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## *Cap. clxxvii.*

An Act for making and maintaining a Subway from *Deptford* under the River *Thames* to the *Isle of Dogs*; and for other Purposes.

[16th July 1866.]

WHEREAS the making and maintaining a Subway from *Deptford* in the County of *Kent* under the River *Thames* to the *Isle of Dogs* in the Parish of *All Saints, Poplar*, in the County of *Middlesex*, with convenient Approaches thereto, as herein-after described, would be of public and local Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry the said Undertaking into execution if authorized so to do, and are desirous of being incorporated into a Company for that Purpose: And whereas Plans and Sections of the proposed Subway, Approaches, and other Works showing the Line and Levels thereof, and the Lands which may be taken for the Purposes of this Act, and also Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the respective Clerks of the Peace for the Counties of *Kent* and *Middlesex*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it

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therefore

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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 for any Purpose as "The Thames Subway Act, 1866."

8 & 9 Vict.  
cc. 16. & 18.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 118. incor-  
porated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to Cancellation and Surrender of Shares) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-  
tion of  
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction; the Expression "the Company" shall mean the Company incorporated by this Act; the Expression "the Subway" or "the Undertaking" shall mean the Subway and Works by this Act authorized, or any Part thereof; the Expression "Superior Courts" or "Courts of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Words "Share" and "Shareholders," shall include where requisite Stock and Stockholders.

Company  
incorporated.

4. *John Gladstone Davenport, Alexander Brogden, James Edward McConnell, Hutton Vignoles, Piers Frederick Legh* (being Subscribers to the Undertaking), and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, or Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Subway, Approaches, and Works by this Act authorized, and for other the Purposes of this Act, and for those Purposes shall be incorporated by the Name of "The Thames Subway 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.

Power to  
make Sub-  
way.

5. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the deposited

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deposited Plans and Sections the Subway, Approaches, and Works herein-after described, with all proper Abutments, Piers, Landing and Entrance Stairs, Retaining and other Walls, 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 that Purpose. The Subway, Approaches, and Works herein-before referred to and authorized by this Act are,—

A Subway, Five hundred and eighty-two Yards or thereabouts in Length, commencing in the Parish of *Saint Nicholas, Deptford*, in the County of *Kent*, near to and on the West Side of a certain Road or Street called or known as *Deptford Green*, and terminating in the Parish of *All Saints, Poplar*, in the County of *Middlesex*, upon a certain Wharf and Premises known as *Clyde Wharf*:

An Approach Road, One hundred and ten Yards or thereabouts in Length, situate wholly in the said Parish of *Saint Nicholas, Deptford*, commencing from and out of the intended Subway at the Commencement thereof as above described, and terminating at or near a public Passage called *Green Alley*:

A widening of a certain public Passage in the Parish of *Saint Nicholas, Deptford*, called *Green Alley*, on the South Side thereof, throughout its entire Length, for a Distance of Sixty-three Feet or thereabouts:

An Approach Road, One hundred and thirty-six Yards in Length, in the Parish of *All Saints, Poplar*, commencing from and out of the intended Subway at the Termination thereof as above described, and terminating at and in the Road called "*West Ferry Road*."

6. The Capital of the Company shall be Two hundred and fifty thousand Pounds, in Twenty-five thousand Shares of Ten Pounds each.

Capital and  
Number and  
Amount of  
Shares.

7. The Company shall not issue any Share created under the Authority of this Act, 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.

Shares not  
to issue  
until One  
Fifth paid  
up.

8. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at the least shall intervene between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Calls.

9. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Eighty-three thousand Pounds, but

Power to  
borrow on  
Mortgage.

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but no Part thereof shall be borrowed until the whole Capital of Two hundred and fifty thousand Pounds is subscribed for, 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 the whole of the Capital has been issued and accepted, and that One Fifth thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share 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 Subscribers or their Assigns, and that such Subscribers or their 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 Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver.

10. The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Eight thousand Pounds in the whole.

Monies borrowed on Mortgage to have Priority.

11. All Monies to be borrowed on Mortgage under this Act from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and the Property from Time to Time of the Company, over all other Claims on account of any Debts incurred or to be incurred, or Engagements entered into or to be entered into, by them: Provided always, that such Priority shall not prejudice or affect any Claim, Right, or Remedy against the Company or their Property in respect of any Rentcharge to be granted by them in pursuance of the Provisions of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect the Lien of any Vendor for the unpaid Purchase Money of any Land taken by the Company for the Purposes of the Railway.

Application of Monies.

12. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of this Act only.

First and subsequent Meetings.

13. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held twice in

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in every Year in the Months of *February* or *March* and *August* or *September*, as the Directors may appoint.

14. The Quorum of General Meetings of the Company shall be Eight Shareholders present personally or by proxy, holding in the aggregate not less than Eight thousand Pounds in the Capital of the Company. Quorum of General Meetings.

15. The Number of Directors shall be Five, but it shall be lawful for the Company from Time to Time to reduce the Number, provided that the Number be not less than Three. Number of Directors.

16. The Qualification of a Director shall be the Possession in his Right of not less than Thirty Shares. Qualifications of Directors.

17. The Quorum of a Meeting of Directors shall be Three; provided that if the Number of Directors is reduced to Three the Quorum of a Meeting shall be Two. Quorum of Directors.

18. *John Gladstone Davenport, James Edward Mc Connell, Hutton Vignoles, and Piers Frederick Legh*, and such One other qualified Person as they or the Majority of them shall nominate in that Behalf, 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 any of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being, if 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 personally or by proxy shall (subject to the Power herein-before contained for reducing the Number of Directors) elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the same Act. First Directors.

19. 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. Powers for compulsory Purchases limited.

20. The Subway shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers Period for Completion of Works.  
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by this Act granted to the Company for executing the Subway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Errors in Plans, &c. may be corrected by Justices, who shall certify the same.

**21.** If there be any Omission, Mis-statement, or wrong Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, shown on the deposited Plans, or specified in the deposited Books of Reference, the Company, after giving Ten Days Notice to the Owners of the Lands in question, may apply to Two Justices acting for the Counties of *Kent* or *Middlesex* (as the Case may be) for the Correction thereof, and if it appear to the Justices that the Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and they shall in the Certificate state the Particulars of the Omission, and in what respect any such Matter is mis-stated or wrongly described.

Deposit of Certificate of Correction.

**22.** The Certificate of the Justices shall be deposited with the Clerk of the Peace for the County of *Kent* or *Middlesex* (as the Case may be), and a Duplicate thereof as regards any Lands situate in the Parish of *Saint Nicholas, Deptford*, with the Clerk of the *Greenwich* District Board of Works, and as regards any Lands situate in the Parish of *All Saints, Poplar*, with the Clerk of the *Poplar* District Board of Works, and the Certificate and Duplicate respectively shall be kept by the Clerk of the Peace and the Parish Clerk respectively with the other Documents to which the same relate, and thereupon the deposited Plans and Books of Reference shall be deemed to be corrected in accordance with the Certificate, and the Company may execute the Works in accordance with the Certificate.

Entry on Lands for Surveys and Works.

**23.** The Company from Time to Time may enter upon any Lands which they are authorized to purchase by Compulsion for the Purposes of this Act, and examine and survey the same, and ascertain and set out the Parts thereof required for the Purposes of this Act, and may upon such Lands make all Walls, Arches, Culverts, Ditches, Drains, Fences, Works, and do all Matters and Things requisite for the making, maintaining, and repairing of the Subway, Approaches, and Works, doing as little Damage as may be, and making full Compensation in that Behalf to all Parties interested.

Incidental Works.

**24.** For the Purposes of the Works by this Act authorized the Company, subject to the Provisions of this Act, from Time to Time may dig, pile, and make proper Foundations in the River *Thames* and on the Lands on each Side thereof, and make Dams in such River during the making or repairing of the Subway, and cut, level, embank, and secure the Banks of such River, and cut, remove, scour, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, and Mud,

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Mud, and other Impediments, and execute all other Works necessary or convenient for making, maintaining, and repairing the Subway and the Approaches to communicate therewith respectively on each Side of such River, doing as little Damage as may be, and making full Compensation in that Behalf to all Parties interested: Provided that in case any of the Works of the Company shall interfere with the *Poplar Marsh Wall*, they shall, to the Satisfaction of the Board of Works for the *Poplar* District, reinstate and ever afterwards maintain the said *Poplar Marsh Wall* at the uniform Level of Three Feet above *Trinity* High-water Mark.

25. For the Purpose of the Works the Company from Time to Time may cross, divert, alter, or stop up temporarily any Roads, Ways, Watercourses, Drains, Sewers, and Pipes in any of the Lands shown on the deposited Plans, and specified in the deposited Books of Reference, and which they are by this Act authorized to enter upon, take, use, or stop up respectively, which they from Time to Time find it expedient for any of those Purposes so to interfere with: Provided nevertheless, that whenever any of such Roads or Ways in the Parish of *All Saints, Poplar*, shall be so entered upon and temporarily stopped up, the Company shall, to the reasonable Satisfaction of the Board of Works for the *Poplar* District, provide for the public Traffic until the Use of the said Roads or Ways shall be restored to the Public: Provided also, that no Road belonging to the *Poplar and Greenwich* Ferry Company shall at any Time be crossed, diverted, altered, or stopped up so as to interfere with or obstruct the Traffic along such Road, except where it may be necessary to make a proper Junction of the Northern Approach to the Subway with the *West Ferry Road*, and in the making of such Junction the said *West Ferry Road* shall not be stopped up to the Extent of more than One Half of its Width at any One Time.

Power to  
cross Roads,  
&c.

26. In making the Subway, Approaches, and other Works the Company may deviate from the respective Lines thereof shown on the deposited Plans to any Extent within the Limits of Deviation shown thereon: Provided that no such Deviation shall extend into the Lands of any Person whose Name is not mentioned in the deposited Books of Reference without his previous Consent, unless his Name is omitted by Mistake, and the Fact that the Omission proceeded from Mistake be certified as by this Act is provided for Cases of unintentional Errors in the Book of Reference.

Lateral  
Deviations.

27. In making the Subway, Approaches, and other Works the Company may deviate from the Levels thereof as referred to the Datum Line shown on the deposited Sections, but not to any Extent exceeding Five Feet: Provided always, that the Company shall not deviate

Vertical  
Deviations.

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deviate from the Lines and Levels shown on the deposited Plans and Sections in constructing Works on the Bed or Shore of the River *Thames*, except by the Consent of the Conservators of the River *Thames*, and so far only as such Consent shall extend.

Subway to  
be always  
lighted.

**28.** The Company shall at all Times keep the Subway well and sufficiently lighted, and if at any Time they fail so to do they shall for every such Failure be liable to a Penalty not exceeding Fifty Pounds.

Consent of  
Conservators  
to work on  
Shore of  
*Thames*.

**29.** The Company shall not make or commence any Work on the Bed, Shore, or Banks of the River *Thames*, or any Creek or Inlet thereof, except in accordance with the Consent of the Conservators of the River *Thames* in Writing under the Hand of their Secretary.

Approval by  
Conservators  
of Works on  
*Thames*.

**30.** The Works by this Act authorized on the Bed, Shore, or Banks of the River *Thames*, or abutting on the said River, shall be made on a Site approved by the Conservators of the River *Thames*, and according to a Plan and Elevation approved by them and deposited at their Office, and such Works shall be executed to the Satisfaction of the Engineer of the Conservators, and the Traffic of the River shall not be interrupted more than is absolutely necessary in the making of the Works, and any Cofferdam (if any) shall not be made without the previous Approval of the Conservators.

Lights on  
Works.

**31.** During the Construction of the Works by this Act authorized in and abutting on the River *Thames* the Company shall hang out or exhibit thereat or near thereto, and for ever after the Completion of the Works the Company shall hang out and exhibit upon the Works every Night from Sunset to Sunrise, Lights to be kept burning by and at the Expense of the Company, and proper and sufficient for the Navigation and safe Guidance of Vessels, and the Lights shall be from Time to Time altered by the Company in such Manner, and be of such Kind and Number, and be so placed, as the Conservators of the River *Thames*, by Writing under the Hand of their Secretary, approve, and if the Company fail to exhibit and keep the Lights so burning they shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Working  
Drawings to  
be submitted  
to the Board  
of Trade.

**32.** Previously to commencing the Works by this Act authorized in and abutting on the River *Thames*, the Company shall deposit at the Board of Trade Plans, Sections, and Working Drawings of the said Works for the Approval of the Board of Trade, such Approval to be signified in Writing under the Hand of the Secretary of the Board of Trade, and such Works shall be constructed only in accordance with such Approval; and when any Works shall have been commenced



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commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Works shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Board of Trade to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

**33.** If any Work constructed by the Company on, in, over, through, or across the River *Thames* is abandoned or suffered to fall into Decay, the Board of Trade or the Conservators of the River *Thames* may abate and remove the Work, or any Part of it, and restore the Site thereof to its former Condition, at the Expense of the Company; and the Amount of such Expense shall be a Debt due from the Company to the Crown or the Conservators, as the Case may be, and be recoverable accordingly with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Company.

Abatement  
of Work  
abandoned  
or decayed.

**34.** If at any Time the Board of Trade deems it expedient to order a Survey and Examination of any Work constructed by the Company on, in, over, through, or across the River *Thames*, or of the intended Site of any such Work, the Company shall defray the Expense of the Survey and Examination, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Company.

Survey of  
Works by  
Board of  
Trade.

**35.** Nothing in this Act shall authorize the Company to embank, encroach on, or interfere with any Part of the Soil, Bed, or Banks of the River *Thames*, or Shore thereof, except in accordance with the Plan approved by the Conservators of the River *Thames*.

Consent of  
Conservators  
to Inter-  
ference by  
Company  
with Bed of  
Thames.

**36.** The Company shall not take any Gravel, Soil, or other Material from the Bed of the River *Thames* except where, when, and as the Conservators of the *Thames* approve.

Not to interfere  
with Bed of  
Thames, nor to  
take Gravel,  
&c., without  
Consent.

**37.** No Buoy, Dolphin, Mooring Post, or Mooring Craft shall be laid down or placed by the Company in the River *Thames* so as to injure the Navigation of the said River, or in any other Manner than as the Conservators of the River *Thames* approve.

Restrictions  
on Company  
placing  
Buoys in  
Thames.

**38.** Except as by this Act is expressly enacted, nothing in this Act contained shall extend to or be construed to extend to prejudice

Saving  
Rights of  
the Conser-  
vators of the  
Thames.

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or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River Thames, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act, the said Conservators did or might lawfully claim, use, or exercise.

For Protec-  
tion of  
Sewers of  
Metropolitan  
and other  
Boards.

**39.** Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as to interfere with, any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the Metropolitan Board of Works, or of any Vestry or District Board constituted under "The Metropolis Local Management Act, 1855," "The Metropolis Local Management Amendment Act, 1862," or any Act or Acts amending the same, or extending the Powers thereof, or with any Sewers or Works to be made or executed by the said Boards or Vestry, or either of them, or shall or may in any way affect the Sewerage or Drainage of the Districts under their or either of their Control, the Company shall not commence such Work until they shall have given to the said Metropolitan Board, or to the District Board or Vestry, as the Case may be, Fourteen Days previous Notice in Writing of their Intention to commence the same by leaving such Notice at the principal Office of such Board or Vestry, as the Case may be, for the Time being, with a Plan and Section showing the Course and Inclination thereof, and other necessary Particulars relating thereto, and until such Board or Vestry respectively shall have signified their Approval of the same, unless such Board or Vestry, as the Case may be, do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plan, Sections, and Particulars as aforesaid; and the Company shall comply with and conform to all reasonable Directions and Regulations of the said Metropolitan Board, and of the respective Boards or Vestries, in the Execution of the said Works, and shall provide by new, altered, or substituted Works, in such Manner as such Boards or Vestries respectively may deem necessary, for the proper Protection of, and for preventing Injury or Impediment to, the Sewers and Works herein-before referred to by or by reason of the said intended Works, or any Part thereof, and shall save harmless the said Metropolitan Board, District Board, and Vestry respectively against all and every the Expense to be occasioned thereby; and all such Works shall be done under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan Board, District Board, or Vestry, as the Case may be, at the reasonable Costs, Charges, and Expenses in all respects of the Company; 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

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completely under the Direction, Jurisdiction, and Control of the said Metropolitan Board, District Boards, and Vestry respectively, as the Case may be, as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Metropolitan Board, District Boards, and Vestries, or any or either of them, or of their Successors, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed.

40. Wherever the Subway shall cross by means of cutting or otherwise under any public Road or public Streets within the Limits of the Metropolis as defined by "The Metropolis Management Amendment Act, 1862," so as to interfere with or alter the Rates of Inclinations of such Road or Street, it shall be made there and shall thenceforth be maintained so as that the minimum Inclination of such Road or Street shall not in any Case be less than 1 in 40, and in respect of other Roads and Streets within the Metropolis as aforesaid, not being public Thoroughfares, the minimum Inclination of such Roads and Streets shall not be less than 1 in 30, except the Street or Road called *Green Alley*, and No. 7a on the Plans for the Parish of *Deptford*, which shall not be less than 1 in 27; and all Bridges constructed by the said Company under any Roads or Streets shall be constructed so as not to lessen the present clear Width of such Road or Street, including the Footway; and the Company shall not execute or commence the Erection of any of such Bridges or Works as aforesaid until they shall have given to the said Metropolitan Board of Works Twenty-one Days Notice in Writing of their Intention to commence the same by leaving such Notice at the Office of the said Board, with Plans, Elevations, Sections, and other necessary Particulars of the Construction of the said Bridges, and until the said Board shall have signified their Approval of the same, unless the said Board fail to signify such Approval or their Disapproval or other Directions within Twenty-one Days after Service of the said Notice, and Delivery of the said Plans, Elevations, Sections, and other Particulars as aforesaid; and the Company shall comply with and conform to all reasonable Directions and Regulations of the said Board in the Execution and subsequent Maintenance of the said Bridges and Works connected therewith, and shall save harmless the said Metropolitan Board of Works against all and every 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 the said Metropolitan Board of Works at the Costs, Charges, and Expenses in all respects of the said Company; and all Costs, Charges, and Expenses which the said Metropolitan Board may be put to by reason of the Works of the Company, whether in the

Bridges  
over Cut-  
tings in  
public  
Roads and  
Streets.

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the Execution of Works, the Preparation or Examination of the Plans or Designs, Superintendence, or otherwise, shall be paid to the said Board by the Company on Demand.

For Protec-  
tion of  
Sewers,  
Drains, &c.  
in Green-  
wich Dis-  
trict.

41. The Company shall at their own Expense, and to the reasonable Satisfaction of the Surveyor or Engineer for the Time being of the *Greenwich* District Board of Works, restore all Sewers, Drains, and Gullies in the Streets and Roads in the said District which shall be broken up, destroyed, or damaged or interfered with in the Execution of the Works by this Act authorized, or provide instead thereof other proper and sufficient Sewers, Drains, and Gullies.

Local Rates  
to be made  
good.

42. If and while the Company are possessed under this Act of any Lands assessed or liable to be assessed to any Sewer Rate, Lighting Rate, Main Drainage Rate, Church Rate, or other Parochial Rate, they shall from Time to Time, until the Subway or the Works thereof are completed and assessed or liable to be assessed, make good the Deficiency in the Assessment for such Rates by reason of those Lands being taken or used for the Purposes of the Subway or Works, and the Deficiency shall be computed according to the Rental at which those Lands, with any Buildings thereon, are now or have hitherto been rated.

For Settle-  
ment of  
Disputes  
between  
Company  
and Poplar  
District  
Board of  
Works.

43. If any Dispute shall arise under this Act between the Company and the Board of Works for the *Poplar* District, or their respective Engineers, the Matters in dispute shall from Time to Time be referred to and settled by an Arbitrator to be appointed by the Board of Trade on the Application of the Company or the said Board of Works, and the Costs of such Arbitration shall be paid by the Company and the said Board of Works in such Proportions as the Arbitrator may determine.

Regulating  
Construction  
of Works  
connected  
with the  
West Ferry  
Road.

44. All the Works connected with or in any way interfering with the Roads, Property, or Rights of the *Poplar and Greenwich* Ferry Company shall be made and maintained at the Expense of the Company to the reasonable Satisfaction of the Surveyor for the Time being of the said *Poplar and Greenwich* Ferry Company, and any Difference which may at any Time arise between that Company and the Company shall, at the Expense of the latter, be referred to and determined by an Arbitrator to be appointed, on the Application of either Company, by the Board of Trade.

Saving  
Rights of  
Poplar and  
Greenwich  
Ferry  
Company.

45. Except only as in this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, and Privileges of the *Poplar and Greenwich* Ferry Company.

46. The

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46. The Master, Wardens, and Commonalty of the Watermen and Lightermen of the River *Thames* (in this Act called "the Watermen's Company") shall in the Five successive Years next after that in which the Subway is opened let on Lease, by fair Competition, Tender, or Auction in the Manner hitherto accustomed, the Rights of working the *Sunday* Ferries across the River *Thames*, respectively known as the *Deptford and Poplar* Ferry and the *Greenwich* Ferry.

Letting of  
Sunday  
Ferries to  
continue.

47. On the opening of the Subway the Average shall be calculated of the Rents received by the Watermen's Company for those Ferries in the Five Years ending with the letting thereof which immediately precedes the opening of the Subway (which Period is in this Act called the preceding Period of Five Years).

Average of  
Five Let-  
tings before  
opening of  
Subway to  
be calcu-  
lated.

48. During the Five Years next after the letting of those Ferries which immediately precede the opening of the Subway (in this Act called the subsequent Period of Five Years) the Company shall Year by Year pay to the Watermen's Company a Sum equal to the Amount (if any) by which in each of those Years the Rents received by the Watermen's Company for those Ferries falls short of the Average calculated as aforesaid for the preceding Period of Five Years.

Payment by  
Company for  
Five Years  
after open-  
ing.

49. At the End of the subsequent Period of Five Years the Average shall be calculated of the Rents received by the Watermen's Company for the said Ferries in that Period.

Average of  
Five Years  
after open-  
ing to be  
calculated.

50. From and after the End of the subsequent Period of Five Years the Company shall Year by Year, by equal half-yearly Payments on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, pay to the Watermen's Company a Sum equal to the Difference of the Two Averages aforesaid.

Payment  
after End of  
subsequent  
Five Years.

51. If nevertheless at any Time after the End of the subsequent Period of Five Years either the Company or the Watermen's Company, by Notice in Writing delivered to the other, require that the Capital Value of the last-mentioned annual Sum be ascertained and be paid by the Company to the Watermen's Company, the same shall be ascertained and paid accordingly, and Payment of that annual Sum shall cease; and in case of Difference as to the Amount of that Capital Value the same shall be determined by a Jury in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for the Determination by a Jury of Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof, and all the Provisions of the last-mentioned Act shall be applicable to the Determination of such Capital Value, and to the Enforcement of the Payment or other Satisfaction thereof.

Capitalisa-  
tion of an-  
nual Pay-  
ment at  
Option of  
either  
Party.

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Notice to be given of taking Houses of Labouring Classes.

**52.** The Company shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses, and the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner hereinbefore required.

Tolls through the Subway.

**53.** The Company may from Time to Time demand and take for Persons, Animals, and Carriages from Time to Time passing through the Subway any Tolls not exceeding the Tolls following; (that is to say,)

For every Person on Foot, the Sum of Twopence:

For every Person passing with a Truck, Wheelbarrow, or such like Carriage, the Sum of Threepence:

For every Ass, drawing or not drawing, the Sum of Twopence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Fourpence:

For every Horse or Beast of Draught drawing any Coach, Chariot, Chaise, Berlin, Calash, Landau, Phaeton, Gig, Van, Caravan, Tandem, or other Carriage, Waggon, Timber Carriage, Wain, Cart, Dray, Truck, or other Vehicle, the Sum of Sixpence:

For every Carriage or Vehicle propelled or moved by Steam or Machinery, or otherwise than by Animal Power, the Sum of One Shilling and Sixpence for each Wheel thereof:

For every Ox, Bull, Cow, or Head of Neat Cattle, the Sum of Twopence:

For every Calf, Pig, Sheep, Lamb, or other small Animal, the Sum of One Penny Halfpenny.

Exemptions from Tolls.

**54.** Provided always, That no Toll shall be demanded or taken for any Horses or Carriages belonging to Her Majesty, or attending any of the Royal Family, or returning after having so attended, or for any Horse, Beast, Cattle, or Carriage, of whatever Description, to be employed in conveying or guarding Mails of Letters and Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or returning back from carrying or guarding the same, or for any Soldiers upon their March or upon Duty, or for any Horse, Cattle, or Carriages attending them with their Arms and Baggage, and returning after being so employed, nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack,

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Barrack, or Commissariat, or other public Stores of or belonging to Her Majesty, or to and for the Use of Her Majesty's Forces, or for any Horse, Beast, Cattle, or Carriage travelling with Vagrants sent by legal Passes, or with any Prisoner sent by any legal Warrant, or returning empty after having been so employed; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Forty Shillings.

**55.** Provided also, That nothing in this Act contained shall exempt the Subway constructed under this Act, or the Company in respect thereof, or of any of them, from the Provisions contained in the Public Act Twenty-four and Twenty-five *Victoria*, Chapter One hundred and twenty-six, intituled *An Act to exempt the Volunteer Forces of Great Britain from the Payment of Tolls.*

Exemption of Volunteers from Toll.

24 & 25 Vict. c. 126.

**56.** The Company may from Time to Time compound and agree with any Person using the Subway for the Payment of a fixed Sum payable in advance, or for a Composition by the Year or other Period, in lieu of the Tolls by this Act payable for the Use of the Subway: Provided always, that if the Company shall make any such Composition with any Person, they shall be compellable to make the same Composition with respect to every other Person desiring to compound for the Payment of such Tolls for the like Period.

Power to compound for Tolls.

**57.** The Company may from Time to Time set up Toll Gates at or upon the Subway, and remove the Toll Gates and set up others in lieu thereof, as they think fit, and may from Time to Time provide and maintain such Toll Houses and other Conveniences near to the Toll Gates as they think fit.

Power to provide Toll Gates and Toll Houses.

**58.** The Tolls granted by this Act shall be paid before any Person, Animal, or Carriage liable to Toll is entitled to pass or repass through any Toll Gate created in pursuance of this Act.

Tolls to be taken before passing.

**59.** The Company from Time to Time at any General Meeting may reduce all or any of the Tolls for such Time as they think proper, and again raise all or any of the Tolls, so that the Tolls never exceed the Amount limited by this Act.

Power to vary Tolls.

**60.** The Tolls shall at all Times be charged equally and after the same respective Rate upon all Persons, and in respect of all Horses, Beasts, Cattle, and Carriages, using or passing through the Subway under the like Circumstances; and no Reduction or Advance of the Tolls shall, either directly or indirectly, be made partially in favour of

Tolls to be charged equally.

*The Thames Subway Act, 1866.*

of any particular Person, but every such Reduction or Advance shall take effect with respect to all Persons, and to all Animals and Carriages of the same respective Sort, using the Subway under the same Circumstances.

Tolls to be taken by Toll Collectors.

**61.** The Tolls may be demanded and taken at the Toll Gates from Time to Time provided under this Act by such Persons as the Company, or the Lessees of the Tolls respectively, from Time to Time appoint to be the Toll Collectors.

Table of Tolls to be put up.

**62.** When any Toll Gate is erected by virtue of this Act the Company shall put up and afterwards continue at every such Toll Gate a Table printed on a Board in distinct and legible Black Letters on a White Ground containing a List distinguishing the several Tolls to be paid by virtue of this Act, and also stating the Terms upon which the Company are willing to compound and agree with any Person using the Subway for the Payment of a fixed Sum payable in advance, or for a Composition by the Year or other Period, in lieu of the Tolls by this Act payable for the Use of the Subway, and shall renew the Boards whenever any of the Letters or Figures thereon are worn out, defaced, or obliterated, and the Company shall not demand or take at any Toll Gate any Toll except while the Board so painted remains affixed at or near to the Toll Gate.

Power to stop Persons failing to pay Tolls, and to seize and distrain Horses, &c.

**63.** If any Person subject under this Act to the Payment of any Toll, after Demand made thereof by any Collector appointed to receive the same, fails to pay the Toll, the Collector by himself, or taking such Assistance as he thinks necessary, may stop and prevent the Passage of the Person so failing, and may seize and distrain the Horse, Beast, or Cattle in respect of which the Toll is payable, with their Bridles, Saddles, Gear, and Harness (except the Bridle or Reins of any Horse or Beast separate from the Horse or Beast, and any Carriage drawn by such Horse, Beast, or Cattle).

For settling Disputes concerning Tolls and Distresses.

**64.** If and whenever any Dispute happens about the Amount of Toll due, or the Charges of seizing, keeping, or selling any Distress for Nonpayment of such Toll, the Collector or the Person distraining may retain the Distress, or the Money arising from the Sale thereof, until the Amount of the Toll due and of the Charges be ascertained by some Justice or Justices of the Peace for the County of *Kent* or *Middlesex*, who, upon Application made to him or them for that Purpose, may determine the Matter in dispute, and may also award such Costs to be paid by either Party to the other as to the Justice or Justices seems reasonable.

**65.** If



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**65.** If the Toll and the reasonable Charges of such Seizure and Distress be not paid within Three Days after the Seizure and Distress, the Person so seizing and distraining may sell all the Horses, Beasts, Cattle, Chattels, and Carriages so seized and distrained, or any Part thereof, returning the Overplus, if any, of the Proceeds of the Sale, after deducting the Toll and the reasonable Charges of the Seizure and Distress and Sale, and what, if any, remains unsold, upon Demand, to the Owner thereof.

Power to  
sell and  
distress.

**66.** If any Person fraudulently or forcibly pass through the Subway or any Toll Gate without having paid the Tolls, or assault, obstruct, or interrupt any Person employed in the Collection of the Tolls, every Person so offending shall for every such Offence incur a Penalty not exceeding Forty Shillings.

Penalty for  
fraudulently  
passing  
through  
Subway.

**67.** Every Toll Collector shall place his Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of the Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in Black Letters on a Board with a White Ground, and shall continue the same so placed during the whole Time he is upon Duty.

Toll Col-  
lector to  
place his  
Name on  
Toll House.

**68.** If any Toll Collector commit any of the following Offences: Do not place such Board and continue the same so placed during the whole Time he is on Duty; Demand or take from any Person a greater or less Toll than he is for the Time being authorized to demand or take; Demand and take a Toll from any Person exempted from the Payment thereof, and claiming such Exemption; Refuse to permit any Person to read, or in anywise hinder any Person from reading, the Inscriptions on the Board or on the Table of the Toll put up at the Toll Gate; Refuse to tell his Christian or Surname to any Person who, having paid any Toll, demands the same; In answer to any such Demand give a false Name; On the legal Toll being paid or tendered, unnecessarily detain or wilfully hinder or prevent any Passenger from passing through the Toll Gate; he shall for each such Offence incur a Penalty not exceeding Forty Shillings.

Penalty for  
Offences by  
Toll Col-  
lectors.

**69.** If any Person commit any of the following Offences, (that is to say,) Rides or drives or leads any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway on the Side of the Subway; Wilfully obstructs the Passage of the Subway;

Penalty for  
damaging  
Subway, &c.,  
and other  
Offences.

[Local.]

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Wilfully

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Wilfully or carelessly breaks or damages any of the Posts or Stones erected for the Security of any such Footpath or Causeway, or scrapes off or removes any Mud, Soil, or other Thing from the Subway so as to damage the same;

Without reasonable Cause, to be allowed by the Justices who hear the Complaint, leaves any Waggon, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, or other Thing, in the Subway, either with or without any Horse, Beast, or Cattle harnessed or yoked thereto, after having been ordered by the Toll Collector to remove the same;

Places any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, or Rubbish, or other Thing whatsoever, in the Subway to the Prejudice thereof, or to the Annoyance of any Person travelling thereon;

he shall for each Offence incur a Penalty not exceeding Forty Shillings.

Penalty for destroying Subway, &c.

**70.** The Subway and the Toll Houses and Toll Gates, Works, and other Property of the Company shall be deemed public within the Meaning and for the Purposes of the Act from Time to Time in force with respect to malicious Injuries to public Property.

Power to lease Tolls.

**71.** The Company may from Time to Time lease all or any of the Tolls authorized to be taken by this Act to such Persons, at such Rents, payable at such Times, and under such Covenants, and upon such Conditions, as the Company think fit, which Rents shall be applied for the Purposes of this Act.

Evidence of Appointment and Removal of Toll Collector.

**72.** A Certificate in Writing under the Hand of the Secretary of the Company, or, as the Case may be, of the Lessee of the Tolls, shall for all Purposes be sufficient Evidence of the Appointment or Removal of any Toll Collector.

Power to obtain from discharged Toll Collectors Possession of Toll Houses, &c.

**73.** If any Toll Collector when discharged, or the Wife or Widow or any of the Children, Family, or Representatives of any Toll Collector who may have died, or any other Person having the Possession of any Toll House or other Building, being the Property of the Company, fail for Two Days after Demand by Notice in Writing signed by the Secretary of the Company or by the Lessee of the Tolls, and given to such Toll Collector or to any such Person, or left at the Toll House, Building, or Premises, to deliver up Possession thereof, any One or more Justice or Justices of the Peace of the Counties of *Kent* or *Middlesex* may, by Warrant under his or their Hand, and Seal or Hands and Seals, order any Constable or other Peace Officer with requisite Assistance to enter into the Toll House, Building, or Premises in the Daytime, and to remove all Persons found therein, with

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with their Goods, out of the same, and put the Company or Lessee, or any Person named by them or him, into possession thereof.

74. The Subway shall for all Purposes of this Act be held to be within the County of *Middlesex*.

Subway to be held to be within the County of Middlesex.

75. 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, and shall be sufficiently served by being delivered personally to such Person, or being left at his or their usual or last Place of Abode or Business in *England*, or by being delivered to some Clerk or other Officer of such Person being a Corporation, or being left at the Office of such Clerk or principal Officer, or at his or their usual or last Place of Abode or Business in *England*.

Service of Notice by the Company.

76. The Company shall in every Year prepare an Account in abstract showing the whole Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day then last, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors, or some of them, and by the Auditors, and shall send a Copy of the Account, free of Charge, to the Clerks of the Peace for the Counties of *Middlesex* and *Surrey* on or before the Expiration of One Month after the Day on which the Account ends, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of One Shilling for every such Inspection; and if the Company fail so to prepare or to send any such Account they shall for every such Failure forfeit not exceeding Twenty Pounds.

Yearly Account to be made up and transmitted to the Clerk of the Peace.

77. All the Costs, Charges, and Expenses of and incident to the applying for, preparing, obtaining, and passing of this Act shall be paid by the Company.

Expenses of Act.

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REPORT

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