



CHAPTER cclxxii.

An Act to empower the London County Council to make street improvements and works and to purchase lands in the Administrative County of London and for other purposes. A.D. 1901.
[17th August 1901.]

WHEREAS it is expedient to confer on the London County Council (herein-after called "the Council") powers to make the improvements and works herein-after described and it is also expedient to confer on the Council such powers as are herein-after set forth with regard to the raising of money for the purposes of this Act:

And whereas it is also expedient to confer upon the Council in connexion with and for the purposes of the improvements by this Act authorised the powers herein-after set forth:

And whereas the Council require sites or enlargements of sites for the purposes of the Metropolitan Fire Brigade Act 1865 and further lands for the purposes of the Thames Tunnel (Rotherhithe and Ratcliff) Act 1900 and it is expedient that they should be empowered to purchase the lands herein-after described for those purposes: 28 & 29 Vict.
c. 90.
63 & 64 Vict.
c. ccxix.

And whereas the periods limited for the purchase of certain lands by the Council as herein-after specified are about to expire and it is expedient that the said periods should be extended:

And whereas it is expedient that provisions such as are in this Act contained should be made with respect to the purchase of certain lands in the parish of Lambeth in the county of London with a view to the extension of Brockwell Park:

And whereas it is expedient that the Council should be empowered to remove a wall or obstruction and erections connected therewith across the western end of Lambert Road in the said parish of Lambeth with a view to the convenience of public traffic:

A.D. 1901. — And whereas Frederick John Horniman of Falmouth House 20 Hyde Park Terrace in the county of London esquire has presented to the Council certain lands in the parish of Lewisham (formerly in the parish of Saint Giles Camberwell) in the county of London with a museum and certain houses and buildings on parts thereof comprising an estate of about fifteen acres in extent hereinafter referred to as "Horniman Park") for the purpose of a public museum and public park :

And whereas the Council unanimously resolved that the said gift should be accepted :

And whereas the conveyance of the said lands and buildings to the Council has been effected by an indenture of the twenty-sixth day of March one thousand nine hundred and one of which a copy is set out in the Third Schedule to this Act and which indenture is hereinafter called "the Horniman conveyance" :

And whereas some of the said houses and buildings are at present subject to leases or tenancies so that the same are not immediately available for the purposes of a public park or museum except by the application of the rents thereof :

And whereas doubts are entertained as to whether the said arrangements can in all respects be carried out without the authority of Parliament and it is expedient that the said lands should be vested in the Council by such authority for all the estate and interest of the said Frederick John Horniman :

And whereas it is expedient that sundry further powers should be conferred on the Council and further provisions made as in this Act provided :

And whereas it is expedient that provisions should be made with regard to contributions by the council of the Metropolitan borough of Finsbury as in this Act specified towards the Central Street (Saint Luke) widening by this Act authorised and that other provisions relative thereto should be made as hereinafter set forth :

And whereas the Council have caused to be deposited with the clerk of the peace for the county of London plans and sections describing the line and levels of the works by this Act authorised and the lands which may be taken for the purposes thereof and also plans of the other lands which may be taken under the powers of this Act and of the lands liable to have a special charge imposed upon them under this Act and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands and such

plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference :

And whereas estimates have been prepared by the Council as to the amount which they will require to expend on capital account for the purposes of this Act and such estimates (being in each case calculated to cover the original cost of purchasing lands and executing the works without any allowance in respect of returns from re-sale or letting of lands or otherwise which will be ultimately available for that purpose) amount to the sum of one hundred and seventy-seven thousand four hundred and fifty pounds :

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

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

PART I.

INTRODUCTORY.

1. This Act may be cited as the London County Council Short title.
(General Powers) Act 1901.

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

“The Council” means the London County Council ;

“The improvements” means the improvements and works by this Act authorised ;

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893 :

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 that for the purposes of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

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Incorporation of Lands
Clauses Acts.

3. The Lands Clauses Acts are (except sections 127 and 133 of the Lands Clauses Consolidation Act 1845 and except where expressly varied by this Act) incorporated with and form part of this Act.

PART II.

IMPROVEMENTS.

Power to
Council to
make works.

4. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Council may execute the improvements and works in the county of London herein-after described viz. :—

Central Street (Saint Luke) Widening.

A widening of Central Street in the parish of Saint Luke on the eastern side thereof between the junction therewith of Old Street and the junction therewith of Clarence Place.

Brixton Road Widening.

A widening of Brixton Road in the parish of Lambeth on the eastern side thereof between the junction therewith of Cranmer Road and the junction therewith of Camberwell New Road.

As to portion
of Kenning-
ton Park.

5. The Council may throw into and use for the purposes of the widening secondly herein-before described such part of that portion of Kennington Park which is situate on the southern side of Camberwell New Road as may be required for the purposes of such widening.

Saving
rights of
duchy of
Cornwall.

6. Nothing contained in this Act shall extend to authorise the Council to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to His Majesty in right of the duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such duke testified in writing under the seal of the duchy of Cornwall first had and obtained for that purpose or to take away

diminish alter prejudice or affect any property rights profits A.D. 1901.
privileges powers or authorities vested in or enjoyed by His Majesty
in right of the duchy of Cornwall or in or by the Duke of Cornwall
for the time being.

7. Subject to the provisions of this Act the Council for the Power to
purposes and during the making of the improvements may in or stop up ways
upon the lands shown in connexion therewith upon the deposited temporarily.
plans stop up or cause to be stopped up temporarily all or any part
of any carriageway or footway which they shall think necessary to
be stopped up and may put or cause to be put up sufficient palisades
hoardings bars posts and other erections and may construct temporary
works for keeping any such carriageway and footway open for
traffic and may make from time to time such orders for regulating
the traffic as to them shall seem proper and may remove and alter
any drinking troughs lamp-posts and other erections upon the
said lands.

8. Subject to the provisions of this Act the Council may for Streets may
the purposes of and in connexion with the improvements alter the be raised or
line or level of any of the streets and places described on the lowered.
deposited plans or sections as intended to be diverted raised or
lowered in the manner shown on such plans or sections.

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

10. Subject to the provisions of this Act and within the limits Power to
of deviation defined on the deposited plans the Council in connexion make sub-
with and for the purposes of this Act and as part of the works to be sidiary works
executed under the powers of this Act may execute or do any of the stop up
following works or things viz. :— streets &c.

They may—

- (a) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the improvements or any of them and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with the improvements ;
- (b) Relay and alter the line or alter the level of any tramways in or along any street to be widened raised or lowered under

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the powers of this Act and provide during such relaying and alteration any temporary line or lines of tramway which may be necessary for continuing the traffic on any tramway to be so relaid or altered ;

(c) Stop up any street passage or place within the limits of deviation shown on the deposited plans which they may consider unnecessary to retain or to throw into the improvements and may alter and divert any street passage or place within the same limits ;

(d) appropriate the site and soil of any street passage or place so stopped up or diverted ;

(e) Execute any works for the protection of any adjoining land or buildings ;

(f) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings ; and

(g) Raise lower alter and interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in any such drain or sewer.

The site and soil of any street passage or place or any part of any street passage or place stopped up or diverted and appropriated by the Council under this Act shall vest in the Council and all rights of way or other rights over the same shall thereupon be extinguished and the lamp-posts paving metalling or materials in on or under any street so altered diverted or stopped up and any materials of any drain or sewer so altered shall vest in the Council and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers for which they may be so substituted.

Alteration of
position of
water gas
and other
pipes.

11. The Council may for any purpose in connexion with the improvements upon the lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by any company or person for carrying a supply of water or water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any pipe tube wire or apparatus laid down or placed for supplying electricity and may remove any other obstruction making proper substituted works during any alteration and causing

as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person for any damage caused by any such alteration Provided always that before the Council alter the position of any main pipe or apparatus laid down or used by any such company or person they shall (except in cases of emergency) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Council) of the company or person to whom such pipe or apparatus 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 Council shall execute such work to the reasonable satisfaction of the engineer of such company or person Provided also that the Council shall not cause any street to be lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main pipe or apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Council shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Council in such case provide special means of access to the same to the satisfaction of the engineer of such company or person :

If any difference arise between the Council 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 Council 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 Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineer of the Council and of any such company or person respectively or failing agreement by such engineer as shall on the application of the engineer either of the Council or of any such company or person be named by the President for the time being of the Institution of Civil Engineers whose decision shall be

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Provided also that the Council shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down for telegraphic or other purposes and belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

Provided always that nothing in this section shall extend to prejudice or affect any of the provisions for the protection of any undertakers authorised to supply electrical energy contained in any special Act or any Provisional Order confirmed by Act of Parliament.

For protection of gas and water companies.

12. If within seven days after a notice under the preceding section of this Act shall have been served upon any gas or water company that company so elect such company shall themselves execute all such alterations to their mains and pipes as may from time to time be necessary and the reasonable costs of executing such alterations shall be repaid by the Council to such company Provided always that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the chief engineer of the Council.

Alteration of electric lines.

13. Where the Council widen or alter any street in which an electric line is laid under the powers of any Act or Order the owners of such line may make such alteration in the position of such line as may be reasonably necessary subject to such provisions (so far as applicable) as apply in the case of altering such line under their existing powers and any costs reasonably incurred by the owners of such line in such alteration shall be defrayed by the Council.

Carriage-way footway sewers and other works.

14. Subject to the provisions of this Act the Council may cause such parts of the improvements to be laid out for carriage-way and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans 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.

Directing how the pavement shall be laid and made.

15. The Council 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

are capable of being used as cellars vaults or areas) with good sound hard brick or other rubbish to be well rammed down to prevent the ground from giving way and shall well and effectually pave over all the said ground with a sufficient quantity of materials of proper quality and dimensions and shall in like manner erect and build any underground arches which they may think necessary and also relay and repair the streets which they may disturb or alter in carrying the purposes of this Act into execution Provided always that nothing herein contained shall extend or be construed to extend to charge the Council with the liability or expense of repairing or making good such pavement or arches in future but when the same shall have been in the first instance so paved relaid erected built and repaired as aforesaid the same shall for ever thereafter be kept in repair by the authority in whom the management and repair of the street are vested or by any other parties or persons liable to repair the same.

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16. The Council may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets to be interfered with for the purposes of the improvements as shall appear necessary for executing the purposes of this Act so as that no public sewer or drain (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 removing or filling up any sewer or drain or part thereof as aforesaid the Council 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.

Sewers or
drains to be
arched over
or filled up.

17. The Council within the limits of deviation defined on the deposited plans may for the purposes of and in connexion with the improvements raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar-flaps gratings fencings windows and watercourses pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Council shall make reasonable compensation to any person who suffers damage by any such alteration.

Power to
alter steps
areas
pipes &c.

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Applying
provisions of
London
County
Council
(Subways)
Act 1893 to
certain
improve-
ments.

18. The provisions of the London County Council (Subways) Act 1893 shall apply to any subway to be constructed under the powers of this Act and to any subway which may be constructed in connexion with the widening or improvement of Mansell Street in the parish of Saint Mary Whitechapel by the Council or the council of the Metropolitan borough of Stepney as if such subway or part thereof had been included in the expression "subway" in the said Act of 1893 and the provisions of section 3 of the said Act shall apply during the actual construction of any such subway. Provided that for the purposes of the application of the said Act of 1893 to any subway to be constructed under the powers of this Act or in connexion with the said widening or improvement of Mansell Street the London Hydraulic Power Company shall be deemed to be a water company.

Period for
completion
of improve-
ments.

19. If the improvements be not completed within the period of five years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the execution of the said improvements shall cease (except so far as the same shall then have been completed).

Improve-
ments to
form public
street.
Repair &c.

20. When and as each of the improvements or any part thereof is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which it relates as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly. Subject to the provisions of this Act so much of the land acquired by the Council for the widening of any street as is thrown into and used for the carriageway or footway of any street widened under this Act shall on the completion of such widening become vested in the authority in whom the management and control of the existing street is vested and subject to the provisions of this Act the maintenance repair paving cleansing and lighting of each of the improvements shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

Power
to sell
materials.

21. The Council 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 lamp-posts paving metalling and

materials in under or upon any road street or other place altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the Council under the powers of this Act. A.D. 1901.

PART III.

LANDS.

22.—(1) Subject to the provisions of this Act the Council 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 as intended to be taken which they may require for the purposes of this Act and for providing space for the erection of houses and buildings adjoining or near to the improvements. Power to take lands for works.

(2) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any other lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connexion with the improvements.

23. Subject to the provisions of this Act the Council may purchase and take in addition to the lands required for the general purposes of this Act the lands in the county of London herein-after described and which are delineated on the deposited plans and described in the deposited book of reference for the purposes respectively herein-after stated (that is to say):— Power to take other lands.

(1) For the purposes of the Metropolitan Fire Brigade Act 1865—

(a) Land in the parish of Saint Paul Deptford bounded on the north-east by Lower Road Deptford on the south-east by Grimstead Road on the south-west by Deptford Park and comprising the premises known as Nos. 9 10 and 11 Deptford Park Terrace ;

(b) Land in the parish of Saint Mary Abbot Kensington bounded on the north by the Kensington Palace Barracks on the west by the Wesleyan Chapel in Clarence Mews on the south by land and premises situate between the eastern end of Clarence Place and Brown's Buildings and on the east by the gardens at the rear of the houses in Kensington Palace Gardens :

(2) For the erection of dwellings for persons of the labouring classes whose dwellings have been or will be removed under

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the provisions of the Thames Tunnel (Rotherhithe and Ratcliff)
Act 1900—

(a) Lands in the parish of Rotherhithe bounded on the northern side by Rotherhithe Street on the eastern side by Swan Lane and on the southern and western sides by property belonging to the Council;

(b) Lands in the same parish bounded on the northern side by Rotherhithe Street on the western side by Railway Avenue on the southern side in part by the premises known as No. 5 Railway Avenue and in part by Kenning Street and on the eastern side by property belonging or reputed to belong to the Council:

(3) For other purposes of or in connexion with the Thames Tunnel (Rotherhithe and Ratcliff) Act 1900—

Lands in the hamlet of Ratcliff bounded on the north by the property known as Batger's Confectionery Works or the Metropolitan Confectionery Works on the south by the passage leading from Butcher Row into Painters Rents on the east by Butcher Row and on the west by the court known as Painters Rents including that court and comprising the premises known as Nos. 10 12 14 16 and 18 Butcher Row and 3 4 5 6 and 7 Painters Rents.

Power to
certain
persons to
grant ease-
ments &c.
by agree-
ment.

24. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of the Lands Clauses Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and for the purposes of this Act the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

Correction
of errors &c.
in deposited
plans and
book of
reference.

25. 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 Council may after ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction apply to a Metropolitan police magistrate for the correction thereof and if it shall appear to such magistrate that

such omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he 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 of London and 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 Council may take the lands in accordance with such certificate.

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26. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council 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 upon and into the lands and buildings by this Act authorised to be taken and used as aforesaid or within the improvement area hereafter defined or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Power to
Council to
enter upon
property for
survey and
valuation.

27. The court or person to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if they or he shall be of opinion that no such statement giving sufficient particulars shall have been delivered one half of the costs of the arbitration or as the case may be one half of the costs of the proceedings before the sheriff (including the costs of summoning empannelling and returning the jury and of taking the inquiry and in recording the verdict and judgment therein) shall be defrayed by the person with whom the Council shall have such question and the remaining half shall be defrayed by the Council 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 to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery

Costs of
arbitration
&c. in
certain cases.

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Compensation in case of recently altered buildings.

28. In settling any question of disputed purchase money or compensation under this Act the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the twenty-sixth day of June one thousand nine hundred if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

As to taking of parts of certain properties.

29. Whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of houses buildings or manufactories shown on the deposited plans may be sufficient for the purposes of this Act and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding anything contained in section 92 of the Lands Clauses Consolidation Act 1845—

(1) The Council may take the part of the several houses buildings or manufactories shown on the deposited plans and described in the deposited book of reference under the numbers stated in Part I. of the First Schedule to this Act which is described in the said part of the said schedule or such part thereof as they may require without being required or compellable to purchase the whole or any greater part of any such house building or manufactory :

(2) The owners of and other persons interested in the property numbered on the deposited plans as specified in Part II. of the First Schedule to this Act may (if such portion can in the judgment of the arbitrator arbitrators umpire or jury assessing

or determining the compensation under that Act be severed from the remainder of the property without material detriment thereto) be required to sell and convey to the Council the portion only of the premises so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council paying for the portion required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise: A.D. 1901.

If for twenty-one days after the service of notice to sell and convey any portion of the said property any owner or other person shall fail to notify to the Council his contention that such portion cannot be severed from the remainder of the property without causing material detriment thereto then the Council may proceed to take such portion only:

But if within such twenty-one days he shall by notice to the Council allege that such portion cannot be severed from the remainder without causing such material detriment as aforesaid then the arbitrator arbitrators umpire or jury shall determine the matter of the said allegation in addition to the other questions required to be determined by them:

Provided that if in the opinion of the arbitrator arbitrators umpire or jury any such portion cannot be severed from the remainder of such property without material detriment thereto the Council may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice and may if they think fit proceed de novo to take the whole or any other portion of the property:

Provided also that if in the opinion of the arbitrator arbitrators umpire or jury any such portion can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then they may in their absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person.

The provisions of this section shall be stated in every notice given thereunder by the Council to sell and convey any premises.

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Compensa-
tion in case
of insanitary
property.

30. The Council may with the approval of the Secretary of State for the Home Department claim in any notice to treat for the purchase of any lands intended to be taken for the purpose of this Act—

That the lands to which the notice refers are or comprise any houses courts or alleys unfit for human habitation ;

That the narrowness closeness and bad arrangement or the bad condition of the streets and houses or groups of houses upon any such lands or the want of light air ventilation or proper conveniences or any other sanitary defects or one or more of such causes renders any such lands or any buildings thereon prejudicial to the health of the inhabitants either of the buildings on the said lands or of the neighbouring buildings :

And in the event of any such claim then on the occasion of assessing the amount of compensation payable in respect of such lands the court or person settling the same shall determine whether such lands fall wholly or in part within any of the descriptions hereinbefore mentioned and if they shall so decide then in assessing the compensation payable under this Act in respect of any such lands evidence shall be receivable by such court or person to prove—

(1st) That the rental of any house or premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates ;

(2ndly) That any house or premises are in a state of defective sanitation or are not in reasonably good repair ; or

(3rdly) That any buildings on any such lands are unfit and not reasonably capable of being made fit for human habitation :

And if such court or person be satisfied by such evidence then the purchase money and compensation in respect thereof shall be assessed and determined according to the principles indicated in section 21 of the Housing of the Working Classes Act 1890.

The Council shall pay to the Secretary of State a reasonable sum to be fixed by him in respect of any expenses which he may incur in making such inquiries as he may deem necessary in relation to any claim submitted for his approval under this section.

Limitation
of time for
purchase of
lands.

31. The powers of the Council for the compulsory purchase or taking of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to
lease surplus
lands.

32. The Council may when and as they shall think fit so to do demise and lease any lands acquired by them under this Act and not

required for the purposes thereof or such parts thereof as the Council 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 Council shall think proper for such term or number of years as they may think fit so as there be reserved in every such demise or lease such peppercorn or other yearly rent to be incident to the immediate reversion of the premises therein comprised as to the Council 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 Council shall reasonably be advised or require and also a clause in the nature of a condition of re-entry on non-payment of the rent thereby to be reserved or on non-observance or 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 Council shall order and direct and the Council may if they think fit accept and take any fine or premium 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 Council 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 Council 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 Council shall think fit.

A.D. 1901.

As to sale
of ground
rents.

33. Subject to the provisions of this Act the Council 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 Council 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 Council 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 Council by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Council shall think fit.

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

34. Subject to the provisions of this Act the Council may if they think it expedient so to do sell and dispose of in the manner herein-before directed all or any lands acquired under the powers of this Act and not required for the purposes of the improvements without having previously granted or agreed to grant any lease thereof for such price or prices or sum or sums of money as the Council 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 Council shall think fit.

Council may
let or
exchange
lands.

35. The Council may let either from year to year or for a less period or for a term at rackrent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act and not required for the purposes of the improvements and may execute and do any deed act or thing requisite or proper for effectuating any such lease exchange or other disposition.

Council to
dispose of
lands within
a certain
period.

36. Any lands acquired by the Council under the powers of this Act except such as are required to form part of any improvement or to be permanently retained for the purposes of this Act and except lands on which buildings shall have been erected by the Council in pursuance of the section of this Act of which the

marginal note is "Scheme as to accommodation for persons of the labouring class displaced" shall subject to the provisions of any future Act of Parliament be sold or disposed of by the Council within a period of sixty years from the first day of September next after the passing of this Act and section 127 of the Lands Clauses Consolidation Act 1845 shall not apply to any lands acquired by the Council under the powers of this Act. A.D. 1901.

37. The receipt of the Council or of any person duly authorised by the Council for any purchase money rent or money payable to the Council 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 receipt 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. Receipts of Council to be effectual discharges.

38. The Council may subject to the provisions of this Act 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 the improvements with respect to the sale by the Council to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the Council under the powers of this Act and not required for the improvements) for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Council for the purposes of this Act. Power to Council to make agreements with owners of property &c.

39. The agreement made between the master and keepers or wardens and commonalty of the Mystery or Art of Ironmongers London (herein-after called "the Ironmongers Company") of the one part and the Council of the other part in so far as a copy thereof is set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto and accordingly notwithstanding the powers herein-before conferred upon the Council it shall not be lawful for the Council to acquire from the Ironmongers Company (except by their consent) the freehold of the hereditaments coloured green on the plan marked A referred to in the said agreement or to acquire the freehold of the hereditaments coloured red on the said plan except on the terms of the said agreement but it shall be lawful for the Council to acquire the estates and interests of all other persons in the said hereditaments so coloured red and Confirmation of agreement with Ironmongers Company.

A.D. 1901. — green on the said plan under the compulsory powers herein-before conferred on the Council.

Scheme as to accommodation for persons of the labouring class displaced.

40.—(1) The Council shall not under the powers of this Act purchase or acquire in any Metropolitan borough twenty or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until they shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case.

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

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced. Provided that the Secretary of State may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary of State may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Secretary of State out of the High Court.

(5) If the Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or in contravention of the requirements of the scheme displace or cause to be displaced the persons residing in any house

or houses they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary of State by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

A.D. 1901.

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

(7) The Council may on any lands belonging to them or purchased or acquired under this section provide such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and such dwellings may be in buildings exclusively devoted to dwellings or in buildings partly designed for use for shops warehouses offices or other purposes and the Council may sell demise or let or otherwise dispose of such buildings and any lands purchased or acquired as aforesaid :

Provided that all lands on which any buildings have been erected or provided by the Council in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated either wholly or partly as the case may be in accordance with the scheme for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

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

(8) All buildings erected or provided for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 and any Act or Acts relating to buildings in the county of London.

(9) The Secretary of State may direct any inquiries to be held by any persons appointed by him as inspectors which he may deem necessary in relation to any scheme under this section or to the carrying out of any such scheme and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

A.D. 1901.

(10) The Council shall pay to the Secretary of State a sum to be fixed by him in respect of any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by the Secretary of State for the services of such inspector.

(11) Any houses purchased or acquired by the Council for or in connexion with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State under any previous Act relating to the Council shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary of State is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary of State they might have been sufficient to accommodate.

(12) For the purposes of this section—

The expression "house" means any house or part of a house occupied as a separate dwelling ;

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

PART IV.

IMPROVEMENT AREA AND CHARGE.

Improvement
charge.

41. And whereas the Central Street (Saint Luke) widening by this Act authorised will or may substantially and permanently increase in value lands in the neighbourhood thereof which will not be acquired for the purpose thereof and it is reasonable that provision should be made under which in respect or in consideration

of such increased value a charge should be placed on such lands A.D. 1901.
Therefore the following provisions shall have effect viz. :—

(1) In and for the purposes of this Part of this Act—

The expression—

Definitions in
this Part of
this Act.

“The improvement area” means the area shown on the deposited plans within the line thereon indicating the limits within which an improvement charge may be imposed ;

“The improvement” means the Central Street (Saint Luke) widening by this Act authorised ;

“Owner” means where the hereditament is copyhold the person or persons entered on the roll of the manor and entitled to enfranchise the same ;

“Lands” shall extend to messuages lands tenements and hereditaments but shall not include any main pipe or apparatus of any company supplying gas or water under the powers of any Act of Parliament or any culvert pipe tube apparatus or wire of any electric lighting or hydraulic company authorised by any Act of Parliament or telephone company acting under a licence from the Postmaster-General or any estate or interest in land of or belonging to any such company in respect of any such main pipe apparatus culvert tube or wire.

(2) All lands within the improvement area but which shall not be purchased and taken by the Council under the powers of this Act shall be liable to have an improvement charge placed on such lands or some of them (in accordance with the provisions herein-after set forth) in respect or in consideration of any substantial and permanent increase in value which it is clearly shown has been derived from the improvement. Lands liable to be charged.

(3) Two months at least before the commencement of any part of the improvement and as soon after the passing of this Act as the Council think fit the Council shall make under their seal a specification of all the lands within the improvement area upon which they propose to place a charge and which they desire to include in the assessment hereafter mentioned : Specification of lands proposed to be charged.

They shall give notice by registered letter addressed to each owner lessee or occupier of any such lands as the Council include in such specification :

Thereupon any such owner lessee or occupier may apply to the Local Government Board to appoint some independent person

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to make a valuation of the several lands within the improvement area which the Council have included in the specification :

A copy of the specification shall be delivered to the person so appointed within twenty-one days after his appointment and the person so appointed shall thereupon after giving such notice or notices as the Local Government Board may direct and hearing any parties interested and applying to be heard proceed to make a valuation of all such lands which valuation is hereafter referred to as the "initial valuation" The proper cost of making the initial valuation including the reasonable costs charges and expenses of all or any of the parties interested (to be taxed in case of difference by a master of the Supreme Court) shall be paid by the Council :

Provided that if within one month after the service of the said notices no application be made for the appointment of a person to make the initial valuation the Council shall make such application and the valuation shall be made accordingly :

In making such valuation the valuer shall separately distinguish and assess in each case the value of the land apart from that of any existing buildings thereon and shall also value the land and buildings as a whole and shall not take into consideration any increased value accruing or supposed to accrue to such land or buildings from or in consequence of the improvement but shall only take into consideration the value independently of the improvement and as if the improvement had not been contemplated :

The valuer shall also separately value the interest of the owner of any such lands and the interest of every lessee of any such lands for a term having not less than twenty-one years unexpired at the date of the valuation (excluding from each such valuation any trade interest) and shall not take into consideration any increased value accruing or supposed to accrue to such lands from or in consequence of the improvement but shall only take into consideration the value of the said lands independently of the improvement and as if the improvement had not been contemplated :

The initial valuation when made shall be deposited with the clerk of the Council and shall be kept deposited at the county hall and shall be open to inspection at all reasonable times by any persons and their duly authorised agents interested in any lands comprised in the said valuation.

- (4) The Council shall not sooner than twelve months nor later than three years after the issue by them of their certificate of

Assessment
for proposed
charge.

the completion of the improvement cause to be framed an assessment describing the lands situate within the improvement area and comprised in the said valuation which the Council allege ought to bear and pay the said improvement charge and the Council shall in such assessment state and specify—

A.D. 1901.

(a) The names of the owners lessees and occupiers of the lands described in the said assessment respectively so far as they can be ascertained;

(b) The amounts by way of charge which the Council allege ought to be charged upon such lands respectively :

The assessment shall contain a statement of the amount which the Council allege is the enhanced market value derived by the lands respectively from the improvement :

The amount to be proposed in the assessment as the charge to be placed on any lands under the provisions of this section shall be equal to three per centum per annum upon one half of the amount which the Council allege is the enhanced market value derived by the said lands from the improvement after making all fair and proper deductions for rates taxes assessments and impositions on the said lands according to such increased value.

(5) The assessment shall be submitted to and considered by the Council at a meeting or meetings and the Council may by resolution approve the same either with or without modification or addition as they think fit.

Approval of
assessment
by Council.

(6) The resolution approving an assessment shall be published once in each of two successive weeks in two or more London daily newspapers with an interval of at least six clear days between the two publications and copies of such resolution shall be publicly posted on the site of the improvement and within seven days of the date of the first publication of the resolution copies thereof shall also be served on the owners lessees and occupiers of the lands described in the assessment :

Notice of
assessment.

The notices served on the owners lessees and occupiers under this section shall state shortly the effect of the resolution and assessment upon the lands in respect of which they are served and also of the provisions of this Part of this Act with respect to the time and mode of objecting to the assessment and the grounds on which the assessment may be objected to and shall also state shortly the provisions of this Part of this Act with respect to claims for decrease in value the right to have the matter decided by an arbitrator and the payment of costs.

A.D. 1901.
Copies to be
deposited.

(7) From and after the date of the first publication of the resolution and until the expiration of three months from the date of the last publication thereof the assessment or copies thereof certified by the clerk or some other officer of the Council shall be kept deposited at the office of the Council and shall be open to inspection at all reasonable times by any person interested.

Objection to
assessment.

(8) During the said period of three months the owner or lessee of any lands described in the assessment or the occupier thereof for the time being may by written notice served on the Council object to the assessment on any of the grounds following:—

(i) That any lands in which he is interested included in the assessment ought to be excluded by reason that it has not been or cannot be clearly shown that the market value of the lands to which the notice relates is substantially and permanently increased by the improvement;

(ii) That the amount of any charge proposed to be placed upon any lands in which he is interested ought to be varied;

(iii) That the assessment is incorrect in respect of some matter of fact (to be specified in the objection).

Purchase of
estate or
term in cer-
tain cases.

(9) If (a) any owner or owners of any lands comprised in the initial valuation upon which a charge is proposed to be placed who alone or together have power to sell the fee simple of such lands subject to any lease or leases thereof or (b) any lessee or lessees of any such lands for a term having not less than twenty-one years unexpired at the date of the initial valuation are of opinion that such charge is greater than it should be in reference to the enhancement or supposed enhancement of the value of such lands by reason of the improvement they may at any time within the said period of three months (instead of giving any notice of objection under the preceding paragraph of this section) by notice in writing served upon the Council require the Council to purchase their estate and interest in such lands and the Council shall thereupon purchase and take the same accordingly at the value specified in the initial valuation:

Council may
abandon
improvement
charge after
notice given

If within one month after the receipt of any such notice by any owners or by any such lessees requiring the Council to purchase their estate and interest in any lands in manner aforesaid the Council shall elect to abandon the proposed

charge to which such notice relates the Council may give notice by registered letter addressed to such owners or to such lessees as the case may be of their intention to abandon the same and thereupon the Council shall be relieved from any liability to purchase such lands or the estate or interest therein to which the notice relates and the charge so far as relates to such lands or any estate or interest therein of such owners or such lessees as the case may be shall be extinguished and the Council shall give a certificate under their common seal that such charge is extinguished which shall be sufficient evidence thereof. Provided that the Council shall pay to the owners or to such lessees as the case may be all costs charges and expenses reasonably and properly incurred by them in consequence of the said lands having been included in the assessment such costs failing agreement to be settled by a master of the Supreme Court.

A.D. 1901.
by owners
or lessees to
purchase.

(10) At any time during the said period of three months after the last publication of the assessment the owner or lessee of any lands upon which a charge under this section is proposed to be placed who may be the owner or lessee of other lands within the limits of the improvement area may give written notice to the Council that substantial and permanent decrease in the value of such other lands to an amount to be stated in the notice has been caused by the improvement and that he claims that such alleged decrease shall be considered by the arbitrator and if it be clearly shown that any substantial and permanent decrease in the value of such other lands as aforesaid has been caused by the improvement the arbitrator shall deduct the same in determining the amount of the charge in respect of such first-mentioned lands :

Lands
decreased
in value.

For the purposes of this Part of this Act joint tenants or tenants in common may give any such notice as aforesaid through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common and any lessees may combine in a notice.

Notices
by joint
tenants.

(11) If at the expiration of the said period of three months no notice of objection or of alleged decrease in value shall have been served on the Council then the Council may publish notice to that effect in the London Gazette and as from the date of such notice such assessment shall become final.

If no objec-
tion or claim
assessment
final.

(12) If any such notice of objection or of alleged decrease in value be served on the Council within the said period of three

Arbitrator
to settle
objections
and claims.

A.D. 1901.

months then the Council may apply to the Local Government Board to appoint an arbitrator for the purposes of this Part of this Act and the Local Government Board shall appoint an arbitrator accordingly and as often as any such arbitrator shall die or resign or become incapable of acting (previous to the making of an award as herein-after provided) the Council may in like manner apply to the said Board and the said Board shall from time to time appoint another arbitrator in his stead and every such arbitrator shall be entitled to such fees or remuneration as may be fixed by the Local Government Board.

Amendment
of assess-
ment.

(13) The Council may at any time before the appointment of the arbitrator but subject to the provisions of this Part of this Act by resolution amend the assessment so as to include in the assessment as amended any lands by this Act made liable to have an improvement charge placed upon them and comprised in the initial valuation but not in the original assessment and may fix the sums proposed to be charged upon any such lands but any such resolution shall be published and copies thereof shall be served and copies of the amended assessment deposited for public inspection in the manner herein-before prescribed with respect to the original resolution and assessment and notices of objection and of alleged decrease in value in respect of the amended assessment may be given in like manner and if given shall be dealt with and determined in like manner as objections to or claims in respect of the original assessment.

Procedure of
arbitrator.

(14)—(i) The Council at any time after the appointment of the arbitrator may apply to the arbitrator to appoint a time for determining the matter of all objections and alleged decreases in value made as in this Part of this Act mentioned and for making an award and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and claimants and also upon the owners lessees and occupiers of any lands inserted or which it may be proposed to insert in the award (being in all cases lands by this Part of this Act made liable to have an improvement charge placed upon them and comprised in the initial valuation) and at the time and place so appointed the arbitrator may proceed to hear and determine the matter of all such objections and allegations The arbitrator may amend the assessment on the

application either of any objector or claimant or of the Council A.D. 1901.
 Provided that if he insert in the award any lands or the name of
 any person not included in the original assessment or increase
 the amount of the charge on any lands such notice as the
 arbitrator may think sufficient shall be given to the persons
 affected to enable them to object to such insertion or increase :

(ii) The arbitrator may also if he think fit adjourn the hearing
 and direct any further notices to be given :

(iii) No objection to any assessment or award which could be
 made under this Act shall be otherwise made or allowed in any
 Court proceeding or manner whatsoever :

(iv) All the reasonable and proper costs of any such arbitration
 and incident thereto shall be borne by the Council unless the
 arbitrator shall award the same amount of charge as shall have
 been proposed in the assessment or a greater amount or (in the
 case of alleged decrease in value) a less amount than the amount
 claimed in which case each party shall bear his own costs
 incident to the inquiry or arbitration and the costs of the
 arbitrator shall be borne in equal proportions Provided that
 if it shall appear to the arbitrator that any objection to the
 amount proposed to be assessed or that any claim was frivolous
 and vexatious the arbitrator may make such order concerning
 the costs of the person making such objection as to him may
 seem meet Where such costs are ordered to be paid or become
 payable by an objector or objectors the arbitrator may if he
 think fit add such costs to the charge apportioned on the estate
 or interest of the objector or objectors.

(15) When and so soon as the assessment and any amendments Award.
 thereof and all objections thereto and all such allegations as
 aforesaid (if any) shall have been disposed of as by this Part of
 this Act directed the arbitrator shall issue an award under his
 hand which shall be final and conclusive for all purposes :

A copy of the award shall be published once in the London
 Gazette and notice of such award shall be served upon the
 owners or reputed owners lessees or reputed lessees and occupiers
 of the lands affected thereby.

(16) If no objection as herein-before provided be made to the Effect of
charge.
 assessment the amount defined by the assessment or the amended
 assessment (and if an award be made as herein-before provided
 then the amount defined by the award) as the charge in respect
 of any lands shall be a charge and incumbrance thereon and the

A.D. 1901.

Incidence of
charge.

Council shall cause the same to be registered as a land charge under the Land Charges Registration and Searches Act 1888.

- (17) The charge in respect of any lands as fixed by the award shall (subject to the following provision) begin to be payable on the first day of April or October as the case may be next ensuing after the date of the award and shall be payable thereafter half-yearly until redeemed and satisfied :

The arbitrator in making the award shall take into consideration all the circumstances of the case and in particular shall consider the several interests in such lands and the time at which they severally expire and may make the commencement of any charge dependent on the expiration of any term of years or other period or on the happening of any event as he shall deem fair and equitable :

The improvement charge charged upon any lands shall be apportioned between the several parties having any estate or interest in such lands as they shall agree or as in the event of no agreement being made or so far as any such agreement shall not extend shall be determined by the arbitrator who may apportion the incidence of such charge as between the freehold and any other estate or interest in the lands during the period of any existing term of years for which the same is held at the date of the award.

Collection of
charge.

- (18) The charge due in respect of any lands shall be payable to the Council on demand and may be collected on behalf of the Council by such persons as they may appoint for that purpose :

Where any lands in respect of which a charge is payable are occupied by any person the Council may collect the annual payments due in respect of the charge from such person. But if he be not the person for the time being liable to the payment of the charge or any part thereof then he may deduct from any rent payable by him the charge or any part thereof payable by any other person and any person receiving such rent (if he be not the person liable to pay the charge or any part thereof) may in like manner deduct from any rent payable by him the charge or such part thereof as is payable by any other person so that the proper deduction may in each case be made from the rent paid to the person or persons by whom the charge or any portion thereof is payable :

In case of default being made in any payment due to the Council in respect of the charge the amount thereof may be

recovered in any court of summary jurisdiction and in addition the Council may have and exercise such remedies for recovering the same as are conferred by the Conveyancing Acts 1881 to 1892 with regard to sums payable by way of rentcharge.

A.D. 1901.

(19) Any owner lessee or occupier of any lands subject to the charge or any other person interested therein may from time to time redeem the same by agreement with the Council and shall be entitled from time to time to redeem the charge upon any lands on payment to the Council of any arrears thereof and of a sum equal to thirty-three times the amount of such charge and from and after such redemption the charge shall be deemed to be satisfied and shall be no longer payable in respect of the said lands and the Council shall give a certificate under their common seal that the said charge is redeemed and satisfied which shall be sufficient evidence thereof.

Redemption
of charge.

(20) Where the incidence of the charge as between any persons interested in the lands is regulated or affected by any contract or covenant the arbitrator shall have regard to such contract or covenant and this Act shall not be deemed to alter the effect of any such contract or covenant.

As to exist-
ing contracts
&c.

(21) In any case where the Council are required under this Part of this Act to serve any notice or other document upon any owner or lessee and the Council are unable after diligent inquiry to ascertain the name or address of any owner or lessee on whom such notice or document is to be served it shall be sufficient to serve the same either by delivering the same to the occupier of the lands with a notice that the same is to be given to each immediate or superior landlord or owner or by affixing a copy of the resolution to some conspicuous and convenient place on or near the lands.

Service of
notices &c.

(22) The Arbitration Act 1889 shall subject to the provisions of this Part of this Act apply to the arbitrator and procedure before him except that the award shall be final and binding upon all parties.

Arbitration
Act to apply.

PART V.

MISCELLANEOUS.

42. The powers conferred on the Council by the London County Council (General Powers) Act 1898 for the compulsory purchase of lands for and in connexion with the reconstruction of Rosemary Branch Bridge (Regent's Canal) described in and

Extending
period for
compulsory
purchase of
lands.

A.D. 1901. authorised by section 4 paragraph (d) of that Act are hereby extended to the twelfth day of August one thousand nine hundred and three.

The provisions of the said Act regulating the powers of the Council with respect to houses occupied by persons of the labouring class shall continue in force but in reference to any procedure under the said provisions commenced after the passing of this Act the expression "house" in the said provisions shall be read and have effect as if it meant a house or part of a house occupied as a separate dwelling.

Applying provisions of Railways Clauses Act 1863 as to extension of time.

43. Part II. of the Railways Clauses Act 1863 relating to extension of time shall be deemed to be incorporated with this Act and for the purposes of this Act the expressions "railway" and "railway and works" shall mean the works mentioned in the last preceding section of this Act and the expression "the company" shall mean the Council.

Purchase of certain lands for extension of Brockwell Park.

44.—(1) The Council may purchase and acquire by agreement and may hold certain lands in the parish of Lambeth and county of London adjoining and to the northward of Brockwell Park and lying between Brailsford Road Water Lane and Dulwich Road and the Council may also purchase and acquire any existing leasehold or other interests in such lands or purchase such lands subject to any existing leases or interests and as from the time when the said lands come into possession of the Council and as from the expiration or earlier determination of any such leases respectively the Council may use the said lands or any part thereof as and for an open space or recreation ground in enlargement of or in connexion with Brockwell Park aforesaid.

(2) As and from the date when such lands or any part thereof are added to Brockwell Park the same or such part thereof shall be held as part of and shall be subject to all the provisions relating to Brockwell Park aforesaid.

Removal of obstruction in Lambert Road Brixton.

45. The Council subject to and in accordance with the provisions of the London Streets (Removal of Gates Bars &c.) Act 1893 may take down and remove the wall across the western end of Lambert Road in the parish of Lambeth together with any erections connected therewith in the same manner as if it were one of the obstructions mentioned in the schedule to that Act and from and after such removal the site of the said wall shall form part of the said street for all purposes of public traffic and shall be repaired maintained lighted cleansed and drained as part of the said street.

46.—(a) Notwithstanding anything in the Mortmain and Charitable Uses Act 1888 or any other Act to the contrary Horniman Park shall as from the passing of this Act vest and remain vested in the Council for all the estate and interest held or possessed by the said Frederick John Horniman therein or to which he was entitled on the day of the date of the Horniman conveyance and the Horniman conveyance shall as from the passing of this Act have full force and effect and be binding on the said Frederick John Horniman his heirs executors and administrators and the Council in accordance with the terms thereof.

A.D. 1901.

Acquisition
of Horniman
Park and
powers and
provisions as
to manage-
ment
thereof.

(b) The Council may from time to time exercise all necessary powers for the maintenance and preservation of Horniman Park for the purposes mentioned in the Horniman conveyance and may if they think fit enclose the said lands or any part thereof with a view to the better or more effectual preservation thereof for the said purposes and may retain or remove alter enlarge or adapt any buildings thereon for any purpose which they may think conducive to the public benefit in accordance with the provisions of this Act and the Horniman conveyance.

(c) The Council may erect and maintain in Horniman Park huts and lodges for the accommodation of keepers constables and other persons employed by the Council in connexion with the maintenance and management of Horniman Park.

(d) The powers given by this section subsections (b) and (c) are to be exercised subject and without prejudice to the subsisting leases and tenancies mentioned in the Horniman conveyance.

(e) The Council may if they think fit from time to time redemise the messuages and premises comprised in the Horniman conveyance now subject to leases or tenancies after the expiration or determination of the respective leases or tenancies for such number of years and upon such terms and conditions as they may think fit but without taking any fine or premium and continue to apply the rents thereof for the purposes mentioned in the Horniman conveyance as to the present rents thereof.

PART VI.

CONTRIBUTIONS BY LOCAL AUTHORITIES.

47. The councils of the Metropolitan boroughs herein-after mentioned respectively shall and they are hereby required from time to time to contribute towards the costs and expenses of the Council in relation to the purposes herein-after respectively stated such sums on account of such cost and expenditure in relation thereto as the Council may from time to time require to the extent

Contribu-
tions by
local
authorities.

A.D. 1901, of but not exceeding in each case the fixed sum herein-after stated with reference thereto and the councils of the said Metropolitan boroughs respectively may for the purpose of paying any such contribution or any part thereof borrow the requisite moneys and for the purpose of securing the repayment with interest of any moneys to be borrowed as aforesaid the councils of the said boroughs respectively may mortgage and assign all the moneys or rates authorised to be raised by them under the Metropolis Management Act, 1855 and all the provisions of sections 183 to 191 of the last-mentioned Act as amended by any subsequent Act shall apply to any borrowing by such councils respectively under this section of this Act.

The contributions required by this section are—

Towards the cost of the Central Street (Saint Luke) widening—

By the council of the Metropolitan borough of Finsbury fifteen thousand pounds :

Towards the purchase of lands for, or in connexion with the enlargement of Brockwell Park—

By the council of the Metropolitan borough of Camberwell eight thousand pounds ;

By the council of the Metropolitan borough of Lambeth twenty thousand pounds ;

By the council of the Metropolitan borough of Southwark two thousand five hundred pounds.

PART VII.

FINANCIAL.

48.—(1) The Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding one hundred and seventy-seven thousand four hundred and fifty pounds and in order to raise or provide the money required for that purpose the Council may from time to time create and issue consolidated stock or resort to the Consolidated Loans Fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time being in force regulating the raising of money for capital purposes by the Council :

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand nine hundred and two.

(2) The Council in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account shall

Money to
be raised
on capital
account.

make provision for the redemption of stock or the repayment of money borrowed or expended on capital account for the purposes of this Act within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine. A.D. 1901.

49. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner. As to payments under this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

(PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN BY THE COUNCIL.)

PART I.

DESCRIPTION OF PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN BY THE COUNCIL.

Name of Improvement.	Parish.	No. on Plan and in Book of Reference.	Description in Book of Reference.	Describing Part to be taken.
Brixton Road Widening	Lambeth -	1 - - -	Forecourt -	Pavement.
		2 to 19 inclusive	Forecourts -	Forecourts.

PART II.

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN BY THE COUNCIL SUBJECT TO ARBITRATION,

Name of Improvement.	Parish.	No. on Plan and in Book of Reference.
Central Street (Saint Luke) widening -	Saint Luke - -	3

A.D. 1901.

THE SECOND SCHEDULE.

THIS INDENTURE made the first day of August one thousand nine hundred and one between THE MASTER AND KEEPERS OR WARDENS AND COMMONALTY OF THE MYSTERY OR ART OF IRONMONGERS LONDON (herein-after called "the Ironmongers Company") of the one part and THE LONDON COUNTY COUNCIL (herein-after called "the County Council") of the other part.

WHEREAS the Ironmongers Company are or claim to be seised of the lands and hereditaments situate in the parish of Saint Luke in the county of London known as Nos. 36 to 82 (even numbers inclusive) Central Street and Nos. 1 2 and 4 Mitchell Street and Nos. 10 and 11 Paton Street which premises are delineated on the plan marked A hereto annexed and thereon coloured red and green and hatched with green lines for an estate in fee simple subject as to No. 36 Central Street to a lease expiring on or about the twenty-fifth day of December one thousand nine hundred and five as to Nos. 54 to 64 (even numbers inclusive) 68 and 72 Central Street to a lease or leases for a term or terms of which about fifteen years are still unexpired and as to No. 74 Central Street and No. 10 Paton Street to a lease expiring at Christmas one thousand nine hundred and thirty-four and as to the rest of the said hereditaments to various tenancies not exceeding yearly tenancies :

And whereas the County Council have introduced a Bill in the present session of Parliament entitled "The London County Council (General Powers) Bill 1901" whereby they are seeking compulsory power to acquire the whole of the said lands and hereditaments coloured red and green for the purpose of making a widening of Central Street on the eastern side thereof between the junction therewith of Old Street and the junction therewith of Clarence Place all which streets are delineated and marked on the said Plan A :

And whereas the lands and hereditaments hatched with green lines on the said Plan A are not covered by the compulsory powers sought by the said Bill but the County Council may be compelled to take the same as they are occupied with No. 74 Central Street aforesaid :

Now this indenture witnesseth and it is hereby agreed and declared that if the said Bill shall become law in the present session of Parliament the following provisions shall have effect and be carried out between the parties hereto but that otherwise these presents shall be void :—

1. The Ironmongers Company will sell and the County Council will buy the fee simple of so much of the said hereditaments Nos. 1 2 and 4 Mitchell Street Nos. 38 40 42 44 46 48 50 52 66 70 76 78 80 and 82 Central Street and No. 11 Paton Street as is coloured red on the said plan A but subject to the said existing tenancies not exceeding yearly tenancies The price to be paid by the County Council for the said hereditaments by this clause agreed to be sold shall be the value thereof as vacant land in possession.

2. The Ironmongers Company will sell and the County Council will buy the fee simple of so much of the said hereditaments Nos. 36 54 56 58 60 62 64 68 72 and 74 Central Street as is coloured red on the said plan marked A

subject to the said respective leases affecting the same and also a part of the rents reserved by the said respective leases bearing the same proportion to the part of the said rents retained by the Ironmongers Company as the area of the portions coloured red on the said plan A of the said hereditaments comprised in this clause bears to the area of the portions coloured green on the same plan of such hereditaments. The price to be paid by the County Council for the said portions of the said hereditaments by this clause agreed to be sold shall be the sum which would be their present value if sold as vacant land acquired in fee simple but of which possession would be deferred in the case of No. 36 Central Street until Christmas one thousand nine hundred and five in the case of No. 74 Central Street until Christmas one thousand nine hundred and thirty-four and in the case of all the other hereditaments comprised in this clause until Midsummer one thousand nine hundred and sixteen. The price to be paid for the said proportionate parts of the said rents shall be the capitalised value of such proportionate parts for the residue of the respective terms for which the same are payable.

3. The County Council shall acquire under the compulsory powers to be conferred upon them by the said Act the estates and interests of all lessees occupiers and persons (other than the Ironmongers Company) in the whole of the said hereditaments coloured red and green and if so compelled as aforesaid also the hereditaments hatched green on the said plan and shall without any further payment than is herein provided for assign or surrender the estates and interests so acquired as last aforesaid in the whole of the said portions so coloured green and hatched green to the Ironmongers Company to the intent that the latter shall become absolutely entitled in possession to all the said hereditaments so coloured green and (in the event aforesaid) also to the said hereditaments hatched green.

4. The Ironmongers Company will use their best endeavours to procure some neighbouring site on their own estate to be offered to the present lessee of 74 Central Street and 10 Paton Street now used for a public-house called "The White Horse" at the same rent and for a term not exceeding the unexpired term for which the said "White Horse" premises are now held by him. If such a site be procured and accepted by the said lessee the County Council will pay the whole cost of building or rebuilding the house and premises for the said lessee on such substituted site and will also pay the whole cost of compensating the said lessee for trade disturbance. If no such substituted site can be procured or the lessee refuse to accept such site as can be procured or the licensing authorities refuse to transfer to or grant for such substituted premises the necessary licences the County Council will pay the whole cost of compensating the said lessee for goodwill and trade disturbance but in this latter event the cost of compensating the said lessee for extinguishment of his licence shall be apportioned between the County Council and the Ironmongers Company in the same proportion which the area of the portion coloured red on the said plan A of the same premises No. 74 Central Street and 10 Paton Street bears to the portion coloured green and hatched green on the same plan of the same premises but so nevertheless that the Ironmongers Company shall not in any case bear a greater sum than 1,000% as their share of compensation for the extinguishment of the said licence.

A.D. 1901.

5. The cost of acquiring the estate of the lessee in the said hereditaments under each of the said leases referred to in clause 2 hereof shall be apportioned between the County Council and the Ironmongers Company in the same proportions which the area of the portion coloured red on the said plan A of the premises comprised in each of the said leases bears to the area of the portion coloured green and hatched green on the same plan of the premises comprised in the said leases. The County Council shall bear the whole expense of acquiring the interest of all tenants or occupiers having yearly or shorter tenancies of any part of any of the said hereditaments coloured red and green on the said plan and also the whole cost of compensating all lessees tenants and occupiers of any part of the said hereditaments for trade disturbance or goodwill and the whole of the compensation for the extinguishment of the licence of the beerhouse known as "The Watermans Arms" No. 60 Central Street.

6. All sums to be borne or paid under this Agreement shall in case of difference be ascertained by arbitration in accordance with the provisions of the Lands Clauses Consolidation Acts.

7. The County Council shall execute all works necessary for widening Central Street aforesaid at their own expense.

8. The portions of the said hereditaments coloured red on the said plan A are those which it is believed the County Council will in fact require for the purposes of the said widening. If however it should be found that the County Council in fact require either a greater or less quantity of the said hereditaments than is so coloured red the County Council shall take such greater or less quantity accordingly and the provisions herein contained as to the portions coloured red and green and hatched green respectively on the said plan A shall be deemed to refer to the quantities actually taken by the County Council and retained by the Ironmongers Company respectively.

10. This Agreement is made subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make any material alteration in this Agreement either party may withdraw therefrom.

In witness whereof the Ironmongers Company and the County Council have respectively caused their common seals to be hereunto affixed the day and year first before written.

Sealed with the corporate seal of the Worshipful Company of
Ironmongers London—

JOHN NICHOLL Junr. Master.

FREDK. W. MANSON

HENRY DIGNAM BAILY

R. C. ADAMS BECK Clerk.

} Wardens.

L.S.

Sealed by order—

G. L. GOMME

Clerk of the Council.

L.S.

THE THIRD SCHEDULE.

A.D. 1901.

THIS INDENTURE made the twenty-sixth day of March one thousand nine hundred and one between FREDERICK JOHN HORNIMAN of Falmouth House 20 Hyde Park Terrace in the county of London Esquire M.P. of the one part and THE COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF LONDON (herein-after called "the Council") of the other part.

WHEREAS the said Frederick John Horniman is seised of and entitled to the hereditaments herein-after expressed to be hereby conveyed for an estate of inheritance in fee simple in possession free from incumbrances, but subject as to certain parts to the leases and tenancies herein-after mentioned :

And whereas the said Frederick John Horniman desires to present as a free gift to the Council the said hereditaments herein-after expressed to be hereby conveyed for the purpose of a public park and public museum for the people in perpetuity. Now this indenture witnesseth that for effectuating his said desire the said Frederick John Horniman as beneficial owner hereby conveys unto the Council their successors and assigns first all those pieces or parcels of land situate in what was lately the parish of Saint Giles Camberwell but is now the parish of Lewisham in the county of London. Together with the messuage or tenement standing on part thereof known as "Surrey Mount" and the museum standing on other part thereof known as "Horniman Museum" and all other buildings thereon. All which first described premises are delineated on the plan drawn in the margin of these presents and are thereon coloured green red and blue. And secondly all those several pieces or parcels of land situate in what was lately the parish of Saint Giles Camberwell but is now the parish of Lewisham aforesaid. Together with the several messuages or tenements standing on parts thereof and known respectively as Rose Hill Rose Cottage Stanley House Brunswick House Birley House High Meadow and Bolton Brow. All which secondly described premises are delineated on the said plan and are thereon coloured yellow and are respectively subject to the leases and tenancies specified in the schedule hereto. To hold the said hereditaments and premises herein-before expressed to be hereby conveyed unto and to the use of the Council their successors and assigns in fee simple to the end and intent that the same premises shall and may for ever hereafter be used and enjoyed as to the said museum as and for a public museum and as to the remainder of the said hereditaments and premises as and for a public park to be dedicated to the recreation of the public with or without any additional public museum or public museums as defined by the Mortmain and Charitable Uses Act 1888 :

Provided always and it is hereby declared that the said hereditaments secondly herein-before described are hereby conveyed subject to but with the benefit of the leases and tenancies specified in the Schedule hereto so far as the same are respectively affected thereby and that the rents received in

A.D. 1901. respect of such leases and tenancies respectively shall be applicable and be applied by the Council for or towards the maintenance and support of the said public museum and public park and any such museum or museums as aforesaid.

In witness whereof the said Frederick John Horniman has hereunto set his hand and seal and the Council have caused their common seal to be hereunto affixed the day and year first before written.

Signed sealed and delivered by
the within-named Frederick
John Horniman in the } (Signed)
presence of— FREDK. JOHN HORNIMAN. L.S.

(Signed) JAS. W. JONES
28 Wormwood Street London
Secretary.

(Signed) F. W. DUNSCOMBE
Clerk to Messrs. Flint and Gardner
Solicitors
12 St. Helen's Place E.C.

The SCHEDULE above referred to.

Description of Property.	Name of Tenant.	Date of Agreement or Lease.	Term.	Yearly Rent.
Rose Hill -	Henry Stanford Mountain.	28th September 1899	3 years from 29th September 1899.	£ 80
Stanley House -	Charles Barry	26th May 1892	14 years from 29th September 1892.	100
Brunswick House	John Richards Manning.	1st February 1898	14 years from 25th March 1898 determinable by tenant at end of 7th year.	125
Birley House -	John Last Sayer	10th February 1894	14 years from 25th December 1893.	125
High Meadow -	Alexander John Keith.	7th April 1899	Yearly tenancy from 24th June.	100
Bolton Brow -	Mrs. Letitia Whitworth.	8th October 1900	99 years from 29th September 1900 if the said Letitia Whitworth so long live determinable by Tenant on 6 calendar months' notice.	100

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