CHAPTER clxxviii.

An Act for enabling the Metropolitan Board of Works to make certain New Streets and Street Improvements in the Metropolis and for other purposes. [2nd August 1883.]

A.D. 1883.

WHEREAS it is expedient that the Metropolitan Board of Works should be authorised to make the new streets and street improvements and other works herein-after mentioned;

And whereas there is in the parish of Paddington a certain footbridge over the Grand Junction Canal connecting Ranelagh Road with Formosa Street and there is in the parish of St. Luke Chelsea a footbridge over the said canal known as the Wedlake Street footbridge connecting Wedlake Street with the Harrow Road and persons using either of the said two footbridges over the Grand Junction Canal are charged tolls or payments in respect of the use of the same and it is expedient that the said two footbridges should be thrown open for the use of the public free from tolls or payments and with that view that the powers in this Act contained should be conferred upon the Metropolitan Board of Works and that the other provisions in this Act contained in relation thereto should be made.

And whereas the Metropolitan Board of Works have caused to be deposited with the respective clerks of the peace for the counties of Middlesex and Surrey plans and sections describing the lines and levels of the new streets and street improvements and the lands on the site of which the same will be made or which may be taken for the purposes thereof and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands and describing the same lands and such plans sections and book of reference are herein referred to as the deposited plans sections and book of reference:

And whereas the objects aforesaid cannot be accomplished without the authority of Parliament;

A.D. 1883.

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

Short title.

1. This Act may be cited as the Metropolitan Street Improvements Act 1883.

Incorporation of Acts.

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 hereby 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 Board" means the Metropolitan Board of Works ;

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

"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 ;

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

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

"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 Consolidation Acts 1845 1860 and 1869 shall be construed to mean the Board —and 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.

Act to be carried into effect by the Board.

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

Power to Board to appoint a Committee.

5. 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.

Power to Board to make new streets and street improvements.

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

In the County of Middlesex.

1.—Widening of Upper Street Islington.

The widening of Upper Street Islington wholly in the parish of St. Mary Islington partly on the east and partly on the west side of Upper Street. The widening on the east side commencing at the north end of Islington Green and terminating at the Unitarian Chapel between Cross Street and Florence Street. The widening on the west side commencing opposite the police station which adjoins the said Unitarian Chapel at the junction of Waterloo Terrace with Upper Street and terminating at the junction of Barnsbury Street with Upper Street.

2.—Widening of Green Street Bethnal Green.

The widening of Green Street Bethnal Green in the parish of St. Matthew Bethnal Green on the north side commencing at Victoria Park Square and terminating at Globe Road.

A.D. 1883.

3.—Widening of Little York Street Bethnal Green.

The widening of Little York Street at the eastern end and on the north side wholly in the parish of St. Matthew Bethnal Green and extending for a distance of about 20 yards from the junction of Little York Street with Club Row.

4.—Tower Hill Improvement.

A new street in continuation of the street authorised by the Metropolitan and Metropolitan District Railways (City Lines and Extensions) Act 1879 commencing within the district or liberty of the Tower at or near the junction of that street with Trinity Square and terminating in the district or liberty of the Tower or the precinct of Old Tower without at the drinking fountain at the southern end of the Minories.

And in connexion with the said last-mentioned improvement and for the purposes thereof the alteration and setting back of part of the fence enclosing the ornamental garden in Trinity Square and the appropriation and utilisation of a portion of the said garden within the said district or liberty of the Tower.

5.—Hammersmith Improvement.

The widening of King Street East on its north side in the parish of St. Peter and St. Paul Hammersmith such widening to commence at the Broadway and to terminate at a point about 130 yards to the east of Rowan Road. Also the widening of Brook Green Road on its west side, in the same parish, such widening to commence at the Broadway and to terminate at the south side of the fire brigade station in Brook Green Road.

6.—Hampstead Improvements.

A new street wholly in the parish of St. John Hampstead commencing in High Street Hampstead opposite its junction with Heath Street consisting in part of a widening of Church Place on its east side and terminating at the junction of Church Place with Church Lane.

The widening of High Street on its west side commencing at its junction with the intended new street lastly herein-before described and terminating at a point 60 yards or thereabouts to the north of Church Lane together with a footway to connect the said new street with High Street as widened in or about the line of Wells Buildings.

In the County of Surrey. A.D. 1883.

7.—Bermondsey Improvement.

A street improvement wholly in the parish of St. Mary Magdalen Bermondsey commencing at the junction of Star Corner with Abbey Street and terminating at the junction of Bermondsey New Road with Rothsay Street consisting of the widening of Star Corner on the eastern side from Abbey Street to Grange Road and the widening of the Bermondsey New Road on the western side from Edward Street to Rothsay Street.

8.—Widening of Walworth Road.

The widening of Walworth Road on the south-western side wholly in the parish of St. Mary Newington commencing at Hampton Street and terminating at Thomas's Place.

And in connexion with the said last-mentioned improvement and for the purposes thereof

The alteration of the bridge carrying the London Chatham and Dover Railway over Walworth Road between the commencement and termination of the said widening and the setting back of the pier or abutment on the south-western side of the said bridge.

9.—South Lambeth Improvement.

A new street wholly in the parish of St. Mary Lambeth commencing on the western side of the South Lambeth Road at the junction therewith of Wilcox Road and terminating in the South Lambeth Road opposite Walton Terrace.

For the protection of the Metropolitan Railway Company.

7. In making the new street and executing the works for the Tower Hill improvement the following provisions shall have effect for the protection of the railway of the Metropolitan Railway Company which passes under the ornamental garden of Trinity Square in the district or liberty of the Tower.

The arch which now supports the ornamental gardens in Trinity Square over the railway shall be strengthened so as to be capable of bearing the weight of the vehicular and other traffic passing along such new street and such strengthening 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 his refusal or neglect for three weeks after the receipt of such plans and specifications to approve the same as shall be settled and

A.D. 1883.

determined by an engineer to be appointed by the Board of Trade.

The Board shall not without the consent of the railway company under their common seal take use enter upon or interfere with any of the lands railways or works from time to time belonging to or in the possession or under the power of that company except only such parts of their land as it may be necessary for the Board to take use enter upon or interfere with for the purpose of making and maintaining the new streets and the works connected therewith.

The Board shall not in any manner in the execution of any of their works obstruct or interfere with the free uninterrupted and safe use of the 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 a sufficient number of 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.

Nothing in this Act contained shall extend to diminish prejudice alter or take away any of the rights privileges or powers of

the railway company otherwise than as is herein expressly provided.

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

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

Streets may be raised or lowered.

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

Power to deviate from levels, &c.

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

Power to make subsidiary works.

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

A.D. 1883.

alteration of the levels of any existing street or place under the powers of this Act.

Alteration of position of water gas and other pipes.

12. The Board may for any purpose in connexion with the improvements upon the lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined upon the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building adjoining or near to the improvements and also any main or other pipe laid down or used by any company or person for carrying a supply of water or gas and also subject to the provisions of the Telegraph Act 1878 any pipe tube wire or apparatus laid down for telegraphic or other purposes and any pipe tube wire or apparatus laid down for supplying electricity and may remove any other obstruction making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person who suffers damage by any such alteration. Provided always that before the Board alter the position of any main or other pipe laid down or used by any such company or person they shall 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 but this proviso shall not be deemed to affect or modify the provisions of the Telegraph Act 1878 with regard to the telegraphs of the Postmaster General. Provided also that the Board shall not cause any street to be lowered or raised or the position of any water or gas main or other pipe to be altered so as to leave over such main or other pipe in any part a covering of less than two feet and six inches where the covering now existing is not less than two feet and six inches 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 where the covering now existing does not exceed six feet or more than such existing covering where the

same exceeds six feet and if any difference arises between the Board or their engineer and any such company or person or their or his engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Board to any such company or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the Board or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineers of the Board and 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 any such company or person be named by the president for the time being of the Institute of Civil Engineers and whose decision shall be final and binding and the expenses of the reference shall be borne as the referee may direct. Provided that any difference which in the exercise of the powers conferred by this section may arise between the Board and any undertakers authorised by any license or order under the Electric Lighting Act 1882 may on the requisition of such undertakers be determined by an engineer or other fit person to be nominated as arbitrator by the Board of Trade subject to and in accordance with the provisions of section 28 of the Electric Lighting Act 1882.

The Board empowered to lay out carriageways &c.

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

Directing how the pavement shall be laid and made.

14. The Board shall for the purposes of and in connexion with the improvements in a substantial and workmanlike manner fill or cause to be filled in all and every the vaults cellars and open places over which it may be necessary to new pave (except such as may be used as cellars vaults or areas) with good sound hard brick rubbish to be well rammed down to prevent the ground from giving way and shall well and effectually pave over all the said ground with a sufficient quantity of materials of proper quality and dimensions and shall in like manner erect and build any underground arches which

A.D. 1883.

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 and repaired as aforesaid the same shall for ever thereafter be kept in repair by the vestry of the parish or board of works of the district in which the same is situate or by any other parties or persons liable to repair the same and the right and property in all such pavements and arches shall belong to and be the property of such vestry or of such board of works or of such parties or persons in the same manner as things of a like description in such parish or district are now vested in them by law respectively.

Sewers or drains to be arched over or filled up.

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

Power to alter steps areas pipes &c.

16. The Board within the limits of deviation defined upon the deposited plans may for the purposes of and in connexion with the improvements raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar flaps gratings fencings windows and watercourses pipes or spouts belonging to any house or building and also (but subject to the preceding provisions of this Act with respect to the depth of covering over any water or gas mains or other pipes) the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by any of the companies or societies who furnish the inhabitants with water or gas and may remove all other obstructions so as the same be done with as little

delay and inconvenience to the said companies societies and inhabitants as the circumstances of the case will admit and the Board shall make reasonable compensation to any company society or person who suffers damage by any such alteration.

Ground laid into the streets to form part thereof.

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

Period for completion of improvements.

18. If any part of the improvements be not completed within 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 of such part of the improvements or otherwise in relation thereto shall cease to be exercised except so far as the same shall have been then completed.

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

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

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

20. The Board and their surveyors officers and workmen 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

A.D. 1883.

without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

Power to take lands and easements.

21. Subject to the provisions of this Act the Board may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of or in connexion with the improvements and for providing space for the erection of houses and buildings adjoining or near thereto.

Provisions as to taking part of churchyard of Islington Parish Church.

22. With respect to the taking by the Board for the purposes of the widening of Upper Street Islington by this Act authorised of a piece of land in the parish of St. Mary Islington forming part of and on the side of the churchyard of the parish church of St. Mary Islington which piece of land is numbered fifty-eight on the deposited plans the following provisions shall apply and have effect namely:—

(*a*) All human remains being interred or deposited in or on the said piece of land shall be removed and interred by the Board to and in such other graveyard or cemetery in which human remains may be lawfully interred as the Board may appoint under such precautions for public health and decency and for the security of the men employed as one of Her Majesty's Principal Secretaries of State thinks fit to prescribe.

(*b*) Nevertheless the heirs executors administrators relatives or friends of persons whose remains are interred or deposited in or on the said piece of land may remove the same under such precautions as aforesaid to any consecrated burial ground in which human remains may be lawfully interred and may remove any tablets or monuments erected to the memory of such persons 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.

Removal of human remains to be effected under supervision of medical officer of health.

23. Not less than fourteen days before commencing the removal of any human remains under the powers of this Act from the churchyard of the parish of St. Mary Islington notice in writing of the intention to remove the same shall be given by the Board or the person or persons intending to remove the same to the medical officer of health for that parish and such removal shall be effected under the supervision of the said medical officer if he shall think fit to attend and subject to such reasonable directions (if any) as he may think fit to give.

A.D. 1883.

For protection of London Chatham and Dover Railway Company.

24. With respect to the widening of the Walworth Road by this Act authorised and the alterations thereby rendered necessary in the structure of the bridge carrying the railways of the London Chatham and Dover Railway Company over the Walworth Road the following provisions shall apply:—

The works for carrying out the said alteration and for making the said widening under or near to the said bridge including the setting back of the pier or abutment on the south-western side of the said bridge shall be according to plans and specifications to be reasonably approved by and under the superintendence and to the satisfaction of the principal engineer for the time being of the said railway company and in all things at the expense of the Board.

During the construction of the said works under the railways of the said railway company the Board shall bear and on demand pay to the said 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 any acts or defaults of their contractors or of any person or persons in their employ.

The Board shall be responsible for and make good to the said 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 the railways of the said railway company or of any act or omission of the Board or of their contractors or of the persons in their employ and the Board shall effectually indemnify and hold harmless the said 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.

Any difference which may arise between the Board and the said railway company as to any matter under this section shall be from time to time referred to and determined by an arbitrator to be agreed on by the parties within one week after such difference has arisen or as failing such agreement to be appointed on the application of either party by the Board of Trade and the costs of the arbitration shall be borne as the arbitrator shall direct.

Owners may be required to sell parts

25. And whereas for the purpose of and in connexion with the improvements portions only of certain of the properties shown on

A.D. 1883.

only of certain lands and buildings.

the deposited plans and herein-after mentioned may be sufficient and such portions may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the properties specifically mentioned and described in the schedule to this Act annexed whereof part only is required for the purposes of this Act may (if such portions can in the judgment of the arbitrator arbitrators umpire or jury determining or assessing the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Board the portions only of the properties so required without the Board being obliged or compellable to purchase the whole or any greater portion thereof the Board paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise. Provided that this section shall not apply to any one or more of the properties referred to in the said schedule in connexion with the Hammersmith Improvement under the numbers 9 18 31 32 33 35 36 37 38 39 40 41 and 42 of which the Board may require to take any part shown on the said plans as being to the northward of the line marked thereon as "limits of extent of widening" nor to any one or more of the properties in the parish of St. Mary Lambeth referred to in the said schedule of which the Board may require to take any greater part than is comprised within the line marked on the said plans as "limits of deviation."

Board of Trade to appoint umpire in case of arbitration.

26. Notwithstanding anything in the twenty-eighth section of the Lands Clauses Consolidation Act 1845 contained to the contrary in carrying this Act into execution the appointment of an umpire shall in the cases referred to in the said section be left to the Board of Trade.

Costs of arbitration, &c., in certain cases.

27. 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 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 dis-

pute 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.

Provisions for deficiencies in land tax.

28. And whereas by reason of the exercise of the powers by this Act granted there may be deficiencies in the assessments for land tax Therefore the Board in case they shall become possessed by virtue of this Act of any lands 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 in the assessments for land tax by reason of such 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 such 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 sell materials.

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

Power to lease surplus land.

30. In case any lands which shall be acquired by the Board under the powers of this Act shall not be required for any of the purposes of this Act the Board may when and as they shall think fit so to do

A.D. 1883.

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 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.

31. 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 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.

32. Subject to the provisions of this Act the Board may if they think it expedient so to do sell and dispose of in the manner hereinbefore directed all or any lands which they may have acquired under the powers of this Act and which shall not be required for any of the purposes of this Act 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 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 let lands.

33. The Board may from time to time let either from year to year or for a term at rack rent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act and not required for any of the purposes of this Act 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.

34. Subject to the provisions of this Act the Board shall within such period as they may think fit which period shall be the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845 after the completion of

A.D. 1883.

any of the improvements for the purposes of which any lands have been acquired sell and dispose of to any person or persons and grant and convey such parts of such lands as they may have acquired under the powers of this Act and which shall not be required for any of the purposes of this Act.

Receipts of Board to be effectual discharges.

35. The receipt of the Board or of any person duly authorised by 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 misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Limitation of time for purchase of lands.

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

Notice to be given of taking houses of working classes.

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

As to accommodation for persons of the working classes displaced.

38. The following provisions with respect to providing accommodation in suitable dwellings for persons of the working classes who will be displaced by the improvements by this Act authorised shall be in force and have effect.

1. Before throwing open to the public any of the improvements separately described under a distinct head and denoted by a separate number in section 6 of this Act the Board shall provide on the lands acquired by the Board for the purposes of such improvement or on lands in the vicinity thereof or on such lands as one of Her Majesty's Principal Secretaries of State shall approve accommodation in suitable dwellings for such number not being less than one-half of the number of persons of the working classes displaced from the lands so acquired as the said Secretary of State may prescribe having regard to the special circumstances of each case and after consideration of the report of any person ordered by him to hold a

local inquiry in any case in which he may deem such inquiry necessary.

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

3. The buildings upon the lands acquired by the Board for the purposes of the improvements shall be taken down and removed at such times only as the said Secretary of State may from time to time prescribe.

4. A certificate signed by the said Secretary of State as to the compliance by the Board in relation to each of the improvements with the provisions of this Act with respect to the accommodation to be provided in artizans' dwellings for persons belonging to the working classes shall be conclusive evidence of such compliance.

Separate accounts.

39. The Board shall keep separate accounts of all moneys expended by them and of all lands tenements and hereditaments purchased by them for the purposes of the said Hampstead Improvements (being the new street and the widening of High Street in the parish of St. John Hampstead) by this Act authorised and of all money paid in respect of such purchases and of all their receipts credits payments and liabilities with respect to the execution of this Act in relation to the said Hampstead Improvements.

Contribution to Hampstead Improvements by Hampstead Vestry.

40. The vestry of the parish of St. John Hampstead may and they are hereby required from time to time to contribute towards the expenses of the Board in relation to the said Hampstead Improvements and of carrying into effect the purposes of this Act in relation thereto such proportion of such expenses as the Board may from time to time require to the extent of but not exceeding one-half of such expenses and the said vestry may for the purposes of such contribution with the consent of the Board from time to time borrow any moneys on mortgage which may be required and the Board may at any time and from time to time issue precepts to the said vestry for any such sums and the Board shall have all the like powers of enforcing any precepts under this Act as are applicable by law to the ordinary precepts of the Board.

Credit to be given to Hampstead Vestry for sale of lands &c.

41. The vestry of the parish of St. John Hampstead shall have credit for one-half of all sums of money which may from time to time be paid to the Board under the provisions of this Act on account of the Hampstead Improvements whether arising from the

A.D. 1883.

sale of materials the sale or letting of lands or any other sums which being carried to the credit of the separate account to be kept as by this Act directed with respect to the Hampstead Improvements recoup the Board a part of the expenses incurred by them in carrying this Act into execution with respect to the Hampstead Improvements and the Board shall from time to time furnish a copy of such account to the said vestry.

Power to take footbridges over Grand Junction Canal.

42. Subject to the provisions of this Act the Board may at any time within two years from the passing of this Act purchase and take the footbridge over the Grand Junction Canal in the parish of Paddington which connects Ranelagh Road with Formosa Street and also the footbridge over the said canal in the parish of St. Luke Chelsea (detached) known as the Wedlake Street Footbridge which connects Wedlake Street with the Harrow Road together with the approaches thereto and the stairs and works connected therewith respectively as shown on the deposited plans and described in the deposited book of reference and the right or easement to maintain alter widen or improve for the use of the public the said footbridges respectively or two other footbridges in lieu thereof but in the same respective positions across the said canal and towing-paths thereof and the owners of and parties interested in the same respectively shall when required so to do by the Board sell and grant the same to the Board provided always that the Board shall not acquire any estate or interest in any land or property of the company of proprietors of the Grand Junction Canal other than the right or easement before-mentioned.

The consideration to be paid by the Board for the purchase of each of the said footbridges and the said approaches thereto and the works connected therewith and such right or easement in respect thereof as aforesaid shall be such as may be settled by agreement between the Board and the owners of and parties interested in the same or failing such agreement as may be settled by arbitration in manner provided by the provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 with respect to the purchase and taking of lands otherwise than by agreement as incorporated with this Act and in the construction of the said Acts with respect to the acquisition of each of the said footbridges the term "lands" used therein shall be construed to mean such footbridge and the said approaches thereto and the works connected therewith.

Provided always that any arbitration under this section shall be had by a single arbitrator to be appointed by the Board of Trade on the request of either party and the arbitrator so appointed by

the Board of Trade shall be deemed to be a single arbitrator appointed by both parties.

Footbridge in Paddington parish after its acquisition by Board to be transferred to vestry of Paddington.

43. Forthwith after the Board have acquired the said footbridge (in the parish of Paddington) and the said approaches thereto and the works connected therewith and such right or easement in respect thereof as aforesaid the same shall by virtue of this Act be deemed to be transferred to and shall vest in the vestry of the parish of Paddington and they shall be entitled to immediate possession thereof and they shall subject to the other provisions of this Act have absolute control of the said footbridge freed and discharged from all leases contracts debts charges and liabilities whatsoever affecting the same and thereupon all tolls and charges previous to the passing of this Act demanded or taken in respect of the use of the same shall cease to be demanded or taken and the said footbridge and approaches shall be dedicated to the public as a public highway free from toll and shall be maintained repaired and lighted by the said vestry in the same manner as other public highways in the said parish.

Wedlake Street footbridge after its acquisition to be transferred to vestry of Chelsea.

44. Forthwith after the Board have acquired the said Wedlake Street footbridge and the approaches thereto and the works connected therewith and such right or easement in respect thereof as aforesaid the same shall by virtue of this Act be deemed to be transferred to and shall vest in the vestry of the parish of Chelsea and they shall be entitled to immediate possession thereof and they shall subject to the other provisions of this Act have absolute control of the said footbridge freed and discharged from all leases contracts debts charges and liabilities whatsoever affecting the same and thereupon all tolls and charges previous to the passing of this Act demanded or taken in respect of the use of the same shall cease to be demanded or taken and the said footbridge and approaches shall be dedicated to the public as a public highway free from toll and shall be maintained repaired and lighted by the said vestry in the same manner as other public highways in the said parish.

Power to vestries to repair and rebuild footbridges.

45. For the purposes of maintaining repairing altering improving widening or rebuilding either of the said footbridges the vestry of the parish in which such footbridge is situated shall have and may exercise all such powers for executing works and otherwise in relation thereto as they may from time to time require and may from time to time enter upon and use the said Grand Junction Canal the towing paths and the banks thereof and may do and execute all such works acts matters and things as may be necessary for any of the

A.D. 1883.

purposes aforesaid. Provided always that all works executed by such vestry under the authority of this Act which shall affect the said canal towing paths and banks or other property of the Company of proprietors of the Grand Junction Canal or structurally affect the said footbridges shall be done under the superintendence of an engineer to be from time to time appointed for the purpose of such superintendence by the said company at the request in writing and at the cost of such vestry unless the said company refuses or neglects to give such superintendence at the time specified in such request or discontinue the same during the execution of such works and that such works shall be executed according to plans sections and specifications previously submitted to and reasonably approved by and to the reasonable satisfaction of such engineer and that the said footbridges shall at all times remain and be used as footbridges only and provided that no works shall be executed under the authority of this Act which shall lessen the clear span or headway of the present bridges or the width of the towing paths under the same and that in the event of the said bridges or either of them being rebuilt the same shall be constructed so as to be carried across the said canal and the towing paths on each side thereof by single spans with a clear headway at every point of not less than ten feet above the weir level of the said canal at the point of crossing and that all works and operations of such vestry their agents contractors servants and workmen under this Act shall be carried out so as not at any time to obstruct or impede the free passage of boats barges or other vessels along the said canal or of the horses or other animals towing the same or to cause any damage to the said canal, or the towing paths or works thereof or any leakage or escape of water from the said canal. Provided also that in the event of the said bridges or either of them or any future bridges being at any time out of repair or of any obstruction or impediment being caused to the free navigation of the canal or the traffic along the towing paths or of any damage to the said canal or towing paths or works thereof or of any leakage or escape of water from the said canal being occasioned by the works or operations of such vestry or their agents contractors servants or workmen such Vestry shall forthwith repair such bridges remove such obstruction or impediment restore and make good such damage or prevent such leakage or escape of water as the case may be, and in their default or in case of emergency the said company may do the same and the said company may recover from such vestry in any Court of competent jurisdiction any costs incurred by them under this Act and any damages or expenses which they may sustain or be

put to in consequence of any of the before-mentioned matters and provided further that compensation shall be made by such vestry for any lands entered upon or used or injuriously affected under the authority of this section and that except as otherwise expressly provided nothing in this Act contained shall take away diminish or affect any of the rights privileges or powers vested in the said company by Act of Parliament or otherwise.

As to contributions by vestries of Paddington and Kensington to vestry of Chelsea in relation to Wedlake Street Footbridge.

46. The vestry of the parish of Chelsea shall keep separate accounts of all expenses incurred by them in each and every year terminating at the end of their financial year in relation to the Wedlake Street footbridge and for carrying into effect the provisions of this Act with respect thereto (herein-after referred to as "footbridge expenses") and the said vestry shall furnish a copy of every such yearly account when audited to the vestries of the parishes of Paddington and Kensington within ten days after the audit of the same.

The vestries of the parishes of Paddington and Kensington shall contribute towards the amount of the footbridge expenses from time to time incurred by the said vestry of the parish of Chelsea in each and every year such sums as may from time to time be agreed upon between the said three vestries or as failing such agreement may be determined by the Board at the request of any of the said vestries.

The Board for the purpose of determining any question arising under this section shall refer the same to some committee of the Board then appointed and such committee shall have full power and authority to hear and determine such question and may order the costs of such hearing and determination to be borne and paid by all or any such vestries and in such proportions as they may think fit.

The sums from time to time agreed or determined as by this Act provided to be paid by the vestries of Paddington and Kensington by way of contribution towards the footbridge expenses incurred by the said vestry of the parish of Chelsea shall be deemed to be part of the expenses incurred by the said vestries respectively in the maintenance and repair of highways within the said parishes respectively and may be raised accordingly and all moneys raised by the said vestries respectively from time to time for the purpose of defraying the expenses incurred by them in the maintenance and repair of highways within the said parishes respectively shall be applied in the first instance towards the payment of all moneys from time to time due by them on account of the said sums payable by them under this Act by way of contribution towards the said footbridge expenses.

A.D. 1883.

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

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

Saving rights of the Crown.

48. 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 or enjoyed or exercisable by 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 previous 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 this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

Expenses of Act.

49. The costs charges and other expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or incurred by the Board with reference thereto shall be paid by the Board.

SCHEDULE.

Referred to in the foregoing Act setting forth description of properties of which the Board may be required only to take portions. A.D. 1883.

Name of Improvement.	Parish.	No. on deposited Plans.
No. 1 Improvement.—The widening of Upper Street Islington.	St. Mary Islington -	58.
No. 3 Improvement.—Widening Little York Street Bethnal Green.	St. Matthew Bethnal Green.	6.
No. 5. Improvement.—Hammersmith Improvement.	St. Peter and St. Paul Hammersmith.	9, 10, 11, 17, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41 and 42.
No. 6. Improvement.—Hampstead Improvements.	St. John Hampstead -	82, 133, and 134.
No. 8 Improvement.—Widening of Walworth Road.	St. Mary Newington -	19, 21, 22, 23, 24, 25 and 26.
No. 9 Improvement.—South Lambeth Improvement.	St. Mary Lambeth -	45, 46, 47, 48, 49 and 50.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1883.