CHAPTER clxiii.

An Act to enable the Metropolitan Board of Works to widen and improve certain streets, and to make certain new streets within the Metropolis. [6th August 1872.]

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WHEREAS the works following, namely,

The improvement and widening of the thoroughfares between the entrance to the Wapping Basin of the London Docks and the entrance to the Saint Katherine's Dock from the River Thames;

The improvement and widening of Gibraltar Walk, and of High Street, Shoreditch;

The construction of new roads from High Street, Shoreditch, to Bethnal Green Road, and also from the said High Street to Old Street Road;

The widening of part of Old Street and of Wilderness Row, and the construction of a new road from Saint John Street to Clerkenwell Green, and thence in a westerly direction to Liquorpond Street, and the widening and improvement of Christopher Street and of the thoroughfares between the eastern end of Liquorpond Street and Vernon Place, Bloomsbury;

The widening of Harrow Road at the Edgware Road end thereof, and of the said Edgware Road at its junction with the Harrow Road; and lastly,

The widening of a part of Newington Butts,

would be works of public utility and important metropolitan improvements, and it is expedient that the Metropolitan Board of Works (in this Act called the Board) should be authorised to undertake and carry the same into effect:

And whereas the Board have caused to be deposited with the respective clerks of the peace for the counties of Middlesex and

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Surrey, plans and sections describing the lines and levels of the intended street improvements and new streets, and the lands on the site of which the same will be made, or which may be taken under the powers of this Act, and books of reference containing the names of the owners, lessees, and occupiers of those lands, and describing the same lands, and such plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the Board are unable to carry into effect the said improvements without the authority of Parliament:

And whereas in 1871 an Act to make better provision for the drainage of Hornsey in the county of Middlesex, and for other purposes relating thereto, was passed, with the short title of the Hornsey Local Board Act, 1871:

And whereas the Hornsey Local Board Act, 1871, recited (among other things) to the effect that for the purposes of the Local Government Act, 1858, a portion of the parish of Hornsey in the county of Middlesex had been formed into a district, and was called the Hornsey district, and the said Local Government Act had been adopted and was then in force within that district, and that the local government thereof was then vested in the Hornsey Local Board, and that the parish of Hornsey was not situate within the area under the control of the Metropolitan Board of Works, but was immediately adjacent thereto:

And whereas the Hornsey Local Board Act, 1871, further recited to the effect that the Metropolitan Board of Works had contracted and agreed with the Hornsey Local Board that the sewage matter of the Hornsey district should be allowed to pass into the main drains of the Metropolitan Board of Works upon certain terms and subject to certain conditions, and that it was expedient that provision should be made to give effect to such contract and agreement:

And whereas the Hornsey Local Board Act, 1871, made provision accordingly, and (amongst other things) enacted to the effect (section thirty-three), that whereas a Bill was pending in Parliament intituled a Bill for amending the Acts regulating the borrowing of money by the Metropolitan Board of Works, and for other purposes; therefore, if the said Bill should pass into law the several provisions thereof, so far as they were applicable, should extend to and be enforced within the district of the Hornsey Local Board:

And whereas the Bill referred to in section thirty-three of the Hornsey Local Board Act, 1871, did pass into law as the Metropolitan Board of Works (Loans) Act, 1871:

And whereas it is expedient that provision be made for the better execution of section thirty-three of the Hornsey Local Board Act, 1871, and that further provision be made for giving effect to the contract and agreement between the Metropolitan Board of Works and the Hornsey Local Board, referred to in the Hornsey Local Board Act, 1871:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

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

Short title.

1. In citing this Act for any purpose it shall be sufficient to use the expression "The Metropolitan Street Improvements Act, 1872."

Lands Clauses Acts incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (except section 133 of the first-mentioned Act, and also such of the provisions of those Acts as are varied by, or excepted from, or inconsistent with this Act,) are incorporated with and form part of this Act.

Interpretation of terms.

3. 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 word "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:

The word "streets" shall include squares, streets, courts or alleys, highways, roads, thoroughfares, or public passages or places:

The term "improvements" means the widening of the several streets, roads, and thoroughfares, and the construction of the new streets by this Act authorised:

The expression "the Board" means the Metropolitan Board of Works:

The word "lessee" shall include any person holding a sub-lease:

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And the several words and expressions to which by the Acts 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.

Metropolitan Board of Works may execute Act.

4. The Board shall be and they are hereby empowered to carry this Act into execution.

Power to make improvements herein named.

5. The Board may make the following improvements, or any of them:

(WAPPING IMPROVEMENTS.)

(1.) They may widen High Street and Lower East Smithfield, Wapping, on the northern and southern sides thereof, commencing from the eastern side of the entrance of the Wapping Basin of the London Dock in the parish of Saint John, Wapping, and terminating at Little Thames Street in the parish of Saint Botolph Without Aldgate, and in the precinct of Saint Katherine, or one of them:

(2.) They may widen the thoroughfare in continuation of the above-mentioned improvements, commencing in Lower East Smithfield, at the eastern end of Little Thames Street aforesaid, and terminating in the said precinct of Saint Katherine, near the entrance to the Saint Katherine's Docks from the River Thames:

(SHOREDITCH IMPROVEMENTS.)

(3.) They may widen High Street in the parish of Saint Leonard, Shoreditch, on the west side thereof, commencing at a point about thirty yards south of the intersection of Bateman's Row, in the same street, and continuing into and terminating in Old Street Road, at or near the point of intersection thereof by the North London Railway:

(4.) They may construct a new road partly in the parish of Saint Matthew, Bethnal Green, and partly in the said parish of Saint Leonard, Shoreditch, commencing on the east side of the High Street, Shoreditch, near the terminus of the Great Eastern Railway, and ending at a point in the Bethnal Green Road, near Chilton Street:

(5.) They may widen Gibraltar Walk, at the south end thereof, in the parish of Saint Matthew, Bethnal Green:

(6.) They may construct a new road in the said parish of Saint Leonard, Shoreditch, and in the parish of Saint Luke,

commencing in High Street, Shoreditch, opposite Commercial Street, and terminating in Old Street Road, at or near Tabernacle Square:

(Old Street towards New Oxford Street Improvements.)

(7.) They may widen Old Street, on the northern side thereof, where it joins Goswell Road, in the parish of Saint Luke:

(8.) They may widen Wilderness Row, on the southern side thereof, in the liberty of the Charterhouse, and in the parish of Saint John, Clerkenwell:

(9.) They may construct a new road, commencing at Saint John Street, opposite Wilderness Row, passing thence through or into the parishes of Saint John and Saint James, Clerkenwell, and Ely Place, Ely Rents, Hatton Garden, and Saffron Hill, and terminating in Farringdon Road at or near the Sessions House, Clerkenwell:

(10.) They may construct a new road, commencing at the termination of the last-mentioned new road, and terminating in Liquorpond Street in the parish of Saint Andrew, Holborn, above Bars:

(11.) They may widen Liquorpond Street, Christopher Street, King's Road, and Theobald's Road:

(12.) They may form a communication between the western end of Theobald's Road from Gloucester Street and Kingsgate Street to Vernon Place:

(Harrow Road Improvement.)

(13.) They may widen the south-eastern end of the Harrow Road, and the west side of the Edgeware Road, near its junction with the Harrow Road:

(Newington Butts Improvement.)

(14.) They may widen Newington Butts in the parish of St. Mary, Newington, on the north-west side of the said road, commencing at Church Yard Row and terminating at a point about one hundred yards to the north-east of the said row.

Improvements to be made according to deposited plans.

6. Subject to the provisions of this Act, the improvements may be made in or upon the lands delineated on the deposited plans and described in the deposited books of reference, and it shall be lawful for the Board to enter upon, take, use, and hold such of the said lands as they may deem necessary for all or any of such

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purposes, and for providing space for the erection of houses and buildings adjoining and near the improvements.

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

7. The Board during the making of the improvements, or any of them, may stop up or cause to be stopped up all or any part of the carriageways or footways of streets which they shall think necessary for the purposes of this Act to be stopped up, and for that purpose may put up or cause to be put up sufficient palisadoes, bars, posts, and other erections, and may make from time to time such orders for regulating the passage of carts, carriages, and horses as to them shall seem proper.

Streets may be raised or lowered.

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

Power to deviate from levels, &c.

9. In making any of the works for or connected with the improvements, the Board may deviate to any extent not exceeding five feet from the levels thereof defined on the deposited sections, and may deviate from the lines thereof within the limits of deviation defined on the deposited plans, and beyond those limits with the consent of the owners, lessees, and occupiers of the lands through which any such deviation is to be made, but not otherwise.

Power to make subsidiary works.

10. Subject to the provisions of this Act, and in accordance with the deposited plans or within the limits thereon defined, the Board in connexion with the improvements, and as part and for the purposes thereof, may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the works, or of crossing under or over the same or otherwise, and may remove, destroy, alter, divert, stop up, inclose use, or appropriate all or any part of any street, square, place, court, alley, or passage, whether a thoroughfare or not, or of any thoroughfare, road, lane, or way, or of any stream, drain, sewer, watercourse, void ground, or other property shown on the deposited plans, the Board providing a proper substitute before interrupting the flow of sewage in any drain or sewer.

Alteration of position of water, gas, and other pipes.

11. The Board may for any purpose by this Act authorised, raise, sink, or otherwise alter the position of any watercourse, water pipe, or gas pipe, belonging to or connected with any house or building adjoining or near to the improvements, and also any main or other pipe laid down or used by any company for carrying a supply of

water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, making in cases of alteration proper substituted works in the meantime, and causing as little detriment and inconvenience as circumstances admit to any company, person, or body, and making reasonable compensation to any company, person, or body 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 body, they shall give to the company or body to whom the same belongs, notice of their intention to do so, specifying the time at which they will begin to do so, such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration, and such work shall be done under the superintendence (at the expense of the Board) of the company or body to whom such pipe belongs, unless such company or body refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work, or discontinues the same during the work, and the Board shall execute such work to the reasonable satisfaction of the engineer of such company or body; provided also, that the Board shall not cause any street or road to be lowered or raised, or the position of any water or gas pipes to be altered, so as to leave over such pipes in any part a covering of 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 body), or more than six feet, unless a referee to be appointed by the Board of Trade on the application of either party in case of dispute shall consider that the pipe should be carried to a greater depth, for the purpose of avoiding interference with the works to be executed under this Act, and in such case the pipe shall be altered in such manner, and such works shall be made at the expense of the Board in such manner as the referee may prescribe.

Certain properties to form part of new street.

12. The Board shall not appropriate for building purposes any part of the properties in the parish of Saint John, Clerkenwell, numbered respectively 70, 71, 73, 75, 76, and 77 on the deposited plans, so far as such properties will be situate to the north of the proposed new street in Clerkenwell, but the said properties and portions thereof so situate as aforesaid shall be thrown into and form part of the new street in Clerkenwell, and the connexion between the said new street and Clerkenwell Green shall be formed by an easy curve commencing in No. 80 and terminating in No. 81 on the deposited plans.

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The Board empowered to lay out footways, &c.

13. The Board may cause such part of the improvements to be laid out for carriageways, and such part thereof for footways, as they shall think proper, and may construct, erect, and provide such vaults, cellars, arches, sewers, drains, and other works and conveniences as they may think proper.

Directing how the pavement shall be laid and made.

14. The Board shall 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 for the purposes aforesaid to new pave (except such as may be used as cellars, vaults, or areas) with good sound hard brick rubbish, to be well rammed down to prevent the ground from giving way, and shall well and effectually pave over all the said ground and the said streets with a sufficient quantity of materials of proper quality and dimensions, and shall in like manner erect and build any arches which they may think necessary, and also relay and repair the streets which they shall 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, and repaired as aforesaid, the same shall for ever thereafter be kept in repair by the vestry of the parish or board of works of the district in which the same is situate, or by any other parties or persons liable to repair the same, and the right and property of all pavements, arches, stones, and bricks so to be laid as aforesaid shall belong to and be the property of the vestry of the parish or board of works of the district, or parties or persons, in the same manner as things of a like description in the parish or district are now vested by law.

Sewers or drains to be arched over or filled up.

15. The Board may cause to be arched over or filled up all such sewers and drains or parts thereof which shall lie and be in or near the streets to be made, widened, improved, altered, diverted, or stopped up or inclosed as aforesaid, as shall appear necessary for completing 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 anywise disturbed, injured, or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient: Provided always, that at the time of filling up any sewer or drain or part thereof, as aforesaid, the Board shall cause to be made and built other good and sufficient sewers and drains of the same or greater size or capacity, and upon the same or lower levels than the sewers or drains which shall be filled up, and when made

and completed the said sewers and drains shall be under the same jurisdiction, care, management, and direction as the existing sewers or drains.

Power to alter steps, areas, pipes, &c.

16. The Board may raise, sink, or otherwise alter or cause to be altered the position of any of the steps, areas, cellars, windows, and watercourses, pipes, or spouts belonging to any house or building, and also the mains and 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 form 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 corporation or person who suffers damage by any such alteration.

Power to make subways.

17. The Board may make, under any street made or widened by them under this Act, a subway (being an arched passage or covered way) for such purposes as they may think fit, with all communications, works, and things necessary or proper for the convenient use thereof, and the same subway, communications, works, and things shall be deemed part of the works authorised by this Act, and the same shall (notwithstanding anything in this Act) belong to and be vested in the Board, and shall be maintained and repaired by the Board, and the Board may permit the use of the subway for the purpose of the laying down of gas or water pipes, or telegraph wires, or for any other useful purpose, on such terms and conditions, and for such period as the Board and any company or person agree, and the Board may sell, convey, or demise any right to any company or person for any of the purposes aforesaid, and may make such stipulations for preventing injury to the adjoining property, and for the security of the public, as the Board think proper, and may agree to refer to arbitration any matter in difference under this section.

Ground laid into the streets to form part thereof.

18. When the improvements respectively shall be completed all the land which shall be laid open into the street and paved as aforesaid shall form part of the street, and shall be used by the public accordingly, and the same and the sole power and authority of paving, repairing, cleansing, and lighting thereof shall be under the care, management, control, and jurisdiction of the vestry of the parish or board of works of the district in which the same is situate.

Errors and omissions in plans, &c.

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

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to be corrected by justices, who shall certify the same.

of any lands, on the said plans or in the books of reference thereto, the Board may, after giving ten days notice to the owners 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 of 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 other documents to which they relate, and thereupon such plan or book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Board to take the lands in accordance with such certificate.

Certificate to be deposited.

Power to sell materials.

20. The Board may sell the materials of the houses and buildings which have been purchased or taken by them by virtue of this Act.

Power to the Board, their surveyors, &c., to enter upon houses, &c.

21. The Board and their surveyors, officers, and workmen 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 authorised to be taken and used as aforesaid, or any of them, for the purpose of surveying and valuing the said premises 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.

Verdict of value and damages to be ascertained separately.

22. The jury or arbitrator shall award all determinations, judgments, and verdicts which they shall make and give in execution of the powers by this Act vested in them concerning the value of lands, or any share, estate, or interest therein, or charge thereon, separately and distinctly from the consideration of any other loss to which the occupier may personally be entitled, or any loss or damage to be sustained by any person in consequence of the execution of any of the powers of this Act, and shall distinguish the value set upon the lands, or share, estate, or interest therein, or charge thereon, and the money assessed or adjudged for such loss or damage as aforesaid, separately and apart from each other; and when any money shall be assessed or adjudged for such loss or damage as aforesaid, the jury or arbitrator shall, if required by the Board, award and declare whether the statement delivered by the claimant of the manner in which any amount of money which shall have been demanded as a compensation for the same has been computed and

made up, gave sufficient particulars to enable the Board to make a proper offer, and if the jury or arbitrator shall be of opinion that the statement delivered by the party claiming compensation of the manner in which any amount of money which shall have been demanded as a compensation has been computed and made up did not give sufficient particulars to enable the Board to make a proper offer, one half of the costs of summoning, empannelling, and returning the jury and of taking the inquiry, and in recording the verdict and judgment therein, or as the case may be, one half of the costs of the arbitration, 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.

Provision for deficiencies in land tax.

23. And whereas by reason of the exercise of the powers by this Act granted, there may be deficiencies in the assessments for land tax in the parish in which the works hereby authorised may be performed or done: The Board therefore, in case they shall become possessed by virtue of this Act of any premises charged with the land tax, shall from time to time, until the works hereby authorised shall be completed and assessed to such land tax, be liable to make good the deficiency arising within the parish by reason of any lands having been taken or used for the purposes of this Act, and such deficiency shall be computed according to the rental at which such lands, with any buildings thereon, were valued or rated at the time of the passing of this Act, and the Board shall pay all deficiencies on demand thereof to the collector of the said assessments; nevertheless, if at any time the Board think fit to redeem such land tax, they may do so in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

Power to lease surplus lands.

24. In case any lands which shall be purchased under the provisions of this Act and cleared shall not be laid into and form part of the streets to be made and improved as aforesaid, the Board may, when and as they shall think fit so to do, demise and lease such lands, or such parts thereof as the Board shall think it expedient to let on building leases, either altogether or in parcels, to any person or persons who shall erect and build or covenant and agree to erect and build thereon, or on any part thereof, houses, erections, and buildings of such rate 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

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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 advise or require, and also a clause in the nature of a condition of re-entry on nonpayment of the rent thereby to be reserved, or on nonperformance 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 further, that in any such lease the Board may, if they think fit, accept and take any fine for the granting thereof, and may enter into any agreement for the granting any lease 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 granted for the purpose of granting separate leases of the same premises at apportioned rents, or under different covenants or otherwise, in all respects as the Board shall think fit, and any part of the said land 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.

Board to sell the ground rents and reservations to be comprised in such leases.

25. As soon as conveniently may be after the houses, erections, and buildings to be erected and left as herein-before is mentioned, or any of them, shall be finished and completed, and either before or after any such leases shall have been granted thereof, the Board shall 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 such agreement as aforesaid, in pursuance or in consideration of which the same houses respectively shall have been erected and built, or shall be agreed to be erected and built, and also the reversion and inheritance in fee simple in possession (subject to such leases, demises, or agreements of the lands therein demised or agreed to be demised) of such houses and other buildings, except such as shall have been otherwise disposed of pursuant to this Act, either altogether or in parcels, by public auction or 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, 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 such conveyance, the same may at all times thereafter be enforced in a court of equity by the Board for the benefit of the parties entitled to the other property adjoining or held under the same title, 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.

26. Subject to the provisions of this Act, the Board may, if they shall think it expedient so to do, sell and dispose of in the manner herein-before directed all or any lands whatever which shall not be laid out and form part of the streets to be made or improved as aforesaid without having previously granted or agreed to grant any lease thereof, and convey and assure the same unto the purchaser or respective purchasers thereof for any sum or sums of money, and upon, under, and subject to such terms and conditions, and with, under, and subject to such covenants and agreements on the part of the person or persons purchasing or agreeing to purchase the same with respect to the size or class of the houses, erections, and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto as the Board shall think fit to impose.

Board shall sell any land which may not be wanted.

27. Subject to the provisions of this Act, the Board shall, within ten years after the completion of the improvements, sell and dispose of to any person or persons, and grant and convey such parts of the said lands as they shall think proper to let on building leases, or any other lands which they may have purchased under the authority of this Act which shall not be wanted for the purposes of this Act.

Receipts of Board to be effectual discharges.

28. The receipt of the Board for any purchase moneys, rents, or profits, or other 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 mis-application or non-application of the money in such receipt expressed or acknowledged to be received.

For the protection of Sutton Hospital in

29. Notwithstanding anything in this Act contained the Board shall not be at liberty to enter upon, take, or use any portion of the land belonging or reputed to belong to the Governors of Sutton

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Charterhouse.

Hospital in Charterhouse without the previous consent of the said Governors, to a greater extent than fifty feet from the front wall of the houses on the north side of Wilderness Row, or to use the said land so taken for building purposes, or any other purpose than a road or street of the width of fifty feet for the passage of traffic between the front wall of the houses on the north and the wall of the Charterhouse on the south, until the Board shall have acquired the land and houses on either side to the east and west of the land of the Charterhouse necessary for a road or street of sixty feet in width, and in that event the Board shall be at liberty to take and use the land of the Charterhouse to a further extent of ten feet for the purpose of making a road or street of sixty feet throughout between Saint John Street and Goswell Road, but the price to be paid for the said additional land shall be at the same rate per acre as that which shall have been paid by the Board for the other land of the said Governors.

As to crossing of Metropolitan Railway.

30. The new street or road intended to be carried across the Metropolitan Railway shall be so constructed as to leave clear and open the whole space of that railway between Turnmill Street and Farringdon Road, excepting so much thereof as shall be occupied by a pier for supporting the bridge carrying such street or road, and such pier shall be placed in such position and constructed in such form and manner as shall be agreed upon by the engineer of the Board and the railway company, and in default of such agreement as shall be settled and directed by the Board of Trade, and such bridge shall be of the clear height of fourteen feet at the least above the surface of the rails of such railway.

Metropolitan Railway Company to be borne harmless.

31. The Metropolitan Board of Works shall at all times save harmless and keep indemnified the Metropolitan Railway Company from and against all claims, losses, liabilities, costs, and expenses which the Metropolitan Railway Company may sustain or be put unto by reason of the construction of the bridge across the railway and maintenance of the same, and if thereby the free use of such railway by the Metropolitan Railway Company shall be obstructed, the Metropolitan Board of Works shall pay to the Metropolitan Railway Company, as or by way of ascertained damages, the sum of fifty pounds for every hour during which any such obstruction shall continue, and so in proportion for any less period than one hour, and in default of payment of any such sum, or any such losses, liabilities, costs, or expenses, on demand made on the Metropolitan Board of Works, the Metropolitan Railway Company may recover the same, with full costs, in any court of competent jurisdiction: Provided

always, that nothing in this Act contained shall take away or in any manner affect any other right, if any, to compensation, to which under the provisions of the Railways Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Act, 1845, or otherwise, the Metropolitan Railway Company are or may be entitled by reason of the formation of the said bridge and street across and over their railway and lands.

As to works crossing North London Railway.

32. Whereas the new road commencing in High Street, Shoreditch, opposite Commercial Street and terminating in Old Street Road by this Act authorised will pass under the viaduct of the North London Railway which there consists of four lines of railway: Therefore the works for carrying the said new road under such railway, including the removal of the necessary piers and arches of the present viaduct and the substitution of a girder or other bridge for the same, shall be constructed according to the line of the new road as shown on the deposited plans, and in such manner and according to plans and specifications to be reasonably approved by and shall be executed under the superintendence and to the satisfaction of the principal engineer for the time being of the North London Railway Company, and in all things at the expense of the Board.

Board to pay North London Railway Company expense of watchmen.

33. During the construction of the works by this Act authorised under the North London Railway, the Board will bear, and, on demand, pay to the North London Railway Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said line with reference to and during the execution of the intended works, and for preventing, as far as may be, all unnecessary interference and all obstruction, danger, and accident to arise from any of the operations of the Board, or from acts or defaults of the contractors, or of any person or persons in their employ or otherwise.

Maintenance of such works.

34. The Board shall at all times maintain the bridge and other works by which the said new road shall be so carried under the North London Railway in substantial repair and good order to the reasonable satisfaction, in all respects, of the principal engineer of the North London Railway Company, and if and whenever after notice from the North London Railway Company the Board fail so to do, the North London Railway Company may make or do in and upon as well the lands of the Board as their own lands such repairs, and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to the North London Railway Company by the Board, and in default

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of payment may be recovered by such Company from the Board, with full costs, in any court of competent jurisdiction.

Traffic on North London Railway not to be obstructed.

35. It shall not be lawful for the Board or their contractors, agents, servants, or workmen, in constructing or repairing the works by this Act authorised under the North London Railway, to obstruct the traffic on such railway, or to prevent the convenient passage of engines, carriages, or waggons along the same, and if that traffic or such passage of engines, carriages, or waggons be obstructed contrary to this enactment the Board shall forfeit and pay to the North London Railway Company the sum of fifty pounds for every hour, by way of ascertained damages, during which such obstruction shall continue.

The Board to pay damages sustained by North London Railway Company.

36. Notwithstanding anything in this Act contained the Board shall be responsible for and make good to the North London Railway Company all costs, losses, damages, and expenses which may be occasioned to that company, or to any of the works or property thereof, or to the traffic thereon, or otherwise, by reason of the execution or failure of the works by this Act authorised under such company's railway, or of any act or omission of the Board, or of any of the persons in their employ, or of their contractors or others, and the Board will effectually indemnify and hold harmless the North London Railway Company from all claims and demands upon or against them by reason or arising out of such execution or failure, or of any such act or omission.

Interference with lands of North London Railway Company.

37. The Board shall not in any case, without the previous consent in writing of the North London Railway Company under their common seal, take, use, enter upon, or interfere with the railway, works, lands, or property at any time belonging or in the possession or under the power of that company, except only such part or parts thereof respectively as it shall be necessary for the Board to take, use, enter upon, or interfere with for making and maintaining the works by the preceding enactments in that behalf authorised to be carried under the railway of the North London Railway Company.

Certain lands belonging to the North London Railway Company not to be taken, and the Board to acquire easements only in other lands.

38. Nothing in this Act shall authorise the Board to take or interfere with so much of the land or property in the parish of St. Leonard, Shoreditch, numbered 66 on the deposited plans, as belongs or is claimed to belong to the North London Railway Company, without the previous consent in writing of that Company under their common seal; and with respect to the railway, works, lands, or property of the same Company which the Board are by this Act authorised to take, use, enter upon, or interfere with, the Board

shall not purchase and take such property, but they may purchase and take, and the North London Railway Company may and shall sell and grant accordingly, an easement or right of using the same for the purposes for which but for this enactment the Board might purchase and take the same.

Provision as to signals.

39. If by reason of the works by this Act authorised it shall in the judgment of the North London Railway Company become necessary to add to or alter, either permanently or during the construction of such works, any signal or signals upon the railway of the North London Railway Company, the same shall be so added to or altered by that Company, and the reasonable expense thereof shall be repaid to them by the Board.

Provision for additional lines upon the North London Railway.

40. If at any time the North London Railway Company shall be desirous of widening the viaduct of their railway to the extent of two additional lines of rails where the same viaduct will be crossed by such new road, that Company shall be at liberty to widen their viaduct to the extent aforesaid over the said road by a bridge of the same character as shall be built by the Board for carrying the present viaduct of the railway over the said new road.

Saving rights of North London Railway Company.

41. Nothing in this Act contained shall extend to prejudice, alter, or take away any of the rights, privileges, or powers of the North London Railway Company otherwise than is herein expressly provided.

Arbitration.

42. Any difference which may arise between the Board and the North London Railway Company under the before-mentioned enactments (except as to the amount of purchase money or compensation for the purchase or taking of any land or easement which the Board are by this Act authorised to acquire from the North London Railway Company), shall be from time to time referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade, and the costs of the arbitration shall be in the discretion of the arbitrator.

Provisions for the London and St. Katharine Docks Company.

43. For the protection of the London and Saint Katharine Docks Company, (herein-after in this Act called the Dock Company,) the Board shall at their own expense observe, fulfil, and conform to the stipulations and provisions following:

(*a.*) The Board shall not otherwise than by agreement purchase or take any of the bridges, entrances, quays, works, lands, or property of the Dock Company which on the deposited plans are distinguished by or included under the respective numbers 44 and 53a in the parish of Saint John, Wapping,

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and 237 in the parish of Saint George in the East; but the Board may purchase and take, and the Dock Company may and shall sell and grant accordingly, an easement or right of using so much of the said bridges, entrances, quays, works, lands, and property as but for this enactment the Board might purchase and take:

(*b.*) In altering for the purposes of this Act the two bridges of the Dock Company, one of which is numbered on the deposited plans 44 in the parish of Saint John, Wapping, and the other 53a, in that parish, and 237 in the parish of Saint George in the East, the Board shall not, otherwise than by agreement with the Dock Company, increase the extent of widening shown on the deposited plans or deviate from the levels or mode of construction shown on the deposited sections:

(*c.*) During the alteration of the said bridges, and the execution of any other works affecting the Dock entrances, the Board shall bear and on demand pay to the Dock Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be employed by the Dock Company for watching their works and property with reference to and during the execution of the works by this Act authorised:

(*d.*) The Board shall make good all damage that may be caused to the works or property of the Dock Company by the construction, removal, or want of repair of any of the Board's works; but in every case of pressing necessity, and in every other case if for fourteen days after notice in writing thereof given to the Board by the Dock Company, the Board do not proceed with due diligence to make good such damage, the Dock Company may, if they think fit, make good the damage, and the amount expended by them in so doing shall be repaid to them by the Board:

(*e.*) It shall not be lawful for the Board or their contractors, agent, servants, or workmen in the execution of the powers of this Act, to obstruct the waterway of either of the lock entrances under the said bridges, or the convenient passage of vessels and lighters through the same:

(*f.*) Provided, that notwithstanding anything in this Act contained, the Board shall make good to the Dock Company all costs, losses, damages, and expenses which may be

caused to the Dock Company or to any of their works or property, or to the traffic there, or otherwise, by reason of the execution or failure of any work by this Act authorised, or by reason of any act or omission of the Board or of any persons in their employ, or of their contractors or others, and the Board will effectually indemnify and hold harmless the Dock Company from and against all claims and demands upon or against them on account of or consequent on any such execution or failure or any such act or omission:

(*g.*) The said bridges when widened shall be the property of the Dock Company, and all the provisions of the section numbered one hundred of the London Docks Act, 1828, 9 George 4, chapter 116 (Local), shall apply thereto as fully as to the now existing bridges:

(*h.*) The Dock Company shall maintain and work the said bridges when altered, and the additional expense of maintenance and working the same caused by their alteration, and the expense of any new or additional power or machinery which the alteration of the bridges may render necessary shall be paid by the Board to the Dock Company half-yearly on demand; provided that if at any time within two years after the completion of the alteration of each or either bridge, either the Dock Company or the Board by notice in writing to the other of them shall so require, the Dock Company shall accept and the Board shall pay a gross sum in lieu of such half-yearly payments in respect of both or either of such bridges, and the amount of such gross sum shall in case of difference be settled by arbitration:

(*j.*) If and whenever any damages or other sums payable by the Board to the Dock Company under this section are not paid on demand made on the secretary or clerk of the Board, the same may, with costs of suit, be recovered against the Board in any court of competent jurisdiction:

(*k.*) Provided that if the Board and the Dock Company so agree, the Board may, in lieu of altering the said swing bridge numbered on the deposited plans 44, in Saint John, Wapping, substitute for that swing bridge a fixed bridge or road or thoroughfare, and fill up wholly or partially the entrance lock under such fixed bridge, road, or thoroughfare, and by any such agreement any of the sub-sections of this section may, as regards the said swing bridge or the

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fixed bridge, road, or thoroughfare which may be substituted, be modified or waived, and if a fixed bridge, road, or thoroughfare be agreed upon the remainder of the said entrance lock may be filled up, and the Dock Company may sell and dispose of the same and of any other lands adjoining or near thereto belonging to them and lying between their boundary wall and the River Thames, and their obligation to maintain a footpath across the gates of the said entrance, and all rights of way and other rights over the same, shall cease:

(*l.*) All questions and differences which may at any time arise between the Board and the Dock Company under this section (except as to the amount of purchase money or compensation for purchase or taking of any easement which the Board under this Act are authorised to acquire from the Dock Company, and which purchase money or compensation shall be ascertained under the Lands Clauses Consolidation Acts incorporated with this Act,) shall be from time to time referred to and determined by an arbitrator to be appointed by the Board of Trade upon the application in writing of both or either of the parties in difference, and his decisions shall be binding and conclusive upon both the parties in difference, and the cost of the arbitration shall be in his discretion:

(*m.*) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the rights, privileges, or powers of the Dock Company.

For the protection of the conservators of the River Thames.

44. Nothing in this Act contained shall authorise the Board to enter upon, take, or use, or to execute any works which shall interfere with any portion of the stream, bed, or foreshore of the River Thames, without the previous consent in writing of the conservators of the said river.

For protection of Messrs. Rivington.

45. And whereas William Rivington is or claims to be the owner, and William John Rivington and Alexander Rivington are the occupiers as lessees under the said William Rivington, of certain lands situate in St. John's Square in the parish of Clerkenwell in the county of Middlesex: And whereas a part only of such lands is within the limits of deviation marked in the deposited plans: Now be it enacted, that neither the said William Rivington nor the said William John Rivington and Alexander Rivington shall respectively be required to sell or convey to the Board his or their interest in

any part of the said lands if the said William Rivington and the said William John Rivington and Alexander Rivington shall respectively be willing and able to sell and convey his and their interest in the whole of the said lands.

Provision respecting purchase of part of church and churchyard of St. Mary, Newington.

46. With respect to the taking by the Board of a piece of land comprising a portion of the site of the parish church of Saint Mary, Newington, and a portion of the churchyard of that church, which piece of land is coloured pink on a copy of a portion of the deposited plans showing the proposed Newington Butts improvement, signed by Charles Edward Cawley, Esquire, Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and which piece of land is in this section referred to as the pink land, the following provisions shall have effect; namely,

(1.) The Board shall, within one month after the passing of this Act, deliver the said plan to the clerk of the peace for the county of Surrey, and the same shall be kept with and be deemed to form part of the deposited plans:

(2.) The Board shall, within four months after the passing of this Act, give notice in writing to the Ecclesiastical Commissioners for England and Wales of whether or not the Board are willing to acquire the pink land:

(3.) If the Board give notice that they are so willing, then if within two years from the passing of this Act the Ecclesiastical Commissioners shall have in their hands or under their control, irrespective of the money to be paid by the Board for the pink land, a sum of not less than 5,000*l.* for purchasing the site of or for building, fitting up, and completing a new church for the said parish of Saint Mary, Newington, and shall give a notification to that effect to the Board (such notification to be conclusive evidence for all purposes), then, but not otherwise, the following provisions shall have effect:

(*a.*) The Board shall, on receiving such notification from the Ecclesiastical Commissioners, become bound to take the pink land for the purposes, and subject to the provisions of this Act, and previously thereto on demand of the Board an abstract of the title to the pink land shall be delivered by the Ecclesiastical Commissioners to the Board:

(*b.*) The sum to be paid by the Board to the Ecclesiastical Commissioners as the consideration for the taking of the pink land for the purposes of this Act shall be five thousand pounds:

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(*c.*) The said sum of five thousand pounds when paid to the Ecclesiastical Commissioners shall be applied by them, under the direction of the bishop of the diocese and the rector of the parish, towards purchasing a site for and building a parish church, in substitution for the parish church existing at the passing of this Act:

(*d.*) The Ecclesiastical Commissioners may at any time after the Board have so become bound to take the pink land as aforesaid, certify to the Board that the building of a new church is begun, and that the first payment in respect thereof has been made to the contractor:

(*e.*) Within one month after the receipt of such a certificate the Board shall pay the sum of five thousand pounds to the Ecclesiastical Commissioners, whose receipt shall be an absolute discharge to the Board from the same, and from liability in respect of any non-application or mis-application thereof, or of any part thereof:

(*f.*) On such payment the pink land shall by virtue of this Act, but subject to the limitations contained in sub-section (*h*) absolutely vest in the Board for all the estate and interest therein of the Ecclesiastical Commissioners, and of the patron and rector for the time being of the church and parish, and of any other body or person holding any estate or interest in the pink land in trust or for the use of the church or parish, and free and discharged from all ecclesiastical and parochial trusts, uses, purposes, obligations, and disabilities affecting the same under statute or by ecclesiastical law or otherwise:

(*g.*) Within one month after such vesting the Board shall produce a copy of this Act to the Commissioners of Inland Revenue, who shall stamp the same on payment to them by the Board of the amount that would have been payable for stamp duty if the pink land had been conveyed to the Board by deed, and if the Board fail to do so that amount shall be recoverable from them in a summary way by information on behalf of the Crown:

(*h.*) Within seven days after the consecration of the new church, the Ecclesiastical Commissioners shall certify the same to the Board, and on receipt of that certificate, or at the expiration of three years from the time when the Board become bound to take the pink land under this section, whichever first happens (but not sooner), the Board may enter into possession of the pink land and of every part thereof,

and may take down and remove any part of the church then being thereon, and may fully execute the Newington Butts improvement as authorised by this Act:

(*i.*) The Board shall nevertheless have no property in the fabric, materials, or fittings of any part of the church, and the materials and fittings of any part thereof taken down and removed by them shall be delivered by them according to the directions of the Ecclesiastical Commissioners, and the same shall be disposed of by the Commissioners for the benefit of the fund for building the new church, and the produce thereof shall be applied accordingly:

(*k.*) The new church shall on consecration become and be the parish church of Saint Mary, Newington, and shall with respect to patronage and endowment, and to fees and other emoluments, and the application thereof, and in all other respects and for all purposes, ecclesiastical as well as civil, be in substitution for the church existing at the passing of this Act:

(*l.*) All books, registers, plate, and other things kept in or belonging to the church existing at the passing of this Act, or held by any person in trust for or for the use of the same, shall from and after the consecration of the new church be kept in and belong to and be held in trust for and for the use of the new church:

(*m.*) All human remains being interred or deposited in or on the pink land shall be removed and interred by the Board in the churchyard so far as the churchyard may be sufficient for the purpose, and failing this to and in such other graveyard or cemetery as the Board may appoint, under such precautions for public health and decency and for security of the men employed, as one of Her Majesty's Principal Secretaries of State thinks fit to direct:

(*n.*) Nevertheless the heirs, executors, administrators, relatives, or friends of persons whose remains are interred or deposited in or on the pink land may remove the same under such precautions as aforesaid, and may remove any tablets or monuments erected to their memory, to any consecrated burial ground, and the expenses of such removal not exceeding ten pounds for each vault containing a coffin or coffins, and not exceeding ten pounds for each separate coffin not contained in a vault, and not exceeding five pounds for each tablet or monument, shall be borne and paid by the Board:

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(*o.*) The Board shall erect between the pink land and the remainder of the churchyard a dwarf wall with wrought-iron railing thereon, and gates, corresponding with the wall, railing, and gates in Churchyard Row:

(*p.*) The Board and the Ecclesiastical Commissioners and the rector of the parish for the time being, for themselves and their successors respectively, and any other body or person interested in the pink land, under the provisions of this section, may enter into and carry into effect all such agreements and arrangements as they from time to time think fit for the better execution of the purposes of this section: Provided always, that if the Board shall within four months after the passing of this Act give notice in writing to the Ecclesiastical Commissioners that they are not willing to acquire the pink land, or if having given notice that they are willing so to do, the Ecclesiastical Commissioners shall not within two years from the passing of this Act give a notification to the Board that they have in their hands or under their control, irrespective of the money to be paid by the Board for the pink land, a sum of not less than five thousand pounds for the purposes of the said new church, then all powers hereby given to the Board in respect of the pink land shall absolutely cease and determine, and the provisions of this section shall be of none effect.

Limitation of time for purchase of lands and construction of works.

47. The powers of the Board for the compulsory purchase or taking of the lands authorised to be taken by this Act shall not be exercised after the expiration of five years to be computed from the passing of this Act, and if any part of the improvements authorised by this Act is not completed within seven 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 thereof shall cease to be exercised.

Notice to be given of taking houses of labouring classes.

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

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Certain land to be set apart for sale or lease, for erection thereon of dwelling-houses, &c. for working, &c. classes.

49. And whereas the making of the street improvements, in this Act referred to as the Wapping improvements, the Shoreditch improvements, and the Old Street towards New Oxford Street improvements, involves a removal of many houses referred to in the immediately preceding enactment, and it is expedient that provision be made for the accommodation of persons to be displaced by such removal; Therefore the Board shall, in carrying out the said respective improvements, acquire and afterwards sell or let on building lease in the case of each improvement the several plots of land coloured yellow upon a plan signed by Charles Edward Cawley, Esquire, the Chairman of the Committee to whom this Act was as a Bill referred in the House of Commons, for the purpose of the erection on such land of suitable dwelling-houses or lodging-houses for mechanics, labourers, and other persons of the working and poorer classes, and the Board shall have full power and authority to make and enter into contracts and agreements for or with reference to all or any of the purposes aforesaid, and to impose conditions and restrictions as to the elevation, size, and design of the houses and the extent of accommodation to be afforded thereby; and if any difference arise between the Board and any company or person making an offer in writing for the purchase of the said plots or any of them, or any part thereof, as to whether such offer shall be entertained, or as to the terms to be inserted in the contract with reference to the purchase money or rent, or with reference to the conditions upon which the said land shall be sold or let, or with reference to the houses and buildings to be erected thereon, such difference shall from time to time be referred to and determined by an arbitrator to be appointed on the application of either party by one of Her Majesty's Principal Secretaries of State, and the decision of such arbitrator shall be binding on all parties and shall be carried into effect accordingly; and in determining any question with regard to the amount of purchase money or rent, such arbitrator shall have regard to the circumstance that the land is to be sold or let for the purpose of the erection thereupon of dwellings for the labouring classes and for no other purpose: Provided always, that if at any time within three years after the Board have acquired any of the before-mentioned plots of land, a Secretary of State shall so determine, or at the expiration of such three years the Board shall have been unable to sell or let the same for the purpose aforesaid, the obligations by this enactment imposed upon the Board shall, with respect to the land so unsold or let, cease and determine.

Power to apply existing funds.

50. The Board may apply for purposes of this Act any money raised or authorised to be raised by them under any other Act and not required for the purposes of that other Act.

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Power to borrow.

51. The Board may borrow such money as they from time to time require for purposes of this Act, not exceeding in the whole two millions five hundred thousand pounds, and all the provisions of the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, except the limitation of amount in section thirty-eight of the first of those Acts, shall extend and apply to such borrowing.

Saving for Board.

52. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, or remedy which the Board would have had or might have exercised if this Act had not been passed.

Effect of provisions as to Hornsey Local Board.

53. The provisions of this Act relating to the Hornsey Local Board shall, notwithstanding anything in the Hornsey Local Board Act, 1871, or in any other Act empowering that board, have effect for the better execution of section 33 of the Hornsey Local Board Act, 1871, whereby the Metropolitan Board of Works (Loans) Act, 1871, is extended to the district of the Hornsey Local Board.

Application of Metropolitan Loans Act to Hornsey Local Board.

54. Any money from time to time borrowed by the Hornsey Local Board under the Hornsey Local Board Act, 1871, or for the purposes of any work (within or without their district) which they are about to execute or to which they are about to contribute under the Acts empowering them, and which appears to the Metropolitan Board of Works and to the Commissioners of Her Majesty's Treasury to be a permanent work, may, with the consent of the Commissioners of Her Majesty's Treasury, and on such terms and conditions as those Commissioners from time to time think fit, be borrowed from and be lent by the Metropolitan Board of Works, and section 37 of the Metropolitan Board of Works (Loans) Act, 1869, shall apply to every such loan, with the substitution of the Hornsey Local Board and the Hornsey Local Board Act, 1871, and the other Acts empowering that Board, for the managers and the Acts in that section mentioned, and with the omission of the reference in that section to the Poor Law Board, and with the addition to the amount in that section mentioned of the money from time to time borrowed by the Hornsey Local Board.

Form of mortgage by Hornsey Local Board.

55. Every mortgage made by the Hornsey Local Board for money borrowed by them from the Metropolitan Board of Works may be made in such manner and form as those Boards agree.

Effect of mortgage by Hornsey Local Board.

56. Subject and without prejudice to the other provisions of this Act, every mortgage made by the Hornsey Local Board for money borrowed by them from the Metropolitan Board of Works shall be deemed a mortgage granted by the Hornsey Local Board under the Hornsey Local Board Act, 1871, or under the other Act or Acts

authorising the Hornsey Local Board to borrow the money secured by the mortgage, and in respect thereof the Metropolitan Board of Works shall be deemed mortgagees of the Hornsey Local Board under the same Act or Acts (as the case may be).

Amendment in respect of section 30 of Act of 1871.

57. Section 30 of the Hornsey Local Board Act, 1871, (relating to contributions to be paid by the Hornsey Local Board towards the cost of the main drainage system of the Metropolitan Board of Works) is hereby repealed, and sections 31 and 32 of the same Act and all enactments having reference thereto, shall be read and have effect as if the provisions of this Act relating to the Hornsey Local Board had been inserted in the Hornsey Local Board Act, 1871, in lieu of section 30 of that Act.

Contributions to be paid by Hornsey Local Board towards costs of main drainage system.

58. For the purpose of contributing to the costs incurred by the Metropolitan Board of Works in respect of their main drainage system, the Hornsey Local Board shall pay to the treasurer of the Metropolitan Board of Works the yearly sums, at the times, and during the periods following; (that is to say,)

(1.) The Hornsey Local Board shall pay a yearly sum sufficient to provide the requisite interest and sinking fund in respect of such a proportion of the money which had been borrowed by the Metropolitan Board of Works for main drainage purposes before, and which remain undischarged at the passing of the Hornsey Local Board Act, 1871, or which has been or is borrowed by them for those purposes after the passing of that Act, and is for the time being undischarged, as the annual rateable value of the property in the district of the Hornsey Local Board assessable to the general district rate bears to the annual rateable value of the property in the metropolis liable in respect of main drainage charges:

(2.) The yearly sum aforesaid shall be paid in every year during the residue which was to come at the passing of the Hornsey Local Board Act, 1871, of the period of sixty years from the time of the first creation by the Metropolitan Board of Works of any metropolitan consolidated stock:

(3.) The yearly sum aforesaid shall be paid for the first year on the 2nd day of December 1872, and for every subsequent year on such day in each year as shall be specified in that behalf in a notice in writing to be delivered by the Metropolitan Board of Works to the clerk of the Hornsey Local Board on or before the 1st day of May in each year, but so that the day so specified for payment be not

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sooner than three months after the date of delivery of the notice:

(4.) The Hornsey Local Board shall also pay such further yearly sum as the Metropolitan Board of Works in each year (as well during the residue aforesaid of the said period of sixty years as after the expiration of that period) by notice in writing delivered by the Metropolitan Board of Works to the clerk of the Hornsey Local Board on or before the 1st day of May in each year, require the Hornsey Local Board to pay as a contribution towards the cost of the maintenance and working of the main drainage system of the Metropolitan Board of Works:

(5.) Provided that the amount of any such further yearly sum as last aforesaid shall not exceed a sum which shall bear to the whole expense incurred by the Metropolitan Board of Works in the maintenance and working of their main drainage system, the same proportion as the annual rateable value of the property in the district of the Hornsey Local Board assessable to the general district rate bears to the annual rateable value of the property in the metropolis liable in respect of main drainage charges.

Expenses of Act.

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

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