



CHAPTER clxvii.

An Act to authorise the Construction of 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 for other purposes. A.D. 1884.

[28th July 1884.]

WHEREAS increased facilities for the traffic between the north and south sides of the River Thames in the vicinity of London Bridge would be of local and public advantage :

And whereas it is expedient that such facilities should be provided by means of a subway under the river so as not to interfere with or impede the navigation of the river such subway to consist of two tubes for separate up and down traffic to be approached by staircases and by hydraulic lifts :

And whereas the persons hereinafter named with others and in this Act referred to as "the Company" are willing at their own expense upon having the powers and authorities in this Act contained conferred upon them to establish and maintain the subway and other works connected therewith in this Act specified :

And whereas plans and sections showing the lines and levels of the subway and other works to be made and maintained under the authority of this Act and the lands which may be taken for the purposes thereof together with books of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and occupiers of the said lands have been deposited for public inspection with the respective clerks of the peace for the City of London and the counties of Middlesex and Surrey which plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference :

And whereas it is expedient that such other powers as are in this Act contained should be conferred upon the Company :

And whereas the objects aforesaid cannot be obtained without the authority of Parliament :

[Ch. clxvii.] *City of London and Southwark* [47 & 48 VICT.]
Subway Act, 1884.

A.D. 1884. — May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. 1. This Act may be cited as the City of London and Southwark Subway Act 1884.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 Part I. (relating to the cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 are respectively incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expressions "the works" and "the undertaking" mean respectively the subway and other works by this Act authorised and the undertaking of the Company the expressions "toll house" "toll houses" "toll gate" or "toll gates" mean any toll gate toll house or other place erected or provided by the Company for receiving the tolls payable under this Act and 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.

Company incorporated. 4. Robert Alexander Meyer George Bruce Malleon Arthur Stanley Felton and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes of the undertaking and for those purposes shall be and are hereby incorporated by the name of the "City of London and Southwark 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 works according to 5. Subject to the provisions of this Act and of the agreement set forth in the schedule to this Act hereinafter called the scheduled

A.D. 1884.

deposited
plans.

agreement the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described with all necessary approaches tunnels shafts hydraulic lifts buildings works 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 books of reference as may be required for that purpose. The works authorised by this Act are as follows:—

A subway commencing in the parish of Saint Mary Newington in the county of Surrey at or near the south-west corner of Short Street at the point of junction of that street with Newington Butts and terminating in King William Street in the parish of St. Michael in the City of London at or near the western front of the house numbered fifty-one in King William Street aforesaid.

The subway shall consist of two tubes for separate up and down traffic and shall be approached by means of staircases and by hydraulic lifts.

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.

Provided that nothing in this Act contained shall authorise the Company to enter upon take and use any of the lands numbered 2 2a 3 3a 4 4a and 4b in the respective parishes of St. Michael St. Leonard and St. Margaret in the deposited plans and books of reference belonging or reputed to belong to the Metropolitan and Metropolitan District Railway Companies without the consent of the joint committee of those companies constituted under the Metropolitan and District Railways (City Lines and Extensions) Act 1879.

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

Correction
of errors as
to lands.

The Company may apply to a magistrate 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 that the omission misstatement or wrong description arose from mistake he shall certify the same stating in the certificate the particulars of the omission misstatement or wrong description.

A.D. 1884.

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.

Confirming
scheduled
agreement.

7. The agreement made the twenty-sixth day of June 1884 between Robert Alexander Meyer Colonel George Bruce Malleson and Arthur Stanley Felton of the one part being the promoters of the Bill for this Act and Sir William Henry Humphery Baronet James Arthur Humphery Percy Adolphus Humphery Edward John Humphery and Robert Peel Humphery of the other part a copy of which is set forth in the schedule to this Act is hereby confirmed and made binding on the respective parties thereto and upon the Company as if the Company were a party thereto instead of the aforesaid promoters and the same were under the common seal of the Company and shall be as valid and effectual in all respects as if the provisions thereof had been embodied in and formed part of this Act.

Capital.

8. The capital of the Company shall be three hundred thousand pounds in thirty thousand shares of ten pounds each.

Shares not
to issue until
one-fifth paid
up.

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

Calls.

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

Receipt in
case of per-
sons not sui
juris.

11. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to
divide
shares.

12. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in

their capital into half-shares of which one shall be called "preferred half-share" and the other shall be called "deferred half-share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half-share (being the whole amount payable thereon) and the residue to the credit of the preferred half-share.

A.D. 1884.

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

Dividends
on half-
shares.

14. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

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

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

Half-shares
to be regis-
tered and
certificates
issued.

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

Terms of
issue to be
stated in
certificate.

A.D. 1884.

Forfeiture
of preferred
shares.

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

Preferred
shares not to
be cancelled
or surren-
dered.

Half-shares
to be half
shares in
capital.

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

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

Power to
borrow on
mortgage.

20. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole one hundred thousand pounds and of that sum they may from time to time after the opening of the subway from King William Street in the City of London to St. Thomas's Church in the borough of Southwark borrow any sums not exceeding in the whole thirty-three thousand three hundred and thirty-three pounds in respect of each one hundred thousand pounds of their capital but no part of any such sum of thirty-three thousand three hundred and thirty-three pounds shall be borrowed until the whole of the one hundred thousand pounds of capital in respect of which it is borrowed is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of the respective portion of capital has 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 respective portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such respective portion of 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. A.D. 1884.

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

22. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Power to create debenture stock.

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

24. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act. First ordinary meeting.

25. The number of directors shall be five but the Company may from time to time reduce the number of directors provided that the number be not less than three. Number of directors.

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

27. The quorum of a meeting of directors shall be three and if the number of directors be reduced to three the quorum shall be two. Quorum of directors.

28. Robert Alexander Meyer George Bruce Malleson Arthur Stanley Felton and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that First directors.

A.D. 1884.
Election of
directors.

meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained of reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for
compulsory
purchase of
land.

29. 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.

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

Persons
authorised
to convey
lands may
grant ease-
ments.

31. 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 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.

32. 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.

33. In the execution of the works by this Act authorised but subject to the provisions of this Act and of the scheduled agreement the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon 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 the Company shall not in making such deviation interfere with the existing bed of the River Thames.

A.D. 1884.

Powers of
deviation.

34. For the protection of the Corporation of the City of London as owners of London Bridge in this section referred to as the Corporation the following provisions shall have effect that is to say :—

For the pro-
tection of the
Corporation
of London.

(a.) In passing the southern abutment of London Bridge the subway shall be so constructed that no portion thereof shall without the consent in writing of the Corporation approach nearer to London Bridge than is shown by a red line on a copy of the deposited plans. Nor shall any portion thereof be constructed at a lower level than three feet above that shown by a red line on a copy of the deposited sections which copy of the deposited plans and sections is signed in duplicate by John Walter the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred in its passage through that House one copy whereof has been deposited in the Private Bill Office of the House of Commons and the other copy whereof has been deposited at the office of the City Remembrancer.

(b.) Before the Company commence any of the said works or any alteration or repairs thereof within two hundred feet of London Bridge they shall from time to time give to the Corporation one month's notice in writing of their intention so to do accompanied by full and detailed plans sections and specifications of the work so to be executed and no such work shall be commenced until the Corporation shall have signified their approval in writing of such plans sections and specifications and the Corporation shall within twenty-one days from such notice signify their approval or disapproval in writing but such approval shall not be unreasonably withheld.

(c.) The Company shall if so required by the Corporation sink cylinders or cassoons through the western steps of the said southern abutment to such a depth or execute such other protective works within the powers of the Company as the

A.D. 1884.

engineer or engineers of the Corporation shall deem necessary for ensuring the safety of such abutment and steps.

- (d.) The construction of the subway shall for such distance as the same shall be driven within two hundred feet of London Bridge be proceeded with as rapidly as possible and without cessation.
- (e.) The subway shall for a distance of two hundred feet of London Bridge be formed of two longitudinal iron cylinders and such cylinders shall not be more than eleven feet six inches in external diameter and such cylinders shall be constructed and placed by means of a shield which shall always be in connection with and outside of the cylinders. The space left by moving forward the shield to make room for the segments of the cylinders between the clay and the cylinders shall be immediately filled in with the most suitable description of cement forced through holes in the cylinders.
- (f.) The Company shall at all times and for ever hereafter maintain and keep so much of the subway as shall be situate within the said distance of two hundred feet of London Bridge in good substantial and safe repair and condition to the satisfaction of the engineer or engineers of the Corporation and such engineer or engineers shall at all times have free access to the last-mentioned portion of the subway and every facility shall be afforded him or them for inspection thereof and every notice which he or they may give touching any defect or want of repair shall immediately or as soon as possible be complied with by the Company.
- (g.) On no account and under no pretext whatsoever shall the surface of the soil of London Bridge or any part thereof be disturbed except for the purpose of the works mentioned in subsection (c) of this section either during the construction of the works or for the purpose of any repairs thereto nor shall any of the soil within two hundred feet of the southern abutment of London Bridge other than that actually required in the judgment of the engineer or engineers of the Corporation to be removed in order to make way for the cylinders be taken away or disturbed either during the construction of the subway or at any time after its completion for any purpose whatsoever without the previous consent in writing of the Corporation.
- (h.) The construction of the subway shall for such distance as the same shall be driven within two hundred feet of the southern abutment of London Bridge be subject at all times

to the inspection of the engineer or engineers for the time being of the Corporation.

(j.) Such engineer or engineers shall be at liberty at any time if in his or their opinion after inspection it shall be necessary for the security of London Bridge so to do to stop the construction of so much of the subway as shall be situate within the said distance of two hundred feet pending the decision of an arbitrator to be appointed as hereinafter mentioned.

(k.) In the event of any such stoppage as aforesaid and the confirmation thereof by such arbitrator the future construction of the subway within the aforesaid distance of two hundred feet of the southern abutment of London Bridge shall be carried out in accordance in all respects with the directions of such arbitrator.

(l.) All costs charges and expenses incurred by the Corporation in respect of any of the matters in this section contained other than matters which become the subject of arbitration under the provision next hereinafter contained shall be borne and paid by the Company and all costs charges and expenses incurred by the Corporation or the Company which shall become the subject of arbitration shall be in the discretion of the arbitrator and all costs herein provided for may be recovered by the Corporation or the Company as the case may be with full costs of suit in any court of competent jurisdiction.

(m.) Any difference which may arise under the provisions of this section (other than differences arising under subsection (c)) between the Corporation and the Company shall be from time to time referred to and determined by an engineer to be agreed upon between the Company and the Corporation 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.

35. Subject to the provisions of this Act and of the scheduled agreement 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 proposed works or for any other purpose. Provided always that the Company in the construction of their works between Short Street and a point in Newington Causeway opposite the Borough

Provisions
as to tem-
porary shafts.

For the pro-
tection of the
vestry of
St. Mary
Newington.

A.D. 1884. Road shall not make more than four shafts or openings for the purposes provided for in this section and the position of such shafts or openings shall be such as may be agreed upon between the vestry of the parish of St. Mary Newington and the Company or in case of difference as shall be settled by an arbitrator to be appointed by the president for the time being of the Institution of Civil Engineers.

For the protection of the vestry of the parish of St. George the Martyr, Southwark.

36. With reference to so much of the works by this Act authorised as will be made in or under the parish of St. George the Martyr Southwark in the county of Surrey in this section hereinafter called the parish and for the protection of the vestry of the parish in this section hereinafter called the vestry the following provisions shall apply and have effect:—

(a.) The number and size of any shafts or openings in the roads or streets of the parish shall be subject to the reasonable approval of the vestry. All such shafts or openings shall be so constructed as not to hinder or obstruct the traffic of the roads or streets more than may be absolutely necessary and the Company shall at all times keep open and uninterrupted for public traffic a minimum clear width of eight feet of roadway on each side of each of such shafts or openings and shall at their own expense shore up and put proper hoardings so as to prevent such shafts or openings from causing any danger to the traffic in the roads or streets. Not more than two of such shafts or openings shall without the consent of the vestry be opened within the parish at the same time and no one shaft or opening shall be of a greater length (including the enclosure thereof) than one hundred feet.

(b.) The Company shall not commence any work within or beneath an area having a radius of twenty yards from the church of St. George the Martyr Southwark measured from the nearest point of the church until they shall have given to the vestry twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the office of the vestry accompanied by a plan and section of the proposed work and the position in which it is proposed to be executed.

(c.) Within twenty-one days after service of such notice plan and section the vestry shall by writing under the hand of their clerk signify their approval or disapproval of the works as indicated thereby or their approval thereof subject to any specified conditions or restrictions and the Company shall not commence or execute such of the works as shall be

reasonably disapproved of and shall comply with and conform to such reasonable conditions and restrictions as shall be so specified. Provided always that if the Company shall be of opinion that the disapproval so expressed or the conditions and restrictions so imposed or any of them is or are unreasonable the question of reasonableness shall be referred to arbitration in manner hereinafter provided and the Company shall subject to their complying with any conditions or restrictions imposed by the arbitrator be at liberty to disregard the conditions or restrictions so imposed by or the disapproval expressed by the vestry so far as the same shall be decided by the arbitrator to be unreasonable. Provided further that nothing in this section contained shall prohibit or prevent or be deemed or construed to prohibit or prevent the due and proper exercise of any of the powers by this Act conferred upon the Company or the due and proper execution of any of the works by this Act authorised to be made and maintained.

(d.) The Company shall pay to the vestry all reasonable costs and expenses which they may properly incur or be put to in examining and supervising the works authorised by this Act so far as the same are within or under an area of twenty yards from the church of St. George the Martyr including the reasonable costs and fees of the engineer properly employed by them in and about any of the matters arising within or under the aforesaid area.

(e.) Any difference which may arise under the provisions of this Act between the vestry and the Company shall be from time to time referred to and determined by an engineer to be agreed upon between the Company and the vestry 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.

37. And whereas it is intended that the subway shall be constructed under streets and roads in some of which tramways and works of the London Tramways Company (Limited) hereinafter called the tramways company are situate and it is expedient that provision should be made for the protection of that company therefore notwithstanding anything herein contained the Company shall not in the execution of the works by this Act authorised interfere with interrupt or obstruct the works or traffic of the tramways company.

For the protection of the London Tramways Company Limited.

A.D. 1884.

In case of
damage to
works of
London
Tramways
Company
Limited.

38. If during or by reason of the execution maintenance or repair or failure of the works authorised by this Act the said tramways or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the tramways company may make good the same and recover the costs thereof against the Company in any court of competent jurisdiction.

Company to
pay all
damages
sustained
by London
Tramways
Company
Limited.

39. Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the tramways company all costs losses damages and expenses which may be occasioned to the said tramways belonging to the tramways company or to any of the works or property thereof or to any person or persons using the same or otherwise by reason of the execution maintenance or repair or failure of the works by this Act authorised or by reason of any obstruction of the traffic of the tramways company or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the tramways company from all claims and demands upon or against them by reason of such execution maintenance or repair or failure or of any such omission.

For the
protection
of the St.
Saviour's
District
Board of
Works.

40. With reference to so much of the works by this Act authorised as will be made in or under the district of the St. Saviour's District Board of Works in the county of Surrey in this section hereinafter called the district and for the protection of the St. Saviour's District Board of Works in this section hereinafter called the district board the following provisions shall apply and have effect:—

(a.) There shall be but one temporary shaft or opening in the roads or streets of the district unless the Company and the district board shall otherwise agree such shaft or opening shall be so constructed as not to hinder or obstruct the traffic of the roads or streets more than may be absolutely necessary and the Company shall unless the Company and the district board shall otherwise agree at all times keep open and uninterrupted for public traffic an aggregate clear width of thirty-two feet of roadway and eighteen feet of footway and shall at their own expense shore up and put proper hoardings so as to prevent such shaft or opening from causing any danger to the traffic in the roads or streets such shaft or opening shall not be of a greater length (including the inclosure thereof) than one hundred feet.

(b.) Any difference which may arise under the provisions of this Act between the district board and the Company shall be from time to time referred to and determined by an engineer to be agreed upon between the Company and the district board 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.

A.D. 1884.

41. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the subway it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall subject to the provisions of the scheduled agreement have effect (that is to say) :—

Company empowered or may be required to underpin or otherwise strengthen houses near subway.

(1.) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened.

(2.) Each such notice if given by the Company shall be left on the premises to be underpinned or strengthened and if given by the owners and lessees thereof shall be sent to the principal office of the Company.

(3.) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade.

(4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building.

(5.) The cost of the reference shall be in the discretion of the referee.

A.D. 1884.

(6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment.

(7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made within six months from the discovery thereof.

(8.) Nothing in this enactment contained nor any dealing with the said property in pursuance of this enactment 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 Act.

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845.

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

Provided always that nothing in this section contained shall authorise the Company without the previous consent in writing of the Corporation of London to underpin or interfere with London Bridge or any part thereof.

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

42. And whereas it is intended that the subway shall be carried under the main line and the authorised Bricklayer's Arms branch of the South Eastern Railway Company (hereinafter called the railway company) where the same are respectively carried or intended to be carried by viaducts over Wellington Street and Blackman Street in the borough of Southwark and it is expedient that provision should be made for the protection of the railways works and property of the Railway Company: Therefore the Company shall twenty-eight days before they take use enter upon interfere with or affect either temporarily or permanently any part of the railways or any of the works or conveniences of or connected therewith respectively for the purpose of constructing or commencing

A.D. 1884.

the construction of that part of the subway which shall or may pass under the said railways respectively and for a distance of 200 lineal feet on each side of the said viaducts respectively carrying the said railway over Wellington Street and Blackman Street furnish to the railway company proper and sufficient plans sections and specifications of the works proposed to be made by the Company under the said viaducts respectively and for a distance of 200 lineal feet on each side thereof and such plans sections and specifications shall be settled and agreed upon between the respective engineers of the Company and the railway company or in case of their failing to agree or of any difference arising between them the same shall be settled and determined by a civil engineer to be on the application of the two companies or either of them appointed by the Board of Trade and such works shall be carried into effect only in accordance with such determination and agreement and under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the railway company and at the cost charges and expenses in all respects of the Company.

43. The Company shall at all times maintain the works by which such subway shall be carried under the said railways respectively and the works land and conveniences connected therewith in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the railway company and if and whenever the Company fail so to do the railway company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the railway company may reasonably think requisite and the sum from time to time certified by such engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the railway company from the Company in any court of competent jurisdiction.

Maintenance
of those
works.

44. The Company shall not without in every case the previous consent of the railway company in writing under their common seal take use enter upon or interfere with any of the lands or property from time to time belonging to or in the possession or under the power of the railway company or which they have power to take or to vary alter or interfere with the said railway or any of the works or conveniences connected therewith except so far as shall be necessary for the Company to take and use enter upon or interfere with for the purpose of making and maintaining the subway by this Act authorised to be carried under the said railways works and conveniences for the time being belonging to the railway company.

Restricting
interference
with lands of
the South
Eastern
Company.

A.D. 1884.

Company to
acquire only
easements
in land of
South
Eastern
Company.

45. With respect to any land of the railway company which the Company are by this Act from time to time authorised to use enter upon or interfere with the Company shall not purchase and take the same but the Company may purchase and take and the railway company may and shall sell and grant accordingly an easement or right of using the same for the purpose for which but for this enactment the Company might purchase and take the same.

In case of
damage to
works of
South
Eastern
Company.

46. If during the execution of the works the said railways or either of them or any of the works connected therewith respectively shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the railway company may make good the same and recover the costs thereof against the Company in any court of competent jurisdiction.

Traffic on
the South
Eastern
Railway not
to be inter-
fered with.

47. The Company shall not in making and maintaining the said subway and works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe use of the railways respectively or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the said railways respectively or any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Company shall forfeit and pay to the railway company for each such obstruction fifty pounds per hour by way of ascertained damages for every hour during which each such obstruction hindrance or interference shall continue.

Company
to pay to
South
Eastern
Company
expenses of
watchmen.

48. During the construction of the subway and works hereby authorised under and adjacent to the said railways respectively the Company shall bear and on demand shall pay to the railway company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their respective railways and the works and conveniences connected therewith with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident to arise from any of the operations of the Company or from the acts or defaults of the contractors or of any person or persons in their employ or otherwise.

Company
to pay all
damages
sustained
by South
Eastern
Company.

49. Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railways respectively or to any of the works or property thereof or to the traffic thereon or to any person or persons using the same or

otherwise by reason of the construction or failure of the subway and works by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such execution or failure and of any such omission.

A.D. 1884.

50. Notwithstanding anything in this Act contained the Company shall not make or maintain any temporary or other shafts or openings from the surface of any land belonging to the railway company or from any approach road to the London Bridge railway station nor from any part of Wellington Street aforesaid between the southern end of London Bridge and the southern approach from Wellington Street to the said station nor from any part of Blackman Street between the intersection of that street by Mint Street and Lant Street respectively.

Company not to make shafts in certain places.

51. Except as by this Act expressly provided nothing in this Act contained shall extend to prejudice diminish alter or in any way affect any of the rights privileges powers or authorities vested in the railway company.

Saving rights of the South Eastern Company.

52. Nothing in this Act contained shall authorise the Company without the previous consent in writing of the Commissioners of Sewers of the City of London to make any opening either permanently or temporarily in or break up or disturb the roadway of any street road or place within the City of London except for the purpose of making one temporary shaft or opening for the construction of their works within the said City. The position size and all other matters incidental to the construction maintenance time of continuance and mode of removal of such shaft shall be subject to the approval of the engineer to the said Commissioners which approval shall not be unreasonably withheld.

For protection of the streets of the City of London.

53. Where any of the works to be done under or by virtue of this Act may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Commissioners of Sewers of the City of London or with any sewers or works to be made or executed by the said Commissioners or shall or may in any way affect the sewage or drainage of the districts under their control the Company shall not commence such work until they shall have given to the engineer or surveyor of the said Commissioners twenty-eight days previous notice at his office or at the principal office of the Commissioners with a plan and section showing the course and inclination thereof and other

For protection of sewers in the City of London.

A.D. 1884. — necessary particulars relating thereto and until such Commissioners shall have signified their approval of the same unless such Commissioners do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all directions and regulations of the Commissioners in the execution of the said works and shall provide by new altered or substituted works in such manner as such Commissioners may deem necessary for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by or by reason of the said intended works or any part thereof and shall save harmless the said Commissioners against all and every the expense to be occasioned thereby and all such works may be done by or under the direction superintendence and control of the engineer or other officer or officers of the said Commissioners and at the costs charges and expenses in all respects of the Company and all reasonable costs charges and expenses which the said Commissioners may be put to by reason of the works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such Commissioners by the Company on demand and if any dispute shall arise between the Company and the said Commissioners as to the amount of such costs charges and expenses the same shall be settled by a justice of the peace of the City of London and be a debt due from the Company to the said Commissioners and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the cost charges and expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Commissioners as any sewers or works now are or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said Commissioners or their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed. Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid such matter or difference shall be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

For protection of the streets of the Metropolis.

54. The Company shall not break up or disturb any street or place or the pavement thereof under the control or direction of the Metropolitan Board of Works or of any vestry or district board constituted under the Metropolis Management Act 1855 the Metro-

A.D. 1884.

police Management Amendment Act 1862 or any Act or Acts amending the same or extending the powers thereof (which respective bodies are in this section hereinafter respectively referred to as "the road authority") unless at least twenty-one days previous notice in writing of their intention so to do specifying the street place or pavement intended to be broken up or disturbed be given to the engineer or surveyor of such road authority or left for him at his office or at the office of such road authority and the Company shall attend to the directions of such engineer or surveyor with a view to secure a free passage of traffic in such streets and places and to prevent needless injury to the streets and shall not open more of such streets or places at one time than such engineer or surveyor shall in writing authorise and when the Company shall break up or disturb any such street place or pavement they shall so soon as the works affecting it are completed and at the furthest within three months from the day in which those works were begun restore the street place or pavement to as good a condition as it was in when it was broken up or disturbed under the superintendence and to the reasonable satisfaction of the engineer or surveyor of the road authority and the Company shall save harmless and keep indemnified the said road authority and their successors against any expenses consequent on any such works and if the Company fail to comply with the requirements of this Act they shall forfeit to the said road authority a sum of twenty pounds for every offence and an additional sum of twenty pounds for every day that the Company shall fail to comply with the directions of such engineer or surveyor and the said road authority may if they think fit restore the street place or pavement broken up or disturbed and recover the expense of such restoration and also the said sums so forfeited from the Company in an action or actions of debt.

55. The Company shall not exhibit or permit to be exhibited upon any part of their premises within view of any public street within the City of London any placards or advertisements other than those relating to the subway unless the same shall have been approved in writing by the Commissioners of Sewers of the City of London or their clerk for the time being.

Prohibiting placards and advertisements.

56. 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 Management Act 1855 the Metropolis Management Amendment

For protection of sewers of metropolitan and other boards.

A.D. 1884. 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 twenty-one 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 twenty-one days after service of the said plans sections and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said Metropolitan Board and of the respective boards or vestries in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestries respectively may deem necessary for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore 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 by or under the direction superintendence and control of the engineer or other officer or officers of the said Metropolitan Board district board or vestry as the case may be at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said Metropolitan Board or any district board or vestry may be put to by reason of the works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such boards or vestry by the Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Metropolitan Board district board 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. A.D. 1884.

57. Nothing in this Act shall authorise the execution of any work or the opening of the street or road called or known as Newington Causeway and numbered 14 on the deposited plans in the parish of Saint Mary Newington immediately in front of the entrance to the sessions house at Newington which abuts upon Newington Causeway nor immediately in front of the road called and known as Union Road running out of Newington Causeway aforesaid without the consent of the justices of the peace for the county of Surrey. For the protection of the justices of the peace for the county of Surrey.

58. 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.

59. With respect to any lands which the Company is by the provisions of 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 need be they may purchase take and use and the owners of and other persons interested in any such vault cellar or arches shall sell the same for the purposes of the 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. Provided always that the powers by this section conferred upon the Company shall not be exercised in relation to any house building cellars vault or other construction or any land or property held at the time of the passing of this Act by the owners referred to in the scheduled agreement without in each case the previous consent in writing of such owners. Company may acquire easements only under roads &c. and purchase cellars &c.

60. 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 the sum of seven thousand nine hundred and eleven pounds eight shillings and eight pence consolidated Deposit money not to be repaid except so far as subway is opened.

A.D. 1884.

three pounds per centum annuities being equal to four per centum and pursuant to the direction of the Committee of the House of Commons to which the Bill for this Act was referred for consideration during its passage through that House (hereinafter referred to as the Committee) a further sum of one thousand nine hundred and seventy-seven pounds seventeen shillings and twopence consolidated three pounds per centum annuities being equal to one per centum upon the amount of the estimate in respect of the subway (which two sums are together hereinafter referred to as the deposit fund) have been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act: And whereas the Committee have directed that the deposit fund should be impounded in manner hereinafter by this Act provided Be it enacted that the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for the completion of the subway open the same for the public conveyance of passengers. Provided that if within such period as aforesaid the Company open any portion of the subway for the public conveyance of passengers then on the production of a 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 Chancery Division 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.

61. 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 com-

A.D. 1884.

mencement 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 Chancery Division of 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 Chancery Division thinks fit to order on the application of the Solicitor of 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 Chancery Division 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 hereinbefore 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.

62. 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.

63. The subway by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be executed according to a plan and elevation to be approved by the Conservators of the River Thames and deposited at their office and the works in the River Thames shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the Conservators and the traffic of the River Thames shall not be interfered with more than may be

Works on River Thames to be executed under direction of Conservators.

A.D. 1884. absolutely necessary in the construction of the subway and the works connected therewith and the Company shall within fourteen days after notice from the Conservators so to do remove any temporary works or materials for temporary works which may have been placed in the river by the Company and on their failing to do so the Conservators may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the Conservators all expenses so incurred.

Company not to commence any work on shore of Thames until notice given.

64. The Company shall not make or commence any work on the shore or the bed of the River Thames without the consent of the Conservators until the expiration of one calendar month after notice to the Conservators.

Company not to interfere with the bed of the river.

65. Nothing in this Act contained shall authorise or empower the Company to embank or encroach upon or interfere with any part of the soil or bed of the River Thames or the shore thereof except according to a plan to be approved by the Conservators.

Company not to take gravel &c. from river without consent.

66. The Company shall not (except as far as shall be necessary in the construction of the subway and the works connected therewith) take any gravel soil or other material from the bed of the river without the previous consent of the Conservators signified in writing under the hand of their secretary.

No permanent works to be erected in the river.

67. The Company shall not in the construction or maintenance of the subway permanently erect any works on the bed of the River Thames and no part of the subway and works shall be so constructed as to prevent the Conservators from deepening and dredging the river to the extent of thirty-five feet below the level of Trinity high water mark.

Lights to be exhibited upon the works and upon temporary works during construction.

68. The Company shall hang out and exhibit at or near to the subway and works by this Act authorised 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 from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the Conservators by writing under the hand of their secretary shall approve and direct and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds and further the Company shall exhibit under a like penalty lights to be similarly approved by the Conservators upon any temporary works or materials which may be placed on the river by the Company during the construction of the subway and works by this Act authorised or any works connected therewith.

69. Notwithstanding anything in this Act contained the Company shall not in any way obstruct use block up or interfere with the traffic passing along the street or passage called or known as Swan Lane in the City of London leading from Upper Thames Street to Old Swan pier and stairs and if any interference of the traffic shall be occasioned by the works by this Act authorised the Company shall forfeit and pay to the Conservators for such interference for the benefit of the Conservators the sum of two pounds for every hour during which such interference shall continue such sum to be recovered by the Conservators in any court of competent jurisdiction.

A.D. 1884.

Not to interfere with Swan Lane.

70. Except as herein expressly provided nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates rights interests liberties privileges or franchises of the Conservators or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of the passing of this Act the Conservators did or might lawfully claim use or exercise.

Saving rights of Conservators of the River Thames.

71. All works matters and things which under the provisions of this Act the Company may be empowered and required to do or execute with reference to the mains pipes syphons plugs or other works of any water or gas company respectively shall be done and executed by and at the cost of the Company but to the satisfaction and under the superintendence of the engineer for the time being of the water or gas company to whom such mains pipes syphons plugs and other works shall respectively belong and such works matters or things shall not be commenced until after fourteen days previous notice thereof in writing shall have been given to the companies to whom such mains pipes syphons plugs and other works shall respectively belong.

All works affecting water and gas companies to be executed to the satisfaction of their engineers.

72. If any interruption in the supply of water or gas by any water or gas company shall be in any way occasioned by the Company or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to such water or gas company for the use and benefit of such water or gas company a sum not exceeding ten pounds for every hour during which such interruption shall continue such sum to be recovered by such water or gas company in any court of competent jurisdiction.

Penalty for interrupting the supply of water or gas.

73. The expense of all repairs or renewals of the said pipes or mains or any works in connection therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Company their contractors agents workmen or servants or any person

Repairs of water-pipes to be borne by Company in certain cases.

A.D. 1884. in the employ of them or any or either of them shall be borne and paid by the Company and may be recovered against the Company by the said water and gas companies respectively in any court of competent jurisdiction.

Water and gas companies empowered to lay and repair pipes on lands of Company.

74. It shall be lawful for any water or gas company and the engineers workmen and others in their respective employ at all times when it may be necessary to enter upon the lands works and premises of the Company at any point or place where there are existing any mains or pipes of such water or gas company and to do all such works in and upon such lands and premises as may be necessary for repairing maintaining or removing or replacing such mains or pipes under or over the same lands and premises Provided always that in so doing such water or gas company or their engineers or workmen or others in the employ of such company shall not interrupt the user of any of the works by this Act authorised and provided also that such water or gas company shall make good and reimburse to the Company all damages to the works by this Act authorised occasioned by the exercise of the powers by this section reserved.

For settlement of disputes between Company and gas and water companies.

75. If any dispute shall arise with respect to any matter under this Act between the Company and any water or gas company or their respective engineers the matter in dispute shall be referred to and settled by an arbitrator to be appointed on the application of either party by the Board of Trade and the costs of such arbitration shall be paid by the Company and the gas or water company in such proportions as the arbitrator shall determine.

Power to take tolls.

76. The Company may from time to time demand and take for persons from time to time conveyed in carriages through the subway any tolls not exceeding threepence and for parcels (not being personal luggage carried in the hand) under fifty-six pounds in weight any sum not exceeding threepence and for parcels weighing fifty-six pounds and upwards any sum which the Company think fit.

Exemptions from tolls.

Provided that no tolls shall be demanded or taken;

(A.) For Her Majesty or any of the Royal Family;

(B.) For any officer or soldier of Her Majesty's regular forces upon march or upon duty nor for any prisoner under military escort;

(C.) For any officer or man of Her Majesty's auxiliary or reserve forces dressed in the uniforms of their respective corps on their march or upon duty or in going to or returning from the place appointed for and on the days of exercise;

A.D. 1884.

- (D.) For any person employed in conveying any ordnance or commissariat or other public stores of or belonging to Her Majesty or to or for the use of Her Majesty's regular forces ;
- (E.) For any officer of the Revenue in the execution of his duty ;
- (F.) For any policeman on duty ;
- (G.) For any person employed in conveying or guarding postal packets or expresses under the authority of Her Majesty's Postmaster-General either when employed in conveying telegrams fetching or guarding such postal packets telegrams or expresses or in returning from conveying or guarding the same. The term "postal packet" in this section has the same meaning as in the Post Office Act 1875 and includes a parcel ;

And if any person shall claim or take the benefit of any of the exemptions by this Act granted not being entitled to the same every such person for every such offence shall forfeit and pay to the Company any sum not exceeding forty shillings ;

Provided that the provisions of this section shall be in addition to and not in derogation of any exemption existing under the Army Act 1881 or any other Act relating to Her Majesty's regular reserve or auxiliary forces or existing by virtue of Her Majesty's prerogative.

77. The Company may from time to time set up toll gates at the entrances to the subway or the approaches thereto 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.

78. The tolls granted by this Act shall be paid before any person or parcel liable to toll is entitled to pass or repass through any toll gate erected in pursuance of this Act.

Tolls to be paid before passing.

79. The Company may from time to time lessen or reduce all or any of the tolls hereby granted for such time as they shall think proper and raise again the tolls so lessened or reduced or any part thereof so that the same do never exceed the tolls hereinbefore granted and the tolls so lessened or reduced or raised again shall be collected or recovered in the same manner as the tolls hereby granted are authorised or directed to be collected and recovered.

Power to vary the tolls.

80. Except as by this Act specially provided the tolls to be taken by virtue of this Act shall at all times be charged equally and after the same respective rate upon all persons passing through or using the said subway and no reduction or advance of the said tolls

Tolls to be charged equally.

A.D. 1884. shall either directly or indirectly be made partially or in favour of any particular person or party but every such reduction or advance of tolls shall extend and take place in respect of all persons or parties whomsoever passing over or using the said works or any part thereof.

Tolls to be taken by toll collectors.

81. The tolls may be demanded and taken from time to time provided under this Act by such persons as the Company and the lessees of the tolls respectively from time to time appoint to be toll collectors.

Table of tolls to be put up.

82. The Company shall from time to time put up and afterwards continue in full view at every toll gate a table printed in distinct and legible black letters on a board and on a white ground containing a list distinguishing the several tolls to be from time to time taken or paid by virtue of this Act 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 the toll gate.

Power to stop persons failing to pay tolls and to seize and distrain parcel.

83. 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 any parcel in respect of which toll is payable.

For settling disputes concerning tolls.

84. If and whenever any dispute happens about the amount of toll due or the charges of seizing keeping or selling any distress for non-payment 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 to be ascertained by some metropolitan police magistrate or magistrate of the City of London 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 such magistrate seems reasonable.

Power to sell after distress.

85. If the tolls 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 any parcel so seized and distrained or some or part of the same returning the overplus if any of the proceeds of such 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.

86. If any person fraudulently or forcibly pass over or through the works or through 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.

A.D. 1884.

Penalty for
obstruction.

87. 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 in full view during the whole time he is upon duty.

Toll collector
to place his
name on toll
house.

88. If any toll collector commit any of the following offences (that is to say):—

Penalty for
offences by
toll collector.

Firstly. Do not place such board and continue the same so placed as by this Act directed ;

Secondly. Demand or take from any person a greater or less toll than he is for the time being authorised to demand or take ;

Thirdly. Demand or take a toll from any person exempted from the payment thereof and claiming such exemption ;

Fourthly. 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 tolls put up at the toll gate ;

Fifthly. Refuse to tell his christian or surname to any person who having paid any toll shall demand the same ;

Sixthly. In answer to any such demand give a false name ;

Seventhly. On the legal toll being paid or tendered shall 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.

89. If any person endeavours to evade the payment of any part of any toll or forges counterfeits or alters or receives from or delivers to any other person any note or ticket with intent to evade the payment of any part of the tolls or if any person cause any such act to be done or aid or abet any person so acting every person so offending shall for every such offence incur a penalty not exceeding forty shillings.

Penalty for
evading tolls.

90. 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

Evidence of
appointment
and removal
of toll col-
lector.

A.D: 1884.

all purposes be sufficient evidence of the appointment or removal of any toll collector.

Power to obtain from discharged toll collectors possession of toll house &c.

91. If any toll collector when discharged or the wife 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 person occupying or residing in the toll house or left at the toll house building or premises to deliver up possession thereof any metropolitan police magistrate or any magistrate of the City of London may by warrant under his or their hand and seal 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 their goods out of the same and put the Company or lessee or any person named by them or him into possession thereof.

For protection of subway.

92. The subway shall be deemed public within the meaning and for the purposes of the Acts from time to time in force with respect to malicious injuries to public property.

Power to make bye-laws.

93. The Company may with the consent of the Commissioner of Police of the Metropolis and of the Commissioner of the Police Force of the City of London and the liberties thereof from time to time make bye-laws for all or any of the purposes following (that is to say):—

For regulating and limiting the use of the works;

For preventing the commission of any nuisances in or upon any of the works;

For preserving the works and preventing injuries and damages to the same;

And generally for facilitating the communication by this Act provided between the north and south sides of the River Thames.

The Company may with the like consent from time to time repeal alter amend or vary any such bye-law or make a new bye-law or new bye-laws in lieu thereof or in addition thereto. The Company may by any such bye-law impose penalties for offences against the same not exceeding in respect of any offence five pounds but every such bye-law shall be framed so as to allow of part only of the maximum penalty thereby imposed being inflicted.

Substance of such bye-laws to be exhibited on a board.

94. The substance of bye-laws made according to the provisions of this Act shall be painted on boards or printed on paper and

pasted on boards and hung up and affixed and continued on the front or other conspicuous part of every toll house belonging to the Company according to the nature or subject matter of such bye-laws respectively and so as to give public notice thereof to the parties interested therein or affected thereby and such boards shall from time to time be renewed as often as the bye-laws thereon or any part thereof shall be obliterated or destroyed and no penalty imposed by any such bye-law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

A.D. 1884.

95. Such bye-laws when so published and affixed shall be binding upon and be observed by all parties and shall be sufficient to justify all persons acting under the same and for proof of the publication of any such bye-laws it shall be sufficient to prove that a printed paper or painted board containing a copy of such bye-laws was affixed and continued in the manner by this Act directed and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.

Bye-laws to be binding on all parties.

96. It shall be lawful for the Company to lease or demise all or any of the said tolls for any term of years not exceeding seven years at any one time for such rent payable at such times and under such covenants and upon such conditions as they shall think fit.

Power to lease the tolls.

97. During the continuance of any such lease the respective lessees named therein and also all persons appointed by them to collect the tolls so let shall be deemed collectors of the tolls so let and they shall have the same power to collect and recover such tolls and be subject to the same rules duties and penalties in reference thereto as if they had been appointed for that purpose by the Company.

Lessees to be deemed collectors.

98. Upon the determination of any such lease any justice upon application made by the Company may order any constable with proper assistance to enter upon any toll house dwelling house office weighing machine or other building with the appurtenances thereto belonging to the Company and remove from the same the lessee or collector or other person found therein together with his goods and take possession of such toll house dwelling house office weighing machine or other building with the appurtenances thereto belonging and of the property found therein belonging to the Company and deliver the same to any person appointed by them to receive the same.

Lessees making default to be removed.

99. 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 and application of penalties.

A.D. 1884.

Service of
notice by
Company.

100. 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.

Expenses of
Act.

101. The 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.

A.D. 1884.

AN AGREEMENT made the twenty-sixth day of June 1884 between Robert Alexander Meyer of No. 40a Queens Mansions Victoria Street Westminster Esquire Colonel George Bruce Malleon of 27 West Cromwell Road Kensington in the county of Middlesex and Arthur Stanley Felton of No. 7 Westminster Chambers Victoria Street Westminster Esquire who are respectively Promoters of an undertaking for the construction of a subway under the River Thames commencing in the parish of St. Mary Newington in the county of Surrey at or near Short Street and terminating in King William Street in the City of London at or near the house numbered 51 in that street and who are hereinafter referred to as "the Promoters" of the one part and Sir William Henry Humphery Baronet of No. 40 Half Moon Street Piccadilly in the county of Middlesex James Arthur Humphery of Addlestone in the county of Surrey Esquire Percy Adolphus Humphery of Cleeve Hill Weston near Bath in the county of Somerset Esquire Edward John Humphery of Addlestone Park Addlestone aforesaid Esquire and Robert Peel Humphery of Homelands Babbacombe Torquay in the county of Devon Esquire hereinafter referred to as the owners of the other part. Whereas a Bill has been introduced into Parliament for the purpose of incorporating a company for making such subway as aforesaid. And whereas the owners hold certain wharves chambers offices messuages or tenements buildings roadways cellars vaults and premises of very large extent and value situate on the south side of the said river near to and in part under and adjoining to the southern end of London Bridge in the borough of Southwark aforesaid whereof they are as to part the owners of the fee and as to the other part leaseholders under the mayor and commonalty and citizens of the City of London and the line of the aforesaid subway as laid down upon the deposited plans and sections will pass under parts of the aforesaid wharves and other property and near to other parts thereof. And whereas divers leases and underleases and tenancies have been made and created of divers parts of the aforesaid wharves and other property by the owners and also by their lessees and underlessees. And whereas the owners presented a petition against the said Bill in the House of Commons which was withdrawn on the insertion in the said Bill of a clause confirming a certain agreement bearing date the 8th day of May 1884 and made between the same persons as are parties to these presents and on certain amendments mentioned in such agreement being made in the said Bill. And whereas the Promoters have applied to the owners for their

A.D. 1884. — assent to certain modifications in the said agreement which the owners have (subject to this agreement being duly executed by the parties and confirmed by the said Act and scheduled thereto in substitution for the said agreement of the 8th day of May last) consented to make. Now it is hereby in consideration of the premises and subject as aforesaid agreed as follows (that is to say)—

1. The Company shall not commence any of the works to be authorised by the said Bill and Act unless and until they shall have satisfied Mr. George Berkeley C.E. or other the engineer for the time being of the owners by such boring or borings at such spot or spots convenient to the owners as he may require and unless and until the said George Berkeley or other the engineer for the time being of the owners shall have certified in writing his satisfaction that there is for such distance as the aforesaid subway is proposed to be driven underneath the property of the owners and for a further distance of 200 lineal feet at each end of such property a depth of at least twelve (12) feet of such clay as is from its character impervious to the passage of water above the level of the apex of both cylinders (hereinafter mentioned) if they are constructed on the same level but if they shall be constructed on different levels then that there is such a depth as aforesaid of such clay as aforesaid above the level of the apex of the uppermost of such cylinders and that there is a depth of at least fifteen feet of such clay below the level of the lowest point of both of the said cylinders if they are constructed on the same level but if they shall be constructed on different levels then that there is such a depth as aforesaid of such clay below the lowest point of the lowermost of such cylinders and all expenses of and incidental to such borings including the charges of the said George Berkeley or other the engineer as aforesaid shall be paid by the Company. The bore holes which shall be made in pursuance of this provision upon the property of the owners shall be the property of the owners and shall when completed be left open or closed either temporarily or otherwise by the Company at their own expense as the owners may require.

2. Written notice shall be given by the Company to the owners and all other persons interested in the aforesaid wharves and other property as soon as the construction of the aforesaid subway shall have been proceeded with up to any point within 200 lineal feet (in either direction) of any part of the aforesaid wharves and other property and no further progress shall be made with the work of construction except under the provisions hereinafter contained.

3. The construction of the aforesaid subway shall for such distance as the same shall be driven underneath the property of the owners and for a further distance of 200 lineal feet at each end of such property be proceeded with as rapidly as possible and without cessation and the minimum rate of progress shall be 9 lineal feet per diem (strikes of workmen and other casualties over which the Promoters have no control always excepted).

4. Notwithstanding the limits of deviation shown by the aforesaid plans no deviation to the eastward from the centre line shown thereon shall be made in the construction of that portion of the said subway which shall be driven underneath the property of the owners nor for a further distance of 200 lineal feet from each end of such property without the express sanction in writing of the owners or their engineer for the time being but the Company shall be per-

mitted to deviate to the westward from such centre line to any point within the said limits of deviation and the Company shall not take under the powers of the said Bill any of the property of the owners but shall merely acquire from them the privilege of driving the subway under the said property. A.D. 1884.

4A. No shaft or other work other than the subway hereinbefore referred to and the bore hole or bore holes which may be required by the owners or their engineer under the provisions of clause 1 of this agreement shall be sunk or executed upon or within 50 yards of the aforesaid wharves buildings and other property of the owners without the express sanction in writing of the owners or their engineer for the time being and any such works as may be executed and done with such sanction shall be executed and done under the supervision and to the satisfaction in all respects of the engineer for the time being of the owners but in case the Company should desire and obtain all requisite authorities to put a temporary shaft down in the River Thames in a line with the first pier from the southern end of London Bridge the owners will raise no objection to their so doing Provided always that nothing herein contained shall prevent the Company from sinking small cylinders (but not shafts) through the western steps (leading to the river) of the southern abutment of London Bridge or doing such other work about the said abutment (but not upon the property of the owners or any part thereof) in such manner as the engineer of the Corporation of the City of London may deem to be necessary for protecting the foundations of that abutment subject to the design of all such works being previously approved in writing by the said George Berkeley or other the engineer for the time being of the owners and subject to the execution thereof being carried out to his satisfaction in all things Provided always and it is hereby agreed that in working such shaft and sinking such small cylinders no barge shall be allowed to remain alongside on the south of the said pier or of such shaft or the platform connected therewith or alongside of the said wharf and premises of the owners or the said steps or between such pier or shaft and platform and the wharf and premises of the owners and that only one barge at a time shall be allowed to remain alongside on the north of such pier or of such shaft or platform.

4B. The subway and works hereinbefore referred to shall be so executed maintained and used so as in no way to interfere with or prejudicially affect the wharves buildings and property of the owners or any part thereof or the user of the same or any part thereof nor shall the Company notwithstanding the provisions of clause 36 (Company empowered or may be required to underpin or otherwise strengthen houses near subway) of the said Bill or Act as brought into the House of Lords at any time during the construction of the works or afterwards underpin or otherwise interfere with the said wharves buildings and property of the owners or any part thereof without the previous consent in writing of the owners and if in the opinion of the engineer for the time being of the owners it shall be or become necessary at any time whether during the construction of the works or afterwards to strengthen or underpin any portion of the property of the owners such strengthening or underpinning shall forthwith upon the request of the owners be done by the Company and in either case whether done with the consent or upon the request of the owners such strengthening or underpinning shall be done and executed in all things at the expense of the Company and to the satisfaction in all things of the engineer for the time being of the owners and the Company shall in either case be liable to compensate as well the owners as the

A.D. 1884. lessees and occupiers of their property for any loss or damage which may result from such underpinning or other interference.

5. The subway shall be formed of two longitudinal cylinders and the levels of such cylinders shall not be more than ten (10) feet nearer to the surface of the ground than is shown by the aforesaid deposited plans and sections as the level of the upper cylinder but to that extent such levels may be varied provided that such variation does not infringe the conditions contained in clause 1 or any other clause of these presents. Neither cylinder shall exceed 10 feet in internal diameter and the thickness of the metal of each cylinder shall be such that the maximum pressure thereon shall not exceed one ton per square inch. Each cylinder shall be cast of sound strong iron and shall be put together in segments of which three with the key piece at the crown will make up the circumference and the same shall be so constructed and placed by means of a shield which shall always be in connexion with and outside of the cylinder. The space left by moving forward the shield (to make room for the segments) between the clay and the cylinder shall be immediately filled in with the most suitable description of cement forced through holes in the cylinder. In other respects the mode of construction of the Tower subway so far as the same may be satisfactory to the engineer of the owners shall be followed in the construction of the subway forming the subject matter of this agreement.

6. The aforesaid subway shall be made and completed for the whole of such distance as aforesaid to the entire satisfaction of the said George Berkeley or other the engineer for the time being of the owners as regards the nature and quality of the materials employed the mode of construction and in every other respect and the said George Berkeley or other the engineer for the time being of the owners or his authorised inspector or deputy shall at all times have free access to the works for the purpose of inspecting the same and the materials employed therein during the construction of the aforesaid subway for such entire distance as aforesaid and every facility shall be afforded to him for informing himself on all points in relation to the execution of the works and every notice which the said George Berkeley or other the engineer as aforesaid may give touching the mode of construction or the materials employed or otherwise with reference to the premises shall immediately or as soon as possible be complied with by the Company.

7. The Company shall at all times and for ever hereafter maintain and keep the aforesaid subway in good substantial and perfect repair and condition to the entire satisfaction of the said George Berkeley or other the engineer for the time being of the owners and the said George Berkeley or other the engineer as aforesaid or his authorised inspector or deputy shall at all times have free access to the subway and every facility shall be afforded him for inspection thereof and every notice which he may give touching any defect or want of repair shall immediately or as soon as possible be complied with by the Company.

8. On no account and under no pretext whatsoever shall the surface of the soil be disturbed either during the construction of the works or for the purpose of any future repairs or for any other purpose nor shall any of the soil other than that actually required in the judgment of the said George Berkeley or other the engineer for the time being as aforesaid be removed in order to make way for the cylinders

be taken away or disturbed either during the construction of the subway or at any time after its completion for any purpose whatsoever without the previous consent in writing of the owners.

9. Neither the rights of inspection given by the preceding clauses hereof nor the provisions of clause 4B with regard to strengthening or underpinning shall in any manner whether exercised or not prejudice or affect the provisions herein contained for the indemnity of the owners and others or lessen the liability of the Company thereunder.

10. The aforesaid subway shall never without the consent of the owners be used for any other purpose than that for which it is intended videlicet the conveyance of passengers and parcels to and fro along such subway in omnibuses or other carriages drawn or propelled otherwise than by steam locomotive engines but this prohibition is not to prevent the laying of pipes and wires within the tubes of such subway or the use of the subway for foot passengers.

11. The Company shall at all times hereafter at their own cost indemnify the owners their heirs executors administrators and assigns and their respective lessees underlessees and tenants for the time being and all other persons whomsoever who may for the time being be interested in the aforesaid wharves and other property or any part or parts thereof respectively against all loss or damage which they or any or either of them may at any time hereafter sustain or be put to for or by reason or in consequence or otherwise arising out of any damage or injury which may either during the construction of the aforesaid subway or at any time after its completion happen or be occasioned to the aforesaid wharves and other property or any part or parts thereof respectively by reason or in consequence of the construction repair want of repair or use of the aforesaid subway or in any way connected therewith.

12. The owner or owners for the time being of the said wharves and other property or any part thereof shall be entitled in all things to the benefit of this agreement.

13. Proper clauses and amendments shall be inserted in the Act for giving effect to the provisions herein contained by way of confirmation of this present agreement.

14. The Promoters hereby bind themselves their heirs executors and administrators and each of them his heirs executors and administrators for the due fulfilment and observance of this agreement on the part of the Promoters and of the Company.

15. In case the said Bill shall not become law during the present session of Parliament this agreement and everything herein contained shall be absolutely void.

16. The 14th clause of this agreement shall also become void on delivery to the owners free of expense to them of a deed or agreement under the seal of the Company when incorporated binding such Company their successors and assigns to the observance of the provisions herein contained on the part of the Promoters and which will then by virtue of the clauses hereinbefore provided for have become binding upon such Company.

A.D. 1884. As witness the hands and seals of the said parties the day and year first above written.

Signed sealed and delivered by the
above-named ROBERT ALEXANDER
MEYER and ARTHUR STANLEY
FELTON in the presence of
ROBERT FOWLER

2 Victoria Mansions

Westminster Solicitor

Signed sealed and delivered by
the above-named GEORGE BRUCE
MALLESON in the presence of
EDM. C. WICKES

Victoria Mansions

Westminster.

ROBERT ALEXANDER MEYER.

L.S.

GEORGE BRUCE MALLESON.

L.S.

A. STANLEY FELTON.

L.S.

WILLIAM H. HUMPHERY.

L.S.

JAMES A. HUMPHERY.

L.S.

PERCY A. HUMPHERY (by James
A. Humphery his attorney).

L.S.

EDWARD J. HUMPHERY.

L.S.

ROBERT PEEL HUMPHERY (by
William H. Humphery his attorney).

L.S.

Signed sealed and delivered by the
above-named SIR WILLIAM HENRY
HUMPHERY JAMES ARTHUR
HUMPHERY PERCY ADOLPHUS
HUMPHERY (by the above-named
James Arthur Humphery his
attorney) EDWARD JOHN
HUMPHERY and ROBERT PEEL
HUMPHERY (by the above-named
Sir William Henry Humphery
his attorney) in the presence of
PASCO DAPHNE

10 Billiter Square

London Solicitor.