulars as aforesaid such approval not to be unreasonably withheld Provided that if any difference shall arise as to the said works it shall be referred to an engineer to be appointed by the Board of Trade on the application of the Company or the vestry and the Company shall comply with and conform to all directions and regulations of such reference in the execution of the works and subject to such reference as aforesaid shall conform in the execution of the said works to all the reasonable requirements of the vestry and shall save harmless the vestry against all and every the expenses to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the surveyor of the vestry at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses occasioned by reason of such works of the Company shall be paid by the Company on demand and if any dispute shall arise as to the amount of such costs charges and expenses the same shall be settled by a referee to be appointed by the Board of Trade and be a debt due from the Company to the vestry Provided also that the reinstatement of all roadways and footways disturbed in making and maintaining the said cables or line of pipes shall be carried out by the vestry at the cost of the Company such cost in case of difference to be determined by reference as above mentioned And provided further that after the cables or line of pipes shall have been laid the Company shall send to the vestry a plan and section showing the position when so laid And provided also that the roadway in the parish shall not be disturbed for the purpose of examination or repair of the cables or line of pipes without previous notice thereof to the vestry :

(12) If any difference shall arise between the vestry and the Company under or in respect of the provisions in this section contained such difference shall be referred to arbitration under the Arbitration Act 1889.

For pro-
tection
of Lady

68.--(A) The Company in the construction of the railway in Piccadilly opposite the premises No. 127 Piccadilly shall not

deviate vertically in an upward direction nor laterally in a northerly direction from the position of the proposed railway as shown upon the deposited plans and sections and shall construct the proposed station in Down Street Piccadilly exclusively upon the land numbered 20 and 21 upon the deposited plans but with an easement if required under No. 32 all in the parish of St. George Hanover Square. A.D. 1897.
Cholmley
and the
Cavalry
Club.

(B) The said station shall not have any means of access into Down Street Mews or into the archway leading thereto:

(c) In the construction of the said station the Company shall not—

(1) Cart any materials through the yard know as Down Street Mews or through the archway leading thereto; nor

(2) Cause any interference with the back entrance to the premises 127 Piccadilly.

69.—(1.) The Company in the construction of the railway in Piccadilly opposite the premises numbered 117 118 119 125 126 and 127 Piccadilly shall not deviate vertically in an upward direction nor laterally in a northerly direction from the position of the proposed railway as shown upon the deposited plans and sections. For pro-
tection of
Sutton
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that estate.

(2.) Nothing in this Act contained shall authorise the Company to enter upon use or take compulsorily for the purposes of its undertaking any part of the lands numbered 20 to 36 (both inclusive) upon the deposited plans for the parish of St. George Hanover Square which form part of the Sutton Estate except as follows (namely) The Company may enter upon and take the lands numbered 20 and 21 for the purpose of constructing the proposed station in Down Street and they may acquire easements under the lands numbered 32 but shall not enter upon the surface of number 32 nor shall they take or interfere with the cellars or offices belonging to any of the houses in Piccadilly numbered 117 118 119 125 126 and 127.

(3.) The proposed station in Down Street shall not have any means of access into Down Street Mews or into the archway leading thereto.

(4.) The Company shall not commence to construct the said station until they shall have given to the Sutton Estate trustees one month's previous notice in writing of their intention to commence the same by leaving such notice at the Sutton Estate office with plan of elevation for the approval of the said trustees provided always that the trustees shall not unreasonably withhold their approval The Company shall with all reasonable dispatch proceed

A.D. 1897. with the construction of the said station from the commencement
— until the completion thereof.

(5.) The Company shall not without the consent in writing of the said trustees affix or exhibit or permit to be affixed or exhibited upon any part of the said station or upon any building or hoarding on the site thereof as well before as during and after the construction of the said station any placards or advertisements other than placards giving information to the public as to the traffic of the Company.

(6.) In or about the construction of the railway or of the said station the Company shall not—

(A) Cart any materials through the yard known as Down Street Mews or through the archway leading thereto or cause any interference with or obstruction to the entrances in Down Street Mews to any of the houses offices stables or coach-houses abutting thereon; nor

(B) Cause any obstruction to the free passage along Down Street of foot passengers and vehicles to and through the said archway or to any residence in Down Street forming part of the Sutton Estate.

(7.) The Company shall make full compensation to the said trustees for any damage to or subsidence of any drain or pipe in or under any part of the Sutton Estate in or under which any works may be executed by the Company which may be caused by or in consequence of the act or default of the Company their contractors servants or agents and whether such damage or subsidence shall happen during the construction of such works or at any time thereafter.

(8.) Any sale or letting by the Company of any lands forming part of the Sutton Estate which shall be acquired by the Company or of any buildings thereon shall be made subject to a condition that the purchaser or lessee and his heirs executors administrators and assigns as the case may be shall not use or permit to be used the premises so sold or let for any purpose calculated to injuriously affect the owners or occupiers of any premises adjoining thereto.

(9.) Before the Company shall be entitled to sell any lands acquired by them which now form part of the Sutton Estate or any buildings thereon they shall first offer to sell the same to the Sutton Estate trustees such offer to be made in writing and to be left at the Sutton Estate office. If the said trustees shall be desirous of purchasing such premises they shall signify their desire in that behalf to the Company within six weeks after the service of such offer and if the said trustees and the Company do not agree as to the

price to be paid for the said premises then such price shall be settled by arbitration. A.D. 1897.

(10.) If any dispute or difference shall arise between the Company and the said trustees respecting any matter under this section such dispute or difference shall be referred to arbitration under the Arbitration Act 1889.

(11.) In this section the Sutton Estate trustees shall where the context admits include the trustees and owners for the time being of the said estate or of so much thereof as shall not have been sold.

70. For the protection of the Science and Art Department of the Committee of Council on Education (in this section called "the Science and Art Department") the following provisions shall have effect with respect to the use of electricity as a motive power on the railways (that is to say):—

For protection of Royal College of Science and Art.

(1) The nearest portion of the railway lines or of any conductor used in connexion therewith to the Royal College of Science shall not enter within a circle of which the centre is the archway entrance to the Royal College of Science and the radius is the distance between that point and the southern end of Exhibition Road :

(2) For the carrying of the current to and from the trains conductors shall alone be used which are insulated to the satisfaction in all respects of the Science and Art Department along the whole of their length :

(3) It shall be lawful for the engineer or other officer of the Science and Art Department duly authorised by the said department in that behalf and with or without assistants and workmen and all necessary instruments and appliances from time to time and upon giving not less than forty-eight hours' notice in writing to the Company to enter upon any railways subways or other works of the Company by this or any other Act authorised and to examine and test in such manner and by such means as such engineer or officer may think fit the insulation of any conductors used for the purpose of carrying current to or from the trains and the Company shall afford all necessary facilities for such purposes provided that any such examination shall be made and any such test applied at such times and in such manner as shall not interfere with the ordinary working of the railway.

71. For the protection of the City and Guilds of London Institute for the Advancement of Technical Education (in this section called "the institute") the following provisions shall unless otherwise agreed between the Company and the institute be observed and

For protection of City and Guilds of London Institute.

A.D. 1897. have effect with respect to the use of electricity as a motive power on the railways (that is to say):—

- (1) The nearest portion of the railway shall not enter within a circle of which the centre is the archway entrance to the Royal College of Science and the radius is the distance between that point and the southern end of the Exhibition Road:
- (2) The return circuit shall in addition to the going circuit be insulated along its whole length to the satisfaction of the institute and in the event of a connexion between the tube and the dynamo end of the line being required by the Board of Trade such connexion shall be made detachable for testing purposes.

For protection of Metropolitan Railway Company.

72. For the protection of the Metropolitan Railway Company (in this section called “the Metropolitan Company”) the following provisions shall unless otherwise agreed between the Metropolitan Company and the Company be observed and have effect (that is to say):—

- (1) In this section the expression “the South Kensington Station” means and includes so much of the railway station and lands at South Kensington as is the exclusive property of the Metropolitan Company:
- (2) Notwithstanding anything shown upon the deposited plans and sections or contained in this Act the Company shall not interfere with either permanently or temporarily the railway of the Metropolitan Company or the South Kensington Station:
- (3) The Company shall twenty-eight days before they commence the construction of that part of the railways and works by this Act authorised which shall or may pass over or adjacent to the Metropolitan Railway or the South Kensington Station furnish to the Metropolitan Company proper and sufficient plans sections and specifications of the works proposed to be made by the Company over or adjacent to the said railway and the South Kensington Station and for a distance of two hundred lineal yards on each side thereof and such plans sections and specifications shall so far as they relate to or affect the property of the Metropolitan Company be settled and agreed upon between the respective engineers of the Company and the Metropolitan Company or in case of their failing to agree or of any difference arising between them the same shall be settled and determined in manner herein-after provided 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 engineer for the time being of the Metropolitan Company and at the costs charges and expenses in all respects of the Company and when commenced shall be proceeded with without cessation Provided that the Company shall in no case in the execution of the said works deviate the centre line of Railway No. 1 as shown on the deposited plans nor deviate upwards from the levels thereof as shown on the deposited sections where the same is within a distance of two hundred lineal yards from the said railway and the South Kensington Station : A.D. 1897.

- (4) The Company shall at all times maintain the railway and works by this Act authorised and the works and conveniences connected therewith so far as the same affect the Metropolitan Company in substantial repair and good order and condition and if any difference should arise between the engineer of the Company and the engineer of the Metropolitan Company as to the repair and condition of that part of the railway or the works and conveniences connected therewith the same shall be settled in manner hereinafter provided The engineer of the Metropolitan Company or his duly authorised assistants shall at all times have free access to the said portion of railways and every facility shall be afforded them for the inspection thereof and every reasonable notice which they may give touching any defect or want of repair shall as soon as possible be complied with by the Company :
- (5) If during and by the execution of the said railways and works the railway of the Metropolitan Company or the South Kensington Station or any of the works or conveniences connected therewith shall be injured or damaged such injury or damage shall forthwith be made good by the Company at their own expense or in the event of their failing so to do the Metropolitan Company may make good the same and recover the costs thereof against the Company in any court of competent jurisdiction :
- (6) The Company shall not in making and maintaining and working or using the said railways and works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the Metropolitan Railway and the South Kensington Station or any traffic thereon and therein and if at any time or times hereafter the free and uninterrupted and safe user of the Metropolitan Railway and the South Kensington Station or any traffic thereon and therein shall be obstructed hindered or interfered with contrary to this

A.D. 1897.

enactment the Company shall forfeit and pay to the Metropolitan Company for each such obstruction one hundred pounds per hour by way of ascertained damages for every hour during which each such obstruction hindrance or interference shall continue :

- (7) During the construction renewal or repair of the railway and works by this Act authorised under and adjacent to the Metropolitan Railway and the South Kensington Station the Company shall bear and on demand shall pay to the Metropolitan Company the reasonable expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the Metropolitan Railway the South Kensington Station and the works and conveniences connected therewith for preventing as far as may be all interference obstruction danger and accident which may 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 :
- (8) No electricity shall be generated in under or adjacent to the Metropolitan Railway or any portion of the South Kensington Station or on or under any lands or works of the Metropolitan Company and the Company shall so construct their electric circuits and other works of all descriptions and shall so work their railway in all respects as to prevent so far as practicable any injurious interference by induction or otherwise with the electric circuits from time to time used on the Metropolitan Railway or at the South Kensington Station or with the currents in such circuits :
- (9) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Metropolitan Company all costs losses damages and expenses which may be occasioned to the Metropolitan Company or to any of the works lands or property thereof herein-before mentioned or to the traffic thereon or otherwise by reason of the construction or failure of the railways and other 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 Metropolitan Company from all claims and demands upon or against them by reason of such construction or failure and of any such omission :
- (10) Any difference not otherwise in this section provided for which may arise between the Company and the Metropolitan

Company under this enactment or with reference thereto shall be from time to time settled by arbitration in the manner provided by the Railway Companies Arbitration Act 1859 for the settlement of disputes by arbitration. A.D. 1897.

73. For the protection of the Metropolitan District Railway Company (in this section called "the District Company") the following provisions shall notwithstanding anything in this Act contained unless otherwise agreed between the District Company and the Company be observed and have effect (that is to say):—

For pro-
tection of
Metropolitan
District
Railway
Company.

(1) In this section the expression "the South Kensington Station" means and includes so much of the railway station and lands at South Kensington as is the exclusive property of the District Company and any enlargement of such station and also the bridge carrying Fulham Road over the railway belonging to the District Company:

(2) Notwithstanding anything shown upon the deposited plans and sections or contained in this Act the Company shall not without the consent in writing of the District Company either temporarily or permanently interfere with the railway of the District Company or the South Kensington Station or the foot passenger subway of the District Company at South Kensington:

(3) The Company shall twenty-eight days before they commence the construction of that part of the railways and works by this Act authorised which shall or may pass over or adjacent to the District Railway or the South Kensington Station or the said foot passenger subway furnish to the District Company proper and sufficient plans sections and specifications of the works proposed to be made by the Company over or adjacent to the said railway and the South Kensington Station and the said foot passenger subway and for a distance of two hundred lineal yards on each side thereof and such plans sections and specifications shall so far as they affect the property of the District Company be settled and agreed upon between the respective engineers of the Company and the District Company or in case of their failing to agree or of any difference arising between them the same shall be settled and determined in manner herein-after provided 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 engineer for the time being of the District Company and at the costs charges and expenses in all respects of the Company and when commenced shall be carried to

A.D. 1897.

completion with all reasonable dispatch Provided that the Company shall in no case in the execution of the said works deviate the centre line of Railway (1) as shown on the deposited plans nor deviate upwards from the levels thereof as shown on the deposited sections where the same is within a distance of two hundred lineal yards from the said railway and the South Kensington Station and the said foot passenger subway :

- (4) The Company shall at all times maintain the railway and works by this Act authorised and the works and conveniences connected therewith so far as the same affect the District Company in substantial repair and good order and condition and if any difference should arise between the engineer of the Company and the engineer of the District Company as to the repair and condition of that part of the railway or the works and conveniences connected therewith the same shall be settled in manner herein-after provided The engineer of the District Company or his duly authorised assistants shall at all times have free access to the said portion of railways and every facility shall be afforded them for the inspection thereof and every reasonable notice which they may give touching any defect or want of repair shall as soon as possible be complied with by the Company :
- (5) If during and by the execution of the said railway and works the railway of the District Company or the South Kensington Station or the said foot passenger subway or any of the works or conveniences connected therewith shall be injured or damaged such injury or damage shall forthwith be made good by the Company at their own expense or in the event of their failing so to do the District Company may make good the same and recover the costs thereof against the Company in any court of competent jurisdiction :
- (6) The Company shall not in making and maintaining and working or using the said railways and works by this Act authorised in any manner either directly or indirectly obstruct hinder or interfere with the free uninterrupted and safe user of the District Railway and the South Kensington Station and the said foot passenger subway or any traffic thereon and therein and if at any time or times hereafter the free and uninterrupted and safe user of the District Railway and the South Kensington Station and the said foot passenger subway or any traffic thereon and therein shall be obstructed hindered or interfered with contrary to this enactment the Company

shall forfeit and pay to the District Company for each such obstruction one hundred pounds per hour by way of ascertained damages for every hour during which each such obstruction hindrance or interference shall continue : A.D. 1897.

- (7) During the construction renewal or repair of the railway and works by this Act authorised under and adjacent to the District Railway and the South Kensington Station and the said foot passenger subway the Company shall bear and on demand shall pay to the District Company the reasonable expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the District Railway the South Kensington Station and the said foot passenger subway and the works and conveniences connected therewith for preventing as far as may be all interference obstruction danger and accident which may 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 :
- (8) No electricity shall be generated in under or adjacent to the District Railway or any portion of the South Kensington Station or the said foot passenger subway or on or under any lands or works of the District Company and the Company shall so construct their electric circuits and other works of all descriptions and shall so work their railway in all respects as to prevent so far as practicable any injurious interference by induction or otherwise with the electric circuits from time to time used on the District Railway or at the South Kensington Station or the said foot passenger subway or with the currents in such circuits :
- (9) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the District Company all costs losses damages and expenses which may be occasioned to the District Company or to any of the works lands or property thereof herein-before mentioned or to the traffic thereon or otherwise by reason of the construction or failure of the railway and other 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 District Company from all claims and demands upon or against them by reason of such construction or failure and of any such omission :

A.D. 1897.

(10) Any difference not otherwise in this section provided for which may arise between the Company and the District Company under this enactment or with reference thereto shall be from time to time settled by arbitration in the manner provided by the Railway Companies Arbitration Act 1859 for the settlement of disputes by arbitration.

For
protection
of Abram
Kellett.

74. Nothing in this Act contained shall authorise the Company to enter upon take or use compulsorily for the purposes of the undertaking by this Act authorised any part of the lands numbered 8 and 9 on the deposited plans for the parishes of St. Margaret and St. John the Evangelist Westminster.

Company not
to take All
Saints
Schools
Knights-
bridge
without con-
sent of vicar
and church-
wardens.

75. The Company shall not under the powers of this Act enter upon take use or interfere with either temporarily or permanently any of the lands numbered on the deposited plans 10 in the parish of St. Margaret and St. John the Evangelist Westminster or any of the schools and buildings erected on such lands without the previous consent in writing of the vicar and churchwardens of the ecclesiastical district of All Saints Knightsbridge.

For
protection
of Francis
Pym.

76. Nothing in this Act shall authorise the Company to enter upon appropriate take or use the lands houses and premises belonging or reputed to belong to Francis Pym and numbered 10 11 and 12 on the deposited plans in the parish of St. George Hanover Square or any part thereof respectively or any easement therein or thereunder without the previous consent in writing of the said Francis Pym.

For
protection
of St. James'
Hall
Company
Limited.

77. For the protection of the St. James' Hall Company Limited the following provisions shall have effect:—

- (1) Notwithstanding anything contained in this Act the Company shall not in the construction of so much of Railway No. 1 as extends for a distance of one hundred yards from its commencement deviate upwards from the levels thereof as shown on the deposited sections:
- (2) The Company shall make good to the St. James' Hall Company Limited all loss which they may sustain through any structural injury to the premises of which they are lessees by the construction or working of the railway or the lifts connected therewith and that notwithstanding that no part of the said premises be actually taken by the Company.

For protection
of Sir Herbert
Scarbrick
Naylor-
Leyland.

78. For the protection of the property of Sir Herbert Scarbrick Naylor-Leyland the following provisions shall have effect:—

In case of any damage to Hyde Park House Albert Gate caused directly or indirectly by any subsidence owing to the construction

of the said railway by this Act authorised or any works in connexion therewith the Company shall indemnify the said Herbert Scarisbrick Naylor-Leyland his heirs executors administrators and assigns and his and their estate and effects therefrom. A.D. 1897.

79. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of twenty-five thousand two hundred and twenty-three pounds ten shillings and one penny Two and three-quarters per centum Consolidated Stock being equal in value to five per centum on the amount of the estimate in respect of the railway 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 (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid 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 railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway or any part thereof the deposit fund shall be applicable and shall be applied in the manner provided by the next following section of this Act Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway 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 to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

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

80. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice

Application of deposit.

A.D. 1897. — 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 railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors. Provided that until the deposit fund has been repaid 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.

Period for
completion
of works.

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

Tolls for
passengers.

82. The Company may demand and take for the conveyance of passengers upon the railway any rates or charges not exceeding the following (that is to say):—

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

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

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

Tolls for
small
parcels.

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

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

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence; A.D. 1897.

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

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence:

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

84. The following provisions and regulations shall apply to the fixing of all rates and charges payable under this Act (that is to say):— Regulations as to tolls.

For all passengers conveyed on the railway for a less distance than two miles the Company may demand tolls and charges as for two miles; Short distances.

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

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

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

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

87. The Company shall not carry on the railway any cattle or other animals or any goods articles or merchandise other than parcels not exceeding fifty-six pounds in weight. Company not to carry goods.

88.—(1.) The Company shall at all times after the opening of the railway or any part thereof for conveyance of passengers run or provide a sufficient number of trains for the conveyance of workmen which shall stop either at all stations or at such stations as may be required for the convenience of any such workmen and shall be timed to arrive at both terminal stations up to but not later Trains and cheap fares for labouring classes.

A.D. 1897. — than eight o'clock on every morning of the week except Sundays Christmas Day Good Friday and Bank Holidays.

(2.) The fares by such trains shall not exceed at any time—

One penny for the single and twopence for the return journey.

(3.) A return ticket issued in pursuance of this section shall entitle the holder to return in a third-class carriage by any train during the day and to leave the train at the station from which the holder started or at any intermediate station at which the train shall stop.

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

(5.) The liability of the Company under any claim to compensation for injury or otherwise in respect of any passenger travelling by any train run or provided under this section or any passenger returning at a fare fixed under and for the purposes of this section shall be limited to a sum not exceeding one hundred pounds.

(6.) On complaint being made to the Board of Trade with respect to the sufficiency convenience number or times of workmen's trains arriving in London in the morning or the sufficiency of the accommodation provided thereby the Board of Trade may after inquiry order the Company to provide such further trains or accommodation as having regard to the circumstances may appear to the Board to be sufficient for the purposes of this section.

Working
class trains.

89. Nothing in this Act shall be deemed to confer on the Company any right to claim exemption from any requirements of the Board of Trade under the Cheap Trains Act 1883 or any statutory modifications thereof or from the provisions of any general Act or any special Act of Parliament which may be hereafter passed dealing with the subject of cheap trains.

Agreements
with public
bodies and
companies.

90. The Company may enter into and carry into effect contracts agreements and arrangements with the Council or any district board of works vestry or other authority or any company or body having the control or management of streets roads sewers water gas or other pipes wires or apparatus or the Metropolitan District Railway Company with respect to the mode of construction maintenance or user of so much of the railway as adjoins any property of that company the acquisition and appropriation of lands works and property the formation and user of approaches

to the railway from any streets roads or public places and any incidental matters. A.D. 1897.

91. The Company may enter into and carry into effect agreements with the Metropolitan District Railway Company as to the use of the foot passenger subway at South Kensington Station on such terms and conditions as may be mutually agreed between the Company and the Metropolitan District Railway Company to facilitate passenger traffic between the Company's terminal station at South Kensington and the aforesaid South Kensington Station.

Agreements with Metropolitan District Railway Company as to use of existing subway at South Kensington.

92. The Company on the one hand and the Metropolitan District Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 and of this Act from time to time enter into and carry into effect and rescind agreements with respect to the following purposes or any of them (that is to say):—

Power to enter into working agreements.

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies or either of them;

The supply and maintenance under any agreement for the railways of either of the contracting companies being worked and used by any other of those companies of engines stock plant and machinery necessary for the purposes of any such agreement;

The supply of electrical energy to or by the Company;

The fixing collection payment appropriation apportionment and distribution of the tolls (subject to the authorised maximum rates) rates income and profits arising from the respective railways and works of the contracting companies or either of them or any part thereof;

The employment of officers and servants;

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

93. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after

Saving for Postmaster-General.

A.D. 1897. — the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company or any part thereof is worked by the Metropolitan District Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Power of
 Commis-
 sioner of
 Woods to
 grant a
 lease for 999
 years to the
 Company.

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

Saving
 rights of
 the Crown.

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

Power to
 pay interest
 out of capital
 during
 construction.

96. Notwithstanding anything in this Act or any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of 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.D. 1897.

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (c) The aggregate amount to be so paid for interest shall not exceed thirty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (d) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (e) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

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

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

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

A.D. 1897.

Provision as
to general
Railway
Acts.

98. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament 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.

99. All 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.

A.D. 1897.

THE SECOND SCHEDULE.

Describing LANDS &c. in respect of which EASEMENTS only may be taken (minimum depth from surface of ground to crown of tunnel 20 feet).

Parish or Place	Number on Deposited Plans.
ST. JAMES WESTMINSTER.	
Railway No. 1 - - -	1 to 10 inclusive and 14 to 45 inclusive.
Air Street Subway - - -	1 6 7 to 10 inclusive and 14.
ST. GEORGE HANOVER SQUARE.	
Railway No. 1 - - -	{ 1 to 4 inclusive 10 to 23 inclusive (except 12). 32 to 42 inclusive 43a 44a 45 and 46. 2 3 and 4.
Dover Street Subway - - -	
ST. MARGARET AND ST. JOHN THE EVANGELIST WESTMINSTER.	
Railway No. 1 - - -	1 to 7 inclusive.
ST. MARY ABBOTT'S KENSINGTON	
Railway No. 1 - - -	1 2 3a 4 11 to 53 inclusive and 56.
Railway No. 2 - - -	70 95 to 121 inclusive.

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