CHAPTER clxvii.

An Act to confer powers on the Metropolitan Board of Works with respect to the making of a new street in the parishes of St. Andrew Holborn and of St. James and St. John Clerkenwell, the establishing and regulating of a ferry across the River Thames at Woolwich, the providing of Recreation Grounds for the public, and for other purposes. [6th August 1885.] A.D. 1885.

WHEREAS it is expedient that the Metropolitan Board of Works (herein-after referred to as "the Board") should be authorised to make the new street and works in connexion therewith herein-after mentioned:

And whereas the establishment of a ferry across the River Thames at Woolwich to be used free of tolls would be attended with great local and public advantage and it is expedient that the Board should be authorised to establish maintain and regulate the said ferry and to construct the works connected therewith:

And whereas it is expedient that the Board should be authorised to purchase and acquire certain lands in the parish of St. Mary Islington delineated on the deposited plans and described in the deposited books of reference as Highbury Fields and to hold and maintain the same for the perpetual use thereof by the public for exercise and recreation in manner by this Act prescribed and that for that purpose so much of the agreement made previous to the passing of this Act between Daniel Watney on behalf of Charles Willock Dawes and George Vulliamy on behalf of the Board as is set forth in the First Schedule to this Act with respect to the sale and transfer of the said lands should be confirmed and made binding on the said Charles Willock Dawes and the Board and that provisions should be made such as are in this Act contained with respect to the contributions to be made by the vestry of the said parish of Saint Mary Islington towards the expenses of the Board in

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relation to the purchase and acquisition of the said lands for the purposes aforesaid:

And whereas the Estates Governors of Dulwich College are desirous to provide for the use by the public of certain lands in the parish of Camberwell in the county of Surrey forming or reputed to form part of the estates vested in the said governors and for such purpose to transfer all their estate and interest in the same by way of gift to the Board and so that such lands may be held by the Board as a public park for the perpetual use thereof by the public for exercise and recreation and the Board are willing to accept such gift and to hold the said lands for the purposes aforesaid:

And whereas the conversion of such lands into a public park will very much increase the value of the adjoining and neighbouring lands of the estates governors and it is expedient that provisions with reference thereto such as are in this Act contained should be made:

And whereas Plumstead Common is now subject to the control and management of the Board under and by virtue of the Plumstead Common Act 1878 and the Acts amending the same:

And whereas by the Education Department Provisional Order Confirmation (London) Act 1884 the School Board for London obtained power to acquire two pieces of land forming part of Plumstead Common:

And whereas the Board acquiesced in the said powers being obtained in consideration of an arrangement that they should only be partially exercised and that certain other lands adjoining Plumstead Common (the property of the said school board) should be added to Plumstead Common in exchange for the small pieces thereof to be appropriated by the school board and it is expedient that the provisions in this Act for giving effect to such arrangement should be made:

And whereas a plan (marked A) of the said land at Plumstead Common upon which the land to be acquired and vested in the school board is delineated and numbered 3 and 4 (the land to be vested in the Board instead thereof being delineated and numbered 1 and 2) has been signed by the Right Honourable Frederick Lygon Earl Beauchamp the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred:

And whereas it is expedient to confer further powers upon the Board for enforcing the due observance in the metropolis of the provisions of the Disused Burial Grounds Act 1884:

And whereas the Board 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 street and ferry and the lands on the site of which the same will be made or which may be taken for the purposes thereof: And also plans of the lands at Highbury Fields which are dealt with under this Act and a book of reference to such plans 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 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):—

PART I.

Preliminary.

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Various Powers) Act 1885.

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 street improvement" means the new street from Gray's Inn Road to St. John Street Road and the works connected therewith by this Act authorised;

"The ferry improvements" means the ferry across the River Thames and the pontoons approaches landing stages works appliances and conveniences connected therewith;

"The street and ferry improvements" means the street improvement and the ferry improvements;

"The conservators" means the Conservators of the River Thames;

"Dulwich College" means the foundation known as Alleyn's College of God's Gift at Dulwich in the county of Surrey;

"The Governors of Dulwich College" means the persons acting as the estates governors and the college governors respectively in the execution of the Dulwich College Scheme approved by

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Her Majesty in Council on the eighteenth day of August one thousand eight hundred and eighty-two;

"Dulwich College lands" means the lands in the parish of Camberwell and county of Surrey lying between Dulwich Common Road on the south Lordship Lane and Court Lane on the north-east and College Road on the west delineated on the plan (marked B) signed by the Honourable Algernon Fulke Egerton the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred;

"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;

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

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

"Street authority" means with respect to any parish mentioned in Schedule A. to the Metropolis Management Act 1855 or to any district formed by the union of the parishes mentioned in Schedule B. to the said Act the vestry of such parish or the board of works for such district as the case may be and the term "district" in relation to a street authority means the area subject to the jurisdiction of such street authority;

"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 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 expression "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.—Street and Ferry Improvements.

III.—Recreation Grounds.

IV.—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.

Street and Ferry Improvements.

Street Improvement.

Power to Board to make new street.

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 the new street herein-after described (that is to say):—

A new street partly in the parish of St. Andrew Holborn and partly in the parish of St. James and St. John Clerkenwell in the county of Middlesex commencing in the parish of St. Andrew Holborn opposite to the north-western angle of the Holborn Town Hall at the junction of Clerkenwell Road and Gray's Inn Road constructed in part on viaduct and terminating in the parish of St. James and St. John Clerkenwell in St. John

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Street Road about 30 yards to the north-west of the junction of Myddleton Place therewith.

Board not to purchase or take any railway or works in parish of St. James and St. John Clerkenwell belonging to Metropolitan Railway Company.

8. Nothing in this Act contained shall be construed to require or empower the Board to purchase or take any of the railway or works in the parish of St. James and St. John Clerkenwell belonging to the Metropolitan Railway Company but the Board may purchase and take and the Metropolitan Railway Company may and shall sell and grant the easement or right of carrying the said new street from Gray's Inn Road to St. John Street Road by this Act authorised over the railway of the said railway company at or near the junction of Exmouth Street and Farringdon Road.

For the protection of Metropolitan Railway Company.

9. In making the new street and executing the works for the street improvement the following provisions shall have effect for the protection of the railway of the Metropolitan Railway Company which passes under the roadway of Exmouth Street and Farringdon Road and also under houses and other property in the parish of St. James and St. John Clerkenwell in the county of Middlesex—

The works to be executed over the railway of the company in connexion with such new street shall be done at the sole expense of the Board and according to plans and specifications which shall be submitted by the Board to the engineer of the railway company and reasonably approved by him in writing before any work is begun or in case of the refusal or neglect of such engineer to approve such plans and specifications then according to such plans and specifications as shall be settled and determined by an engineer to be appointed by the Board of Trade.

The Board shall not without the consent of the railway company in writing under their common seal take use enter upon or interfere with any of the lands from time to time belonging to that company except only the properties numbered on the deposited plans 174 175 180 181 182 and 183 in the parish of St. James and St. John Clerkenwell and so much (if any) of the property numbered on the said plans 173 in the said parish as the Board may require for the said street and the footway thereof and the building frontage thereto.

The Board shall not in any manner in the execution of any of their works obstruct or interfere with the free uninterrupted and safe user of the Metropolitan Railway or any traffic thereon.

The Board shall bear and on demand pay to the railway company the expense of the employment by that company during the construction of the works of any necessary inspectors and

watchmen to be appointed by the company for watching their railway and its works with reference to and during the execution of such works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Board or their contractors or any person or persons in the employ of the Board or of their contractors with reference thereto or otherwise.

If by reason of the execution of any of the works of the Board or the failure of any such works or any act or omission of the Board or of their contractors or otherwise the railway or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Board at their own expense or in the event of their failing so to do then the railway company may make good the same and recover the expense thereof with full costs against the Board in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic of the railway company by reason of any of the matters or causes aforesaid the Board shall pay to that company all costs and expenses to which that company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs by that company from the Board in any court of competent jurisdiction.

Pre-emption of certain lands to Metropolitan Railway Company.

10. Within six months after the completion of the new street by this Act authorised the Metropolitan Railway Company may by notice in writing under their common seal elect to repurchase and shall thereupon be entitled to repurchase from the Board so much of the said properties in the parish of St. James and St. John Clerkenwell specified in the preceding section as shall not be actually required for the said street and the footways thereof and the Board shall sell the same to the said railway company for such price or consideration as in default of agreement shall be settled by arbitration as in a case of sale to a person entitled to pre-emption under the Lands Clauses Consolidation Act 1845.

For protection of New River Company.

11. Whereas it is proposed to appropriate for the purposes of the said new street certain enclosed lands belonging to the New River Company situate between St. John Street Road and the New River Head which said lands were formerly occupied as the bed of the New River but are now filled up and have a large main lying therein and if these lands are appropriated under the powers of this Act for the purposes of a street open to all the ordinary traffic of the

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metropolis it will be necessary to remove the said main and make other connexions in lieu thereof:

Therefore the Board before appropriating any part of the said enclosed lands for the purposes of the said new street shall at their own expense and to the reasonable satisfaction of the engineer of the New River Company provide and lay between the points aforesaid a new forty-eight-inch main with all necessary connexions under the surface of the proposed new street at a sufficient depth to allow the traffic to pass over the same without risk to the said main and shall provide a proper manhole for giving access to the said main together with a waste pipe for drawing off the water therefrom:

Provided that by agreement between the Board and the New River Company the said works may be executed by that company to the reasonable satisfaction of the Board at the expense in all respects of the Board.

In order as far as possible to prevent any stoppage of the flow of water from the New River to the filtering beds and reservoirs at the New River Head during the construction of the said works whether they are carried out by the Board or by the New River Company the said works shall be executed within a period commencing at the first day of November in one year and terminating at the end of April in the following year and the works when they have been commenced shall be continued day and night without interruption until completed so as to limit the stoppage of water to the shortest possible period.

The Board may purchase and take so much of the lands of the New River Company shown on the deposited plans as the Board may deem necessary for the purposes of this Act without being required to purchase and take any other property of the company outside the limits of deviation shown on the said plans notwithstanding anything contained in section nine-two of the Lands Clauses Consolidation Act 1845: Provided that if the purchase money and compensation to be paid by the Board in respect thereof be not agreed the arbitrator or jury assessing the amount thereof shall have regard to the obligation imposed on or the expenses incurred by the Board under this section.

Provisions as to interference with wall of Cold Bath Fields House of Correction.

12. In the exercise of the powers by this Act conferred upon them with respect to the street improvement the Board shall not until they have constructed and built a new prison wall to form the boundary wall between the said House of Correction and the intended line of the said new street from Gray's Inn Road to St. John Street Road pull down any greater portion of the existing

wall forming the boundary or prison wall of the Cold Bath Fields Middlesex House of Correction in the parish of St. James and St. John Clerkenwell in the county of Middlesex than may be necessary for enabling the brickwork of such new prison wall to be joined to the brickwork of such existing wall: Provided always that nothing in this section contained shall prevent the Board from entering upon taking and using any lands which they are by this Act authorised to acquire for the purposes of the street improvement and the Board shall not be required or compellable by reason of anything contained in the Lands Clauses Acts or this Act to purchase and take any greater part of the said House of Correction than so much of the garden and wall thereof as is delineated on the deposited plans within the limits of deviation:

And the Board shall not without the consent in writing signed by one of Her Majesty's Principal Secretaries of State take use enter upon or interfere with any of the properties numbered on the deposited plans 144 to 169 both inclusive in the parish of St. James and St. John Clerkenwell in the county of Middlesex.

Limiting powers over property of the Marquess of Northampton.

13. Notwithstanding anything in this Act or on the deposited plans and books of reference the Board shall not without the consent of the Marquess of Northampton take under the powers of this Act any lands or property belonging to the said Marquess except such as are coloured red upon the copy of the deposited plan (marked C.) signed by the Honourable Algernon Fulke Egerton the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred.

Ferry Improvements.

Power to establish ferry across the Thames.

14. Subject to the provisions of this Act the Board may establish maintain work and regulate a ferry across the River Thames at Woolwich and may construct in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections and provide and maintain for the purpose of the said Ferry—

On the northern side of the river in the parish of Woolwich and county of Kent:—

(1.) A landing-place on the river bank parallel to Stanley Road commencing at a point about one hundred and ten yards to the west of the junction of Stanley Road and High Street opposite the North Woolwich Station of the Great Eastern Railway and terminating about one hundred and seventy yards to the west of the said junction of Stanley Road and High Street;

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(2.) A pontoon in the river opposite the point where the said landing-stage is herein-before described as terminating situate about eighty yards from the bank of the river opposite the said point of termination and connected with the said landing-place by a stage or bridges; and—

On the south side of the river in the said parish of Woolwich:—

(3.) A pontoon with an approach road leading thereto commencing in High Street Woolwich immediately to the eastward of Nile Street and terminating on the bank of the river immediately to the eastward of the stairs leading down to the river from the said street. The said pontoon to be situate in the river at a distance of about eighty yards from the bank at the termination of the said approach road and to be connected therewith by a landing-stage or bridges.

And the Board may also make provide and (except as otherwise by this Act expressly provided) maintain all necessary approaches landing-stages dolphins bridges works and other conveniences for the purposes of and connected with the said ferry.

Facilities for traffic over ferry.

15. The Board may within the limits of deviation shown on the deposited plans if they think fit from time to time construct and maintain other landing-places stages works and appliances at the points at Woolwich mentioned in the preceding section so far as may be necessary for the purpose of enabling traffic at and over the said ferry to be raised and lowered between the ferry boats and the landing-places by means of slipways or hoists or other machinery worked by steam hydraulic or mechanical power and the Board may from time to time provide all such steam hydraulic or mechanical power as may in their opinion be necessary or convenient for the purposes aforesaid or any of them.

As to time for working the ferry.

16. From and after the opening of the ferry by this Act authorised the Board shall (weather permitting and unless prevented by accident or other unavoidable interruption) work a ferry-boat across the river each way at such ferry on every day between the hours and at the intervals herein-after prescribed.

On week days—

Between the hours of 5 a.m. and 11 p.m. at regular intervals not greater than 20 minutes.

Between the hours of 11 p.m. and 12.30 a.m. at intervals of half an hour.

On Sundays—

Between the hours of 8 a.m. and 11 p.m. at regular intervals not greater than half an hour.

Compensation to certain ferry owners.

17. Whereas the London and Blackwall and the Great Eastern Railway Companies respectively are or claim to be owners of or interested in rights or user of ferry upon the River Thames and other freehold and leasehold property and rights in connexion therewith and that such rights of ferry or property may be injured and depreciated in value by the establishment of the ferry by this Act authorised: Be it enacted that the loss or damage (if any) which the London and Blackwall and Great Eastern Railway Companies or either of them shall sustain in respect of their services of steamboats and of any rights or user of ferry or property injured or depreciated by or in consequence of the establishment of the ferry authorised by this Act shall be held to be an injurious affecting of lands by the execution of the authorised works within the meaning of section sixty-eight of the Lands Clauses Consolidation Act 1845 and shall be compensated accordingly.

As to River Thames Steamboat Company.

18. Whereas the River Thames Steamboat Company Limited (herein-after called the steamboat company) is or claims to be owner of or interested in rights or user of ferry upon the River Thames and leasehold and other property and rights in connexion therewith and that such rights or user will or may be injured and depreciated in value by the establishment of the ferry by this Act authorised: Be it enacted that the loss or damage (if any) which the steamboat company shall sustain in respect of any rights or user of ferry or property injured or depreciated by or in consequence of the establishment of the ferry authorised by this Act shall be held to be an injurious affecting of lands by the execution of the authorised works within the meaning of section 68 of the Lands Clauses Consolidation Act 1845 and shall be compensated accordingly.

Board may provide and work ferry boats &c.

19. For the purpose of maintaining and working the said ferry the Board may from time to time provide all necessary things including vessels and boats propelled by steam or otherwise with all proper and sufficient tackle gear apparatus and conveniences connected therewith and the Board may from time to time appoint remove and remunerate such officers and servants as may in their opinion be required for such purposes and may convey passengers animals vehicles and goods free of all tolls rates or charges across the River Thames by means of such vessels or boats.

Limiting powers of the Board to interfere with the river.

20.—(1.) The ferry improvements so far as they affect the River Thames shall not without the consent in writing of the conservators be constructed otherwise than in accordance with the plan (marked D) signed in duplicate by the Honourable Algernon Fulke Egerton the Chairman of the Committee of the House of

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Commons to whom the Bill for this Act was referred of which one copy is deposited at the Private Bill Office of the House of Commons one copy at the office of the conservators and one copy at the office of the Board which plan is herein-after referred to as "the amended plan."

(2.) Subject to the provisions of this Act the Board may for the purpose of the ferry improvements dredge or deepen the bed of the River Thames at or near the site of the said improvements and may for such purposes alter or interfere with the bed banks soil or foreshore of the River Thames provided that they shall not dredge or deepen the bed of the said river or alter or interfere with the banks bed soil or foreshore thereof vested in the conservators at any place outside the limits of dredging as marked on the amended plan otherwise than with the consent of the conservators.

(3.) Subject to the provisions of this Act the Board may for the purposes of the ferry improvements make such dams and drive such piles in the bed of the said river and may erect such coffer dams and temporary staging in upon or over the said river at or near the site of such improvements as may be necessary or convenient and may do and execute every other work and thing necessary or convenient for any of the purposes aforesaid:

Provided that the Board shall not in the exercise of any powers conferred upon them by this paragraph of this section erect without the consent in writing of the conservators any works extending into the river more than ten feet beyond the outer line of the pontoons as respectively shown on the amended plan.

(4.) The traffic of the River Thames shall not be interfered with more than may be absolutely necessary in the construction of the ferry improvements and the works connected therewith.

(5.) The Board shall within fourteen days after notice from the conservators so to do remove any materials or temporary works which may have been placed in the river by the Board and on their failing to do so the conservators may remove the same charging the Board with the expense of so doing and the Board shall forthwith repay to the conservators all expenses so incurred:

Provided that where such materials or temporary works have been so placed for the purpose of constructing any permanent work authorised by this Act the Board shall not be required to remove the same until after such permanent work shall have been completed.

(6.) The Board shall not commence the construction of any of the works shown on the amended plan on the shore or bed of the River Thames without the consent of the conservators until the expiration of one calendar month after notice in writing to the conservators.

(7.) The Board shall hang out and exhibit at or near to the ferry improvements and other works in connexion therewith by this Act authorised every night from sunset to sunrise lights to be kept burning by and at the expense of the Board and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Board in such manner and be of such kind and number and be so placed and used as the conservators by writing under the hand of their secretary shall approve and direct and in case the Board fail so to exhibit and keep burning the lights they shall for every such offence forfeit ten pounds and further the Board shall exhibit under a like penalty lights to be similarly approved by the conservators upon any temporary works or materials which may be placed on the river by the Board during the making of the said ferry improvements and works connected therewith.

(8.) Any interference by the Board under the powers of this Act with any part of the soil or bed of the River Thames or the shore thereof vested in the conservators except so far as necessary for making maintaining and repairing the works by this Act authorised or for preserving the access thereto shall be subject to the control and supervision of the conservators.

(9.) The Board shall not (except as far as shall be necessary in the construction of the ferry improvements and the works connected therewith) take and appropriate any gravel soil or other material from the bed of the river vested in the conservators without the previous consent of the conservators signified in writing under the hand of their secretary.

Board may permit vessels to use piers or landing places on terms.

21. The Board may if they think fit from time to time but so as not to interfere with the use of the ferry by this Act authorised or the vessels or boats used for the purposes thereof permit any pier landing place or other work acquired or constructed by the Board as part of or in connexion with the ferry improvements to be used by vessels or boats (other than vessels or boats used for the purposes of the ferry by this Act authorised) and for the landing and embarking of passengers animals vehicles and goods from or on vessels or boats (other than vessels or boats used for the purposes of the said ferry) upon such reasonable terms and subject to such reasonable conditions as the Board may from time to time prescribe and the Board may from time to time revoke any such permission. Provided that the conservators may have free access at all times to the piers and landing places with their boats officers and servants anything in this Act to the contrary notwithstanding.

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Persons may be appointed to preserve order &c. at piers.

22. The Board may from time to time appoint a sufficient number of persons to preserve order on or at any piers landing places or other work acquired or constructed by the Board as part of or in connexion with the ferry improvements and the approaches thereto and to prevent the intrusion thereon of improper persons or persons who have no intention of embarking on board any vessel or boat from such piers landing places or other works and to remove any persons who may unnecessarily linger or loiter on or about such piers landing places or other work and to assist any vessel or boat in making fast to such piers landing places or works.

Byelaws as to ferry.

23. The Board may subject to the provisions of this Act from time to time make alter repeal vary amend and enforce byelaws with respect to the ferry improvements and any piers landing places or other works acquired or constructed by the Board in connexion with the same for all or any of the purposes following (that is to say):—

For regulating controlling and limiting the use of such improvements piers landing places and works;

For preventing the commission of any nuisances in or upon any of such improvements piers landing places or works;

For preserving such improvements piers landing places or works and preventing injuries and damages to the same;

For regulating the duties and conduct of all persons as well the officers and the servants of the Board as others who shall be employed in and about such improvements piers landing places and works and in and about the vessels or boats used for the purposes of the ferry by this Act authorised;

For regulating the conveyance of passengers animals vehicles and goods in or upon any vessels or boats at such ferry piers landing places and works respectively and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any animals vehicles or goods in any vessels or boats used for the purposes of the ferry by this Act authorised which may in the opinion of the Board be injurious to or prejudicially affect the use of such vessels and boats or the traffic to be carried therein.

Saving rights of Watermen's and Lightermen's Company.

24. Except as by this Act is expressly enacted nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the charters and grants of the Watermen's Company or the provisions of the Watermen's and Lightermen's Amendment Act, 1859 or such of the provisions of the Thames Conservancy Act 1864 as relates to the Watermen's Company.

Power to stop up ways for purposes of the street and ferry improvements.

25. The Board for the purposes and during the making of the street and ferry improvements may in or upon the lands shown in connexion therewith upon the deposited plans stop up or cause to be stopped up temporarily all or any part of the carriageways or footways of streets which they shall think necessary for such purposes to be stopped up and 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.

Limiting interference with piers at Woolwich.

26. Nothing in this Act contained shall enable the Board in the construction of the piers landing places pontoons and works by this Act authorised to interfere either temporarily or permanently (except so far as may be absolutely necessary for the due and proper construction of the same) with any piers landing places works and conveniences belonging to or leased to the Great Eastern Railway Company or to the River Thames Steamboat Company (Limited) at North or South Woolwich or there used by the River Thames Steamboat Company (Limited) and the Board shall compensate the said companies respectively for any interference damage or injury caused to their said piers landing places works and conveniences or to the access thereto by the construction of any of the works by this Act authorised. Any dispute which may from time to time arise between the Board on the one hand and the said companies or either of them under the provisions of this section on the other hand shall be determined by a single arbitrator to be appointed by the Board of Trade and the provisions of the Railway Companies Arbitration Act 1859 shall apply to any such arbitration as if the Board were a railway company.

Streets may be raised or lowered.

27. Subject to the provisions of this Act the Board may for the purposes of and in connexion with the street and ferry improvements 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.

28. In making any of the works for or connected with any of the street and ferry 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.

29. Subject to the provisions of this Act and within the limits defined on the deposited plans the Board in connexion with any of the street and ferry improvements and as part and for the purposes

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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 court place alley or passage whether a thoroughfare or not and the paving metalling or materials therein thereon or forming part of the same shall be vested in the Board and the Board may also 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.

Access to certain stations not to be interfered with.

30. The Board shall not interfere with or obstruct any road footpath or way leading to the North Woolwich Station of the Great Eastern Railway Company in such a manner as to prevent the access to and egress therefrom or to stop up any street road or footway necessary for the purpose of such access and egress without first providing a sufficient substitute therefor.

Alteration of position of water gas and other pipes.

31. The Board may for any purpose in connexion with any of the street and ferry 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 street and ferry improvements respectively 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 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 proper substituted works during any alteration 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 seven days

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: 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:

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 which the Board may have power to alter under section fifteen of the said Act.

If any difference arises between the Board or their engineer and any such company or person or their or his engineer touching the amounts 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 also that the Board shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down for telegraphic or other purposes and belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

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Board empowered to lay out carriageways &c.

32. The Board may cause such parts of the street and ferry improvements to be laid out for carriageways and such parts thereof for footways as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act 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 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.

Directing how the pavement shall be laid and made.

33. The Board shall for the purposes of and in connexion with the street and ferry 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 or other 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 street authority 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 street authority or of such parties or persons in the same manner as things of a like description in such district are now vested in them by law respectively.

Sewers or drains to be arched over or filled up.

34. The Board 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 street and ferry 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.

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

As to ground under street and ferry improvements and laid into streets.

36. When the street and ferry improvements respectively are made so much of the same as shall be laid out for carriageways or footways of any street shall form part of such street and may be used by the public accordingly but the soil thereunder shall continue to be and be vested in the Board and such street and the sole power authority and duty of paving maintaining repairing cleansing and lighting the same shall be under the care management control and jurisdiction of the street authority of the district in which the same is situate:

Provided always that with respect to the new street from Gray's Inn Road to St. John Street Road the vestry of the parish of St. James and St. John Clerkenwell shall at all times and from time to time comply with the provisions of this section not only as to so much of the surface of the said new street as lies within the said parish but also so far as the same are applicable as to the viaduct foundations or substructures retaining walls and works

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over or upon which the said new street will be carried or by which it will be supported in the said parish as though the said viaduct foundations retaining walls and works formed part of the said new street and the said vestry may for the purposes of such compliance from time to time execute all such works and do all such acts as they may think necessary.

Period for completion of street and ferry improvements.

37. If any part of the street and ferry 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 such improvements or otherwise in relation thereto shall cease to be exercised except so far as the same shall have been then completed.

Limitation of time for purchase of lands.

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

For protection of works of Havering and Dagenham &c. Commissioners of Sewers.

39. Where any of the intended works to be done under or by virtue of this Act for the purpose of or in connexion with the ferry at Woolwich by this Act authorised shall or may pass over under or by the side of or so as to interfere with any river sewer drain watercourse river wall defence or work under the jurisdiction or control of the commissioners of sewers for the levels of Havering Dagenham Ripple Barking East Ham West Ham Leyton and Walthamstow in the respective counties of Essex Middlesex and Kent herein-after called "the commissioners" or may in any way affect the drainage of the district under their control the Board shall not commence such works until they shall have given to the said commissioners fourteen days notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the said commissioners with plans elevations sections and other necessary particulars of the construction of the said works and until the said commissioners shall have signified their approval of the same unless the said commissioners fail to signify such approval or their disapproval or other directions within fourteen days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Board shall comply with and conform to all reasonable directions and regulations of the said commissioners in the execution and subsequent maintenance of the said works and shall provide by new altered or substituted works in such manner as the commissioners may deem necessary for the proper protection of and for preventing injury or impediment to the rivers sewers drains river walls and other works herein-before referred to by or by reason of the said

intended works or any part thereof and shall save harmless the said commissioners against all and every the expense to be occasioned thereby and all such works shall be done under the superintendence and to the reasonable satisfaction of the surveyor engineer or other officer or officers of the said commissioners as the case may be at the costs charges and expenses in all respects of the Board and all costs charges and expenses which the said commissioners may be put to by reason of the works of the Board whether in the execution of works the preparation or examination of plans or designs or superintendence or otherwise by the commissioners officers shall be paid to the commissioners by the Board on demand and when any new altered or substituted work as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Board under the provisions of this Act the same shall ever thereafter be as fully and completely vested in and under the jurisdiction and control of the said commissioners as any sewers or works now are or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said commissioners or any or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed: Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid the matter in difference shall be referred to an engineer to be appointed by the Board of Trade as arbitrator whose decision shall be final.

Power of Board to defray expenses with respect to ferry improvements and raising of same by general rate.

40. The Board may defray the expenses from time to time incurred by them in the execution of this Act with respect to the ferry improvements and not by this Act otherwise expressly provided for in like manner in every respect save as herein-after expressly provided 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: Provided always that all sums which from time to time the Board may require to defray such expenses including the charges for moneys raised at any time after the passing of this Act for the purposes of the ferry improvements and which the Board shall by precept require any street authority to pay to the Board in pursuance of the said Acts and of this Act shall in such precept be placed under the head of "bridge expenses" and may be included in the amount of bridge expenses and shall be paid by such street authority and shall be raised in like manner as if the same were required by such street authority for defraying such of the expenses of such street authority as are chargeable upon their general rate.

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PART III.

RECREATION GROUNDS.

HIGHBURY FIELDS.

Power to Board to maintain Highbury Fields as an open space.

41. Subject to the provisions of this Act the Board may appropriate and maintain in the parish of St. Mary Islington as an open space to be dedicated to the perpetual use thereof by the public for exercise and recreation as by this Act provided the lands known as "Highbury Fields" (and which are herein-after referred to as "Highbury Fields") which are delineated on the deposited plans and described in the deposited book of reference and they may for such purpose enter upon take use hold and acquire all or any of the said lands and shall hold and maintain Highbury Fields as and when they obtain actual possession of the same for the perpetual use thereof by the public for exercise and recreation and may from time to time fence and enclose the same or any part of the same and make such provision as may be necessary for maintaining and protecting the same for such use as aforesaid, but they shall not erect over the Great Northern Railway or any of the said lands belonging to the Great Northern Railway Company any dwelling-house stables or other permanent building of any kind whatever and any sewers drains or watercourses constructed under the powers of this Act over the said railway shall be laid and constructed to the satisfaction of the principal engineer for the time being of the Great Northern Railway Company.

Confirmation of scheduled agreement for purchase of Highbury Fields.

42. Subject to the provisions of this part of this Act so much of the agreement made previous to the passing of this Act between Daniel Watney on behalf of Charles Willock Dawes and George Vulliamy on behalf of the Board as is set forth in the First Schedule to this Act with respect to the sale and transfer to the Board of "Highbury Fields" is hereby confirmed and made binding upon the said Charles Willock Dawes his heirs executors administrators and assigns and the Board respectively.

Payment of consideration.

43. The consideration to be paid by the Board for the sale and transfer to the Board of the estate and interest of the said Charles Willock Dawes in Highbury Fields as described in the said agreement shall when the said Charles Willock Dawes his heirs executors administrators or assigns has or have made out his or their title to such estate and interest to the satisfaction of the Board be paid by the Board to the said Charles Willock Dawes and the said sale and transfer shall be evidenced by a deed in which the consideration

shall be truly stated and within three months from the date of such deed the Board shall produce such deed duly stamped to the Commissioners of Inland Revenue and in default of such production the stamp duty with interest thereon at the rate of five pounds per centum per annum from the day of transfer to the date of payment shall be recoverable from the Board with full costs of suit and all costs and charges attending the same.

Power to extinguish rights &c. when purchased.

44. When the Board have purchased or acquired under this Act any interest or right in over or affecting Highbury Fields they may as they think most expedient with a view to securing the use of Highbury Fields by the public for the purposes by this part of this Act prescribed either extinguish the same or retain hold and exercise the same wholly or partially.

Protection of Great Northern Railway Company.

45. Nothing in this part of this Act contained shall limit or affect any powers which the Great Northern Railway Company may now have of entering upon Highbury Fields for the purpose of opening and breaking up the said fields for the purpose of constructing thereunder any tunnel or tunnels in addition to the existing tunnel constructed by them under the said fields or for the purpose of the maintenance repair enlargement widening or extension and improvement of the tunnels railways and works of the said company for the time being situate in and under Highbury Fields:

Provided that the said company shall not permanently alter or disturb the surface of any part of Highbury Fields and that whenever in the exercise of the powers by this section conferred upon them they break open or disturb the surface of any lands being part of Highbury Fields they shall as soon as may be thereafter make good and restore the same to the same condition as they were previously to such breaking up or disturbance.

Separate accounts to be kept in respect of Highbury Fields.

46. The Board shall keep separate accounts of all moneys expended by them for the purposes of and in connexion with the purchase and acquisition of Highbury Fields and the purchase acquisition or extinction of all such estates interests rents and rights in over or affecting Highbury Fields.

Contribution by vestry of St. Mary Islington to expenses of Board in relation to Highbury Fields.

47. The vestry of the parish of St. Mary Islington shall and they are hereby required from time to time to contribute towards the expenses of the Board in relation to the purchase and acquisition of Highbury Fields and the purchase acquisition and extinction of all estates interests and rights in over or affecting Highbury Fields such sums on account of such expenses as the Board may from time to time require to the extent of but not exceeding one

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half of such expenses and the said vestry may for the purposes of such contribution with the consent of the Board and subject to the provisions of any public Act authorising the loan 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 vestry for any such sums and the Board shall have all the like powers of enforcing any precepts under this part of this Act as are applicable by law to the ordinary precepts of the Board.

The Board shall if the Commissioners of Her Majesty's Treasury consent thereto and with the sanction of Parliament lend to the said vestry such moneys as they may require for the purposes of such contribution to be repaid to the Board with interest within such time not exceeding sixty years after the borrowing as the Board and the said vestry with the approval of the said Commissioners may agree upon.

DULWICH COLLEGE LANDS.

Transfer of Dulwich College lands to Board for public park.

48. From and after the twenty-ninth day of September one thousand eight hundred and eighty-five all the estate and interest of the Governors of Dulwich College respectively in or to the Dulwich College lands shall by virtue of this part of this Act be transferred to the Board by way of gift and the same shall become vested in the Board absolutely and the Board shall hold the said lands and every part of the same (as and when they obtain actual possession of the same respectively) and from time to time lay out maintain and preserve the same and every part of the same as a public park for the perpetual use thereof by the public for exercise and recreation And the said twenty-ninth day of September one thousand eight hundred and eighty-five is herein-after referred to in relation to the Dulwich College lands as "the day of transfer":

Provided always that where after the day of transfer there are any lands forming part of the Dulwich College lands of which the Board shall not have obtained actual possession then and until the Board shall have obtained such possession and notwithstanding the transfer all rents and profits in respect of such lands which immediately previous to the day of transfer were payable or accruing to the Estates Governors of Dulwich College shall continue to be payable and to accrue to the said governors in like manner in every respect as theretofore and they shall have all and the same rights and remedies for the recovery of such rents and profits as if the transfer had not taken place and this Act had not passed.

Power to purchase rights &c. in

49. Subject to the provisions of this Act the Board may from time to time after the day of transfer purchase by agreement but

not otherwise all such estates interests and rights in over or affecting the Dulwich College lands as they think it requisite to acquire for the better execution of this part of this Act with respect to the use maintenance and preservation of the Dulwich College lands for the purposes prescribed by this part of this Act and for the purpose of applying to any such purchase the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands by agreement the term "lands" in the said provisions shall be construed to include such estates interests and rights.

Dulwich College lands.

50. When the Board have purchased under this Act any estate interest or right in over or affecting Dulwich College lands they may as they think most expedient with a view to securing the use of Dulwich College lands by the public for the purposes prescribed by this part of this Act either extinguish the same or retain hold and exercise the same wholly or partially.

Power to extinguish rights &c. when purchased.

Alteration of Plumstead Common.

51. Notwithstanding anything in the Education Department Provisional Order Confirmation (London) Act 1884 the School Board for London shall not be entitled to take or acquire any greater extent of Plumstead Common than the pieces of land respectively delineated on the said plan marked A signed as aforesaid which are described thereon and in the deposited books of reference as Nos. 3 and 4 in the parish of Plumstead.

Arrangement as to land at Plumstead Common.

The School Board for London shall as soon as may be after the passing of this Act convey to the Board the pieces of land shown on the said plan and described thereon and in the deposited books of reference as Nos. 1 and 2 in the parish of Plumstead and the School Board for London shall not acquire any right or interest in the said pieces of land numbered 3 and 4 until they shall have conveyed to the Board the said pieces of land numbered 1 and 2:

And the Board and the School Board for London respectively shall subject to the provisions of this part of this Act have and may exercise all such powers and do and execute all such acts matters and things as may be necessary to effect the vesting of the said pieces of land in them respectively in accordance with this part of this Act.

52. From and after the vesting in the School Board for London of the said pieces of land numbered 3 and 4 on the said plan the said lands shall be freed and discharged from all rights of common rights of way and all public rights in over or affecting the same and all such rights shall be and the same are hereby extinguished and

Pieces of land transferred to School Board to be held for purposes of new school.

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the said pieces of land shall cease to be or form part of Plumstead Common and to be subject to the provisions of the Plumstead Common Act 1878 or any Act altering amending or affecting the same and the said Acts shall be construed accordingly and the said pieces of land shall be held by the School Board for London with the same powers and for the like purposes as if the said pieces of land had been acquired by them under the said provisional order confirmed by the Education Department Provisional Order Confirmation (London) Act 1884.

Pieces of land in parish of Plumstead acquired by the Board to form part of Plumstead Common

53. The pieces of land in the parish of Plumstead acquired by the Board under the powers of this part 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 pieces of land 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 land 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 or any Act altering amending or affecting the same shall extend and apply to the said land so added as though the same had at the time of the passing of the Plumstead Common Act 1878 formed part of Plumstead Common: Provided that nothing in this Act shall prohibit the Board from utilising the said piece of land numbered 2 or part thereof for the widening of Farm Lane.

Carrying into effect agreement by the Board and the Woolwich Local Board.

54. Whereas Plumstead Common in the county of Kent is vested in the Metropolitan Board under the powers of the Plumstead Common Act 1878 and is under the provisions of the said Act regulated and managed by the Metropolitan Board as a place of recreation for the public: And whereas the Woolwich Local Board of Health claim to be entitled to certain rights or privileges of digging or excavating gravel earth and other minerals upon or under Plumstead Common and the exercise of such rights and privileges will interfere with the use of the said common as a place of public recreation: And whereas the Board and the Woolwich Local Board have agreed that the said rights and privileges shall be purchased by the Board in order that they may be extinguished and it is expedient that effect be given to such agreement: Be it therefore enacted that the agreement set forth in the Second Schedule to this

Act may and shall be carried into effect by the Board and the Woolwich Local Board and from and after the completion of the purchase all the said rights and privileges shall cease and be extinguished.

GENERAL.

Highbury Fields and Dulwich College lands to be subject to provisions of Metropolitan Board of Works Act 1877 as to byelaws.

55. From and after the opening for the use of the public as by this Act provided of Highbury Fields and of Dulwich College lands all the provisions of the Metropolitan Board of Works Act 1877 with respect to the making contents confirmation approval allowance publication and evidence of byelaws and to securing the observance of the same and to penalties and proceedings before justices and the recovery and application of penalties and generally with respect to the parks and heaths or commons shall extend and apply to Highbury Fields and Dulwich College lands respectively as if the said fields and lands respectively had been included amongst the parks heaths and commons in respect of which byelaws were by the Metropolitan Board of Works Act 1877 authorised to be made by the Board:

Provided always that no public meeting or assembly shall be held on any part of Highbury Fields or of the Dulwich College lands and that no music shall be played thereon.

PART IV.

MISCELLANEOUS.

Board to be the authority to enforce the Disused Burial Grounds Act 1884.

56. The Board shall be and they are hereby constituted the authority for preventing the violation and for enforcing the due observance of the provisions of the Disused Burial Grounds Act 1884 within the Metropolis and they may from time to time institute and prosecute all such legal proceedings and do all such acts matters and things as may in the opinion of the Board be necessary or expedient for preventing the violation by any person and for enforcing the due observance by all persons of the provisions of the said Act within the Metropolis.

Regulations respecting byelaws.

57. The provisions of the Metropolis Management Act 1855 respecting the making contents confirmation approval publication and evidence of byelaws and of proceedings before justices and recovery of penalties thereunder shall except where otherwise expressly provided extend and apply to byelaws under this Act and except as aforesaid byelaws under this Act shall be deemed byelaws

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within the Metropolis Management Act 1855 and the Acts amending the same. Provided always that no byelaw with respect to the ferry improvements or any of them made by the Board under the authority of this section shall come into operation until the same be confirmed by the Board of Trade but such confirmation shall be instead of the approval by one of Her Majesty's Principal Secretaries of State prescribed by the Metropolis Management Act 1855.

Power to take lands for purpose of improvements.

58. 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 street improvement or the ferry improvements and for providing space for the erection of houses and buildings adjoining or near to the said improvements respectively and the Board may acquire any easement right or privilege whether existing at the time of the passing of this Act or required for the purpose thereof in or over the River Thames and the banks bed soil and foreshore of the said river which they may require for the purposes of the ferry improvements and the Board may if they think fit acquire and use any such easement right or privilege in through over or affecting any such banks bed soil or foreshore without acquiring or being required to take such banks bed soil or foreshore. Provided always that for the purposes of or in connexion with the street and ferry improvements the Board may enter upon and use temporarily any road 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 forty-three and forty-four 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 and for the purposes of this Act the expression the Company in the said sections shall mean the Board.

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

59. 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 casements rights and privileges as aforesaid and to any grant of the same respectively.

As to accommodation for persons of the labouring class displaced.

60. (1.) The Board shall not under the powers of this Act except with the consent of the Secretary of State for the Home Department complete the purchase of twenty or more houses in any parish in the Metropolis which after the passing of this Act have been or on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until

(*a.*) They shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons as were residing in such houses on the 15th day of December last or for such number of persons as the Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case and

(*b.*) They shall have given security to the satisfaction of the Secretary of State for the carrying out of the scheme.

(2.) The approval of the Secretary of State to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out in the event of the Board proceeding with the improvement to which it relates and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary of State may from time to time dispense with any of the requirements in this sub-section mentioned subject to such conditions (if any) as he may see fit.

(4.) Any conditions subject to which the Secretary of State may have approved of any scheme under this section or of any

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modifications of any scheme or subject to which he may have dispensed with any such requirements as aforesaid shall be enforceable by a writ of Mandamus to be obtained by the Secretary of State out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Board acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or in contravention of the requirements of the scheme displace or cause to be displaced except for non-payment of rent or breach of condition of tenancy the persons residing in any house or houses they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary of State by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Board may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require.

(7.) The Board may on any lands belonging to them or purchased or acquired under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid:

Provided that all lands on which any buildings have been erected or provided by the Board in pursuance of any scheme under this section shall for a period of 25 years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Secretary of State may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

(8.) All buildings erected or provided for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act amending those Acts respectively.

(9.) The Secretary of State may direct any inquiries to be held by any persons appointed by him as inspectors which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and every such inspector shall for the purposes of any such inquiry have all such

powers as inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) The Board shall pay to the Secretary of State a sum to be fixed by him in respect of any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by the Secretary of State not exceeding three guineas a day for the service of such inspector.

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

(12.) Nothing in this section shall prohibit the Board from entering into any agreement for the purchase or acquisition of property conditional on the provisions of this section being complied with.

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

61. And whereas there are or may be required for the purposes of the street improvement the properties mentioned in this section which under section 92 of the Lands Clauses Consolidation Act 1845 might be held to form part of other buildings with which they are to some extent connected: Therefore notwithstanding anything in the said section 92 the Board may take the house and shop numbered on the deposited plan and in the book of reference 310 in the parish of St. James and St. John Clerkenwell as delineated on the deposited plan without being required or compellable to take any other property of which the same house and shop may form part and the Board may take the house yard and workshops numbered on the deposited plan and in the book of reference 321 in the parish of St. James and St. John Clerkenwell without being required or compellable to take any part of the Roman Catholic Chapel with which it is connected the Board paying for the property 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 properties respectively from the other buildings aforesaid.

As to Red Lion Yard.

62. Whereas for the purpose of or in connexion with the street improvement the Board may require to take or close Red Lion Yard numbered on the deposited plans and in the deposited books of reference 2 in the parish of Saint James and Saint John Clerkenwell

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the Board shall not by reason thereof be required to take the properties numbered on the said plans and books of reference 31 and 34 in the said parish or any part thereof: But if by closing the access from the said premises or either of them to the said yard the Board shall injuriously affect the said premises or either of them they shall make compensation to the owners of and persons interested in the same in accordance with the provisions of the Lands Clauses Acts.

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

63. If any omission mis-statement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands 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 mis-statement 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 mis-stated 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 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.

64. 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.

Costs of arbitration &c. in certain cases.

65. 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 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 Board.

66. The Board in case they shall become possessed by virtue of this Act of any land charged with land tax shall within six months of 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.

67. 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 powers of this Act 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.

68. In case any lands acquired by the Board under the powers of this Act for any of the street and ferry improvements shall not be required for such improvements the Board may when and as they shall think fit so to do demise and lease such lands or such parts thereof as

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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 covenant 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.

69. 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 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.

70. 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 herein-before directed all or any lands acquired under the powers of this Act for any of the street and ferry improvements and not required for such 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.

71. The Board may from time to time let either from year to year or for a less period or for a term at rackrent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act for any of the street and ferry improvements and not required for such 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.

72. 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-

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seven of the Lands Clauses Consolidation Act 1845 after the completion of any of the street and ferry 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 such improvements.

Receipts of Board to be effectual discharges.

73. 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.

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

74. 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 street and ferry 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 the grant by such person of any lands or other property required by the Board for the purposes of this Act.

Application of proceeds of sale of lands materials &c. by the Board.

75. All moneys received by the Board on account of any sale or disposition of any lands building or other materials paving or metalling acquired by the Board under this Act shall after deducting the costs of such sale or disposition be carried by the Board to the Consolidated Loans Fund under the Metropolitan Board of Works (Loans) Acts 1869 to 1871 except where such property has been acquired by the Board in relation to the ferry improvements and in such last-mentioned case all such moneys shall be applied by the Board towards the expenses of the Board under this Act.

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

76. 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.

Saving rights of the conservators.

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

Saving rights of the Crown.

78. Nothing contained in this Act shall authorise the Board to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such commissioners are hereby respectively authorised to give) neither shall anything in the said Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Expenses of Act.

79. 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.

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SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE

Setting forth part of AGREEMENT for sale of HIGHBURY FIELDS to the Board referred to in and confirmed by the foregoing Act.

Memorandum of agreement made the twenty-third day of October one thousand eight hundred and eighty-four between Daniel Watney surveyor as agent for and on behalf of Charles Willock Dawes herein-after called the vendor of the one part and George Vulliamy architect and surveyor as agent for and on behalf of the Metropolitan Board of Works (herein-after called "the Board") of the other part.

Now it is hereby agreed between the vendor and the Board as follows:—

1. The vendor agrees to sell and the Board agrees to purchase at the price of sixty thousand pounds all the right title and interest of the vendor in or to the premises known as Highbury Fields and which are more particularly delineated and described in the map or plan hereto annexed and therein coloured green and pink and containing twenty-five acres three roods and nine perches or thereabouts the interest of the vendor in the portion coloured pink being the freehold in fee simple and in the portion coloured green being leasehold for the term of nine hundred and ninety-nine years from the ninth May one thousand eight hundred and seventy-six at the annual rent of thirty pounds granted by the Great Northern Railway Company:
2. The price to be paid and vacant possession to be given on the twenty-ninth day of September one thousand eight hundred and eighty-five when the vendor will convey and assign the said premises to the Board free from all incumbrances:
3. The legal expenses of the vendor and the fees of the said Daniel Watney his surveyor in relation to this agreement (the amount of such fees to be settled in case of difference by Sir Henry Arthur Hunt) to be paid by the Board upon the passing of the said intended Act.

SECOND SCHEDULE.

AGREEMENT between METROPOLITAN BOARD OF WORKS and WOOLWICH LOCAL BOARD OF HEALTH.

Memorandum of agreement made the 27th day of January, one thousand eight hundred and eighty-five, between the Woolwich Local Board of Health (herein-after called "the local board") of the one part, and the Metropolitan Board of Works (herein-after called "the Metropolitan Board") of the other part.—Whereas the local board claims to be entitled to certain rights or privileges of digging or excavating gravel, earth, or other minerals, upon or

under Plumstead Common, and the Metropolitan Board is willing to purchase the said rights or privileges upon the terms herein-after stated:

And whereas the authority of an Act of Parliament is necessary to enable the local board and the Metropolitan Board to carry out the terms of this agreement, and it is intended to apply to Parliament in the session of 1885 for the insertion in the Metropolitan Board of Works (Various Powers) Bill of provisions for confirming and giving effect to this agreement:

Now it is hereby agreed between the parties as follows:—

1. The local board agrees to sell, and the Metropolitan Board agrees to purchase, at the price of five hundred pounds, all the said rights and privileges.
2. The said rights and privileges shall be duly assigned by the local board within six months after the passing into an Act of the said Bill containing such provisions as aforesaid, and the said price shall thereupon be paid by the Metropolitan Board.
3. The local board shall not after the date of this agreement dig or excavate, or cause to be dug or excavated, any gravel, earth, or other minerals on or under the said common.
4. The Metropolitan Board will, so far as the standing orders and rules of Parliament admit, apply to Parliament in the session of 1885 for the insertion in the Metropolitan Board of Works (Various Powers) Bill of provisions for confirming and giving effect to this agreement.
5. This agreement is conditional upon the said Metropolitan Board of Works (Various Powers) Bill passing into an Act, and containing such provisions as aforesaid; and if from any cause the said Bill should not be passed into an Act, or should not when passed contain such provisions as aforesaid, this agreement and everything herein contained shall be null and void, and of no effect or operation whatsoever.

In witness whereof the said local board and Metropolitan Board respectively have hereunto affixed their common seals the day and year first above written.

Charles W. H. Mase,
E. W. Sampson,
Jas. Stratton,
Wm. Thos. Vincent,
C. Sargent.

Seal of the Woolwich Local Board of Health.

The seal of the Woolwich Local Board of Health was affixed by order of the said Board, and the above agreement signed by five members in the presence of

Edwin Hughes,
Solicitor,
Woolwich.

Sealed by order,
J. E. Wakefield,
Clerk of the Board.

Seal of the Metropolitan Board of Works.

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