CHAPTER xlix.

An Act to make provision for the future Maintenance and Repair of certain Roads now under the care of the Commissioners of the Metropolis Turnpike Roads North of the Thames, and to amend "The Annual Turnpike Acts Continuance Act, 1871;" and for other purposes. A.D. 1872.

[27th June 1872.]

WHEREAS under and by virtue of an indenture of bargain and sale enrolled in Chancery, bearing date the sixth day of July, in the twenty-first year of the reign of Queen Elizabeth, and made between Sir Gilbert Gerrard and William Gerrard of the first part, John Lyon and Joan his wife of the second part, and the keepers and governors of the possessions, revenues, and goods of the Free Grammar School of John Lyon, within the town of Harrow-upon-the-Hill in the county of Middlesex, of the third part, certain lands and hereditaments described in the first part of the Schedule A. to this Act annexed were vested in the said keepers and governors, upon trust to bestow and employ the profits, yearly rent, and commodity thereof toward and upon repairing and amending the common highway from the town of Edgware in the county of Middlesex to the city of London, and to bestow and employ the residue and surplusage (if any) of the same profits, yearly rents, and commodity towards and upon repairing and amending the highway from the town of Harrow-upon-the-Hill into the city of London:

And whereas by another indenture dated the nineteenth day of December, in the twenty-fifth year of the reign of Queen Elizabeth, and made between William Sherrington of the first part, the said John Lyon and Joan his wife of the second part, and the said keepers and governors of the third part, certain other lands and hereditaments described in the second part of Schedule A. to this Act annexed (which lands and hereditaments, together with the lands and hereditaments previously mentioned, are in this Act referred to as "Lyon's estates") were appropriated, upon trust to apply the whole profit, yearly rent, and commodity thereof towards

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and upon repairing and amending the said highway from the town of Harrow-upon-the-Hill into the city of London:

And whereas by the Metropolis Roads Act, 1826, the said roads, together with other roads in the neighbourhood of the metropolis north of the river Thames specified in the first schedule to the said Act annexed, were placed under the care and superintendence of Commissioners appointed and to be appointed by and under the said Act with the name of "The Commissioners of the Metropolis Turnpike Roads North of the Thames" (in this Act referred to as "the Commissioners"), for the purpose of making, widening, improving, repairing, and keeping in repair, cleansing, lighting, watching, and watering the said roads:

7 G. 4. c. 142. 10 G. 4. c. 59. 26 & 27 Vict. c. 78.

And whereas by the Metropolis Roads Act, 1826, as amended by the Metropolis Roads Act, 1829, and by the Metropolis Roads Act, 1863, the clear yearly income of the said keepers and governors arising from the rents and profits of Lyon's estates, after paying thereout the expenses of the said keepers and governors in and about the managing and letting of Lyon's estates and collecting the rents and profits thereof, was directed to be paid by the said keepers and governors into the Bank of England to the credit of the Commissioners, to be by them applied to the maintaining, repairing, lighting, and watering of the said roads, in the proportions and in the manner by the said Acts directed; and in the said Acts provisions in favour of the said keepers and governors are contained for the application of the surplus (if any) of such clear yearly income, after the satisfaction and accomplishment of the aforesaid purposes:

And whereas Edward Harvist, citizen and brewer of London, by his will bearing date the twenty-first day of February one thousand six hundred and ten, gave to the master, wardens, and commonalty of the art or mystery of brewers of the city of London and their successors (in this Act referred to as "the Brewers Company"), two closes of meadow called London Fields, with the appurtenances, situate in or near Holloway in the parish of Islington in the county of Middlesex (in this Act referred to as "the devised lands"), to the intent that the Brewers Company should employ all the rents and profits thereof (except forty shillings) upon the repairing and amending of the highway between Tyburn and Edgware (in the said will called Edgworth) in the said county of Middlesex:

And whereas under the provisions of the Metropolis Roads Act, 1826, the rents and profits of the devised lands were accounted for and paid over by the Brewers Company to the Commissioners:

And whereas by the Metropolis Roads Act, 1829, provision was made for the application of the rents and profits of the devised lands:

And whereas part of the devised lands was taken by the Great Northern Railway Company for the purposes of their undertaking, and the compensation for the same was laid out in the purchase of four thousand seven hundred and forty-nine pounds fourteen shillings and ninepence consolidated Bank three pounds per cent. annuities (in this Act referred to as "the trust stock") now standing in the name of the Accountant General of the High Court of Chancery to the credit of "ex parte the Great Northern Railway Company, the "account of the Commissioners of the Metropolis Turnpike Roads "North of the Thames:"

And whereas by the Metropolis Roads (Harvist's Estate) Act, 1855, such parts of the devised lands as were not taken by the Great Northern Railway Company, and as are specified in the schedule to the said Act annexed, were vested in the Commissioners, and provision was made for the management of the same and also for the sale of the trust stock, and the application of the proceeds to the purchase of land, and provision was also made for the application by the Commissioners of the rents and profits of the said lands and of the dividends of the trust stock, and of the rents and profits of any lands purchased with the proceeds of the trust stock:

And whereas the Metropolis Roads (Harvist's Estate) Act, 1855, was amended by the Metropolis Roads Act, 1863, and thereby further provisions were made for the application of the clear yearly income of the Commissioners from Harvist's estate towards the maintenance, repair, lighting, and watering of the Kilburn Road to Edgware, being the said highway between Tyburn and Edgware referred to in the herein-before recited will of Edward Harvist:

And whereas under the authority and for the purposes of the Act passed in the session of Parliament holden in the fifty-eighth year of the reign of King George the Third, intituled "An Act for "building and promoting the building of additional churches in "populous parishes;" and of the Act passed in the session of Parliament holden in the fifty-ninth year of the same reign, intituled "An Act to amend and render more effectual an Act passed in the "last session of Parliament for building and promoting the building "of additional churches in populous parishes;" and of the Act passed in the session of Parliament holden in the third year of the reign of King George the Fourth, intituled "An Act to amend and "render more effectual two Acts passed in the fifty-eighth and fifty-"ninth years of His late Majesty for building and promoting the "building of additional churches in populous parishes;" and of the Act passed in the session of Parliament holden in the first and second years of the reign of Her present Majesty, intituled

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" An Act to amend and render more effectual the Church Building " Acts;" and of the Act passed in the session of Parliament holden in the eighth and ninth years of the same reign, intituled " An Act " for the further amendment of the Church Building Acts;" and of the other Acts, commonly called the Church Building Acts, and particularly of the Act passed in the session of Parliament holden in the nineteenth and twentieth years of the same reign, intituled " An Act for transferring the powers of the Church Building Com- " missioners to the Ecclesiastical Commissioners for England," the Commissioners have granted and conveyed a certain part of the said lands specified in the schedule annexed to the Metropolis Roads (Harvist's Estate) Act, 1855, to the Ecclesiastical Commissioners for England:

And whereas under the authority of the Act passed in the session of Parliament holden in the fourth and fifth years of the reign of Her present Majesty, intituled " An Act to afford further facilities " for the conveyance and endowment of sites for schools," and of the Act passed in the session of Parliament holden in the seventh and eighth years of the reign of Her present Majesty, intituled " An " Act to secure the terms on which grants are made by Her Ma- " jesty out of the parliamentary grant for the education of the poor, " and to explain the Act of the fifth year of the reign of Her " present Majesty for the conveyance of sites for schools," the Commissioners have sold certain other parts of the said lands specified in the schedule annexed to the Metropolis Roads (Harvist's Estate) Act, 1855, to the minister and chapelwardens of the consolidated chapelry of St. Barnabas, Hornsey; but the remaining portions of the said lands (in this Act referred to as " Harvist's building lands ") specified in the Schedule B. to this Act annexed are now vested in the Commissioners:

And whereas by the Annual Turnpike Acts Continuance Act, 1871, it was amongst other things enacted that the Metropolis Roads Act, 1826, the Metropolis Roads Act, 1829, and the Metropolis Roads Act, 1863, should be repealed on and after the first day of July one thousand eight hundred and seventy-two:

And whereas upon such repeal taking effect the Commissioners acting in the execution of the said Acts will cease to exist as such Commissioners, and to act in the execution of the several trusts under the authority and provisions of the said Acts, and it is expedient that notwithstanding such repeal the Commissioners should continue to act as such Commissioners during the times, in the manner, and for the purposes specified in this Act, and that for

such purposes provisions should be made such as are in this Act contained:

And whereas considerable portions of the roads specified in the first and second parts of the Schedule C. to this Act annexed (in this Act respectively referred to as "the Kilburn Road" and "the Harrow Road"), to the maintaining, repairing, lighting, and watering of which the yearly income of Lyon's estates, and of Harvist's estate, were by the Metropolis Roads Act, 1863, appropriated, are situate within the district of the board of waywardens of the Edgware highways district (in this Act referred to as "the Board"), acting under the authority of the Highway Acts, and the same upon such repeal taking effect will be maintained and repaired under the orders and directions of the Board:

And whereas the Commissioners are anxious, and the Board are willing, and it is expedient that Harvist's building lands should be vested in the Board, and that the trust stock should be applied in the manner in this Act directed, and also that, for the purposes in this Act mentioned, the yearly income of the Commissioners arising from Lyon's estates should henceforth be received by the Board instead of by the Commissioners, and that such income, and also the yearly income arising from Harvist's building lands and the dividends of the trust stock, and the yearly income arising from any lands to be purchased with the trust stock, should be applied in the manner in this Act directed, and that subject to the provisions of this Act the Commissioners should be discharged from the execution of the several trusts in the recited Acts mentioned, and that notwithstanding the repeal of the Metropolis Roads Act, 1826, the Metropolis Roads Act, 1829, and the Metropolis Roads Act, 1863, the Board should act in the execution of such of the said trusts as are in this Act mentioned, in the manner by this Act provided:

And whereas it is therefore expedient to make provision with reference to the matters aforesaid, and to amend the Metropolis Roads (Harvist's Estate) Act, 1855:

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

Short title.

1. This Act may be cited for all purposes as "The Metropolis (Kilburn and Harrow) Roads Act, 1872."

Commencement of Act.

2. This Act shall commence and take effect on the first day of July one thousand eight hundred and seventy-two.

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The Board to carry Act into effect.

3. The Board, as incorporated for the purposes of the Highway Acts, shall act in the execution of this Act as such body corporate in like manner in every respect and subject to the same conditions as if the purposes of this Act, so far as they relate to the Board, were purposes of the Highway Acts.

Repeal of sections 2, 3, 4, 5, 9, 12, 13, and 14 of Metropolis Roads (Harvist's Estate) Act, 1855.

4. From and after the commencement of this Act, sections two, three, four, five, nine, twelve, thirteen, and fourteen of the Metropolis Roads (Harvist's Estate) Act, 1855, shall be and the same are hereby repealed: Provided always, that the repeal of the aforesaid sections or of any of them shall not have any retroactive operation.

Act and Metropolis Roads (Harvist's Estate) Act, 1855, to be construed as one Act.

5. The Metropolis Roads (Harvist's Estate) Act, 1855, shall, with the exception of such of the sections of the same as are repealed by this Act, be construed and read together with this Act as one Act, subject to the following modifications; (that is to say,)

The Board shall be deemed to be substituted for the Commissioners throughout the said Act. The purposes of the said Act shall be deemed to include the purposes of this Act:

The accounts directed by section eleven of the said Act shall be kept by the Board, and shall be made up and balanced to the thirty-first day of December in every year, and all the provisions of the Highway Acts relating to accounts, so far as the same are applicable, shall apply to the accounts of the Board under this Act as if such accounts were accounts under the Highway Acts.

Building lands vested in Board.

6. From and after the commencement of this Act, Harvist's building lands, with the rights, members, and appurtenances of the same, are by this Act, and shall for ever be vested in the Board upon trust for the purposes of this Act.

Provisions as to the trust stock.

7. The trust stock shall be applicable under the authority of the Court of Chancery for the purchase of land or otherwise, as the Court shall direct, in like manner in every respect as previously to the commencement of this Act, save only that the Board shall be substituted for the Commissioners, and shall in all respects represent them, and all lands or securities purchased therewith shall be vested in the Board, and shall be dealt with, and the yearly income of the same shall be applied by the Board in every respect as if the same had formed part of Harvist's building lands at the time of the passing of this Act, and until such application the dividends on the trust stock or such part thereof as from time to time remains unapplied shall be paid to the Board.

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Commissioners to do certain acts.

8. Within six months after the commencement of this Act,—

(1.) The Commissioners shall sell for the best price which may be obtained for the same their interest in the premises in Craven Street, in the county of Middlesex, now occupied by them as offices, subject to such conditions as to giving up possession of the same or otherwise as they may think fit, and as may be necessary for the due execution by them, subsequently to the commencement of this Act, of such of the provisions of this Act as are to be so executed by them; and also (subject to the provisions of section 17 of the Annual Turnpike Acts Continuance Act, 1871,) all toll-houses and sites of toll-houses, gardens, or other lands belonging thereto, and all turnpike gates, side gates, or bars, and all other property of the Commissioners in or upon or used in connexion with or for the purposes of any of the roads which, on the first day of July one thousand eight hundred and seventy-two, will cease to be subject to the control and management of the Commissioners. The purchase money obtained for all premises and property sold in manner aforesaid shall be paid to the Commissioners:

(2.) The Commissioners may, with the approval of one of Her Majesty's Principal Secretaries of State, award to any person or persons in their employ immediately before the commencement of this Act, such compensation as is so approved, and the same shall be paid by the Commissioners:

(3.) The Commissioners shall apply all moneys in their hands which have not been applied and duly accounted for by them in accordance with the provisions of the recited Acts or of this Act, in the payment in the first place, so far as such moneys will extend, of the costs, charges, and expenses of and in any way incidental to the application for and obtaining and passing this Act:

(4.) The Commissioners shall prepare a report of all moneys received and disbursed by them under the provisions of the recited Acts and of this Act for the period between the thirty-first day of December one thousand eight hundred and seventy-one and the first day of July one thousand eight hundred and seventy-two, and also of all moneys received and disbursed by them under the provisions of this section, and when such report has

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been carefully examined and compared by them with the accounts and vouchers from which it is drawn, and signed by the chairman in testimony of its accuracy, they shall transmit a copy of the same to one of Her Majesty's Principal Secretaries of State for the time being:

(5.) The Commissioners shall transmit to the said keepers and governors of the possessions, revenues, and goods of the Free Grammar School of John Lyon, within the town of Harrow-on-the-Hill in the county of Middlesex (in this Act referred to as "the keepers and governors of "Harrow School"), a copy of the said report and an account of the receipt and expenditure of the Commissioners for the same period in respect of the Kilburn Road and the Harrow Road:

(6.) The Commissioners, after making the payments by this Act authorised, shall pay to the Board the balance (if any) appearing by the said report to remain in their hands of moneys received by them on account of the Kilburn Road and the Harrow Road, and of the yearly income of Lyon's estates, and of the rents and profits of Harvist's building lands, and of the dividends of the trust stock respectively. The receipt in writing of the Board, signed by the chairman of the Board, and by two other members of the Board, and countersigned by the clerk of the Board, shall be a final and conclusive discharge to the Commissioners for the payment of such balance:

(7.) The Commissioners shall deliver to the clerk of the Board all books, deeds, accounts, papers, and plans in their custody or under their control relating to the receipt and application by them of the yearly income of Lyon's estates, Harvist's building lands, and the trust stock, and the same shall be kept by him in such place and subject to such conditions and regulations as may from time to time be prescribed by the Board in relation thereto. All other books, deeds, accounts, papers, plans, and maps in the custody or under the control of the Commissioners shall, within the time limited by this section, be delivered by the Commissioners to such person, or shall be otherwise dealt with as shall be directed by one of Her Majesty's Principal Secretaries of State:

For the purposes of this section the Commissioners, notwithstanding the repeal of the Metropolis Roads Act, 1826, the Metro-

polis Roads Act, 1829, and the Metropolis Roads Act, 1863, by the Annual Turnpike Acts Continuance Act, 1871, shall continue to act as Commissioners, and may for such purposes, but not otherwise, exercise all powers necessary or proper to be exercised by them as such Commissioners, and may employ the officers and persons necessary for such purposes, and all expenses so incurred may be paid by the Commissioners.

Application of moneys paid to the Board by the Commissioners.

9. So much of the balance paid to the Board by the Commissioners in accordance with the provisions of the next preceding section as represents yearly income of Lyon's estates, and rents and profits of Harvist's building lands, and dividends of the trust stock shall be apportioned and applied by the Board in the manner directed by this Act in relation to such yearly income, rents, profits, and dividends respectively.

Commissioners discharged from trusts of Lyon's estates, the building lands, and the trust stock.

10. From and after the commencement of this Act, and except as herein-before expressly provided, the Commissioners and each and every of them are and is by this Act and shall for ever be freed and absolutely discharged from all liabilities, claims, and demands whatsoever in respect of the execution of the recited Acts or of any of them; and in respect of the execution of the trusts of any will, deed, or instrument, or otherwise, howsoever affecting the yearly income of Lyon's estates, Harvist's building lands, and the trust stock, and the rents, profits, and dividends thereof respectively, and every part thereof respectively: Provided always, that nothing in this section contained shall be deemed or taken to free or discharge the Commissioners from any liability, claim, or demand incurred or arising since the commencement of this Act, in respect of the execution by them of any of the provisions of this Act.

KilburnRoad and Harrow Road to be maintained by authorities, and to extent specified in Schedule C.

11. From and after the commencement of this Act those portions of the Kilburn Road and the Harrow Road which before the commencement of this Act were maintainable by the Commissioners, shall cease to be maintained, repaired, lighted, watched, or watered by the Commissioners, and to be subject to the superintendence and management of the Commissioners, and to be turnpike roads, and shall be common highways, and thereupon the same and also the other portions of the Kilburn Road and the Harrow Road shall be maintained, repaired, lighted, watched, and watered by the authorities, and to the extent respectively specified in such behalf in the first and second columns of the Schedule C. to this Act annexed.

Provided that nothing in this section contained shall be deemed to alter or affect the boundaries of any of the parishes mentioned in

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the said Schedule C., or any jurisdiction as to the houses, buildings, tenements, or hereditaments abutting on the said portions of the Kilburn Road or the Harrow Road, or the parochial or other rates or assessments thereon, or vary any jurisdiction as to the footways of the said roads; and provided further, that no alteration whatsoever shall be made in the level of the channels of the said roads, or any portion thereof, without the mutual consent in writing for that purpose first had and obtained of the respective authorities interested.

Payment of income from Lyon's estates by keepers and governors of Harrow School to Board.

12. From and after the commencement of this Act the keepers and governors of Harrow School shall from time to time annually, up to the twenty-fifth day of March in each year, pay to the Board the clear yearly rents and profits of Lyon's estates coming to them subsequent to such commencement, after paying thereout the expenses of the keepers and governors of Harrow School in and about managing the said estates, and collecting the rents and profits thereof: Provided always, that the keepers and governors of Harrow School shall not be liable to pay to the Board or account to the same for any of the said clear yearly rents and profits which have accrued due since the twenty-fifth day of March one thousand eight hundred and seventy-two, and which have been duly paid or accounted for to the Commissioners before the commencement of this Act.

Apportionment and application of income from Lyon's estates by Board.

13. From and after the commencement of this Act the clear yearly income of the Board from Lyon's estates shall be apportioned and applied as follows; (that is to say,)

First. As to the clear yearly income of the Board for the first year ending on the first day of July one thousand eight hundred and seventy-three from those parts of Lyon's estates which were conveyed by the said indenture of the sixth day of July, in the twenty-first year of Queen Elizabeth, the same shall in the first instance be applied by the Board in payment of seven twentieth parts of the amount (if any) payable by the Board on account of the costs of obtaining this Act; and as to the residue of such clear yearly income for the first year after such payment as aforesaid, and also as to the clear yearly income for every subsequent year—

Four thirty-ninth parts thereof shall be paid by the Board to the vestry of the parish of Paddington, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of that portion of the Kilburn Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

Nine thirty-ninth parts thereof shall be paid by the Board to the vestry of the parish of St. Marylebone, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of those portions of the Kilburn Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

One seventh part of the remaining twenty-six thirty-ninth parts thereof shall be paid by the Board to the vestry of the parish of St. John, Hampstead, and be applied by them in or towards defraying the expenses of the maintaining, repairing, lighting, and watering of that portion of the Kilburn Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

And the residue of the remaining twenty-six thirty-ninth parts thereof shall be retained by the Board, and be applied by them in or towards defraying the expenses of the maintaining, repairing, lighting, and watering of the remainder of the Kilburn Road to Edgware specified in the Schedule C. to this Act annexed, and which shall be maintained by the Board; and the surplus (if any) shall be apportioned and applied in the manner prescribed by this Act in relation to the apportionment and application of the clear yearly income of the Board from those parts of Lyon's estates which were conveyed by the said indenture of the nineteenth day of December in the twenty-fifth year of Queen Elizabeth:

Provided always, that no part of such yearly income shall be applicable or applied in or towards defraying the expenses of the maintaining, repairing, lighting, and watering the Kilburn Road until the clear yearly income from Harvist's building lands and the trust stock applicable to the like purposes has proved to be deficient for such purposes.

Secondly. As to the clear yearly income of the Board for the first year ending on the first day of July one thousand eight hundred and seventy-three from those parts of Lyon's estates which were conveyed by the said indenture of the nineteenth day of December, in the twenty-fifth year of Queen Elizabeth, the same shall in the first instance be applied by the Board in payment of two fifth parts of the amount (if any) payable by the Board on account of the costs of obtaining this Act, and as to the residue of such clear yearly income for the first

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year after such payment as aforesaid, and also as to the clear yearly income for every subsequent year—

Four twentieth parts thereof shall be paid by the Board to the vestry of the parish of Paddington, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of that portion of the Harrow Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

Three twentieth parts thereof shall be paid by the Board to the vestry of the parish of St. Marylebone, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of those portions of the Harrow Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

One twentieth part thereof shall be paid by the Board to the vestry of the parish of St. Luke, Chelsea, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of that portion of the Harrow Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

One seventh part of the remaining twelve twentieth parts thereof shall be paid by the Board to the local board of health for the district of Harrow in the county of Middlesex, and shall be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of that portion of the Harrow Road specified in the Schedule C. to this Act annexed, and which shall be maintained by the said local board:

One twenty-fourth part of the remaining twelve twentieth parts thereof shall be paid by the Board to the vestry of the parish of St. Mary Abbott, Kensington, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of that portion of the Harrow Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

And the residue of the remaining twelve twentieth parts thereof shall be retained by the Board, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of the remainder

of the Harrow Road to Harrow-on-the-Hill, specified in the Schedule C. to this Act annexed, and which shall be maintained by the Board.

Payment to and apportionment by the Board of the income from the building lands and the trust stock.

14. From and after the commencement of this Act, the clear yearly income of the Board from Harvist's building lands and from the trust stock shall be apportioned and applied as follows; (that is to say,)

The clear yearly income of the Board for the first year ending on the first day of July one thousand eight hundred and seventy-three shall in the first instance be applied by the Board in payment of one fourth part of the amount (if any) payable by the Board on account of the costs of obtaining this Act, and as to the residue of such clear yearly income for the first year after such payment as aforesaid, and also as to the clear yearly income for every subsequent year,—

One eighth part thereof shall be paid by the Board to the vestry of the parish of Paddington, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering that portion of the Kilburn Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

One eighth part thereof shall be paid by the Board to the vestry of the parish of St. Marylebone, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watching of that portion of the Kilburn Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

One seventh part of the remaining six eighth parts thereof shall be paid by the Board to the vestry of the parish of St. John, Hampstead, and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of the Kilburn Road specified in the Schedule C. to this Act annexed, and which shall be maintained by that parish:

And the residue of the remaining six eighth parts thereof shall be retained by the Board and be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of the remainder of the Kilburn Road to Edgware specified in the Schedule C. to this Act annexed, and which shall be maintained by the Board.

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Accounts of Lyon's estates to be rendered by keepers and governors of Harrow School.

15. From and after the commencement of this Act the keepers and governors of Harrow School shall annually make up accounts of the rents and profits of Lyon's estates, and of the application thereof by them, to the twenty-fifth day of March in every year, and the same shall, within four months next after the twenty-fifth day of March in every year be transmitted by the keepers and governors of Harrow School to the Board. The keepers and governors of Harrow School shall in such accounts distinguish the rents and profits of the lands and hereditaments conveyed by the said indenture of the sixth day of July, in the twenty-first year of Queen Elizabeth, and any application thereof, from the rents and profits of the lands and hereditaments conveyed by the said indenture of the nineteenth day of December, in the twenty-fifth year of Queen Elizabeth, and any application thereof.

Reserving rights of Harrow School.

16. In case there shall be any surplus of the rents and profits of Lyon's estates after the purposes for which the same are respectively herein-before directed to be applied have been fully accomplished and satisfied, nothing herein contained shall in any manner prejudice or affect the application of such surplus rents and profits, but the same shall be applied in the same manner and upon the same principle as they would have been in case the Metropolis Roads Act, 1826, and the other recited Acts amending the same, had not been passed.

Accounts to be kept by Board.

17. From and after the commencement of this Act the Board shall keep separate accounts of the income received by them from each of Lyon's estates, and from Harvist's building lands, and from the trust stock, and of the application of the same respectively. The accounts of the Board under this Act shall be made up and balanced to the thirty-first day of December in every year, and all the provisions of the Highway Acts relating to accounts, so far as the same are applicable, shall apply to the accounts of the Board under this Act as if such accounts were accounts under the Highway Acts. The Board shall, within two months after the thirty-first day of December in each year, transmit to the keepers and governors of Harrow School copies of such accounts for such year so far as the same relate to Lyon's estates, signed by the chairman of the Board.

Appeal.

18. The keepers and governors of Harrow School (so far as relates to Lyon's estates), and any other persons entitled under the Highway Acts to appeal against any of the accounts of the Board, shall have power to appeal to the Court of General or Quarter Sessions having jurisdiction within the district, in respect of any

accounts of the Board under the provisions of this Act, or any part of the same, or of the expenditure by the Board of their yearly income, or any part of the same, under the authority of this Act; and every such appeal shall be subject in all respects to the conditions prescribed by the Highway Acts in relation to appeals in respect of matters of account under those Acts, and the provisions of the Highway Acts in relation to such appeals shall, so far as the same are applicable, apply to appeals under this Act.

Provision as to apportionment of portion of Uxbridge Road between parishes of St. George, Hanover Square, and Paddington.

19. Whereas by the Metropolis Roads Act, 1863 (section five), provision was made for the apportionment between the parish of Saint George, Hanover Square, and the parish of Paddington, of the portion of the parish highway known as the Uxbridge Road, which is specified in the Schedule D. to this Act annexed, and it is expedient that such provision should be re-enacted in this Act; therefore, the respective portions of the said parish highway known as the Uxbridge Road, which are specified in the Schedule D. to this Act annexed, shall for the purposes of the maintaining, repairing, lighting, watching, and watering of the same, be deemed to be situate in the respective parish in that behalf specified in that schedule, and not in any other parish: Provided that this enactment shall not alter or affect the boundaries of either of those said two parishes or any jurisdiction as to the houses, buildings, tenements, or hereditaments abutting on those portions of the parish highways or the parochial or other rates or assessments thereon, or vary any jurisdiction as to the footways of the said highway; and provided further, that no alteration whatsoever shall be made in the levels of the channels of the said highway or any portion thereof without the mutual consent of the vestries of the said two parishes for that purpose in writing first had and obtained.

Saving of certain right notwithstanding repeal by Act of 1871 of Metropolis Roads Act, 1863.

20. Notwithstanding the repeal by "The Annual Turnpike Acts Continuance Act, 1871," of the Metropolis Roads Act, 1863, all the provisions, conditions, and restrictions which under section eighteen of the said Act apply with respect to the erection of buildings in the City Road, on either side thereof between Old Street and Oakley Crescent, including the houses adjoining Oakley Crescent in the parish of Saint Luke, Middlesex, shall remain in full force and effect.

Application of certain moneys in the hands of the Commissioners.

21. Whereas the purchase money received by the Commissioners for the lands sold by them to the minister and chapelwardens of the consolidated chapelry of Saint Barnabas, Hornsey, in manner aforesaid, amounted to the sum of ninety pounds, and the same remains in their hands unapplied: Be it enacted, that the Commis-

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sioners shall apply the same towards the payment of the costs, charges, and expenses of and in any way incidental to the application for and obtaining and passing of this Act.

Expenses of Act.

22. All the costs, charges, and expenses of and in any way incidental to the application for and obtaining and passing of this Act shall be paid by the Commissioners out of moneys in their hands, applicable thereto under the provisions of this Act, so far as the same will extend, and the remainder (if any) of such costs, charges, and expenses shall be paid by the Board.

SCHEDULES referred to in the foregoing Act. A.D. 1872.

SCHEDULE A.

FIRST PART.

LANDS comprised in the INDENTURE of the sixth day of July, in the twenty-first year of the reign of Queen Elizabeth.

The lands on the east side of "the Kilburn Road," in the parish of St. Marylebone in the county of Middlesex, conveyed by the said indenture recited in the foregoing Act (and which lands are in such indenture called by the name of Mylnefield), containing in the whole 41a. 0r. 18p., as stated in Schedule (A.) of the Act of 59 Geo. 3. cap. 21, intituled "An Act for "enabling the keepers and governors of the possessions, revenues, and goods "of the Free Grammar School of John Lyon, within the town of Harrow-on-"the-Hill in the county of Middlesex, to grant building leases of certain of "the grounds and estates heretofore of the said John Lyon."

SECOND PART.

LANDS comprised in the INDENTURE of the nineteenth day of December, in the twenty-fifth year of the reign of Queen Elizabeth.

The lands on the east side of "the Kilburn Road," in the parish of St. Marylebone in the county of Middlesex, conveyed by the said indenture recited in the foregoing Act (and which lands are in such indenture called by the name of Milnefield, and are situate south of and adjoining to the lands described in the first part of this schedule), containing in the whole 38a. 1r. 22p., as stated in Schedule (A.) of the Act of 7 & 8 Geo. 4. cap. 31, intituled "An Act for confirming certain leases granted under an Act passed "in the forty-third year of the reign of His late Majesty King George the "Third, intituled An Act for enabling the keepers and governors of the "possessions, revenues, and goods of the Free Grammar School of John Lyon, "within the town of Harrow-on-the-Hill in the county of Middlesex, to grant "building leases of certain of the grounds and estates of the said John Lyon, "and for amending the same Act."

A.D. 1872.

SCHEDULE B.

LANDS referred to in the foregoing Act as "Harvist's Building Lands."

Such parts of the lands on the east side of the Hornsey Road, in the parish of Islington in the county of Middlesex, devised by the will of Edward Harvist, recited in the foregoing Act (and which lands are in such will called London Fields), as have not been taken by the Great Northern Railway Company, or conveyed to the Ecclesiastical Commissioners for England, or sold to the minister and chapelwardens of the consolidated chapelry of St. Barnabas, Hornsey, containing in the whole 17a. 3r. 23p., be the same more or less.

SCHEDULE C.

Setting forth the Roads referred to in the foregoing Act as "the Kilburn Road," and "the Harrow Road" respectively, and specifying the portions of the Kilburn Road and the Harrow Road, and the authorities by whom the same will be respectively maintained.

PART I.

The Kilburn Road from the place formerly known as Tyburn in the county of Middlesex, to Edgware in the same county.

First Column. Authority by whom to be maintained.	*Second Column.* Extent of Road.
The parish of Saint Marylebone	So much of the Kilburn Road as lies between the place formerly known as Tyburn and the south side of Chapel Street, in a line across to the south side of Praed Street.
The parish of Paddington	So much of the Kilburn Road as lies between the south side of Chapel Street, in a line across to the south side of Praed Street, and a point one hundred yards southward of Abercorn Place, at Maida Vale.
The parish of Saint Marylebone	So much of the Kilburn Road as lies between a point one hundred yards southward of Abercorn Place, at Maida Vale, and the southern boundary of the parish of St. John, Hampstead.
The parish of St. John, Hampstead	So much of the Kilburn Road as lies between the southern boundary of the parish of St. John, Hampstead, and a point seven furlongs northward of such southern boundary.

First Column. Authority by whom to be maintained.	*Second Column.* Extent of Road.
The board of waywardens of the Edgware highways district.	The remainder of the Kilburn Road from a point seven furlongs northward of the southern boundary of the parish of St. John, Hampstead, to Edgware.

PART II.

The Harrow Road from the place where St. Giles's Pound formerly stood, in the county of Middlesex, to Harrow-on-the-Hill in the same county.

First Column. Authority by whom to be maintained.	*Second Column.* Extent of Road.
The parish of Saint Marylebone	So much of the Harrow Road as lies between the place where St. Giles's Pound formerly stood and the south side of Chapel Street, in a line across to the south side of Praed Street.
The parish of Paddington	So much of the Harrow Road as lies between the south side of Chapel Street in a line across to the south side of Praed Street, and the eastern boundary of the parish of St. Luke, Chelsea.
The parish of St. Luke, Chelsea	So much of the Harrow Road as lies between the eastern and western boundaries of the parish of St. Luke, Chelsea.
The parish of St. Mary Abbott, Kensington.	So much of the Harrow Road as lies between the western boundary of the parish of St. Luke, Chelsea, and a point five hundred and eight yards westward of such western boundary.
The board of waywardens of the Edgware highways district.	So much of the Harrow Road as lies between a point five hundred and eight yards westward of the western boundary of the parish of St. Luke, Chelsea, and the ninth mile-post.
The local board of health for the district of Harrow in the county of Middlesex.	The remainder of the Harrow Road from the ninth mile-post to the tenth mile-post.

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SCHEDULE D.

Division of Road between Parishes.

Portion of Parish Highway.	Division between the Two Parishes of the Portion of Parish Highway.
So much of the Uxbridge Road, partly in the parish of St. George, Hanover Square, and partly in the parish of Paddington, as extends from the western boundary of the parish of St. Marylebone at Tyburn to the eastern boundary of the parish of Paddington, where it crosses the road at Bayswater, and lies southward of the footway on the northern side of that portion of the Uxbridge Road.	1. To be deemed in the parish of St. George, Hanover Square. One ninth part in length (at the eastern end) of the carriageway and channels and of the footway on the southern side of so much of the Uxbridge Road as lies between the western boundary of the parish of St. Marylebone at Tyburn, and the eastern boundary of the parish of Paddington, where it crosses the road at Bayswater. 2. To be deemed in the parish of Paddington. The remaining eight ninth parts in length of the carriageway and channels and of the footway on the southern side of so much of the Uxbridge Road as lies between the western boundary of the parish of St. Marylebone at Tyburn, and the eastern boundary of the parish of Paddington, where it crosses the road at Bayswater.

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