CHAPTER lxxxi.

An Act for enabling the Local Board for the District of West Ham in the County of Essex to make certain alterations and to maintain certain Works in and upon the Embankment of the Northern Outfall Sewer vested in the Metropolitan Board of Works and to enlarge and add to their Town Hall and Offices and for granting additional powers to the said Local Board and for other purposes. A.D. 1881.

[27th June 1881.]

WHEREAS by the Metropolis Local Management Act 1855 it is declared (inter alia) to be unlawful to erect any building in over or under any sewer vested in the Metropolitan Board of Works without their consent first obtained in writing and whereas an Act was passed in the Session of the forty-fourth year of Her present Majesty entitled "An Act to confirm certain Provisional "Orders of the Local Government Board relating to the Local "Government District of Eastbourne, the Improvement Act "District of Herne Bay, the Local Government Districts of "Northwich and Pudsey, the Improvement Act District of "Ramsgate, and the Local Government District of West Ham," confirming a Provisional Order of the Local Government Board authorizing the Local Board for the district of West Ham in the county of Essex (herein-after called the Local Board) to make a new road from a certain road known as the Barking Road to the point of intersection of Manor Road with the northern outfall sewer belonging to the Metropolitan Board of Works all in the parish of West Ham

18 & 19 Vict. c. 120.

43 & 44 Vict. c. cxxxii.

And whereas it is expedient that provision should be made as in this Act contained for constructing a subway through the embankment and the land appertaining and belonging to the northern outfall sewer vested in the Metropolitan Board of Works at and adjacent to the point of intersection of the said sewer and Manor Road

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And whereas in consequence of the great increase of the population and of the traffic of the district of West Ham (herein-after referred to as the district) that part of Manor Road which is situate between the northern outfall sewer and a certain road or street called Abbey Road has become insufficient for the purposes of the said traffic

And whereas it is expedient that power should be given to the Local Board to take and acquire certain houses lands and hereditaments situated on either side of Manor Road within the limits aforesaid and to construct and maintain works for the purpose of widening and improving Manor Road

And whereas for the purpose of accommodating the said traffic it is expedient that the Local Board should be empowered to take and acquire certain houses lands and hereditaments situate to the west of a certain road or street called Hubbard Street and between Abbey Road and Mortham Street and to construct a new road within the aforesaid limits

And whereas by an Act passed in the session of the thirtieth year of Her present Majesty chapter fifty-six the Local Board was authorised and empowered to erect a hall and offices (herein-after referred to as the town hall) for the transaction of the business of the Local Board and of the parish officers of the parish of West Ham (herein-after referred to as the parish) and such town hall has been erected

And whereas by reason of the great increase of the population of the district and of the business of the Local Board and of the parish officers the town hall has become insufficient and unsuitable for the aforesaid purposes and it is desirable that it should be altered extended and enlarged and offices stabling and storeyards added thereto for the transaction of the business of the district on the lands heretofore acquired by the Local Board and on other lands and hereditaments adjacent to and in the neighbourhood of the town hall

And whereas it is expedient that the Local Board should be empowered to take and acquire the last-mentioned lands and hereditaments and the houses now standing thereon for the aforesaid purposes

And whereas by an Act passed in the session of the thirty-first and thirty-second years of Her present Majesty chapter one hundred and fifty-four it is declared inter alia that it shall not be lawful for any person to open into the River Lee or any of its tributaries any sewer drain pipe or channel with intent or in order thereby to provide for the flow or passage of sewage or other offensive or

injurious matter or to cause or without lawful excuse to suffer any sewage or other offensive or injurious matter to flow or pass into the Lee or any of its tributaries down or through any sewer drain pipe or channel not used for that purpose before the establishment of the Lee Conservancy Board (by the said Act established) or to open into any cut dock canal ditch or channel communicating with the Lee or any of its tributaries any sewer drain pipe or channel with intent or in order thereby to provide for the flow or passage of sewage or other offensive or injurious matter in such manner that the same will be carried or be likely to be carried by through or out of that cut dock canal ditch or channel into the Lee or any of its tributaries or to cause or without lawful excuse to suffer any sewage or other offensive or injurious matter to flow or pass into any such cut dock canal ditch or channel down or through any sewer drain pipe or channel not used for that purpose before the establishment of the said Conservancy Board in such manner that the same will be carried or be likely to be carried by through or out of that cut dock canal ditch or channel into the Lee or any of its tributaries: And that if any person does anything in contravention of this enactment he shall for every such offence be liable on summary conviction to a penalty not exceeding one hundred pounds and to a further penalty not exceeding fifty pounds for every day on which the offence is continued after the day on which he becomes liable to the first penalty and after such conviction the Board may stop up the outlet of the sewer drain pipe or channel in respect of which the offence is committed and for that purpose may do all works that appear to them requisite and may enter on any lands and the Board may recover from the person offending all expenses incurred by them in so doing with costs

And whereas by the said Act the term person is declared to include any corporate or other body or board constituted in pursuance of any Act for the local management of the metropolis or of the Public Health Act 1848 or the Local Government Act 1858 or of any Act or Acts in amendment of those Acts respectively

11 & 12 Vict. c. 63. 21 & 22 Vict. c. 98.

And whereas the Local Board is a body corporate so constituted as aforesaid

And whereas by the said recited Act it is provided with respect to the sewerage works of the West Ham Local Board of Health (therein referred to as the Local Board) if the Conservancy Board shall give notice to the Local Board requiring them to discontinue the flow or passage of sewage through the outfall into the Lee belonging to or under the control of the Local Board at the passing of this Act the following provisions shall have effect—

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1. Within two years after such notice the Local Board shall make provision by proper depositing tanks and filter beds or otherwise by the best known practicable process for the purification clarifying and disinfecting sewage in the works belonging to them or under their control and if required by the Conservancy Board shall cause the effluent waters from that sewage to be discharged out of the lower of the two present outfalls situate near the Westmarsh Sluice and discontinue the discharge through the upper of the present outfalls and brick up and permanently close that upper outfall

2. If the Local Board fail to do so then at any time after the expiration of such two years the Conservancy Board may proceed as if this section had not been enacted in this Act

3. After the expiration of two such years if and so long as the effluent water is clarified and disinfected so as not to be offensive or injurious in the judgment of the Conservators of the Thames as regards the lower outfall or if the upper outfall be used in a manner satisfactory in the judgment of the Conservancy Board or in case of difference either with respect to such clarifying and disinfecting or with respect to the use of the upper outfall in the judgment of an arbitrator appointed by the Board of Trade on the application of either party (which decision of the arbitrator shall be final and the cost of the arbitration shall be in his discretion) the Local Board may discharge the effluent water in manner herein-before authorised

And whereas the sewerage works sewers drains pipes channels and culverts at present in use in the district are insufficient for the purpose of carrying off storm waters from the main sewers vested in the Local Board

And whereas it is expedient that the Local Board should be empowered to construct and maintain a storm outfall sewer or outlet from the north end of West Ham Lane near the town hall into the tidal water of the channel sea branch of the River Lee to be used as a storm outfall from the main sewers vested in the Local Board the provisions of the Lee Conservancy Act 1868 notwithstanding

31 & 32 Vict. c. cliv.

And whereas estimates have been prepared by the Local Board for the purchase of land and for the execution of the various works by this Act authorised and such estimates are as follows—

With respect to new roads and approaches and other conveniences connected therewith fifteen thousand pounds

With respect to the town hall twelve thousand pounds

With respect to sewers and works connected therewith ten thousand pounds

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And whereas the several works included in such estimates are permanent works within the meaning of the 234th section of the Public Health Act 1875 and it is expedient that the Local Board should be authorised to borrow money for the purpose of the same in the manner provided by this Act

33 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the fourteenth day of December one thousand eight hundred and eighty after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the "Stratford Express and Leyton, Leytonstone, Wanstead, Woodford, and Walthamstow News," a local newspaper published or circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate

And whereas such resolution was published twice in the "Stratford Express and Leyton, Leytonstone, Wanstead, Woodford, and Walthamstow News," a local newspaper published or circulating in the district and in respect of matters under the jurisdiction of the Local Government Board has received the approval of that Board

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Local Board at a further special meeting held in pursuance of a similar notice on the eleventh day of January one thousand eight hundred and eighty-one being not less than fourteen days after the deposit of the Bill in Parliament

And whereas the owners and ratepayers of the district by resolution in the manner provided by Schedule III. annexed to the Public Health Act 1875 with respect to resolutions of owners and ratepayers under that Act consented to the promotion of the Bill for this Act

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and plans showing the lands to be acquired under the powers of this Act and a book of reference to these plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Essex and are respectively in this Act referred to as the deposited plans sections and books of reference

And whereas the objects of this Act 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

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the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows that is to say—

Short title.

1. This Act may be cited for all purposes as the West Ham Local Board Extension of Powers Act 1881.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 shall be incorporated with this Act and sections 236, 237, 238 and 239 of the Public Health Act 1875 shall apply to the mortgages to be granted under this Act.

Interpretation of terms.

3. In the interpretation of this Act the expressions following shall have the meanings hereby attached to them (that is to say)—

The "district" shall mean the district of West Ham in the county of Essex as defined and constituted by a Provisional Order of the General Board of Health confirmed by an Act passed in the session of Parliament of the nineteenth and twentieth years of Her present Majesty chapter 26 and extended by a Provisional Order of the Local Government Board confirmed by an Act passed in the session of Parliament of the thirty-eighth and thirty-ninth years of Her present Majesty chapter clxxv.

The "Board" shall mean the Metropolitan Board of Works.

The "Local Board" shall mean the urban sanitary authority for the district aforesaid.

The "parish" shall mean the parish of West Ham in the same county.

Power to widen Manor Road and construct new street.

4. Subject to the provisions of this Act the Local Board may upon the lands and hereditaments and within the limits of deviation and according to the levels shown in the deposited plans sections and books of reference make and maintain the works and improvements and do the things following that is to say

(A.) Widen Manor Road on either side thereof, such widening to commence at the point of intersection of the said road with the northern outfall sewer and to terminate at Abbey Road.

(B.) Construct a new street commencing at Abbey Road at a point opposite Manor Road aforesaid and terminating at Mortham Street at a point opposite Rokeby Street.

Provided always that nothing in this Act contained shall be deemed to authorise the Local Board to make or maintain any works or improvements which may in the opinion of the Board in anywise affect the northern outfall sewer vested in the Board or the bridge or embankment masonry brickwork or other structure appertaining or belonging to the said sewer or the said bridge or any works connected therewith. And provided always that the

Local Board shall not enter upon take or use otherwise than by agreement any greater quantity of the lands and hereditaments belonging to Richard Baggallay Bull, Mary Willis Bull, James Willis Bull, and Hannah Bull than shall be necessary to enable the Local Board to widen Manor Road to a uniform width of 50 feet as shown on the deposited plans and sections by filling up the existing dykes or ditches on each side of the said road and the said Richard Baggallay Bull, Mary Willis Bull, James Willis Bull, and Hannah Bull or their respective heirs and assigns shall at the request in writing and at the cost of the said Local Board and for the purposes aforesaid execute a conveyance to the Local Board of the necessary lands and hereditaments without any payment or compensation for the same.

Power to alter northern outfall sewer, &c.

5. The Board upon receiving notice as herein-after provided from the Local Board may proceed within the limits of deviation and according to the levels shown on the deposited plans and sections to alter cut away vary and adapt the northern outfall sewer vested in the Board at and adjacent to the point of intersection of the said sewer and Manor Road and the bridge and the embankment masonry brickwork or other structure and the land appertaining and belonging to the said sewer and to the said bridge in such manner and to such extent as may in the opinion of the Board be necessary for the purpose of forming the proposed subway between the points marked A and B in the plans signed in duplicate by Sir Joseph William Bazalgette on behalf of the Board and by Lewis Angell on behalf of the Local Board and deposited in the principal offices of the Board and of the Local Board respectively and the Board may within the said limits and according to the said levels form the said subway as aforesaid.

Power to lower part of Manor Road.

6. The Board upon receiving notice as herein-after provided from the Local Board may proceed within the limits of deviation and according to the levels shown on the deposited plans and sections to lower from its present level so much of Manor Road as is situate between the points marked C, D, E and F on the said plans signed in duplicate by Sir Joseph William Bazalgette on behalf of the Board and by Lewis Angell on behalf of the Local Board and deposited in the principal offices of the Board and of the Local Board respectively so as to give a headway of 16 feet under the said bridge and the Board may within the said limits and according to the said levels form sewer metal and complete as a carriageway so much of the said Manor Road as is situate between the said points and may execute such works as may be necessary for supporting strengthening and maintaining the said embankment

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and bridge and the foundations thereof and the works connected therewith And the Local Board shall construct a sewer in the proposed new road immediately adjacent to the lowered roadway under the bridge of sufficient depth and having an outfall into the existing sewers under the jurisdiction of the said Local Board so as effectually to drain the said lowered roadway.

Board may shore up sewer, &c. during progress of works.

7. The Board may at and during such time as the said sewer bridge embankment masonry brickwork or other structure is being altered cut away varied and adapted as aforesaid shore up or otherwise support in an efficient manner the said sewer and bridge and the embankment appertaining and belonging thereto at such point or points as may in the opinion of the Board be necessary for the proper and effectual support of the said sewer the said bridge and the said embankment during the progress of the works by this Act authorised to be made and executed.

Board to erect permanent support for sewer, &c.

8. The Board shall while the said sewer the said bridge and the said embankment masonry brickwork or other structure and the said land is being altered cut away varied and adapted as aforesaid erect and construct such works at such point or points as may in their opinion be necessary for the permanent and effectual support of the said sewer the said bridge and the said embankment and shall from time to time maintain alter and repair such works in such manner as they may think proper for such support as aforesaid.

Notice by Local Board for execution and repair of work.

9. When the Local Board desire that the Board should execute the works which they are by this Act authorised to execute upon receiving notice to that effect from the Local Board the Local Board may serve a notice upon the Board at their principal office in the metropolis requiring the Board to execute the works authorised by this Act to be executed by the Board and the Board shall within six months after the receipt of such notice commence and thereafter with due diligence continue and complete the execution of the said works in accordance with the provisions of this Act. And the Local Board may from time to time and so often as the said works or any works in connection therewith or executed by the Board in pursuance of this Act shall in the opinion of the engineer to the Local Board require to be repaired serve notice of such fact upon the Board at their principal office in the metropolis and the Board shall as soon as may be thereafter commence and with due diligence continue and complete such repairs in or to the same as may in the opinion of the Board be necessary and proper.

Power to restore works in event of injury.

10. In the event of any injury being occasioned to the said sewer or the said bridge or the said embankment or to the masonry

brickwork or structure thereof or to any works connected therewith or to any works executed by the Board in pursuance of this Act or to any part or parts thereof by the construction of any of the works by this Act authorised to be executed by the Board (whether such injury occurs either during or after the construction or in effecting the maintenance alteration or repair of any such works or in or by the enjoyment or user thereof) the Board may restore the said sewer the said bridge or the said embankment or the masonry brickwork or structure thereof or the works connected therewith or the works so executed by them in pursuance of this Act or the part or parts thereof which may be injured in such manner and to such extent as the Board may think necessary or expedient for such purposes and to obviate the recurrence of any such injury as aforesaid.

Power to enter upon lands of Local Board.

11. The Board may for the purpose of executing any works under the authority of this Act from time to time enter upon and use any road or lands belonging or reputed to belong to the Local Board and may during the execution of such works stop the traffic on the said roads or lands for such time or times as may in the opinion of the Board be necessary.

Power to inspect works.

12. The engineer to the Board or any other person from time to time appointed by the Board may from time to time inspect any works buildings or premises subject to the control of the Local Board which in the opinion of the engineer to the Board are in anywise affecting or likely to affect the said sewer the said bridge or the said embankment or the masonry brickwork or structure thereof or any works connected therewith or any works executed by the Board in pursuance of this Act or any part or parts thereof and for that purpose may at all reasonable times in the daytime after forty-eight hours' notice in writing has been given to the Local Board or in case of emergency without notice enter himself or with workmen upon any lands of the Local Board and in to or upon any such lands works buildings or premises and may cause the soil of such lands to be dug into and opened and the woodwork brickwork masonry or structure of such works buildings or premises to be cut into wherever such engineer or person thinks fit doing as little damage as may be and if any person obstructs or attempts to obstruct or incites any person to obstruct the engineer or such person or workmen in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds to be recovered in a summary manner before two justices by the Board.

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Costs of works to be paid by Local Board.

13. The amount of all costs and expenses from time to time incurred by the Board in the execution by them of any works in pursuance of this Act and in the maintenance alteration or repair of the same and the expenses of any inspection made by them in pursuance of this Act including therein a proportion of the expense of the officers on the permanent staff of the Board shall from time to time be ascertained and certified by the engineer to the Board and the Local Board shall from time to time within one month after the same shall have been so ascertained and certified as aforesaid and notice thereof in writing has been forwarded by the Board to them at their office pay such amount so ascertained and certified as aforesaid to the Board and in default of such payment the Board may from time to time recover from the Local Board the several amounts of all such costs and expenses so ascertained and certified as aforesaid together with full costs and charges by all and the same means as any simple contract debt is recoverable.

Local Board to repay money paid by Board on account of damages, &c.

14. The Local Board shall be liable to pay and shall pay to the Board any damages penalties costs charges or expenses which the Board may become liable to pay and shall pay in respect of any injury or loss consequent upon the execution by them of any works under the authority of this Act (whether such injury or loss occurs either during or after the construction or in effecting the maintenance alteration or repairing of such works) or in or by the enjoyment or user thereof or the making of any inspection or the doing of any act or thing under the authority of this Act except where such injury or loss arises from any wilful neglect by the Board their officers or servants in or about the executing of such works or the making of such inspection or the doing of such act or thing and all moneys paid by the Board on account of any such damages penalties costs charges or expenses shall be repaid to the Board by the Local Board on demand and in default thereof may be recovered by the Board from the Local Board as any simple contract debt of like amount.

Power to enlarge town hall.

15. Subject to the provisions of this Act the Local Board may upon the lands and hereditaments in that behalf delineated on the deposited plans and described in the book of reference alter extend and add to their town hall in such manner as they shall think fit.

Power to construct an overflow opening into the River Lee.

16. It shall be lawful for the Local Board to construct maintain and use as a storm outfall the storm outfall sewer or outlet delineated and described in the deposited plans and sections as "the Channelsea river overflow" and provide thereby for the passage of overflow

storm waters from the main sewers and streets vested in the Local Board into the Channelsea branch of the River Lee the provisions of the 91st section of the Lee Conservancy Act 1868 to the contrary notwithstanding. Provided that the said storm outfall sewer or outlet shall not be used for any other purpose than that specified in this section and that no nuisance shall be created in the River Lee in the exercise of any of the powers given by this section.

Outfall works to be executed to satisfaction of Lee Conservancy Board.

17. The storm outfall sewer outlet and other works by the last preceding section authorised and all future repairs of any of such works that may from time to time be required shall be constructed and done under the supervision and to the reasonable satisfaction of the sanitary engineer for the time being of the Lee Conservancy Board copies of the plans of any such works being previously furnished to such engineer who for the purposes aforesaid and other the purposes of this Act shall at all times have free and uninterrupted access to the sewers drains and other works of the Local Board who shall upon demand pay the reasonable charges and expenses of such engineer.

Local Board may take lands.

18. Subject and according to the provisions and for the purposes of this Act and except as is herein-after expressly provided the Local Board may enter upon purchase take and use all or any of the lands houses and hereditaments delineated and described in the deposited plans sections and books of reference Provided always that nothing in this Act contained shall authorise the Local Board to enter upon or take and use any land vested in the Board or any right privilege or easement in or over the same.

Notice to be given of taking houses of labouring classes.

19. The Local 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 or within a reasonable distance from such houses and the Local Board shall not take 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.

Local Board to procure accommodation for persons of labouring classes to be displaced.

20. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of a house which the Local Board are by this Act authorised to acquire the Local Board shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person Provided always that if any question shall arise as to

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the sufficiency of such accommodation the same shall be determined by a justice and the Local Board may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring-class dwellings and may let or otherwise dispose of such lands.

Correction of errors in deposited plans, &c.

21. If any omission mis-statement or erroneous description shall have been made of any lands houses or hereditaments or of the owners lessees or occupiers of any lands houses or hereditaments described in the deposited plans or books of reference the Local Board may apply to two justices for the correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands houses and hereditaments affected by the proposed correction and if it appears to the justices that the same arose from mistake they shall so certify stating the particulars thereof and their certificate shall be deposited with the clerk of the peace of the county of Essex and with the parish clerk of the parish of West Ham as if the same had originally formed part of the deposited plans or books of reference and such deposited plans and books of reference shall be deemed to be corrected according to the certificate and the Local Board may enter on purchase take and use the lands houses and hereditaments to which the certificate relates accordingly.

Power to borrow.

22. The Local Board may from time to time borrow on security of the district fund and general district rate such moneys as they may deem requisite for the purposes of this Act and may mortgage the said fund and rate for the repayment of such moneys and interest provided the amount or amounts so borrowed for any one purpose shall not exceed in the aggregate the amount authorised by this Act to be borrowed for that purpose. And provided always that the moneys borrowed under this Act shall be applied for the purposes for which they are borrowed in each case and for objects to which capital money is properly applicable and for no other purposes or objects.

Amounts that may be borrowed.

23. The sum or sums of money to be borrowed by the Local Board in pursuance of this Act shall not with respect to the following purposes exceed the following amounts that is to say—

With respect to new roads and approaches and other conveniences connected therewith fifteen thousand pounds

With respect to the town hall twelve thousand pounds

With respect to sewers and works connected therewith ten thousand pounds.

Accounts to be kept and audited.

24. The Local Board shall keep accounts in respect of the several purposes to which the moneys borrowed under this Act are applied and the provisions of section 247 of the Public Health Act 1875 with respect to the audit of accounts shall apply to and be observed in regard to such accounts.

Local Board to pay off moneys borrowed by instalments or sinking fund.

25. The Local Board shall pay off out of the district fund and general district rate all moneys borrowed by them under the powers of this Act within sixty years after the same is borrowed either by equal annual instalments of principal or of principal and interest or by means of a sinking fund or partly by instalments and partly by a sinking fund And for the purpose of a sinking fund they shall in every year set apart and accumulate in the way of compound interest by investing in the purchase of exchequer bills or other Government securities such sum as will with accumulations in the way of compound interest be sufficient after payment of all expenses to pay off the money for the repayment of which the sinking fund has been established within the period sanctioned The Local Board may at any time apply the whole or any part of the sinking fund in or towards the discharge of the money for the repayment of which the fund has been established Provided that they pay into the fund in each year and accumulate until the whole of the money borrowed is discharged a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Application of moneys.

26. All moneys received in respect of the sale of surplus lands shall be applied in reduction of debt or paid into the sinking fund and the Local Government Board shall determine the extent to which the amount of the annual instalments or of the payments into the sinking fund shall be reduced in respect of such application or payment.

Power to borrow under 38 & 39 Vict. c. 83.

27. The Local Board may if they think fit borrow and re-borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Any moneys borrowed or re-borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgages under the powers of this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the time prescribed

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in that behalf by this Act and such discharge or any part thereof shall be effected by means of a sinking fund if the Local Board shall so think fit Provided always that if the Local Board at any time think fit to form any such sinking fund all sums paid into the same shall be as soon as may be invested by the Local Board in the manner in which sinking funds are by this Act authorised to be invested.

Power to re-borrow.

28. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land acquired under the powers of this Act they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of section 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Local Board with respect to the sinking fund to be set aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

Annual return to Local Government Board with respect to sinking fund.

29. The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid in respect of moneys borrowed under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or any interest thereof or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act the Local

Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

Sale of lands.

30. The Local Board may from time to time sell or lease and dispose of any part of the buildings works lands and property which they have power to acquire under this Act not for the time being required by them for the purposes of this Act and they shall apply the proceeds of any sale either as an addition to the sinking fund or in paying off any moneys borrowed by them or failing such objects towards the district fund and the same shall be applied only to purposes to which capital is properly applicable Provided always that such proceeds shall not be applicable to the payment of the instalments referred to in section 23 of this Act except to such extent and upon such terms as may be approved by the Local Government Board.

Existing mortgages to have priority.

31. Nothing in this Act shall prejudice or affect any mortgages debentures or other securities on the funds or rates of the Local Board existing at the passing of this Act and the same shall have priority over any mortgages or securities on the same funds or rates granted under this Act.

Saving rights of Lee Conservancy Board.

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

Saving rights of the Crown under 29 & 30 Vict. c. 62.

33. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty her heirs or successors.

Saving rights of the Crown in the foreshore.

34. Nothing contained in this Act shall authorise the Local Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most

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Excellent Majesty in the right of her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may 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.

Works below high water mark.

35. The Local Board shall not construct any works on any part of the shore of any river creek or channel where and so far up the same as the tide flows and reflows without the previous consent of the Board of Trade to be signified in writing and then only according to such plan and under such restrictions and regulations as the said Board approve of such approval being signified as last aforesaid and where any such work shall have been constructed with such consent as aforesaid the Local Board shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals and if any such work shall be commenced or completed without such consent and approval the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Local Board and the amount of such costs shall be a debt due to the Crown and recoverable against the Local Board accordingly.

Protection of works of Havering, Dagenham, &c. Commissioners of Sewers.

36. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any river sewer drain water-course river-wall defence or work under the jurisdiction or control of the Commissioners of Sewers for the levels of Havering, Dagenham, Ripple, Barking, East Ham, West Ham, Leyton and Walthamstow in the respective counties of Essex, Middlesex and Kent herein-after called "the Commissioners" or may in any way affect the drainage of the districts under their control the Local Board shall not commence such works until they shall have given to the said Commissioners fourteen days' notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the said Commissioners with plans elevations sections and other necessary particulars of the construction of the said works and until the said Commissioners shall have signified their approval of the same unless the said Commissioners fail to signify such approval or their disapproval or other directions within fourteen days after service of the said notice and delivery of the said plans elevations sections

and other particulars as aforesaid and the Local Board shall comply with and conform to all reasonable directions and regulations of the said Commissioners in the execution and subsequent maintenance of the said works and shall provide by new altered or substituted works in such manner as the Commissioners may deem necessary for the proper protection of and for preventing injury or impediment to the rivers sewers drains river-walls and other works herein-before referred to by or by reason of the said intended works or any part thereof and shall save harmless the said Commissioners against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the surveyor engineer or other officer or officers of the said Commissioners as the case may be at the costs charges and expenses in all respects of the Local Board and all costs charges and expenses which the said Commissioners may be put to by reason of the works of the Local Board whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise by the Commissioners' officers shall be paid to the Commissioners by the Local Board on demand and when any new altered or substituted work as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Local Board under the provisions of this Act the same shall ever thereafter be maintained by the Local Board to the reasonable satisfaction of the surveyor or engineer to the Commissioners for the time being and the said works shall be as fully and completely under the direction jurisdiction and control of the said Commissioners as any sewers or works now are or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said Commissioners or any or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed. Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid such matter or difference shall be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

Compensation in case of damage by Local Board.

37. Where any person sustains any damage by reason of the exercise of any of the powers of this Act in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Local Board exercising such powers and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by the Public Health Act 1875 or if the compensation claimed does not exceed

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the sum of twenty pounds the same may at the option of either party be ascertained by and recovered before a court of summary jurisdiction as defined by the said Public Health Act 1875.

Mode of defraying expenses of obtaining this Act.

38. The expenses incurred by the Local Board in applying for and obtaining this Act and preparatory and incidental thereto and the expenses incurred by the Lee Conservancy Board in opposing this Act and preparatory and incidental thereto shall be and are included among the general expenses of the Local Board and may be defrayed accordingly either from the moneys borrowed under the authority of this Act or from the district fund or general district rates or other moneys coming to their hands and such costs of the Local Board shall include the costs incurred by the Local Board in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

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