CHAPTER ccxxiv.

An Act to empower the London County Council to make a Subway under the River Thames between Greenwich and Millwall and for other purposes connected therewith. A.D. 1897.

[6th August 1897.]

WHEREAS the construction of a new communication between Greenwich and Millwall by means of a subway or tunnel under the River Thames for the use of foot passengers would be of public advantage and it is expedient that the London County Council (herein-after called "the Council") should be empowered to make such a subway or tunnel and to construct for that purpose the works herein-after described:

And whereas it is expedient that powers should be conferred on the Council to make subsidiary works and conveniences in connexion with the subway or tunnel:

And whereas plans and sections describing the line situation and levels of the proposed works and the lands into through or under which the proposed works will be made and a book of reference to such plans have been deposited with the clerk of the peace for the county of London which plans sections and book of reference are herein-after referred to as the deposited plans sections and book of reference:

And whereas an estimate has been prepared by the Council as to the amount which they will require to expend out of borrowed money or money raised by the creation and issue of stock for the purposes of this Act and such estimate amounts to the sum of seventy thousand and five hundred pounds:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

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Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Thames Tunnel (Greenwich to Millwall) Act 1897.

Interpretation.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The Council" means the London County Council;

"Street" has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893;

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction:

Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts shall be construed to mean the Council and that for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly 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.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts are (except section 133 of the Lands Clauses Consolidation Act 1845 and except where otherwise expressly varied by this Act) incorporated with and form part of this Act.

Power to make subway.

4. Subject to the provisions of this Act the Council may in the line and situation shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the subway or tunnel herein-after described namely:—

A subway or tunnel (herein-after referred to as "the subway") under the River Thames commencing in the parish of Greenwich at or near Brewhouse Lane and terminating in the parish of All Saints Poplar at or near the western boundary of the Island Gardens Poplar:

Together with all roads approaches sewers and subways as may be necessary or convenient and lifts stairs passages or other means of ingress or egress as may be found convenient for accommodating the passengers using the subway.

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Power to take lands.

5. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of the subway and may use for the purpose any part of the Island Gardens Poplar which they may find necessary for that purpose Provided that the Council shall not appropriate permanently any greater quantity of the land forming the said gardens than fifteen hundred square yards:

Provided also that the Council shall not take use or in any manner interfere with any portion of the bed or soil or shores of the River Thames or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose which consent such commissioners are hereby authorised to give.

As to maintenance of approaches &c.

6. The Council shall maintain and light the subway and the approaches to the subway shall when and so soon as the same have been completed and opened for public use become repairable and thereafter shall be repaired maintained and lighted by the road authority within whose district the same shall be situate and the Council may enter into and carry into effect any agreement with any other body or person with respect to lighting the subway.

Prohibiting interference with subway.

7. It shall not be lawful for any company or person to break up or interfere with any part of the subway unless and until such company or person shall have obtained the consent of the Council thereto and the Council may as consideration for granting any such licence impose such conditions and restrictions as they may think fit.

Errors and omissions in plans &c. to be corrected by magistrate who shall certify the same.

8. If any omission mis-statement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited book of reference the Council may after ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to a metropolitan police magistrate for the correction thereof and if it shall appear to such magistrate that such omission mis-statement or erroneous description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of London and shall be kept

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by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Council may take the lands in accordance with such certificate.

Power to Council to enter upon property for survey and valuation.

9. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours and afterwards from time to time twelve hours previous notice enter upon and into the lands and buildings by this Act authorised to be taken or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Costs of arbitration &c. in certain cases.

10. The court or person to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if they or he shall be of opinion that no such statement giving sufficient particulars shall have been delivered one half of the costs of the arbitration or as the case may be one half of the costs of the proceedings before the sheriff (including the costs of summoning empanelling and returning the jury and of taking the inquiry and in recording the verdict and judgment therein) shall be defrayed by such claimant and the remaining half shall be defrayed by the Council anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this section shall be applicable only in cases where the notice to treat

under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Council may take a part only of a certain property.

11. Notwithstanding anything contained in section 92 of the Lands Clauses Consolidation Act 1845 the Council may take the building numbered on the deposited plans 9 in the parish of Greenwich without being compelled to take any other house building or manufactory of which it may form part.

Council may take easements for repair of subway.

12. The Council may purchase and take an easement or right of making maintaining renewing and repairing the subway and works by this Act authorised or any part thereof beneath the surface of the land in which they will be situate without being required to purchase and take the said land or any part thereof.

Power to certain persons to grant easements &c. by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of the Lands Clauses Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and for the purposes of this Act 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 easements rights and privileges as aforesaid and to any grant of the same respectively.

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

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

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

(2) Each such notice if given by the Council shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Council :

(3) If any owner lessee or occupier of any such house or building or the Council as the case may require shall within

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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 President for the time being of the Institution of Civil Engineers:

(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 Council may and shall proceed forthwith so to underpin or strengthen the said house or building:

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

(6) The Council 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 Council 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 Council 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 Council shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Council from the liability to compensate 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 of the Lands Clauses Acts:

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

Power to deviate.

15. In the execution of the works by this Act authorised the Council may deviate to any extent not exceeding ten feet from the levels thereof respectively defined on the deposited sections and may subject to the provisions of this Act deviate from the lines thereof within the limits of deviation defined on the deposited plans:

Provided that in constructing so much of the subway as will be situate under the banks bed and foreshore of the River Thames the Council may with the consent in writing of the Conservators deviate from the level shown on the deposited sections to an extent not exceeding ten feet and provided also that the subway shall be so constructed as to enable the Conservators to dredge to a depth over the subway of not less than forty-eight feet below the level of Trinity high-water mark for a width of five hundred feet across and in the centre of the river.

Power to make works in River Thames.

16. Subject to the provisions of this Act the Council may for the purposes of any of the works authorised by this Act alter and interfere with the bed and foreshore of the River Thames and place and maintain caissons cofferdams piles staging pontoons and other works in the channel and waterway thereof for the purpose of constructing or repairing the said works.

Subsidiary works to be sanctioned by the Conservators.

17. No subsidiary works by this Act authorised under or on the shore bed or banks of the River Thames so far as they are under the jurisdiction of the Conservators shall be commenced until the same shall have been approved of by the Conservators and should any subsidiary works be sanctioned by the Conservators such works shall be carried out in accordance with plans first sanctioned in writing by the Conservators and subject to such conditions as shall be required by the Conservators.

For protection of the Conservators.

18. For the protection of the Conservators of the River Thames (in this Act called "the Conservators") the following provisions shall have effect:—

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

(1) Any temporary or permanent works other than the subway and approaches executed by the Council under the powers of this Act so far as the same may affect the navigation of the River Thames or the banks bed or foreshore thereof under the jurisdiction of the Conservators shall be executed according to a plan and elevation to be approved in writing by the Conservators and deposited at their office and any works in

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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 said River Thames shall not be interfered with more than may be absolutely necessary in the construction of such works and the Council shall after completion of the permanent works within fourteen days after notice from the Conservators so to do proceed with all reasonable despatch to remove any materials for temporary works which may have been placed in the river by the Council and on their failing to do so the Conservators may remove the same charging the Council with the expense of so doing and the Council shall forthwith repay to the Conservators all expenses so incurred and in default of payment the amount due may be recovered with full costs by the Conservators from the Council in any court of competent jurisdiction:

Lights to be exhibited upon works.

(2) The Council shall hang out and exhibit at or near to any works in or on the River Thames by this Act authorised every night from sunset to sunrise lights to be kept burning by and at the expense of the Council proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Council 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 Council fail so to exhibit and keep burning the lights they shall for every such offence forfeit every day the sum of ten pounds and further the Council shall exhibit under a like penalty lights to be similarly approved by the Conservators upon any temporary works which may be placed in the river by the Council during the making of the subway or works connected therewith:

Council not to interfere with the bed of the river.

(3) Nothing in this Act contained shall authorise or empower the Council without the consent in writing of the Conservators under the hand of their secretary for the time being to embank or encroach upon or interfere with any part of the soil or bed of the River Thames or the shore thereof except for the purpose of making the subway and works connected therewith in accordance with the provisions of this Act:

Council not to take gravel &c. from river without consent of the Conservators.

(4) The Council shall not (except so 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 Thames without the previous consent of the Conservators signified in writing under the hand of their secretary:

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

(6) The Council shall not make or commence any work under or on the shore or bed of the River Thames without the consent of the Conservators signified in writing under the hand of their secretary until the expiration of one calendar month after notice in writing to the Conservators. Council not to commence any work on shore or bed of the river until notice given to the Conservators.

19. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council in connexion with and for the purposes of this Act and as part of the works to be executed under the powers of this Act may execute or do any of the following works or things viz. :— Power to make subsidiary works.

They may—

(a) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the improvements or any of them and may divert widen or alter the line or level of any existing street for the purpose of connecting the same with the improvements ;

(b) Stop up any street passage or place within the limits of deviation shown on the deposited plans which they may consider unnecessary to retain as a thoroughfare or to throw into the improvements and may alter and divert any street passage or place within the same limits ;

(c) Appropriate the site and soil of any street passage or place so stopped up or diverted ;

(d) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings ; and

(e) Raise lower alter and interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in any such drain or sewer.

The site and soil of any street passage or place or any part of any street passage or place stopped up or diverted and appropriated by the Council under this Act shall vest in the Council and all rights of way or other rights over the same shall thereupon be extinguished and the lamp-posts paving metalling or materials in on or under any street so altered diverted or stopped up and any materials of any drain or sewer so altered shall vest in the Council

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and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers for which they may be so substituted.

Alterations of sewers and drains.

20. The Council may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets to be interfered with in connexion with the execution of the purposes of this Act so as that no sewer or drain (unless the same become unnecessary by reason of the purchase of the property entitled to the use thereof) shall be in any wise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient Provided always that before removing or filling up any sewer or drain or part thereof as aforesaid the Council shall where necessary cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains.

Limitation of time for purchase of lands.

21. The powers of the Council for the compulsory purchase or taking of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

22. If the works by this Act authorised be not completed within seven years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the execution thereof or otherwise in relation thereto shall cease except so far as the same shall have been then completed.

Evidence of completion of work.

23. When and as soon as the subway and the approaches thereto are completed a certificate of completion shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate the subway and approaches thereto shall be open for public use.

Power to sell materials.

24. The Council may sell or dispose of all building and other materials of any houses and buildings acquired by them under the powers of this Act and all lamp-posts paving metalling and materials in under or upon any road street or other place altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the Council under the powers of this Act.

Council may let or exchange lands.

25. The Council may let either from year to year or for a less period or for a term at a rack rent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act and not required for the purposes of the subway and works by this Act authorised and may execute and do any deed act or thing requisite or proper for effectuating any such lease exchange or other disposition.

Receipts of Council to be effectual discharges.

26. The receipt of the Council or of any person duly authorised by the Council for any purchase money rent or money payable to the Council by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the receipt shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Restriction on taking houses of labouring class.

27.—(1) The Council shall not under the powers of this Act purchase twenty or more houses in any parish which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or have been or shall be subsequently so occupied.

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

Byelaws.

28. The Council may make and enforce byelaws and regulations for the control of the subway and of persons resorting to or using the same and for the management and direction of traffic therein and the Council shall be entitled to fix penalties not exceeding forty shillings for the breach of those byelaws or any of them Such byelaws shall be subject to the provisions of the Metropolis Management Act 1855 respecting the making contents confirmation approval and evidence of byelaws and of proceedings before justices and recovery of penalties thereunder and byelaws under this Act shall be deemed byelaws within the Metropolis Management Acts 1855 to 1893.

Compensation to certain workmen.

29. The Council shall have power in their discretion to pay compensation to any workman or person employed in the construction of the subway who while working under compressed air may be

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injured and to the widow and children or any of them of any such workman or person who while so working as aforesaid shall die or sustain injury resulting in death.

Such compensation as aforesaid may be paid either in one sum or by periodical payments at such times and extending over such period as the Council may think fit and the Council may if they think fit contract (for such consideration to be paid by the Council as they may think proper) with any insurance office society or company for the payment by such office society or company of any such compensation as aforesaid.

The expenses of the Council under this section shall be considered as expenses incurred by them in the construction of the subway and shall be defrayed accordingly.

Nothing in this Act and no compensation which may be paid or become payable thereunder shall take away or prejudicially affect any right or claim to damages or compensation which any such workman or person as aforesaid or his widow or children may have against any person or body other than the Council or (except so far as may be agreed when such compensation is granted) against the Council.

For protection of owners &c. of Greenwich Pier.

30. Whereas the commissioners for executing the office of Lord High Admiral their successors and assigns (herein-after referred to as "the trustees") are or claim to be the owners in fee of the larger portion of the pier at Greenwich known and herein-after referred to as "Greenwich Pier" constructed on the foreshore of the River Thames immediately to the north of the Royal Naval College and it is claimed that the said part of the said pier is included in the lands which at the time of the passing of the Greenwich Hospital Act 1865 were vested in the then Commissioners of Greenwich Hospital and which by that Act it was declared should after the commencement and by virtue of that Act remain and be settled on and vested in the Admiralty for the time being in trust for Her Majesty Her heirs and successors for the exclusive benefit of Greenwich Hospital for such estate or interest as at the commencement of that Act the Commissioners of Greenwich Hospital had therein :

And whereas the Greenwich Pier Company (herein-after referred to as "the company") are or claim to be the owners in fee of the remainder of Greenwich Pier and lessees of the portion of the said pier vested or claimed to be vested in the trustees as aforesaid for the term of eighty years from the twenty-fourth day of June one thousand eight hundred and thirty-seven under and by virtue of an indenture of lease made the thirty-first day of March one thousand

eight hundred and fifty-six between the Commissioners of Greenwich Hospital of the one part and the company of the other part:

Be it therefore enacted as follows:—

The Council shall be liable to make in manner herein-after provided compensation to the trustees and to the company respectively for any loss which they may respectively sustain by reason of the diminution of the net revenue derived or to be derived by them respectively from the tolls leviable under the authority of Parliament in respect of the use of Greenwich Pier in consequence or by reason of the construction and use of the subway by this Act authorised.

The amount of such compensation may be agreed between the trustees and the company on the one side and the Council on the other side and if not so agreed shall be settled by arbitration in manner provided by sections 25 to 37 of the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation for the purpose of which sections this Act shall be deemed to be the special Act and the Council shall be deemed to be the promoters of the undertaking subject to and in accordance with the following provisions:—

(1) Three months at least before the opening of the subway for traffic the Council shall give notice to the trustees and to the company of the day on which it is intended to open the same:

(2) Within three months after the first opening of the subway for traffic the company shall deliver to the trustees and the trustees and the company or either of them may deliver to the Council a statement of the average annual amount of the revenue derived from tolls leviable or payments due in respect of the use of Greenwich Pier during the two years immediately preceding such opening or arising from passengers and goods embarked in or disembarked from boats plying to and from Greenwich Pier from and to North Greenwich Pier in the parish of All Saints Poplar (herein-after termed "ferry traffic"):

(3) If the Council do not within one month after the delivery to them of any such statement as aforesaid serve notice upon the trustees and the company respectively that they dispute the accuracy of the statement so delivered to them they shall be deemed to have adopted the same for the purposes herein-after mentioned:

(4) If the Council within the last-mentioned period of one month deliver to the trustees and to the company respectively such notice as aforesaid the question of the average annual amount of the net revenue properly derivable during the two years immediately preceding the opening of the subway from the

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tolls leviable or payments due in respect of the use of Greenwich Pier for ferry traffic shall be determined by arbitration in manner aforesaid:

(5) The amount specified in the statement delivered to and adopted by the Council as aforesaid or as the case may be the amount determined by arbitration as aforesaid shall for the purposes of this section and of any arbitration thereunder be deemed conclusively to be the amount of net revenue which if the subway had not been opened for traffic would be properly derivable from the tolls leviable or payments to become due in respect of the use of Greenwich Pier for ferry traffic in each and every year after the opening for traffic of the subway by this Act authorised:

(6) The amount of compensation agreed or determined as aforesaid to be payable to the trustees and the company shall be apportioned between the trustees and the company as they may agree or in case of difference between them such difference shall be settled by arbitration in manner provided by the Arbitration Act 1889:

(7) Save as in this Act expressly provided nothing in this Act shall prejudice or affect the property rights powers or privileges of the Trustees.

For protection of London and Blackwall and Great Eastern Railway Companies.

31.—(1) Whereas the London and Blackwall Railway Company (whose railway is leased to the Great Eastern Railway Company for nine hundred and ninety-nine years) and the Great Eastern Railway Company are or claim to be under statutory enactments the owners of a ferry upon the River Thames between Millwall and Greenwich and work and maintain or cause to be worked and maintained a service of steamboats between their landing pier at or near the North Greenwich Station (Millwall) and Greenwich And whereas the London and Blackwall and Great Eastern Railway Companies in respect of the said ferry and steamboat services and other property may be injuriously affected and subjected to loss by the construction and opening of the subway by this Act authorised Be it therefore enacted that the London and Blackwall Railway Company and the Great Eastern Railway Company shall be entitled to compensation for any loss or damage they or either of them may sustain in respect of their authorised services of steamboats and rights of ferry and other property being injured or depreciated in value or by reason of the diminution of any revenue derived or to be derived by them from the tolls leviable or any other sums whatever receivable by them in respect of the use of the said ferry or by reason of their being unable to let or to

let otherwise than at reduced rents such tolls or their pier at North Greenwich in consequence of the construction and opening of the subway by this Act authorised and such injury or depreciation shall be deemed to be an injurious affecting of land by the execution of the authorised works within the meaning of section 68 of the Lands Clauses Consolidation Act 1845.

(2) The Council shall not under the powers of this Act purchase or acquire any portion of or any right or easement through or under the lands belonging to the London and Blackwall and Great Eastern Railway Companies numbered 1 on the deposited plans in the parish of All Saints Poplar or any other lands of either of these companies but the Council and the said companies may enter into and carry into effect any agreement with respect to the construction maintenance and use of a subway or other means of communication through under or over any such lands between the subway by this Act authorised and the North Greenwich Station of the companies.

Compensation in the case of certain ferrymen.

32. The licensed ferrymen of the Company of Watermen and Lightermen of the River Thames who now are and have been working from Upper Watergate Deptford to Cocoa Nut Stairs Millwall for three years before the passing of this Act (including any person who was an apprentice to any such ferryman at any time within the said period of three years and shall be a licensed ferryman working between the said points at the time of the opening of the subway) shall be respectively entitled by way of compensation to such sum of money to be paid by the Council at such time as may be or may have been agreed between such ferrymen and the Council or in default of agreement to such sum as after the opening of the subway may be determined to be fair and reasonable by an arbitrator to be appointed by the Board of Trade on the application of either the Council or any such ferryman.

Saving rights of the Crown.

33. Nothing contained in this Act shall extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Money to be raised on capital account.

34.—(1) The Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding seventy thousand and five hundred pounds and in order to raise or provide the money required for those purposes the Council may from time to time create and issue consolidated stock or resort to the Consolidated Loans Fund or

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otherwise raise money in accordance in each case with the provisions of the Acts for the time in force regulating the raising of money for capital purposes by the Council:

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand eight hundred and ninety-eight.

(2) The Council in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account shall make provision for the redemption of stock or the repayment of money borrowed or expended on capital account for the purposes of this Act within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine.

As to payments under this Act.

35. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner.

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