CHAPTER ccxxiii.

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An Act for enabling the Metropolitan Board of Works to make certain New Streets in the Metropolis; for amending the Metropolitan Street Improvements Act 1877; for conferring further powers upon the said Board with respect to Plumstead Common and Hackney Commons; and for other purposes. [7th August 1884.]

WHEREAS it is expedient that the Metropolitan Board of Works (herein-after referred to as "the Board") should be authorised to make the new streets and other works herein-after mentioned in the manner and subject to the conditions by this Act prescribed:

And whereas it is expedient that the time limited by the Metropolitan Street Improvements Act 1877 (herein-after referred to as "the Act of 1877") for the taking of lands for the purposes of or in connexion with the making of certain parts of the streets included in the West End new streets and street improvements and for the purposes of the Southwark Bridge Road and Great Dover Street communication and the Gray's Inn Road improvement by the said Act authorised should be extended as by this Act provided:

And whereas by section thirty-three of the Act of 1877 certain obligations were imposed upon the Board with respect to providing accommodation for such of the labouring classes as would be displaced by reason of the making of the street improvements by the said Act authorised and amongst others the new street between Southwark Bridge Road and Blackman Street Borough by the said Act authorised and the Board were by the said section required to acquire and appropriate for the purpose of providing such accommodation as aforesaid certain lands in the said section specified and referred to; and whereas by the South-eastern Railway (New Lines and Widenings) Act 1882 the South-eastern Railway Company were authorised to make and maintain certain railways including the railways in the said last-mentioned Act referred to as Railways

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Nos. 1 and 2 partly on the site of the said new street between Southwark Bridge Road and Blackman Street Borough and the said railway company were by the said last-mentioned Act empowered to acquire certain lands including some of the lands authorised to be acquired and appropriated by the Board as aforesaid and it is therefore expedient that the Board should be relieved from the obligations imposed upon them by the said section thirty-three and that provisions should be made such as are in this Act contained with respect to the accommodation of persons of the labouring classes displaced by the exercise of the powers of the said Acts by the Board and the said railway company respectively:

And whereas it is expedient that the Board should be empowered to acquire certain lands for the purposes of and in connexion with the Gray's Inn Road improvement authorised by the Act of 1877 and also for the improvement of Plumstead Common:

And whereas the lands shown on the deposited plans herein-after mentioned and therein coloured green are now in pursuance of the provisions of the Metropolitan Commons Supplemental Act 1872 and the scheme thereby confirmed and the Metropolitan Board of Works (Hackney Commons) Act 1881 subject to regulation and management by the Board and it is expedient for the purpose of enabling the Board more fully to carry into effect the provisions of the said Acts and scheme that Hackney Commons as shown on the deposited plans and defined by this Act and all estates interests and rights in over or affecting the same which are not immediately before the passing of this Act vested in the Board should from and after the passing of this Act be vested absolutely in the Board upon the terms and subject to the conditions as to compensation and otherwise by this Act prescribed:

And whereas the Metropolitan Board of Works have caused to be deposited with the respective clerks of the peace for the counties of Middlesex Surrey and Kent plans and sections describing the lines and levels of the new streets and the lands on the site of which the same will be made or which may be taken for the purposes or under the powers of this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands and describing the same lands and also plans showing Hackney Commons as intended to be defined for the purposes of this Act and such plans sections and book of reference are herein referred to respectively as the deposited plans sections and book of reference:

And whereas the objects aforesaid cannot be accomplished 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) :— A.D. 1884.

PART I.

Preliminary.

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Various Powers) Act 1884.

Interpretation of terms.

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

"The Board" means the Metropolitan Board of Works;

"The Lands Clauses Acts" means the Lands Clauses Consolidation Acts 1845 1860 and 1869 (except section 133 of the Lands Clauses Consolidation Act 1845) as the same are amended by the Commonable Rights Compensation Act 1882 and the Lands Clauses (Umpire) Act 1883;

"The Act of 1877" means the Metropolitan Street Improvements Act 1877;

"Metropolis" means the metropolis as defined by the Metropolis Management Act 1855;

"The improvements" means the new streets and the works connected therewith respectively by this Act authorised;

"Street" shall have the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same;

"Justice" means justice of the peace acting for the county borough liberty or place where the matter requiring the cognizance of any such justice shall arise and who shall not be interested in the matter. When any matter shall require to be done before justices the expression "two justices" shall be understood to mean two justices assembled and acting together in petty sessions or a metropolitan police magistrate sitting alone;

"Lessee" includes any person holding a sub-lease;

"Person" includes corporation;

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned

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have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction.

Provided always that for the purposes of this Act the expression "the promoters of the undertaking" in the Lands Clauses Acts shall be construed to mean the Board and the expressions "Lands Clauses Act" and "Lands Clauses Act 1845" in the Commonable Rights Compensation Act 1882 shall be construed as though the same had been thereby declared to mean the Lands Clauses Consolidation Act 1845 and that for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Division of Act into parts.

3. This Act is divided into parts as follows—

I. Preliminary.
II. New Streets.
III. Amendment of Act of 1877.
IV. Acquisition of Lands.
V. Hackney Commons.
VI. Miscellaneous.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

Act to be carried into effect by the Board.

5. This Act shall be carried into effect by the Board.

Power to Board to appoint a committee.

6. The Board may from time to time appoint a committee or authorise any committee or committees appointed by the Board for other purposes to manage and transact all or any of the matters or purposes which the Board are by this Act empowered to do or perform and any such committee shall have so much or so many of the powers by this Act conferred on the Board as from time to time the Board may see fit to delegate to them.

PART II.

New Streets.

Power to Board to make new streets.

7. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make and carry into execution all or any of the new streets herein-after described (that is to say):—

In the County of Middlesex.

1. *St. Pancras Improvement.*

A new street in continuation of Clarence Road commencing in the Kentish Town Road at the junction therewith of Clarence Road and terminating at the junction of Great College Street and King's Road wholly in the parish of St. Pancras.

2. *Poplar Improvement.*

A new street connecting Cotton Street with Preston's Road all in the parish of All Saints' Poplar commencing in Cotton Street at its junction with Wells Street, and terminating in Preston's Road at its junction with Bedford Street.

Power to stop up ways during the execution of the improvements.

8. The Board during the making of the improvements may in or upon the lands shown in that behalf upon the deposited plans stop up or cause to be stopped up all or any part of the carriage-ways or footways of streets which they shall think necessary for the purposes of this Act to be stopped up and for that purpose may from time to time put or cause to be put up sufficient palisades bars posts and other erections and may make from time to time such orders for regulating the traffic as to them shall seem proper.

Streets may be raised or lowered.

9. Subject to the provisions of this Act the Board may alter the lines or levels of any of the streets and places described on the deposited plans as intended to be diverted raised or lowered in such manner as may be described on such plans.

Power to deviate from levels, &c.

10. In making any of the works for or connected with the improvements the Board may deviate to any extent not exceeding three feet from the levels thereof defined on the deposited sections and may subject to the provisions of this Act deviate from the lines thereof within the limits of deviation defined on the deposited plans.

Power to make subsidiary works.

11. Subject to the provisions of this Act and within the limits defined on the deposited plans the Board in connexion with the improvements and as part and for the purposes thereof may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works and may make diversions widenings or alterations of the lines or levels of any existing street for the purpose of connecting the same with the works or of crossing under or over the same or otherwise and may alter divert stop up or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not and the paving metalling or materials therein thereon or forming part of the same shall vest in the Board and the Board may also

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alter and interfere with any drain or sewer but the Board shall provide a proper substitute before interrupting the flow of sewage in any such drain or sewer and the materials obtained in such alterations and interference shall vest in the Board and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers for which they may be so substituted.

Alteration of position of water gas and other pipes.

12. The Board may for any purpose in connexion with the improvements upon the lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building adjoining or near to the improvements and also any main or other pipe laid down or used by any company or person for carrying a supply of water or gas and also subject to the provisions of the Telegraph Act 1878 any pipe tube wire or apparatus laid down for telegraphic or other purposes and any pipe tube wire or apparatus laid down for supplying electricity and may remove any other obstruction making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person who suffers damage by any such alteration. Provided always that before the Board alter the position of any main or other pipe laid down or used by any such company or person they shall (except in cases of emergency) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Board) of the company or person to whom such pipe belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Board shall execute such work to the reasonable satisfaction of the engineer of such company or person but this proviso shall not be deemed to affect or modify the provisions of the Telegraph Act 1878 with regard to the telegraphs of the Postmaster-General. Provided also that the Board shall not cause any street to be lowered or raised or the position of any water or gas main or other pipe to be altered so as to leave over such main or other pipe in any part a covering of less than two feet where the covering now

existing is not less than two feet unless the Board shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Board in such case provide special means of access to the same to the satisfaction of the engineer of such company or person.

If any difference arises between the Board or their engineer and any such company or person or their or his engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Board to any such company or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the Board or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineers of the Board and of any such company or person respectively or failing agreement by such engineer as shall on the application of either the engineer of the Board or of any such company or person be named by the President for the time being of the Institute of Civil Engineers and whose decision shall be final and binding and the expenses of the reference shall be borne as the referee may direct. Provided that any difference which in the exercise of the powers conferred by this section may arise between the Board and any undertakers authorised by any license or order under the Electric Lighting Act 1882 may on the requisition of such undertakers be determined by an engineer or other fit person to be nominated as arbitrator by the Board of Trade subject to and in accordance with the provisions of section twenty-eight of the Electric Lighting Act 1882.

Board empowered to lay out carriageways &c.

13. The Board may cause such parts of the improvements to be laid out for carriageways and such parts thereof for footways as they may think proper and may construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of the improvements within the limits of deviation defined on the deposited plans and in laying out or forming such carriageways and footways and works the Board may in addition to the powers by this Act conferred exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only (if any) as are imposed upon any vestry or district board when they stop up temporarily any thoroughfare or any part thereof in the repairing or repaving of any street within the metropolis.

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Directing how the pavement shall be laid and made.

14. The Board shall for the purposes of and in connexion with the improvements in a substantial and workmanlike manner fill or cause to be filled in all and every the vaults cellars and open places over which it may be necessary to new pave (except such as may be used as cellars vaults or areas) with good sound hard brick rubbish to be well rammed down to prevent the ground from giving way and shall well and effectually pave over all the said ground with a sufficient quantity of materials of proper quality and dimensions and shall in like manner erect and build any underground arches which they may think necessary and also relay and repair the streets which they may disturb or alter in carrying the purposes of this Act into execution. Provided always that nothing herein contained shall extend or be construed to extend to charge the Board with the liability or expense of repairing or making good such pavement or arches in future but when the same shall have been in the first instance so paved relaid erected built and repaired as aforesaid the same shall for ever thereafter be kept in repair by the vestry of the parish or board of works of the district in which the same is situate or by any other parties or persons liable to repair the same and the right and property in all such pavements and arches shall belong to and be the property of such vestry or of such board of works or of such parties or persons in the same manner as things of a like description in such parish or district are now vested in them by law respectively.

Sewers or drains to be arched over or filled up.

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

Power to alter steps areas pipes &c.

16. The Board within the limits of deviation defined on the deposited plans may for the purposes of and in connexion with the

improvements raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar flaps gratings fencings windows and watercourses pipes or spouts belonging to any house or building and also (but subject to the preceding provisions of this Act with respect to the depth of covering over any water or gas mains or other pipes) the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by any of the companies or societies who furnish the inhabitants with water or gas and may remove all other obstructions so as the same be done with as little delay and inconvenience to the said companies societies and inhabitants as the circumstances of the case will admit and the Board shall make reasonable compensation to any company society or person who suffers damage by any such alteration.

Ground laid into the streets to form part thereof.

17. When the improvements are made all the land which shall be laid open into any street and paved shall form part of such street and may be used by the public accordingly and the same and the sole power and authority of paving maintaining repairing cleansing and lighting the same shall be under the care management control and jurisdiction of the vestry of the parish or board of works of the district in which the same is situate.

Period for completion of improvements.

18. If any part of the improvements be not completed within five years from the passing of this Act then on the expiration of that period the powers of the Board under this Act for the execution of such part of the improvements or otherwise in relation thereto shall cease to be exercised except so far as the same shall have been then completed.

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

19. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands on the deposited plans or in the deposited book of reference the Board may after ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county in which the lands affected thereby shall be situate and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall

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be deemed to be corrected according to such certificate and the Board may take the lands in accordance with such certificate.

Power to the Board to enter upon property for survey and valuation.

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

Power to take lands for purposes of improvements.

21. Subject to the provisions of this Act the Board may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of or in connexion with the improvements and for providing space for the erection of houses and buildings adjoining or near thereto and the Board may appropriate for the purposes of the Poplar improvement so much of the lands which they were authorised to acquire under the Metropolis (Little Coram Street Bloomsbury Wells Street Poplar and Great Peter Street Westminster) Improvement Provisional Orders Confirmation Act 1879 as is within the limits of deviation for the Poplar improvement as shown on the deposited plan and thereupon the Board shall as to the said portion of the said lands be discharged from any obligation imposed upon them in relation thereto by the said last-mentioned Act and the Order thereby confirmed: Provided always that for the purposes of or in connexion with the improvements the Board may enter upon and use temporarily any roads within the limits of deviation shown on the deposited plans and also any lands roads or footways within the limits of deviation shown on the deposited plans having given three weeks previous notice in writing to the owners and occupiers of the same of their intention to enter upon the same for such purposes and without being required to purchase or acquire the said premises or any of them and making compensation to the persons and in the manner prescribed by sections 43 and 44 of the Railways Clauses Consolidation Act 1845 in all cases where the company shall not be required to purchase lands and where they shall take temporary possession of lands by virtue of the powers in the special Act granted.

Power to certain persons to

22. 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 Board 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 for the purposes of this Act the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

grant easements &c. by agreement.

23. And whereas there are required for the purposes of the West End new streets and street improvements and the Gray's Inn Road improvement authorised by the Act of 1877 and of the St. Pancras improvement authorised by this Act portions only of certain properties which are described in the schedule hereto and which properties or parts of which are numbered on the deposited plans referred to in the Act of 1877 or this Act respectively by the numbers mentioned in the said schedule: And whereas the portions of the said properties respectively which the Board require for the purposes of the said improvements are described in the fourth column of the said schedule: Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the properties described in the said schedule may be required to sell and convey to the Board the portions only of the properties so required without the Board being obliged or compellable to purchase the whole or any greater portion thereof the Board paying for the portions required by them and making compensation for any damage which may be sustained by the owners thereof or other parties interested therein by the severance of the said portions respectively from the remainder. Provided that the Board shall not take any greater portion of the said properties than is described in the fourth column of the said schedule.

Owners may be required to sell parts only of certain lands and buildings.

24. The arbitrator arbitrators umpire or jury to whom any question of compensation under this Act is referred shall if so required by the Board award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Board by the claimant giving sufficient particulars and in sufficient time to enable the Board to make a proper offer and if he or they shall be of opinion that no such statement giving sufficient particulars shall have been delivered one half of the costs of the arbitration or as the case may be one half of the costs of the proceedings before the sheriff (including the costs of summoning empannelling and returning the jury and of taking the inquiry and

Costs of arbitration &c. in certain cases.

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in recording the verdict and judgment therein) shall be defrayed by the person with whom the Board shall have such controversy or dispute and the remaining half shall be defrayed by the Board anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding Provided that it shall be lawful for any judge of the High Court of Justice by order in chambers in a summary way to permit any claimant to alter and amend the statement in writing of the claim delivered by him to the Board in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge and such amendment to be subject to such terms enabling the Board to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case. Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Redemption of land tax on lands acquired by the Board.

25. The Board in case they shall become possessed by virtue of this Act of any land charged with land tax shall within six months from their obtaining possession of such land proceed to redeem such land tax in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

Power to sell materials.

26. The Board may sell or dispose of all building and other materials of any houses and buildings acquired by them under the powers of this Act and all paving metalling and materials in under or upon any road street or other place which the Board is by this Act authorised to enter upon take or use in the execution of any of the improvements and any materials obtained in the alteration of or interference with any drain or sewer shall vest in the Board and they may sell or otherwise dispose of the same.

Power to lease surplus land.

27. In case any lands which shall be acquired by the Board under the powers of this Act shall not be required for any of the improvements the Board may when and as they shall think fit so to do demise and lease such lands or such parts thereof as the Board shall think it expedient to let on building leases either altogether or in parcels to any person or persons who shall erect and build or convenant and agree to erect and build thereon or on any part thereof houses erections or buildings of such size or class of building and upon such plan and elevation and of such height and with such storeys as the Board shall think proper for any term or number of years to determine at or before the expiration of ninety-nine years

from and after the passing of this Act so as there be reserved in every such demise or lease such yearly rent to be incident to the immediate reversion of the premises therein comprised as to the Board shall seem reasonable and so that in every such demise or lease there be contained a covenant for the payment of the rent thereby to be reserved and such other covenants on the part of the tenant or lessee to be therein named as the Board shall reasonably be advised or require and also a clause in the nature of the condition of re-entry on non-payment of the rent thereby to be reserved or on non-performance of the covenants therein to be contained on the part of the tenant or lessee to be observed and performed and every such tenant or lessee shall give such good and sufficient security for the erecting finishing and completing of every such house erection and building which he shall covenant or agree to erect within the time in which he shall have contracted to finish the same as the Board shall order and direct and the Board may if they think fit accept and take any fine for the granting of any lease and may enter into any agreement for the granting of any lease of such lands or such parts thereof and may in any such lease or agreement for a lease give to the lessee or intended lessee an option or right to purchase the fee simple in reversion in the premises leased or agreed to be leased together with all houses erections or buildings thereon at the time of the exercise of such option at such time and on such terms and conditions as they may think fit and on granting leases in pursuance of such agreements may alter the amount of the rents agreed to be reserved in such leases and may apportion the same and grant separate leases of any part of the hereditaments by any such agreement agreed to be leased as the Board think fit and may also alter or rescind any agreement as aforesaid and may accept any surrender of any lease in all respects as the Board shall think fit and any part of the said lands may be appropriated for and left as yards or courts to be attached to any houses agreed to be leased as the Board shall think fit.

As to sale of ground-rents.

28. Subject to the provisions of this Act the Board may sell and dispose of or cause to be sold and disposed of the ground-rents to be reserved by the leases or demises or agreed to be reserved by any agreements for leases of any lands made under the authority of this Act and also the fee simple in reversion in such lands and in the houses erections or buildings thereon either altogether or in parcels by public auction or by private contract for such price or prices or sum or sums of money as the Board shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected

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and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Board shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Board by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Board shall think fit.

Board may sell land in the first instance without having previously granted a lease thereof.

29. Subject to the provisions of this Act the Board may if they think it expedient so to do sell and dispose of in the manner hereinbefore directed all or any lands which they may have acquired under the powers of this Act and which shall not be required for any of the improvements without having previously granted or agreed to grant any lease thereof for such price or prices or sum or sums of money as the Board shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Board shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Board by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Board shall think fit.

Board may let or exchange lands.

30. The Board may from time to time let either from year to year or for a lesser period or for a term at rack-rent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act and not required for any of the improvements and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition.

Board to dispose of lands not wanted.

31. Subject to the provisions of this Act the Board shall within such period as they may think fit which period shall be the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845 after the completion of any of the improvements for the purposes of which any lands have been acquired sell and dispose of to any person or persons and grant and convey such parts of such lands as they may have acquired under the powers of this Act and which shall not be required for any of the improvements.

Receipts of Board to be effectual discharges.

32. The receipt of the Board or of any person duly authorised by the Board for any purchase moneys rents or profits or money payable to the Board by virtue of this Act shall be a sufficient and

effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Limitation of time for purchase of lands.

33. The powers of the Board for the compulsory purchase or taking of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to Board to make agreements with owners of property &c.

34. The Board may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of any of the improvements with respect to the sale by the Board to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare acquired by the Board under the powers of this Act and not required for such of the improvements) for such consideration as may be agreed upon between the Board and such person and the Board may accept as satisfaction of the whole or any part of such consideration by such person the grant of any lands or other property required by the Board for the purposes of this Act.

Separate accounts to be kept in respect of Poplar improvement.

35. The Board shall keep separate accounts of all moneys expended by them and of all lands tenements and hereditaments purchased by them for the purposes of the Poplar improvement (being the new street in the parish of All Saints Poplar by this Act authorised) and of all moneys paid in respect of such purchases and of all their receipts credits payments and liabilities with respect to the execution of this Act in relation to the said Poplar improvement.

Contributions to Poplar improvement by Poplar Board of Works.

36. The board of works for the Poplar district may and they are hereby required from time to time to contribute towards the expenses of the Board in relation to the said Poplar improvement and of carrying into effect the purposes of this Act in relation to the said improvement such sums on account of such expenses as the Board may from time to time require to the extent of but not exceeding one-half of such expenses and the said board of works may for the purposes of such contribution with the consent of the Board from time to time borrow any moneys on mortgage which may be required and the Board may at any time and from time to time issue precepts to the said board of works for any such sums and the Board shall have all the like powers of enforcing any precepts under this Act as are applicable by law to the ordinary precepts of the Board.

Credit to be given to Poplar

37. The board of works for the Poplar district shall have credit for one half of all sums of money which may from time to time

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Board of Works for sale of lands, &c.

be paid to the Board under the provisions of this Act on account of the Poplar improvement whether arising from the sale of materials the sale or letting of lands or any other sums which being carried to the credit of the separate account to be kept as by this Act directed with respect to the Poplar improvement recoup the Board a part of the expenses incurred by them in carrying this Act into execution with respect to the Poplar improvement and the Board shall from time to time furnish a copy of such account to the board of works for the Poplar district.

PART III.

Amendment of Act of 1877.

Extension of time limited for compulsory purchase of certain lands under Act of 1877.

38. The time limited by section thirty-one of the Act of 1877 for the compulsory purchase or taking of the lands authorised to be taken by the said Act for the purposes of the improvements by the said Act authorised shall as to such of the said lands as may be required for the purposes of or in connexion with so much of the new streets included in the West End new streets and street improvements by the said Act authorised as are not completed and as to such of the said lands as may be required for the purposes of the Southwark Bridge Road and Great Dover Street communication by the said Act authorised be and the same is hereby extended until the fourteenth day of August one thousand eight hundred and eighty-six and as to such of the said lands as may be required for the purposes of the Gray's Inn Road improvement by the said Act authorised until the fourteenth day of August one thousand eight hundred and eighty-seven and the Act of 1877 shall be read and have effect accordingly.

Provisions as to accommodation of labouring classes displaced in making of new street between Southwark Bridge Road and Blackman Street Borough.

39. From and after the passing of this Act section thirty-three of the Act of 1877 so far as it imposes obligations upon the Board with respect to providing accommodation for such of the labouring classes as would be displaced by reason of the making of the new street between Southwark Bridge Road and Blackman Street Borough by the said Act authorised shall be and the same is hereby repealed and the following provisions shall be in force and have effect—

(1.) Before throwing open to the public the said new street between Southwark Bridge Road and Blackman Street Borough there shall be provided on the lands authorised by the Act of 1877 to be acquired by the Board for the purposes of such new street or on lands in the vicinity thereof or on such lands as

one of Her Majesty's Principal Secretaries of State shall approve accommodation in suitable dwellings for such number of persons of the working classes displaced from any lands utilised by the Board for the purpose of such new street (whether acquired by the Board under the powers of the Act of 1877 or acquired by the South-eastern Railway Company under the powers of the South-eastern Railway (New Lines and Widenings) Act 1882 and afterwards transferred to the Board) as the said Secretary of State may prescribe having regard to the special circumstances of the case and after consideration of the report of any person ordered by him to hold a local inquiry in case he may deem such inquiry necessary

(2.) The buildings upon the lands required for the purposes of such new street shall be taken down and removed at such times only as the said Secretary of State may from time to time prescribe.

(3.) A certificate signed by the said Secretary of State as to the compliance with the provisions of this section with respect to the accommodation to be provided in dwellings for persons belonging to the working classes shall be conclusive evidence of such compliance.

(4.) In the event of the Board acquiring any lands part of which shall subsequently be transferred by them to the South-eastern Railway Company for the purposes of the South-eastern Railway (New Lines and Widenings) Act 1882 the South-eastern Railway Company in respect of any such lands shall be subject to the obligations of section 21 of the said Act as if such lands had been originally acquired by them under the powers of that Act.

(5.) The Board may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and which are not required for any other purpose and may purchase by agreement such further lands as may be necessary for such purpose.

Board not to make diminution in accommodation for the labouring class.

40. Nothing in this Act shall authorise or permit the Board to make any diminution in the accommodation now required to be provided for persons of the labouring class by the Artizans' Dwellings Act 1882.

Saving section 9 of South-eastern Railway (New Lines and Widenings) Act 1882.

41. Nothing in this Act contained shall be deemed to vary or alter the rights and obligations of the South-eastern Railway Company and the Board respectively inter se under section nine of the South-eastern Railway (New Lines and Widenings) Act 1882.

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PART IV.

Acquisition of Lands.

Gray's Inn Road Improvement.

Power to acquire lands in and near Elm Street.

42. The Board may within three years from the passing of this Act enter upon take and use all or any of the lands in the parish of St. Andrew Holborn shown on the deposited plans and described in the deposited book of reference and may use the same for the purposes of or in connexion with the Gray's Inn Road improvement authorised by the Act of 1877. And all the provisions of this Act with respect to the improvements shall so far as the same are applicable extend and apply to such lands and to the powers by this section conferred upon the Board with respect to such lands.

Plumstead Common.

Power to Board to improve Plumstead Common.

43. Subject to the provisions of this Act the Board may enlarge and improve Plumstead Common by the addition thereto of certain waste lands known as Sot's Hole in the parish of Plumstead and county of Kent delineated on the deposited plans and described in the deposited book of reference and may for such purpose enter upon take and use the said lands.

All lands in the parish of Plumstead acquired by the Board under the powers of this Act shall forthwith thereafter be added to become and be part of Plumstead Common and the same shall be subject to the exercise of all rights in over or upon Plumstead Common in all respects as though the said lands so added formed part of the lands immediately before the passing of this Act subject to the provisions of the Plumstead Common Act 1878 and the provisions of the said Act shall extend and apply to the lands so added as though the same were included in the lands immediately before the passing of this Act subject to the provisions of the said Act and all byelaws and regulations with respect to Plumstead Common made by the Board and immediately before the passing of this Act in force or hereafter to be made by the Board under the provisions of the Plumstead Common Act 1878 shall extend and apply to the said lands so added as though the same had at the time of the passing of the said Act formed part of Plumstead Common.

PART V.

Hackney Commons.

Interpretation of term Hackney Commons.

44. In this part of this Act the expression "Hackney Commons as shown on the deposited plans" means the several pieces of land shown on the deposited plans coloured green thereon and thereon described as lands intended to be treated as part of "Hackney Commons."

Vesting of Hackney Commons in the Board.

45. From and after the passing of this Act all such parts of Hackney Commons as shown on the deposited plans as were not immediately before the passing of this Act absolutely vested in the Board in fee simple are hereby vested absolutely in the Board in fee simple and the Board shall from and after the passing of this Act hold Hackney Commons as shown on the deposited plans (excepting any highways thereon) discharged from all estates interests rights titles charges and incumbrances whatsoever in to over or affecting the same or any part thereof but subject to the provisions contained in the Metropolitan Commons Supplemental Act 1872 and the scheme thereby confirmed with reference to Hackney Commons as defined by the said last-mentioned Act and scheme and the Acts altering amending or affecting the same as varied by this part of this Act and the Metropolitan Commons Supplemental Act 1872 and the said scheme and the Acts altering amending or affecting the same and all byelaws made in pursuance thereof respectively shall so far as they are in force at the time of the passing of this Act be thereafter read and construed as if Hackney Commons as shown on the deposited plans were therein respectively mentioned or referred to instead of Hackney Commons as therein respectively defined described or referred to.

Compensation.

46. All persons who immediately before the passing of this Act were entitled as owners (including in such term all parties by the Lands Clauses Consolidation Act 1845 or the Settled Land Act 1882 enabled to sell and convey or release lands) of any estate interest or right of a profitable or beneficial nature in over or affecting Hackney Commons as shown on the deposited plans (excepting any highway thereover) by this part of this Act vested in the Board or extinguished shall be entitled to claim compensation from the Board in respect of such estate interest or right and the amount of the compensation (except in the cases specified in section one hundred and one of the Lands Clauses Consolidation Act 1845) payable to such persons respectively by the Board shall be such as may be settled by agreement or failing such agreement by arbitration

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Provided that if any owner of or person interested in any land adjoining or near Hackney Commons would be injuriously affected by the extinguishment or closing of any private right of way over the said commons under the powers of this Act the Board may if they think fit at any time after receiving any notice of claim for compensation in respect of the extinguishment or closing thereof (and whether in respect of such right only or in respect of such right together with any other subject of compensation) notify in writing to the claimant under the seal of the Board that they will not prevent such right of way from being exercised and enjoyed to the same extent and in the same manner as theretofore. And in such case such right of way shall continue unaffected by this Act and may be exercised and enjoyed as if this Act had not been passed and no compensation shall be payable by the Board in respect thereof. The amount of the compensation payable in any of the cases specified in section one hundred and one of the Lands Clauses Consolidation Act 1845 shall be such as may be agreed upon between a committee of the parties mentioned in the said section and appointed in manner prescribed by the Lands Clauses Acts and the Board and failing such agreement in any case the amount of the compensation shall be such as may be settled by arbitration and the term "lands" in the said Acts shall for the purposes of this part of this Act be construed to include any estate interest or right in respect of which compensation is by this part of this Act made payable by the Board.

Provided that all arbitrations under this section shall be conducted by a standing arbitrator appointed as by this part of this Act prescribed and subject thereto in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and such standing arbitrator shall for the purposes of each arbitration under this part of this Act be deemed to be a single arbitrator appointed by both parties.

Compensation agreed or awarded to be payable under this part of this Act shall be deemed to have been and to be due as from the date of the passing of this Act and to be payable together with interest thereon in the meantime until payment or deposit as by this part of this Act prescribed at the rate of four pounds per centum per annum.

Every alienation of a valuable interest by any owner thereof to the Board under this section shall be evidenced either by a deed of conveyance disclosing the full consideration and duly stamped in respect thereof or by a receipt in writing for the purchase money stamped with the same ad valorem duty as if it were a deed affecting such alienation.

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Payment of compensation.

47. Upon payment of any money agreed or awarded to be paid by way of compensation under this part of this Act together with interest thereon at the rate of four pounds per centum per annum from the date of the passing of this Act to any person who shall adduce a good title to the estate interest or right in respect of which such money shall be payable to the satisfaction of the Board or upon the deposit in the Bank of England of any such money in manner prescribed by the Lands Clauses Acts in any case in which any person shall neglect or fail or be unable to adduce or make out a good title to the estate interest or right in respect of which such money shall be payable to the satisfaction of the Board or to give a receipt for such money as herein-after provided and in any of the other cases specified in the Lands Clauses Acts in which compensation is required or authorised to be deposited in the Bank of England such person or the cashier of the said bank shall give to the Board or to the person paying or depositing such money a receipt for such money specifying for what and in the case of the same having been so deposited the title of the account to which the same has been paid or deposited and such receipt shall be a sufficient discharge to the Board for the same.

Appointment of standing arbitrator.

48. For the purpose of determining the amount of compensation in respect of any claim by this part of this Act directed to be determined by arbitration there shall be a standing arbitrator appointed and acting as follows (that is to say) :—

(1.) The Board of Trade shall as soon as may be after the passing of this Act by writing under the hand of a secretary or an assistant secretary of the said Board appoint a person to act as such standing arbitrator.

(2.) Any standing arbitrator may be removed from his office by the Board of Trade by writing under the hand of a secretary or an assistant secretary of the said Board.

(3.) If any standing arbitrator dies or resigns or is removed from office the Board of Trade shall in manner aforesaid within one month after notice of his death resignation or removal appoint another person to be a standing arbitrator in his place.

Before any standing arbitrator enters upon the duties of his office he shall in the presence of a justice make and subscribe the following declaration (that is to say) :—

I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly and to the best of my skill and ability hear and determine all matters which may from time to time be referred to me under the provisions of Part V. of the Metropolitan Board of Works (Various Powers) Act 1884.

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And if a standing arbitrator having made such declaration wilfully acts contrary thereto he shall be guilty of a misdemeanor.

Power to Board to grant rights or easements over Hackney Commons.

49. The Board may from time to time as the consideration or part of the consideration for the purchase of lands or for any consideration which they may deem of public advantage grant (for a limited time or in perpetuity) to any person upon such terms and conditions as may be agreed upon between the Board and such person any right or easement in over or affecting Hackney Commons as shown on the deposited plans or any part thereof. Provided that the standing arbitrator shall at the request of the Board award that instead of making compensation for any private right of way over Hackney Commons the Board shall permit such private right of way to be exercised and enjoyed by any person entitled thereto as before the passing of this Act.

And the standing arbitrator may if he thinks fit at the request of the Board and with the consent of any person entitled to compensation under this part of this Act award that the Board shall grant and thereupon the Board shall grant any such right or easement as aforesaid to such person in satisfaction wholly or in part of such compensation. Provided that no such right or easement shall be such as in the opinion of the Board shall be inconsistent with the due execution by the Board of the provisions of the Metropolitan Commons Supplemental Act 1872 and the scheme thereby confirmed as varied by this part of this Act.

The Board may from time to time by agreement with any person who may by or by virtue of any such agreement or award as aforesaid for the time being be entitled to any such right or easement in over or affecting Hackney Commons as shown on the deposited plans purchase or acquire such right or easement on such terms and conditions as the Board shall think fit.

Any person empowered by the Lands Clauses Acts or the Settled Land Act 1882 to sell and convey or release lands may subject to the provisions of the said Acts enter into any such agreement with the Board for the sale or release of any such right or easement as aforesaid.

Power to Board to exchange lands.

50. The Board may from time to time by agreement with any person exchange any lands forming part of Hackney Commons as shown on the deposited plans for any other lands adjoining which the Board may think it desirable to substitute for such first-mentioned lands.

Any lands given by the Board in exchange under the authority of this part of this Act shall thereupon cease to form any part of

Hackney Commons as shown on the deposited plans although the same be shown on the deposited plans as part thereof.

Any lands taken by the Board in exchange under the authority of this part of this Act shall thereupon be deemed to be and shall be held by the Board together with and as though the same were part of Hackney Commons as shown on the deposited plans and this part of this Act shall be construed accordingly.

Any person empowered by the Lands Clauses Acts or the Settled Land Act 1882 to sell and convey or release lands may subject to the provisions of the said Acts enter into any such agreement with the Board for exchange of lands as aforesaid.

Powers of Board as to roads over Hackney Commons.

51. The Board may from time to time open or make or permit and suffer any person (upon such terms and conditions as the Board may think fit) to open or make any foot carriage or other way over Hackney Commons as shown on the deposited plans or any part thereof which the Board may deem proper for the use of the public. Provided always that until such way shall become repairable by the inhabitants at large the same shall continue subject to all bye-laws for the time being in force with respect to Hackney Commons as shown on the deposited plans.

Pending actions.

52. Any action or cause of action against the Board pending or existing immediately before the passing of this Act in respect of any estate interest or right claimed by any person in over or affecting Hackney Commons or any part thereof or for damages in respect of any injury or loss to such estate interest or right by any act or default of the Board may be continued prosecuted and enforced as though this Act had not been passed Provided that

(I.) Notwithstanding any such action and any judgment therein the Board shall hold Hackney Commons as shown on the deposited plans in the manner and for the purposes by this part of this Act prescribed.

(II.) The compensation ascertained as by this part of this Act provided payable to any person who shall whether prior or subsequently to the passing of this Act have brought against the Board any such action as aforesaid shall be in lieu of and full satisfaction for any estate interest or right of such person in over or affecting Hackney Commons as shown on the deposited plans subsisting immediately before the passing of this Act and any remedy for preserving or enforcing the same under or by virtue of the judgment in such action.

Saving for Great Eastern

53. Nothing in this part of this Act contained shall prejudice alter or affect any rights or easements of the Great Eastern

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Railway Company.

Railway Company in or affecting Hackney Commons as shown on the deposited plans or any part thereof subsisting immediately before the passing of this Act.

PART VI.

Miscellaneous.

Power of Board to defray expenses as if incurred under 18 & 19 Vict. c. 120.

54. The Board may from time to time defray the expenses incurred by them in the execution of this Act and not otherwise provided for by this or any other Act in like manner in every respect as if such expenses were expenses incurred by the Board in carrying into execution the purposes of the Metropolis Management Act 1855 and the Acts amending the same.

Expenses of Act.

55. The costs charges and other expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Board.

SCHEDULE

Describing properties excepted from the operation of Section 92 of the Lands Clauses Consolidation Act 1845.

Column 1. Number of Properties on Deposited Plans.	Column 2. Parish.	Column 3. Description of Property.	Column 4. Description of part which may be taken without the whole being purchased.
Required under the Act of 1877.			
WEST END NEW STREETS AND STREET IMPROVEMENTS.			
39	St. Giles-in-the-Fields.	Buildings, house, and manufactory of Messrs. Crosse and Blackwell.	The house No. 39, so far as it is situate to the westward of the line marked "extent of widening" on the deposited plans referred to in the Act of 1877.
GRAY'S INN ROAD IMPROVEMENT.			
303	St. Andrew, Holborn	Holborn Union Workhouse.	So much of the entrance to the Workhouse as is situate to the westward of the line marked "extent of widening" on the deposited plans referred to in the Act of 1877.
Required under this Act.			
ST. PANCRAS IMPROVEMENT.			
8	St. Pancras -	Yard and building	The yard and sheds numbered 8 on the deposited plans so far as they are within the limits of deviation marked on the said plans.

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