



CHAPTER cv.

An Act to empower the City of London and Southwark
Subway Company to extend their authorised Subway
from the Elephant and Castle to Kennington and Stock-
well and for other purposes. [12th July 1887.] A.D. 1887.]

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

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

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

And whereas it is expedient that the time limited by the Act of
1884 for the compulsory purchase of lands should with reference to
the lands in this Act mentioned be extended :

And whereas the tolls authorised by the Act of 1884 to be taken
and the provisions of that Act with reference thereto and to the
mode of collecting the same and otherwise are not suitable for the
purposes of the subway and it is expedient that those provisions
should be repealed or altered as by this Act provided :

[Ch. cv.] *City of London and Southwark* [50 & 51 Vict.]
Subway (Kennington Extensions, &c.) Act, 1887.

A.D. 1887.

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and that the Act of 1884 should be otherwise amended as hereinafter provided :

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

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

Short title.

1. This Act may be cited for all purposes as the City of London and Southwark Subway (Kennington Extensions &c.) Act 1887.

Incorporation of general Acts.

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

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 ;

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The borrowing of money on mortgage or bond ;

The conversion of the borrowed money into capital ;

The giving of notices ; and

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

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions

to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings:— A.D. 1887.

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

The expression "the subways" means the subways and works authorised by the Act of 1884 and this Act;

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

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the subway herein-after described with all necessary approaches tunnels shafts hydraulic lifts buildings works machinery and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose. Power to
Company to
make sub-
way.

The works authorised by this Act are as follows—

A subway one mile six furlongs and four and a half chains in length wholly in the county of Surrey commencing at or near the point of junction of Short Street with Newington Butts in the parish of St. Mary Newington by a junction with the authorised subway of the Company and terminating in the parish of St. Mary Lambeth at a point in the Clapham Road at or near the junction of Stockwell Road with Clapham Road;

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

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

The traffic of the subway shall be worked by means of carriages propelled upon the system of the Patent Cable Tramways Corporation Limited or by such means other than steam locomotives as the Board of Trade may from time to time approve.

5. If any omission misstatement or wrong description of any lands or of any owner lessee or occupier of any lands described in or Correction
of errors as
to lands.

A.D. 1887. intended or purporting to be described in the deposited plans and books of reference be discovered the following provisions shall have effect that is to say:—

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

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

The certificate shall be deposited as if the same had originally formed part of the deposited plans or book of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and the Company may enter upon take and use the lands for the several purposes to which they are appropriated by this Act in accordance with the certificate as if there had not been any omission misstatement or wrong description.

Power to raise additional capital.

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

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

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

Calls.

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

Restriction as to votes in respect of preferential shares.

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

Further borrowing powers to the Company.

10. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their under-

taking any sum not exceeding in the whole seventy-five thousand pounds and of that sum they may from time to time borrow any sum not exceeding in the whole twenty-five thousand pounds in respect of each one hundred thousand pounds of such additional capital but no part of any such sum of twenty-five thousand pounds shall be borrowed until shares for the whole of the portion of additional capital in respect of which it is borrowed are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same Upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof Provided always that the Company shall not exercise the powers by this section conferred upon them of borrowing by instalments until they have completed the subway authorised by the Act of 1884.

A.D. 1887.

11. The 20th section of the Act of 1884 shall be read and construed as if the words "after the completion to the satisfaction of the Board of Trade of the tunnels forming the subway" had been substituted therein for the words "after the opening of the subway" Provided always that in lieu of borrowing by instalments as authorised by that section the Company may if they think fit from time to time and without waiting for the completion of the said tunnels as aforesaid borrow any part of the sum of one hundred thousand pounds by the said section authorised to be borrowed if and whenever the whole capital of three hundred thousand pounds by the Act of 1884 authorised to be raised 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 40th section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of

Amendment
of borrow-
ing powers
under Act
of 1884.

A.D. 1887. ~~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 that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same 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.

For appointment of a receiver.

12. Section 21 of the Act of 1884 shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Priority of existing mortgages.

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

Debenture stock.

14. 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 the Act of 1884 or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

15. All moneys raised under this Act whether by shares or debenture stock or borrowing shall be applied only to the purposes

of this Act being in every case purposes to which capital is properly applicable. A.D. 1887.

16. The Company may apply to the purposes of this Act or to the general purposes of their undertaking being in all cases purposes to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares or debenture stock or borrowing by virtue of the Act of 1884 and which may not be required for the purposes to which they are by that Act made specially applicable. Power to apply corporate funds to purposes of Act.

17. Subject to the provisions of this Act the Company may from time to time enter upon take and use and appropriate for the purposes of their undertaking the lands houses and buildings hereinafter described or referred to delineated on the deposited plans thereof and described in the deposited books of reference relating thereto that is to say:— Power to Company to acquire additional lands.

Certain lands houses and buildings being the lands and premises numbered 44 45 46 and 46A in King William Street in the parishes of St. Michael and St. Margaret in the city of London.

18. The period limited by the Act of 1884 for the compulsory purchase and taking of the lands numbered on the deposited plans in that Act referred to 24 to 38 both inclusive in the parish of St. Mary Newington is hereby extended and may be exercised at any time within but shall not be exercised after the expiration of two years from the 28th day of July 1887. Extending period limited by Act of 1884 for purchase of lands.

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

20. The Company shall not under the powers of this Act or under the powers of the Act of 1884 as extended by this Act Restriction on displacing persons of

A.D. 1887. labouring class. purchase or acquire in any parish in the metropolis twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

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

Period for compulsory purchase of lands.

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

Period for completion of works.

22. If the subway and works by this Act authorised 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 to be exercised except as to so much thereof as is then completed.

Persons authorised to convey lands may grant easements.

23. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

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

Powers of deviation.

25. In the execution of the subway stations and works by this Act authorised but subject to the provisions of this Act the

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

A.D. 1887.

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

Provisions
as to temporary
shafts.

27. The Company shall not make any approach to the subway or any permanent tunnel shaft or other work in such a manner as to interfere after the completion thereof with the carriage or footway of any street and they shall not make in the parish of Saint Mary Newington more than two or in the parish of Saint Mary Lambeth more than three temporary shafts or openings in the surface of any street without the consent in writing of the Metropolitan Board of Works and of the vestry of the parish in which such shaft or opening is proposed to be made and no such shaft or opening shall be permitted to remain for any longer period or otherwise than in such position of such dimensions and character and in accordance with such conditions as to the removal or closing thereof and otherwise as may be reasonably prescribed by such Board and vestry respectively and if the Company shall fail to observe any of the conditions under which the erection of such shaft or making of such opening shall have been permitted or shall fail to remove or close the same within the period prescribed for that purpose by such Board or vestry the Company shall be liable to a penalty of not exceeding twenty pounds for such default and to a further penalty of not exceeding twenty pounds for every day on which such default shall continue which may be recovered by the Board or vestry and without prejudice to any other remedy such Board and vestry or either of them

As to shafts
&c. in
streets.

A.D. 1887. may forthwith remove and close such temporary shaft or opening and the amount of all costs and expenses incurred by them respectively in so doing shall be recoverable by them respectively from the Company in a summary way :

In giving their consent to any such shaft or opening the vestry of the parish in which it will be made may prescribe reasonable conditions as to the restoration of the street on the removal or closing of such shaft or opening and the materials to be used therein either by the Company or by the vestry as the vestry may think fit and on any such removal or closing such vestry may restore and make up the street in such manner and with such materials as they may think fit and in any event all costs and expenses incurred by such vestry in restoring and making up the surface of the street and the materials thereof shall be recoverable by such vestry from the Company in a summary way :

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

For the protection of the parish of Lambeth.

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

(a.) Except with the consent of the vestry no part of the outside of the tunnels forming the subway (except enlarged tunnels at stations) shall be within twenty-seven feet six inches of the surface of the street and no part of the outside of the enlarged tunnels at stations (except at the inn known as the Swan at Stockwell) shall be within twenty feet of the surface of the street and at the Swan at Stockwell within sixteen feet. The enlarged tunnels at stations under the street shall not without the consent of the vestry be longer than three hundred feet provided always that the passages and approaches to the subway may be of such less depth below the surface of the footways of any street as may be found necessary or convenient :

(b.) The Company shall not construct any permanent shaft or opening in any road or street :

A.D. 1887.

(c.) The Company for the purposes of their stations or approaches to the subway or for any other purpose shall not acquire or take any part of the surface of any road or street :

(d.) Except as by this Act otherwise provided nothing in this Act contained shall extend or be construed to take away prejudice or lessen any of the powers rights privileges or authorities of the vestry.

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

Inspection
by Board of
Trade.

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

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

31. 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 building is shown on the deposited plans and described in the deposited books of reference.

Provision as
to cellars
under streets
not
scheduled.

32. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of nine thousand eight hundred and fifteen pounds being equal to five per centum upon the amount of the estimate in respect of the subway (which is herein-after referred to as the deposit fund) has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act Be it enacted that the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of

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

A.D. 1887. ~~the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for the completion of the subway open the same for the public conveyance of passengers~~ Provided that if within such period as aforesaid the Company open any portion of the subway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the subway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the subway so opened bears to the entire length of the subway the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the fact therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit
fund.

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

the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

A.D. 1887.

34. Nothing in this Act contained nor any dealing with the lands in pursuance of this Act shall relieve the Company from the liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other enactment and every case of compensation to be ascertained under this Act shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845.

Act not to relieve Company from compensation &c.

35. The sections of the Act of 1884 which are enumerated and referred to in the schedule to this Act are incorporated with and form part of this Act and shall extend and apply to the works by this Act authorised the roads under and along which the same are to be laid and to the Metropolitan Board of Works the road authorities companies and persons affected by the construction thereof as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto.

Extending certain sections of Act of 1884 to this Act.

36. The Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of their premises within view of any public street within the metropolis any placards or advertisements other than those relating to the subway unless the same shall have been approved in writing by the clerk or other officer of the Metropolitan Board of Works and if any placard or advertisement be affixed or exhibited without such approval and be not removed by the Company within three days after notice to that effect the Metropolitan Board of Works and their authorised officers may remove the same.

Exhibition of placards prohibited.

37. Notwithstanding anything in the Act of 1884 or in this Act contained no water or gas company shall be liable to pay any compensation to the Company for any injury which may be done by such water or gas company to the works of the Company nor for loss of traffic occasioned to the Company by such water or gas company in the reasonable exercise and execution of their ordinary

Water or gas companies not to be liable for certain damages.

A.D. 1887. powers for the supply of water or gas or in the reasonable exercise of the powers given to such water or gas company by the Act of 1884 or by this Act or occasioned by any accidental burst or breakage of any main or pipe belonging to such water or gas company.

Further provisions for the protection of the Southwark and Vauxhall and Lambeth Water Companies.

38. In addition to the other provisions in this Act and the Act of 1884 with reference to water and gas companies the following provisions shall have effect for the protection of the Southwark and Vauxhall Water Company (herein-after referred to as the "water company") that is to say:—

- (a.) Before commencing any works by this Act authorised within three feet of any main of the water company of twenty-four inches diameter and upwards the Company shall deliver to the water company plans and sections and a description of the works proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to the water company at least seven days before the commencement of any such work and if at the expiration of seven days from such delivery the plans sections and descriptions shall not be approved by the engineer of the water company there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in manner as hereafter mentioned.
- (b.) In the event of plans sections and descriptions being approved by the engineer of the water company the said works shall be executed in strict accordance therewith and under the superintendence and to the reasonable satisfaction of the water company.
- (c.) If any difference arises between the Company and the water company concerning the plans sections and descriptions or concerning the execution of the said works every such difference shall (unless otherwise agreed) be settled by an umpire to be appointed by the Company and the water company respectively or if they cannot agree upon an umpire then by an umpire to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party.
- (d.) The water company may if they deem fit employ watchmen or inspectors to watch and inspect the works during their construction repair or renewal wherever the same may be within a distance of three feet from any main of the water company of twenty-four inches diameter and upwards and the reasonable wages of such watchmen or inspectors shall be borne by the Company and be paid by them to the water company.

The foregoing sub-sections of this section shall extend and apply to the Lambeth Waterworks Company as fully as if that company had been named therein instead of the Southwark and Vauxhall Water Company. A.D. 1887.

39. Sections 76 77 78 81 82 86 87 88 90 and 91 of the Act of 1884 are hereby repealed and in lieu thereof the following provisions shall have effect. Repealing existing provisions as to tolls.

40. The Company may from time to time demand and take for every passenger conveyed in carriages in or through the subways or any part or parts thereof including tolls for the use of the subways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding sixpence and for parcels (not being personal luggage carried in the hand) under fifty-six pounds in weight any sum not exceeding sixpence and for parcels weighing fifty-six pounds and upwards any sum which the Company may think fit Provided always that the Company shall not be entitled to charge a greater sum than three-pence in respect of any passenger or parcel carried for any distance not exceeding a mile and a half. Power to take tolls.

41. Every passenger travelling in the subway may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof. Passengers luggage.

42. A list of all the tolls authorised by this Act and exacted by the Company shall be published by the same being painted upon one toll board or more in distinct black letters on a white ground or white letters on a black ground or by the same being printed in legible letters on paper affixed to such board or boards and by such board or boards being exhibited in some conspicuous place on the stations approaches or places where such tolls shall be made payable. List of tolls to be exhibited.

43. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the subway and in such manner and subject to such regulations as the Company shall by notice to be annexed to the list of tolls appoint. Tolls to be paid as directed by Company.

44. The provisions of the Act of 1884 relating to tolls and not hereby repealed shall extend and apply mutatis mutandis to the tolls by this Act authorised. Extending certain provisions of Act of 1884 to tolls authorised by this Act.

45. In the event of the subways of the Company being worked by electricity the following provisions shall have effect:— Provision for protection of the Postmaster-General.

1. 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 subways by

A.D. 1887.

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

2. Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :
3. In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
4. Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
5. For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by

an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work : A.D. 1887.

6. For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

46. (1.) The subways shall for the purposes of the conveyance of Her Majesty's mails be deemed to be railways and the enactments relating to the conveyance of mails by railway shall (subject to the provisions of this section) apply to the Company and to the subways authorised by the Act of 1884 and by this Act and to any subways of the Company hereafter authorised in like manner as if the Company were a railway company and the subways were railways and the Company shall render all such services and be liable to fulfil all such obligations as are specified in the enactments so applied as aforesaid : As to conveyance of mails.

(2.) Except in the case where a mail guard is sent with bags of letters upon the same conditions as any other passenger under the power conferred by the Statute 7 and 8 Vict. c. 85 sec. 11 the remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section :

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

47. All offences under this Act and all penalties damages charges tolls and costs imposed or payable under this Act may be recovered in a summary manner under the provisions of the Summary Jurisdiction Acts. Recovery of penalties.

A.D. 1887.

Service of
notice by
Company.

48. Where it is necessary for the Company to serve any summons demand notice writ or other proceeding at law or in equity upon any person the same may be in writing or in print or partly in writing and partly in print and be signed by the secretary or clerk of the Company and need not be under the common seal of the Company.

Saving the
rights of the
Duchy of
Cornwall.

49. Nothing contained in this Act or in any Act or Acts incorporated herewith shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty Her heirs or successors in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty Her heirs or successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Costs of
Act.

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

SCHEDULE referred to in the foregoing Act.

A.D. 1887.

SECTIONS of the ACT of 1884 which are extended to this Act.

No. of Section.	Marginal Note of Section.
3 7	For the protection of the London Tramways Company Limited.
38	In case of damage to works of London Tramways Company Limited.
39	Company to pay all damages sustained by London Tramways Company Limited.
41	Company empowered or may be required to underpin or otherwise strengthen houses near subway.
54	For protection of the streets of the metropolis.
56	For protection of sewers of metropolitan and other boards.
71	All works affecting water and gas companies to be executed to the satisfaction of their engineers.
72	Penalty for interrupting the supply of water or gas.
73	Repairs of water pipes to be borne by Company in certain cases.
74	Water and gas companies empowered to lay and repair pipes on lands of Company.
75	For settlement of disputes between Company and gas and water companies.
92	For protection of subway.

London : Printed for HER MAJESTY'S STATIONERY OFFICE,
 By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

And to be purchased, either directly or through any Bookseller, from
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
 ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
 HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

