SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER cxlvi.

An Act for the establishment and regulation of a Fish Market in the parish of St. Paul Shadwell and borough of Tower Hamlets in the county of Middlesex and the formation of a New Street and the widening and improvement of existing Streets and Landing Stairs near to the Market and for other purposes. [24th July 1882.] A.D. 1882.

WHEREAS the establishment of a market for the sale of fish in a convenient position in the parish of St. Paul Shadwell and borough of Tower Hamlets in the county of Middlesex would be of local and public utility:

And whereas it is expedient that the establishment of such a market should be authorised and a company incorporated with all necessary and proper powers for that purpose and for the regulation of the market:

And whereas it is also expedient that such company should be authorised to make a new street and certain improvements of existing streets and landing stairs adjoining or near to the market:

And whereas plans describing the lines or situation of the intended new street and improved streets and landing stairs and of the lands and houses required or which may be taken for the purposes or under the powers of this Act and sections showing the levels of the intended new street and improved streets and landing stairs with a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Middlesex and are herein-after referred to as the deposited plans sections and book of reference:

A.D. 1882.

And whereas the objects of this Act 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 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 London River-side Fish Market Act 1882.

Interpretation.

2. In this Act and the Schedule hereto the word "fish" shall include oysters and other bivalves and all aquatic animals And for the purposes of this Act the expression "superior court" or "courts of competent jurisdiction" or other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of Acts.

3. The following Acts so far as the provisions thereof respectively are applicable to and not inconsistent with the provisions of this Act are hereby incorporated with this Act—

10 & 11 Vict. c. 14.

The Markets and Fairs Clauses Act 1847 subject as follows—

I. With reference to sections seven and eight of that Act the provisions of those sections shall apply to all lands by this Act authorised to be taken and not only to those taken for the purposes of or connected with the intended market:

II. With reference to section twelve of that Act the publication in a newspaper thereby required shall be made in some daily morning newspaper published in London or Middlesex:

III. With reference to the provisions for weighing goods and carts in the said Act the Company shall not be bound to provide weighing houses or places for weighing or measuring commodities or buildings or places for weighing carts or machines or weights proper for that purpose or to appoint any such person as is mentioned in section twenty-four of the said Act But if and when the Company shall think fit to provide such weighing houses weights buildings and places as are prescribed by the said Act all the provisions of that Act relating thereto shall take effect:

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

The Lands Clauses Consolidation Acts 1845 1860 and 1869.

8 & 9 Vict. c. 16.

The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III.

26 & 27 Vict. c. 118.

(relating to debenture stock) of the Companies Clauses Act 1863.

Interpretation of term "parish clerks." 8 & 9 Vict. c. 20.

4. The expressions "parish clerks" and "clerks of the several parishes" in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra-parochial place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively.

Incorporation of Company.

5. Robert Hewett James Alfred Hallett Joshua Grant Crosse and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of establishing the market and making and maintaining the works by this Act authorised and such company shall be incorporated by the name of "The London River-side Fish Market Company" and by that name shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued and shall have power to purchase hold and dispose of lands and other property for the purposes of the undertaking within the limits and subject to the restrictions contained in this Act.

Capital.

6. The capital of the Company shall be two hundred and fifty-five thousand pounds divided into twenty-five thousand five hundred shares of ten pounds each.

Calls.

7. Two pounds per share shall be the greatest amount of any one call which the Company may make upon the shareholders and two months at least shall be the interval between successive calls and three-fourth parts of the amount of a share shall be the utmost aggregate amount of calls to be made in any one year upon any share.

Power to borrow.

8. The Company may borrow upon mortgage of the undertaking any sums not exceeding in the whole the sum of eighty-five thousand pounds but no part thereof shall be borrowed until the whole capital of two hundred and fifty-five thousand pounds 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 such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on

A.D. 1882.

account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant his certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

9. 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 eight thousand pounds in the whole.

Debenture stock.

10. 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.

Application of moneys.

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

Ordinary meetings.

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

Number and qualification of directors.

13. The number of directors shall be seven subject to the provision herein contained for reducing the number and the qualification of a director shall be the possession in his own right of fifty shares in the undertaking.

Power to reduce number of directors.

14. The Company may from time to time reduce the number of directors but so that the number be not less than three.

Quorum.

15. A quorum of a meeting of directors shall be three but when the number of directors is reduced to three the quorum shall be two.

A.D. 1882.

First directors and rotation of directors.

16. Robert Hewett James Alfred Hallett Joshua Grant Crosse and two persons to be nominated by them or the majority of them and consenting to such nomination shall be five of the first directors of the Company and shall continue in office until the first ordinary meeting to be held after the passing of this Act At such meeting the shareholders present either personally 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 personally or by proxy shall (subject to the power herein-before contained for varying 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 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.

Power to make and maintain market-place and buildings new street and improvements in streets and landing stairs.

17. Subject to the provisions of this Act the Company may in the situation and on the lands shown on the deposited plans and according to the levels shown on the deposited sections and within the limits of deviation shown on the said plans build establish lay out make and maintain—

(1) A market place and market houses with all necessary and proper buildings shops warehouses offices cellars wharves landing places and approaches thereto upon certain lands in the parish of St. Paul Shadwell bounded on the north by a portion of High Street Shadwell on the east by the boundary between the parish of St. Paul Shadwell and the hamlet of Radcliff (such boundary running from a point in the southern frontage of High Street four yards or thereabouts eastward of the north-eastern corner of Bell Wharf Hill or Lane to a point in the river frontage of a wharf on the northern side of the Thames in the occupation of Messrs. Charrington Sells Dale and Company twenty-two yards or thereabouts measured in a north-easterly direction from the south-eastern corner of Bell Wharf Stairs) on the south-east by the river Thames on the south-west and south by the approach to Shadwell Dock Stairs a portion of Lower Shadwell Street a portion of Labour-in-Vain Street and by New Road and on the west by Glamis Road

A.D. 1882.

and in connexion with the market make the following streets and street improvements viz :—

(2) A new street in the said parish of St. Paul Shadwell commencing on the south side of Cable Street immediately opposite Devonport Street and terminating on the north side of High Street Shadwell at a point distant sixty-four yards or thereabouts measured in a westerly direction along High Street from the south-western corner of Love Lane.

(3) A widening of High Street Shadwell in the same parish on the southern side thereof from the western side of Market Hill to the eastern side of Bell Wharf Hill or Lane.

(4) A widening of the northern end of Hardinge Street on the western side thereof such widening to commence in the parish of Saint George-in-the-East at a point distant fifty-seven yards or thereabouts from the north-western corner of that street and to terminate in the hamlet of Mile End Old Town at the juncture of Hardinge Street with Commercial Road East.

(5) A widening of part of Devonport Street on the western side thereof in the said hamlet of Mile End Old Town such widening extending from the northern end of Devonport Street to the junction of that street with Steels Lane.

(6) A widening and improvement of the public landing place known as Bell Wharf Stairs in the said parish of St. Paul Shadwell.

Power to take lands.

18. The Company may from time to time enter upon take and use the lands shown on the deposited plans and described in the deposited book of reference for the purposes of the market undertaking and also such of those lands as shall be required for the purposes of the new street and improvement of streets and landing stairs by this Act authorised. Provided always that not less than four acres of the area shown on the deposited plans as the site of the market shall be for ever appropriated and applied to the purposes of the fish market by this Act authorised and the approaches thereto and to no other purpose.

Power to take easements, &c. by agreement.

19. 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 rent-charges 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.

Limits of compulsory powers.

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

Power to hold market.

21. Subject to the provisions of this Act the Company may in the market-place and market-houses provided by them for the purpose or any of them or any part thereof hold a market for the sale of fish on such days (not being Sunday) at such times as they shall think fit.

Market to be perpetual.

22. The market when so provided shall be and for ever remain a public market for the purposes and subject to the provisions of this Act so far as they relate to the market.

Limits of market.

23. The limits of this Act so far as it relates to the market shall be co-extensive with the market-place and market-houses buildings conveniences and other property of the Company connected therewith.

Power to take stallages tolls &c.

24. The Company may from time to time demand and receive and retain for their own use such tolls stallages rents and charges in respect of the market and market-place as they shall think fit not exceeding those specified in the Schedule to this Act.

Power to let rooms &c.

25. The Company may at any time and from time to time sell or let all or any of their rooms offices shops buildings and lands except such as are for the time being required and in actual use for the purposes of the market for such purposes and period in such manner on such conditions and at such rent as they shall think fit.

Power to make wharves &c.

26. The Company may at any time within five years from the passing of this Act for the purposes of their undertaking make all such wharves landing and shipping places and other works and conveniences on that portion of their property abutting upon the River Thames as may be necessary or expedient and as shall be sanctioned or approved by the Conservators of the River Thames and may charge dues for the use of the wharves not exceeding those specified in the Schedule to this Act but no work shall be commenced under the powers of this section without the previous consent of the said Conservators nor shall any of the provisions of this Act take away destroy override or in any manner diminish or affect any interest right power or jurisdiction of the said Conservators relating to Coal Stairs Bell Wharf Stairs or any other stairs or landing places at Shadwell.

A.D. 1882.

Company not to interfere with the shore or bed of the Thames.

27. Nothing in this Act contained shall authorise or empower the Company to embank 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 of the River Thames.

Power to make junctions with existing streets.

28. Subject to the provisions of this Act and in accordance with the deposited plans or within the limits thereon defined the Company in connexion with the market approaches new street and improvements of streets and landing stairs and as part of the works by this Act authorised and for the purposes thereof may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the market approaches new street or improvements of streets or landing stairs and may make any widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the market approaches new street or improved streets or landing stairs and for such purposes and the Company may remove destroy alter divert stop up inclose use or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any stream drain sewer watercourse void ground or other property the Company providing a proper substitute where necessary before interrupting the flow of sewage in any drain or sewer and making compensation in manner aforesaid provided by the Lands Clauses Consolidation Act 1845.

Power to stop up certain streets &c.

29. The Company may stop up and discontinue for public traffic and appropriate the sites of the following streets alleys footpaths highways and places so far as the same are within the boundaries of the property taken by the Company for the purposes of the market namely :—

Market Hill - - -	Waterhouse Lane.
Monmouth Street - -	Waterhouse Alley.
Leading Street - -	Three Cups Alley.
Labour-in-Vain Street -	Broadbridge.
Brewhouse Street - -	Shadwell Green.
Pope's Hill - -	Gould's Hill.
Middle Shadwell Street -	Garth (late Dean) Street.
Public landing place known as Coal Stairs - -	Bell Wharf Hill or Lane.

Lower Shadwell Street.

and all other streets alleys footpaths stairs highways rights of way landing places or stairs and other places upon or within the

boundaries of the property which shall be taken by the Company for the purposes of the market and they may construct all such other or new streets roads and approaches in and upon such property as may be found convenient.

Land tax and parochial rates to be made good.

30. If and while the Company are possessed by virtue of this Act of any lands houses or buildings charged with the land tax or liable to be assessed to the poor rate general rate main drainage rate sewer rate consolidated rate church rate school board rate or any other parochial rate in the parish of St. Paul Shadwell the Company shall from time to time until the market and works in connexion therewith shall be completed and assessed to such land tax poor rate general rate main drainage rate sewer rate consolidated rate church rate school board rate or any other parochial rate be liable to make good the deficiency in the several assessments for land tax and for the respective parochial rates as aforesaid by reason of those lands houses or buildings having been taken or used for the purposes of the market and works authorised by this Act and such deficiency shall be computed according to the rental at which such lands houses or buildings were valued or rated at the time of the passing of this Act and on demand the Company shall pay all such deficiency to the collector or collectors of the said assessments respectively Nevertheless if at any time the Company think fit to redeem such land tax they may do so in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

Notice to be given before works commenced.

31. Save as in this Act expressly provided the Company shall not commence making the new streets nor any of the widenings and street improvements nor the stopping up of any of the streets alleys footpaths and places by this Act authorised to be stopped up nor any other work affecting disturbing or interfering with any of the public streets and places in the district of the Limehouse Board of Works (herein-after called the district board) until the Company shall have given twenty-eight clear days' notice in writing to the surveyor for the time being of the district board of their intention to commence the same by leaving such notice at the principal office of the district board and in the case of the construction of the said new street and street widenings and improvements by this Act authorised such notice shall be accompanied by a working plan and section showing the course and inclination thereof and other necessary particulars relating thereto and the Company shall not commence such works until the district board shall have signified their approval of the same unless they do not signify their approval

A.D. 1882.

disapproval or other directions within fourteen days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the district board in the execution of the said works and shall provide by new altered or substituted works in such manner as such board may deem necessary for the proper protection of and for preventing injury or impediment to any street sewers and works belonging to them or under their control by or by reason of the said intended works or any part thereof and the said works respectively shall at all times be carried on and conducted so far as they affect any public street place sewer or drain to the reasonable satisfaction of the said surveyor and so as to cause as little obstruction as possible to the traffic of such streets and places.

Company to pay the expense of paving &c. new street.

32. The Company shall at their own expense and to the satisfaction of the surveyor for the time being of the district board form drain pave and curb the roadway and footways of the new street and street improvements respectively by this Act authorised and they shall also at their own expense provide all temporary pavements which may be required by such surveyor in such new street and in the streets to be widened and improved and shall also at the like expense provide and put up such additional lamp posts and lamps as the district board or their surveyor may reasonably deem necessary.

Company to pay for stone &c. in streets stopped up.

33. The Company shall on demand purchase from and pay to the district board the value of the paving stones of roads and footways and other materials works matters lamp posts and things in the streets public ways courts or alleys or any part thereof respectively in the said district the property of or vested in the district board permanently stopped up by the Company under the authority of this Act the value to be determined by the respective surveyors of the Company and the district board and in case of their differing the value shall be a matter in dispute and be settled by arbitration according to the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration Provided that if the district board instead of requiring the Company to pay to them the value of all or any of the paving stones materials works matters lamp posts and things as aforesaid desire the Company to deliver the same or any of them or any part thereof to the district board and of such desire shall give to the secretary of the Company notice in writing under the hand of the surveyor of the district board specifying the place or places within the district of the district board where such paving

stones materials works matters lamp posts and things are to be delivered the Company shall thereupon at their expense deliver the same accordingly.

Company to restore streets.

34. When the Company in executing any of the works by this Act authorised break up or disturb the roadway or footways of any such street or public place other than those streets alleys courts and places by this Act authorised to be stopped up the Company shall so soon as the works affecting it are completed and at the furthest within six months after the day on which the works were begun restore the roadway and footways thereof to as good a condition as the same were in when broken up or disturbed and shall keep the same in repair for six months thereafter and if the Company shall fail to restore any roadway or footways within the prescribed six months they shall forfeit to the district board five pounds for every such offence and an additional five pounds for every day after the expiration of that period and the district board may restore the roadway and footways of any such street alley court or place in such manner as may in the judgment of their surveyor be considered reasonably necessary at the expense of the Company who shall repay the same to the district board.

Company not to encroach upon High Street Cable Street and Commercial Road.

35. The Company shall not in executing any of the works by this Act authorised take or in any way encroach upon any part of the public streets or roads called High Street Cable Street and Commercial Road and all works affecting those streets and roads shall be prosecuted and completed with the utmost despatch.

Company not to obstruct roads and to guard and protect the works.

36. The Company shall not permit or suffer any materials rubbish or other like matter to be shot or placed by any of their contractors agents or workmen upon any of the streets or public ways courts or alleys not to be stopped up under this Act within or under the control of the district board except so far as may be necessary in making the new street and street widenings and so as not to obstruct the passing of carriages or to interfere with the footway on one side of any street or public way court or alley whilst the footway on the other side thereof is obstructed by the Company as aforesaid and the Company shall forfeit to the district board the sum of five pounds for every day that any materials rubbish or any such matter shall be laid shot or placed as aforesaid or any obstruction or any interfering shall take place and for the purpose of preventing accidents during the progress of the works to be done under this Act the Company shall cause the same to be well and sufficiently guarded and fenced and shall cause lights sufficient for the warning of passengers to be kept there every night between sunset and

A.D. 1882.

sunrise during the progress of such works and the Company shall forfeit to the district board the sum of five pounds for every day or part of a day that such works shall not be lighted guarded and protected as aforesaid.

Company not to deviate without consent of district board.

37. In constructing the new street and in effecting the street widenings aforesaid the Company shall not except with the consent of the district board deviate laterally nor more than two feet vertically from the lines and levels thereof respectively as shown upon the deposited plans and sections.

Company to make good damage to streets and paving subsequent to the execution of the works.

38. After the new street and street widenings and improvements respectively by this Act authorised have been formed and completed to the satisfaction of the surveyor of the district board as hereinbefore provided and after the reinstatement of any street in any way interfered with under the authority of this Act other than those by this Act authorised to be stopped up the same and all works and things connected therewith shall thereafter be as fully and completely under the direction jurisdiction and control of the district board as they now are or hereafter may be Should however at any time within twelve months subsequent to the formation of the new street and street widenings and improvements and interference with other streets aforesaid any damage accrue to the said streets and paving by reason of the works acts or defaults of the Company or resulting therefrom the said streets paving and other works and things connected therewith shall with all speed be repaired and reinstated by and at the expense of the Company under the direction and superintendence and to the reasonable satisfaction of the surveyor of the district board and should the Company for fourteen days after the service upon the Company by the district board of a notice under the hand of their clerk or surveyor requiring the Company to execute the necessary work for the repair and reinstatement of such streets paving works and things connected therewith neglect to do so it shall be lawful for the district board to execute all such necessary works and things at the costs and charges of the Company which costs and charges shall be payable by the Company to the district board on demand.

Company may discontinue certain sewers and drains.

39. In exercising the powers conferred upon the Company by the section of this Act of which the side-note is "Power to stop up "certain streets &c." the Company may appropriate and discontinue any sewers not being main sewers or drains in or under any of such streets alleys footpaths highways and places Provided that before appropriating and discontinuing any of such sewers or drains the Company shall obtain the consent in writing thereto of the district board and shall also at their own expense provide and construct such

sewers and drains in lieu of or in substitution for the discontinued sewers and drains as such district board may require.

Company to make good damage to sewers and works subsequent to the execution of works.

40. Should at any time within twelve months subsequent to the execution of the works or any of them by this Act authorised any damage accrue to any sewers gullies drains and works under the control of the district board by reason of the works acts or defaults of the Company or resulting therefrom the same shall with all speed be repaired and reinstated by and at the cost of the Company under the direction and superintendence and to the reasonable satisfaction of the surveyor of the district board and should the Company delay the execution of the necessary works for reinstatement of the sewers gullies drains and works it shall be lawful for the district board on giving fourteen days notice of their intention so to do to execute such necessary works at the costs and charges of the Company in all things and the Company shall on demand pay to the district board the costs and charges so incurred.

Company to pay certain costs of district board.

41. The Company shall pay to the surveyor of the district board all reasonable costs charges and expenses which may be incurred by reason of the Company's works or the preparation and examination of plans or designs superintendence or otherwise and the same may be recovered by action in any court of competent jurisdiction as and for liquidated damages.

As to settlement of differences with district board.

42. Except as herein otherwise provided any difference which may arise under the provisions of this Act between the Company and the surveyor of the district board shall be from time to time referred to and determined at the expense of the Company by an engineer to be agreed upon between the said surveyor and the Company or failing any such agreement by an engineer to be appointed on the application of either party by the Board of Trade the costs of and relating to such reference to be in the discretion of such engineer.

Recovery of penalties, &c.

43. Every penalty or forfeiture imposed or other sum of money made payable by the Company to the district board under this Act may be recovered by the district board in any court of competent jurisdiction.

General saving of rights of district board.

44. Excepting only as by this Act is expressly provided this Act shall not take away alter lessen prejudice or affect any of the rights powers or authorities vested in the district board but all such rights powers and authorities shall be as valid and effectual to all intents and purposes as if this Act had not been passed.

For the protection of the Trustees of

45. Whereas the Right Honourable the Earl of Strathmore the Honourable Francis Bowes Lyon and Sampson John Rumball as

A.D. 1882.

the late Charlotte Lady Glamis and W. S. Horner.

trustees of the will of the late Honourable Charlotte Lady Glamis are or claim to be owners of the workshops saw-mills outbuildings garden yards and premises numbered on the deposited plans 286 in the parish of St. Paul Shadwell in the county of Middlesex and William Sims Horner is or claims to be the lessee and occupier of the said workshops saw-mills outbuildings garden yards and premises which will or may be required for the purposes of the intended new street by this Act authorised And the said Earl of Strathmore Francis Bowes Lyon and Sampson John Rumball and William Sims Horner respectively are willing and desire that so much only of the said workshops saw-mills outbuildings garden yards and premises as shall be actually required for the said new street shall be taken under the powers of this Act Therefore notwithstanding anything in this Act contained the Company shall not without the consent of the said Earl of Strathmore Francis Bowes Lyon and Sampson John Rumball and William Sims Horner enter upon take or use any part of the said workshops saw-mills outbuildings garden yards and premises other than such part thereof as shall be actually required for the said new street and notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the said Earl of Strathmore Francis Bowes Lyon Sampson John Rumball and William Sims Horner respectively shall not be entitled to require the Company to take the whole of the said workshops saw-mills outbuildings garden yards and premises nor the whole of any house building or manufactory which may be included or comprised in the said workshops saw-mills outbuildings garden yards and premises but the Company shall make full compensation for all damage done by the severance of any part of a house or other building or manufactory from the residue thereof.

Provisions respecting hamlet of Mile End Old Town.

46. With respect to works in the hamlet of Mile End Old Town the following provisions shall apply :—

1. The Company shall construct the widenings at Hardinge Street and Devonport Street in the Bill mentioned under the direction and to the reasonable satisfaction of the surveyor to the vestry of Mile End Old Town.
2. The Company shall not in the execution of the works by this Act authorised cause to be stopped up or rendered impassable to the ordinary traffic any of the streets roads or footpaths in the said hamlet and before the Company shall break up or open or interfere with the soil of any street or pavement of any street or any part thereof or commence any work the execution of which shall or may affect the traffic along any street or commence to make the widenings in Hardinge

Street and Devonport Street aforesaid they shall give to the vestry or to the clerk or surveyor to the vestry for the time being notice in writing of their intention to open or break up the streets or to commence works (as the case may be) not less than fourteen clear days before beginning such works respectively and all and every such works shall be subject to the superintendence and control of the said vestry or their surveyor for the time being and the Company shall attend to the reasonable directions of the vestry or their surveyor with respect to the same and if any difference shall arise between the Company and the vestry or their surveyor touching the direction so given the matter in difference shall be referred to the decision of some person to be appointed by the Board of Trade and the Board of Trade shall determine the remuneration of such referee and such remuneration shall be paid by the Company Provided always that if the vestry or their officer fail to attend at the time fixed for the opening of such street or commencing such work as aforesaid after having had the notice of the intention of the Company as aforesaid or shall refuse or neglect to superintend the operation the Company may perform the work specified in such notice without the superintendence of the vestry or their surveyor.

3. The Company shall pave the carriage-ways both of the old and the widened portion of the said Hardinge Street and Devonport Street within the said hamlet with granite pitchers to be approved of by the said vestry or their surveyor.

4. If the Company open or break up any street or commence any work which shall or may affect the traffic in any street without giving such notice as aforesaid or shall refuse or neglect to obey such reasonable direction as aforesaid or shall make any unnecessary delay in completing any such work or in filling in the ground or in reinstating and making good the soil or pavement so opened or broken up by them or in carrying away the rubbish occasioned thereby or if they neglect to cause the place where such soil or pavement has been broken up by them to be fenced guarded and lighted or if they neglect to cause sufficient lights for the warning of passengers to be kept where the works only affect the traffic along any street they shall forfeit to the vestry the sum of twenty pounds for every such offence and an additional sum of ten pounds per day for every day during which any

A.D. 1882.

such default as aforesaid shall continue after they shall have received notice thereof.

5. If any delay or omission as aforesaid shall take place the vestry may cause to be executed the work so delayed or omitted and the expense of executing the same shall be repaid to the vestry by the Company and such expenses may be recovered by action in the High Court of Justice Provided always that any such street shall not be considered to have been reinstated in a proper and substantial manner unless the same shall have been reinstated with the same or similar materials of the like quality and thickness and cemented and bound together in the same or an equally substantial manner as those of which it was composed in such manner as shall be satisfactory to the vestry or their surveyor.

6. After such streets have been widened as aforesaid the widened portions of the same respectively shall thereafter be as fully and completely under the direction jurisdiction and control of the vestry as the streets with which the same are connected now are or hereafter may be.

7. All costs charges and expenses to which the vestry may be put or incur 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 the vestry by the Company on demand.

8. If by reason of the Company for the purposes of the said street widenings and works giving notice to the owners or occupiers of any land houses hereditaments and premises in the hamlet of Mile End Old Town the same become unoccupied or untenanted or if the Company take down any such houses hereditaments or premises for the like purposes up to the period when the said widening of streets and works in the said hamlet hereby authorised shall be fully completed and handed over to the vestry of the said hamlet the Company shall stand assessed to the said rate and be rated for and pay the rate of the premises respectively in the same sum and sums of money as the same were assessed and rated previously to the passing of this Act and the Company shall pay or make good (as the case may be) to the rate of the said hamlet out of the moneys of the said Company all such rates as aforesaid and in default of payment thereof the same shall be levied and recovered from the said Company or their treasurer or secretary in the same

way or manner as the same could or might have been recovered from the owners or occupiers of the same premises in case this Act had not been passed.

9. Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights powers privileges or authorities vested in the said vestry but all such rights powers privileges and authorities shall remain as completely unimpaired and unaffected as if this Act had not been passed anything herein contained to the contrary notwithstanding.

For the protection of the East London Waterworks Company.

47. Whereas divers mains pipes services and other works belonging to and now in use by the East London Waterworks Company (in this section called "the water company") for the purpose of their water supply will or may in the execution of the works by this Act authorised be intersected or otherwise interfered with and divers other mains pipes services and works belonging to and now in use as aforesaid by the water company will or may be destroyed or rendered useless by the acquisition and appropriation by the Company of the lands houses and buildings which they are by this Act authorised to enter upon take and use Therefore the following provisions shall have effect :—

(A) All works matters or things which the Company may be empowered or required to do or execute with reference to the mains pipes services or other works of the water company shall be done and executed by and at the expense of the Company but to the entire satisfaction and under the sole direction of and in such manner as shall be required by the engineer of the water company Such works matters or other things shall not be commenced till after fourteen days notice thereof in writing shall have been given by the Company to the water company and if the water company by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any such work matter or thing require that the water company shall by their own engineer or workmen do or execute such work matter or thing the water company may on the expiration of the first-mentioned notice do or execute the same and the Company shall on the completion thereof pay to the water company the reasonable expenses incurred by them in the execution thereof;

(B) The Company shall bear the reasonable expenses of and incident to the superintendence and watching by the water company or their engineer or officers of all or any of the

A.D. 1882.

works by this Act authorised during the progress and until the completion of the same and by which any main pipe service or work of the water company shall be interfered with;

(c) If any interruption whatsoever in the supply of water by the water company shall be in any way occasioned by the Company or by the 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 the water company for the use and benefit of the water company the sum of £10 for every hour during which such interruption shall continue such sum to be recovered by the water company in any court of competent jurisdiction;

(d) The expense of all repairs or renewals of any main pipe or service of the water company or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Company their contractors agents workmen or servants or any person in the employ of them or any or either of them shall be borne and paid by the Company and may be recovered against them by the water company in any court of competent jurisdiction;

(e) The water company and their engineer and workmen may at all reasonable times when necessary enter upon the market buildings and works by this Act authorised for the purpose of laying and maintaining and may lay and maintain any mains pipes services or other works needful or proper for carrying on their supply of water into through under or over the said market buildings and works and in every case in which the works of the Company shall interfere with the mains and pipes of the water company the Company shall give every reasonable facility for provision being made so as to allow such mains and pipes to be replaced by mains and pipes of a larger size Provided always that the water company shall in the exercise of these powers do as little damage as possible to the said market buildings and works;

(f) If and when the Company under the powers of this Act acquire and appropriate any lands houses and buildings which are served with water by the mains pipes services or works of the water company laid down and maintained by them in any road street highway or place or stop up any such road street highway or place so that the same mains pipes services and works or any of them or any part thereof respectively

become useless for supplying water the Company shall pay to the water company the cost to the water company of such mains pipes services and works and their expenses in and about the laying down of the same in their then position and the same shall thereupon become the property of the Company and the Company shall also pay to the water company their reasonable charges for removing any of their mains pipes services and works in immediate communication therewith and which the works of the Company shall render useless;

(G) If the Company for the purposes of this Act remove and destroy any house building or erection now supplied with water by the water company and that company sustain any loss by reason of their inability to collect and recover the then current half-year's water rate accruing to them in respect of the house building or erection the Company shall pay to the water company the half-year's water rate so accruing due in respect of every such house building or erection supplied with water by them and so taken removed or destroyed and that payment shall entitle the Company for the remainder of the half-year in respect of which it is made to the same supply of water as hitherto made to any such house building or erection;

(H) If any difference shall arise between the Company or their engineer and the water company or their engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Company to the water company or touching any work matter or thing with reference to the mains pipes services or other works of the water company under such provisions to be done or executed by the Company or the water company or the mode of doing or executing the same such difference shall be settled by arbitration in accordance with the provisions of the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

(I) Except as in this Act specially provided nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the water company.

For the protection of the Commercial Gas Company.

48. Whereas divers mains pipes services and other apparatus belonging to and now used by the Commercial Gas Company (in this section called the gas company) for the purpose of their gas supply will or may in the execution of the works by this Act authorised be intersected or otherwise interfered with and divers other mains pipes services and apparatus belonging to and now

A.D. 1882.

in use as aforesaid by the gas company will or may be taken destroyed or rendered useless by the acquisition and appropriation by the Company of the lands houses and buildings which they are by this Act authorised to enter upon take and use therefore the following provision shall have effect:

(*a*) When the Company for any purpose of this Act take any street alley court passage or other place or any part thereof in which any mains pipes services or other apparatus of the gas company then are they shall pay to the gas company the cost to them of any such mains pipes services or other apparatus and their expenses in and about the laying down the same in their then position and the same shall thereupon become the property of the Company and the Company shall pay to the gas company also their reasonable charge of removing or altering any of the mains pipes services or other apparatus in immediate connexion therewith which the works of the Company render useless or require to be altered;

(*b*) In making the market and works and in exercising the powers by this Act authorised the Company shall (subject as next herein-after provided) before taking altering or interfering with any main pipe service or other apparatus of the gas company at their own expense and under the superintendence and to the reasonable satisfaction of the gas company's engineer make by the laying down of arterial or carrier and other mains pipes services and apparatus in such position or by such other means as shall be satisfactory to the engineer of the gas company and generally in such manner as shall be effectual due and sufficient provision for preserving the supply and passage of gas now carried on by existing arterial or carrier and other mains pipes services and works of the gas company in and through the several streets roads and highways which will be taken intersected or interfered with by the Company;

(*c*) Any taking alteration of or interference with any existing main pipe service or apparatus of the gas company for any of the purposes of this Act shall not be commenced until after ten days previous notice in writing shall have been given by the Company to the gas company and if the gas company elect to provide and lay any substituted mains pipes services or other apparatus or to do any such work themselves they may on the expiration of the said notice provide and execute the same and the Company shall on the completion thereof pay to the gas company the reasonable expenses incurred by them in providing and executing the same respectively;

(*d*) All substituted or altered mains pipes services and works laid down or altered by the Company in accordance with this section shall be laid down in due conformity with the Acts relating to the gas company and at a depth of at least eighteen inches from the surface of the street road or highway in which respectively the same may be laid and all such mains pipes services and works shall thereafter be the property of the gas company;

(*e*) The Company shall bear the reasonable expenses of and incident to the superintendence and watching by the gas company or their engineer or officers of all or any of the works by this Act authorised during the progress and until the completion of the same and by which any main pipe service or work of the gas company will or may be interfered with;

(*f*) If any interruption whatsoever in the supply of gas by the gas company shall be in any way occasioned by the Company or by the 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 the gas company for the use and benefit of the gas company the sum of £10 for every hour during which such interruption shall continue such sum to be recovered by the gas company in any court of competent jurisdiction;

(*g*) If the Company for any of the purposes of this Act remove and destroy any house building or erection now supplied with gas and the gas company sustain any loss by reason of their inability to collect and recover the then current quarter or half year's gas rate or charge accruing to them in respect of such house building or erection the Company shall pay to the gas company the amount of such accruing gas rate or charge in respect of every such house building or erection supplied with gas by them and so taken removed or destroyed Any difference arising between the Company and the gas company touching any of the matters contained in the above provision shall be settled by arbitration under the Lands Clauses Consolidation Act 1845;

(*h*) If any loss of gas shall be in any way occasioned to or be sustained by the gas company by any act or omission of the Company or of their contractors agents workmen or servants or of any person or persons in their employ the Company shall on request pay to the gas company the value of the gas so lost Any difference arising between the gas company and the Company as to the quantity of gas so lost or as to the value

A.D. 1882.

thereof shall be settled by arbitration under the Lands Clauses Consolidation Act 1845;

(*i*) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company or to any of their mains pipes apparatus property works and conveniences or in the supply of gas by the gas company other than by the diminution of gas rental or to any person or persons now or at any time hereafter to be supplied by them or otherwise by reason of the execution or failure of any of the intended works or of any act or omission of the Company or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Company will effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of such execution or failure of any such act or omission;

(*j*) It shall be lawful for the gas company and their engineer workmen and others in their respective employment at all times when it may be necessary to enter upon the lands and premises of the Company at any point or place where there are existing mains or pipes of the gas company and to do all such works in and upon such lands and premises as may be necessary for repairing maintaining removing or replacing such mains or pipes under or over the same lands and premises provided that the gas company shall make good and reimburse to the Company all damages occasioned by the exercise of the powers by this sub-section reserved;

(*k*) If any difference shall arise between the Company or their engineer and the gas company or their engineer touching the amount of any costs loss damages expenses or charges under the provisions of this section to be paid by the Company to the gas company or by the gas company to the Company or touching the mains pipes services or other works under such provisions to be laid down constructed or maintained by the Company or the gas company or the mode of laying down or constructing the same or the position thereof such difference shall be settled by arbitration in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

For protection of sewers in the metropolis.

49. 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

A.D. 1882.

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 of works constituted under the Metropolis Management Act 1855 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 vestries or any 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 works until they shall have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-eight 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-eight days after service of the said plan section 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 district board or vestry as the case may be 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 shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said boards and vestries 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 reasonable costs charges and expenses which the said Metropolitan board or any district board or vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such board 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 cost 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

18 & 19 Vict. c. 120.

A.D. 1882.

of the said Metropolitan board district board or vestry as the case may be respectively as any sewers or works now or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said respective board or 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.

Powers of Company in making and altering streets and landing stairs. 41 & 42 Vict. c. 76.

50. In making the new street and improvements of streets and landing stairs and works connected therewith the Company may subject to the provisions of the Telegraph Act 1878 raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down for telegraphic purposes and may remove or alter the position of any other obstruction after fourteen days' notice to the Company person or body if any affected by the removal and such removal or alteration shall be carried out to the reasonable satisfaction of the engineer of such Company person or body or in case of difference in the manner determined by an engineer appointed by the Board of Trade and the Company shall in every such removal or alteration cause as little detriment and inconvenience as circumstances admit to any Company person or body and shall make reasonable compensation for any damage occasioned thereby the amount of such compensation if not agreed to be determined under the provisions of the Lands Clauses Consolidation Act 1845.

Streets and stairs when completed to vest in local authorities.

51. When the new street and improved streets and landing stairs or any or either of them are or is completed (of which completion in each case a certificate under the hands of two justices delivered to the clerk of the Limehouse district board of works the clerk of the vestry of the parish of St. George-in-the-East or the clerk of the vestry of the Hamlet of Mile End Old Town as the case may be shall be for all purposes conclusive evidence) the ground added to the improved streets and landing stairs shall be deemed to form part thereof respectively and such improved streets and landing stairs and the ground laid into the new street may be used by the public accordingly and thenceforth the new street and improved streets and landing stairs shall be under the management and control of the same authorities as the other streets in the said district parish and hamlet and the power and duty of repairing paving cleansing and lighting the new street and improved streets and landing-stairs shall belong to those authorities solely.

Limit for completion of streets.

52. If the new street and improvement of streets and landing-stairs by this Act authorised are not completed within five years

from the passing of this Act then on the expiration of that time the powers by this Act granted to the Company for making the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Notice to be given of intention to take houses of labouring classes.

53. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notices placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Accommodation to be provided for labouring classes displaced.

54. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of a house which the Company are by this Act authorised to acquire the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring class dwellings and may let or otherwise dispose of such lands.

Market houses streets &c. exempt from certain Acts. 18 & 19 Vict. c. 122.

55. The market houses buildings streets and approaches in connexion with and for the purposes of the market shall not be subject to the provisions of the Metropolitan Building Act 1855 or of the Act 18 and 19 Vict. cap. 120 for the better local management of the metropolis or of any Act or Acts amending those Acts or of any byelaws or regulations made under or in pursuance of the said Acts or any of them.

Saving rights of the Conservators of the River Thames.

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

A.D. 1882.

Company not exempt from provisions of any future general Act.

57. Nothing in this Act shall exempt the Company from the provisions of any general Act hereafter passed with respect to markets or from any revision by Parliament of the tolls by this Act granted to the Company.

Costs of Act.

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

The SCHEDULE to which the foregoing Act refers.

Maximum Stallages Rents and Tolls authorised.

For every stall according to the size and dimensions of the same at a rate calculated on the superficial area of each stall or standing of not exceeding sixpence per foot per week.

Tolls for use of Wharves and Landing Places.

	s.	*d.*
For every vessel or boat not exceeding 5 tons measurement - -	1	0
For every vessel or boat not exceeding 10 tons measurement -	2	0
For every vessel or boat not exceeding 20 tons measurement -	4	0
For every vessel or boat not exceeding 35 tons measurement -	7	0
For every vessel or boat not exceeding 50 tons measurement -	10	0
For every vessel or boat not exceeding 75 tons measurement -	15	0
For every vessel or boat not exceeding 100 tons measurement -	20	0
Exceeding 100 tons then for every ton or fraction - -	0	3

Tolls to be charged upon Vans Carts or other Vehicles laden with Fish.

With two wheels each - - - - -	1	0
Exceeding two wheels each - - - -	2	0

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.