

**CHAPTER clxxxviii.**

An Act to authorise the construction of a Bridge over certain Railways near the western end of Cromwell Road, Kensington, with Roads and Approaches in connexion therewith.

A.D. 1878.

[22d July 1878.]

WHEREAS the construction of the bridge, roads, and works herein-after described would open out a short and convenient line of communication between the important thoroughfares and districts of North End Road, Fulham, West Kensington, and Hammersmith, and Cromwell Road West, Kensington, and would be attended with public and local advantage :

And whereas James Gunter, Lieutenant-Colonel of Her Majesty's Fourth Dragoon Guards, Sir William Palliser, of 21, Earl's Court Square, Earl's Court, in the county of Middlesex, Knight, C.B., and William Henry Gibbs, of Oriel Road, Hammersmith, in the county of Middlesex (herein-after called "the Undertakers"), are willing, at their own expense, to construct the said bridge, roads, and works, and to dedicate the same to the public on being authorised to acquire certain lands, buildings, and property in the neighbourhood thereof, and on having the powers herein-after contained conferred upon them :

And whereas the owners of the lands required for the construction of the bridge, roads, and works are consenting to the same, and the vestry of the parish of Saint Mary Abbots Kensington and the board of works for the Fulham district consider the same to be of public advantage, and have agreed to undertake the future maintenance thereof in their respective districts as herein-after provided :

And whereas plans and sections showing the lines and levels of the works by this Act authorised, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly

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A.D. 1878. deposited with the clerk of the peace for the county of Middlesex, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes of this Act 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the Cromwell Road Bridge Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (except sections sixteen, seventeen, and one hundred and thirty-three of the first-mentioned Act, and also such of the provisions of those Acts as are varied by or excepted from or inconsistent with this Act,) are incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have (subject as herein-after mentioned) the same respective meanings, unless there be something in the subject or context repugnant to such construction :

The expression "two justices" means two justices assembled and acting together in petty sessions, or a metropolitan police magistrate sitting alone ;

The word "street" includes streets, squares, courts, lanes, alleys, highways, roadways, thoroughfares, or public passages or places ;

The expressions "the bridge and roads" and "the undertaking" mean respectively the bridge, roads, approaches, and works, and the undertaking by this Act authorised ;

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

And for the purposes of this Act—

Any enactment referring to "the Company" shall be deemed to apply to the Undertakers ;

Any enactment referring to "the manager, secretary, chief or other clerk, accountant, treasurer, or other officer of the "Company" shall be deemed to apply to the Undertakers ;

Any enactment referring to "a writing under the common seal of the Company" shall be read and have effect as referring to a

writing under the hands and seals of the Undertakers, or any two of them; and A.D. 1878.

Any enactment referring to "superior courts" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

4. Subject to the provisions of this Act, the Undertakers may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the bridge and roads herein-after described, with all proper abutments, piers, retaining walls, fences, drains, culverts, and other works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. Power to make works according to deposited plans.

The bridge and roads herein-before referred to and authorised by this Act are—

- (1.) A bridge for the passage of horses, carriages, carts, and passengers over certain railways and sidings, commencing on the eastern side of such railways and sidings, five chains west of the junction of Cromwell Road West with Warwick Road, and terminating on the western side of the said railways and sidings, three chains west of the said commencement:
- (2.) An approach road, commencing opposite the junction of Cromwell Road West with Warwick Road, and terminating at the commencement of the bridge:
- (3.) A road, commencing on the eastern side of North End Road, and terminating at the termination of the bridge.

Provided always, that nothing in this Act contained shall extend to authorise or empower the Undertakers to enter upon, take, and use any of the lands respectively delineated on the said deposited plans and described in the said deposited books of reference without the consent of the owners, lessees, and occupiers thereof, save only and except such of the said respective lands as shall be actually required for the construction of the said bridge and roads, and for the diversion of the lanes numbered 16 and 26 on the deposited plans, in the parish of Saint Mary Abbots Kensington.

5. The bridge and roads shall be made throughout of a width (inclusive of foot pavements) of not less than forty feet. Width of bridge and roads.

A.D. 1878.

As to roads
in Kensington.

6. Provided always, that, notwithstanding anything in this Act contained to the contrary, the Undertakers shall be subject to and shall be bound by the following conditions and restrictions :

The inclination of the before-mentioned approach road shall be not steeper than one in thirty :

Before stopping up any part of the roads in the parish of Saint Mary Abbots Kensington, numbered respectively 16 and 26 upon the deposited plans, the Undertakers shall within the limits of deviation make and complete and open to the public a new road to connect each of the said roads with Warwick Road, of such width, not exceeding thirty feet, as shall be approved of by the Metropolitan Board of Works :

The said new road shall be made to the satisfaction of the engineer of the Metropolitan Board of Works, and when completed shall be open for public use, and shall be under the care and management of and shall vest in the vestry of the said parish.

Period for
compulsory
purchase of
lands.

7. The powers of the Undertakers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Mode of
settlement
prescribed in
s. 121 of
8 & 9 Vict.
c. 18. to
apply to
certain
claims.

8. All claims for compensation made upon the Undertakers shall, if the person claiming to be entitled to compensation has no greater interest than as tenant for a year, or from year to year, in the lands in respect to which the compensation is claimed, be determined in like manner as is provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845, with respect to the compensations in that section referred to.

Power to
take ease-
ments, &c.
by agree-
ment.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.

9. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Undertakers any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and 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 grants and to such easements, rights, and privileges as aforesaid respectively.

Period for
completion
of works.

10. If the bridge and roads are not completed within five years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Undertakers for making and

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completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

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11. The Undertakers, during the making of the bridge and roads, may, in or upon the lands shown upon the deposited plans, and with the consent of the Metropolitan Board of Works, and according to such regulations as they may prescribe, stop up or cause to be stopped up all or any part of the carriageways or footways of streets which they shall think necessary for the purposes of this Act to be stopped up, and for that purpose may put or cause to be put up sufficient palisades, bars, posts, and other erections, and the Metropolitan Board of Works may make from time to time such orders for regulating the passage of horses, carts, and carriages as to them shall seem proper.

Power to stop up ways during execution of Act.

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

Streets may be raised or lowered.

13. Subject to the provisions of this Act, in making any of the works for or connected with the bridge and roads, the Undertakers may deviate to any extent not exceeding five feet from the levels thereof defined on the deposited sections, and may deviate from the lines thereof within the limits of deviation defined on the deposited plans, and beyond those limits with the consent of the owners, lessees, and occupiers of the lands through which any such deviation is to be made, but not otherwise.

Power to deviate from levels, &c.

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

Power to make subsidiary works.

15. Notwithstanding anything in this Act or in the deposited plans, sections, and books of reference contained, it shall not be

For protection of Walter

A.D. 1878. lawful for the promoters to enter upon and take any lands or other property of which Walter Henry Haynes is now sub-lessee without the consent of the said Walter Henry Haynes.

Henry
Haynes.

For pro-
tection of
Morningson
House and
Morningson
Lodge
Estates.

16. Nothing in this Act or in the deposited plans, sections, and books of reference contained shall enable the promoters to purchase any part of the land forming part of Morningson House and Morningson Lodge Estates, except so much of such land, not exceeding seventy feet in width, as shall be required or forming the bridge and roads herein-before described, together with the retaining walls or embankments for same, without the consent in writing of the owner or owners for the time being of the Morningson House and Morningson Lodge Estates.

For pro-
tection of
sewers of
Metropolitan
and other
boards.

18 & 19 Vict.
c. 120.

17. When any of the intended works to be done under or by virtue of this Act shall or may pass over, under, or by the side of or so as to interfere with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Metropolitan Board of Works, or of any vestry or district board constituted under the Metropolis Local Management Act, 1855, or any Act or Acts amending the same or extending the powers thereof, or with any sewers or works to be made or executed by the said boards or vestry, or either of them, or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control, the Undertakers shall not commence such work until they shall have given to the said Metropolitan Board or to the district board or vestry, as the case may be, fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such board or vestry, as the case may be, for the time being, with a plan and section showing the course and inclination of such work, and other necessary particulars relating thereto, and until such board or vestry respectively shall have signified their approval of the same (unless such board or vestry, as the case may be, do not signify their approval, disapproval, or other directions within fourteen days after the service of the said plans, sections, and particulars as aforesaid); and the Undertakers shall comply with and conform to all orders, directions, and regulations of the said Metropolitan Board and of the respective boards or vestries in the execution of the said works, and shall provide, by new, altered, or substituted works, in such manner as such boards or vestries respectively may deem necessary, for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the said intended works, or any part thereof, and shall save harmless the said Metropolitan

Board, district board, and vestry respectively against all and every the expense to be occasioned thereby, and all such works shall be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board, district board, or vestry, as the case may be (unless such board or vestry, as the case may be, refuses or neglect to give such superintendence at the time specified in such notice as aforesaid, or discontinues the same during the work), at the costs, charges, and expenses in all respects of the Undertakers, and all costs, charges, and expenses which the said Metropolitan Board, or any district board or vestry, may be put to by reason of the works of the Undertakers, whether in the execution of the works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to such boards or vestry by the Undertakers on demand, and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Undertakers under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said Metropolitan Board, district boards, and vestry respectively, as the case may be, as any new sewers or works now are or hereafter may be, and nothing in this Act shall extend to prejudice, alter, diminish, or take away any of the rights, powers, or authorities vested or to be vested in the said Metropolitan Board, district boards, and vestries, or any or either of them, or of their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

18. The bridge by which the road shall be carried over the railways of the West London Extension and London and North-western Railway Companies shall be a girder bridge of two clear spans, one span over the two main lines of the West London Extension Railway, and the other span over the remainder space up to the eastern boundary of the property of the said railway companies, and so that there shall be a clear height above the level of the rails for the entire length of such bridge of not less than fourteen feet six inches; and the said bridge shall be constructed, both as to the dimensions of the said spans and otherwise, only and according to plans, elevations, sections, and specifications to be submitted by the Undertakers to the respective principal engineers of those companies, and to be reasonably approved of by such respective engineers in writing under their respective hands, and if they respectively fail or decline to approve the same, by an engineer to be appointed by

Plans of
bridge to be
approved by
West Lon-
don Exten-
sion and
London and
North-
western
Railway
Companies.

A.D. 1878. — the Board of Trade, on the application and at the expense of the Undertakers, before the Undertakers shall enter on any lands of those respective companies.

As to repair of bridge over West London Extension and London and North-western Railways.

19. Subject to the provisions of this Act, the Undertakers shall at all times maintain the works by which, under the provisions of this Act, the road and bridge shall be carried over the West London Extension and London and North-western Railways in complete and substantial repair, order, and condition, to the reasonable satisfaction in all respects of the respective principal engineers for the time being of the West London Extension and the London and North-western Railway Companies; and if and whenever the Undertakers fail so to do, those respective companies may make and do, in and upon as well the lands of the Undertakers as their own respective lands, such works and things as those respective companies may think requisite in that behalf, and the reasonable amount of their respective expenditures in that behalf from time to time shall be repaid to them respectively by the Undertakers, and in default of full repayment the amounts due may be recovered, with full costs, by them respectively from the Undertakers in any court of competent jurisdiction.

Compensation in case of injury to railways.

20. If by reason of the construction or maintenance of the works by this Act authorised, or the commencement thereof and failure to complete the same within the time limited by this Act, the West London Extension Railway or the London and North-western Railway, or any of the works and lands connected with either of those railways, shall be damaged or injured, the Undertakers shall make full compensation for any loss or expense occasioned thereby.

Traffic on West London Extension and London and North-western Railways not to be interfered with.

21. The Undertakers shall not, in the exercise of any of the powers of this Act, in any manner obstruct, hinder, or interfere with the free, uninterrupted, and safe user of the railways of the West London Extension Railway Company or the London and North-western Railway Company, or any traffic on either of those railways, and if at any time hereafter the free, uninterrupted, and safe user of the West London Extension Railway or the London and North-western Railway, or the traffic thereon, shall be obstructed, hindered, or interfered with contrary to this enactment, the Undertakers shall forfeit and pay to such one of those companies the user of or traffic on whose respective railway shall be so obstructed, hindered, or interfered with the sum of twenty pounds by way of ascertained damages for every hour during which any such obstruction, hindrance, or interference shall continue.

22. If the Undertakers, having commenced the works by this Act authorised, shall fail to complete the same within the time limited by this Act, or shall suspend or neglect to proceed there-with for a period of six consecutive calendar months, it shall be lawful for the West London Extension Railway Company and of the London and North-western Railway Company, and their respective agents and servants, to take down and remove such portion of the works, and, for the purpose of effectually taking down and removing the same, to enter upon any land of the Undertakers adjoining those respective railways, and to remove any works connected with such portion of the works which it may be necessary to remove in order effectually to carry out such taking down and removal, and to sell and dispose of all materials so taken down and removed, and to apply the proceeds of any sale thereof in and towards reimbursing and compensating themselves respectively for all expenses, loss, or damage they respectively may incur, sustain, or be put to in or about such taking down or removal, and restoring their respective properties to their proper condition, and the surplus (if any) of any moneys realised by any such sale, after full reimbursement and compensation as aforesaid, shall be paid by those respective companies to the Undertakers, but those respective companies shall not be liable to the Undertakers for any loss that may accrue upon any such sale as aforesaid: Provided that if the moneys realised on any such sale shall be insufficient to reimburse and compensate those respective companies as aforesaid, the Undertakers shall be liable to pay to those companies respectively the amount by which the sum so realised as aforesaid shall be deficient.

A.D. 1878.

As to failure to complete works after their commencement.

23. With respect to any land of the West London Extension Railway Company or of the London and North-western Railway Company which the Undertakers are by this Act from time to time authorised to use, enter upon, or interfere with, the Undertakers shall not purchase and take the same, but the Undertakers may purchase and take, and the West London Extension Railway Company and the London and North-western Railway Company, or either of both of those companies, as the case may be, may and shall sell and grant accordingly, an easement or right of using the same for the purposes for which but for this enactment the Undertakers might purchase and take the same.

Undertakers to acquire only easements in land of West London Extension and London and North-western Railway Companies.

24. The Undertakers shall bear and on demand pay to the West London Extension Railway Company and the London and North-western Railway Company the expense of the employment by them respectively, during the making of the road and bridge

Undertakers to pay expenses of watchmen during construction of works.

A.D. 1878. over and adjacent to the line of the West London Extension Railway and the London and North-western Railway, of a sufficient number of inspectors or watchmen to be appointed by them for watching their respective railways with reference to and during the execution of the intended works, and for preventing as far as may be all interference, obstruction, danger, and accident to arise from any of the operations, or from the acts or defaults of any person or persons in the employ of the Undertakers with reference thereto or otherwise.

Differences
to be settled
by arbitra-
tion.

25. All disputes and differences that may arise between the Undertakers and the West London Extension Railway Company and the London and North-western Railway Company, or either of them, as to the amount to be paid for the acquisition of an easement in and upon the lands, works, and property of either of those companies, as the case may be, including the compensation, if any, for damage or injury to the railways, works, and lands belonging to or used by those respective companies, or as to any of the matters or things provided for under clause (5), shall from time to time be settled by arbitration in manner provided by the Railway Companies Arbitration Act, 1859, and for the purposes of such arbitration the Undertakers shall be deemed to be a company within the meaning of that Act.

22 & 23 Vict.
c. 59.

Saving rights
of West Lon-
don Extension
and London
and North-
western Rail-
way Com-
panies.

26. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, or powers of the West London Extension Railway Company and the London and North-western Railway Company, or either or both of them, otherwise than is herein expressly provided.

As to altera-
tion of posi-
tion of water
and gas
pipes.

27. The Undertakers may, for any purpose in connexion with the bridge and roads, upon the lands acquired by them under the powers of this Act, and also in any street within the limits of deviation defined upon the deposited plans, raise, sink, or otherwise alter the position of any drain, channel, water pipe, or gas pipe belonging to or connected with any house or building adjoining or near to the works, and also any main or other pipe laid down or used by any company for carrying a supply of water or gas, and may remove any other obstruction, making, in cases of alteration, proper substituted works in the meantime, and causing as little detriment and inconvenience as circumstances admit to any company, person, or body, and making reasonable compensation to any company, person, or body who suffers damage by any such alteration: Provided always, that before the Undertakers alter the position of any main or other pipe laid down or used by any such company or body they

shall give to the company or body to whom the same belongs notice of their intention to do so, specifying the time at which they will begin to do so, such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration, and such work shall be done under the superintendence (at the expense of the Undertakers) of the company or body to whom such pipe belongs, unless such company or body refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work, or discontinues the same during the work, and the Undertakers shall execute such work to the reasonable satisfaction of the engineer of such company or body: Provided also, that the Undertakers shall not cause any street or road to be lowered or raised, or the position of any water or gas pipes to be altered so as to leave over such pipes in any part a covering of less than two feet (unless the Undertakers shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or body), or more than six feet, unless a referee to be appointed by the Board of Trade, on the application of either party in case of dispute, shall consider that the pipes should be carried to a greater depth for the purpose of avoiding interference with the works to be executed under this Act, and in such case the pipe shall be altered in such manner, and such works shall be made at the expense of the Undertakers in such manner, as the referee may prescribe, and the expense of the reference shall be in the discretion of the referee.

28. The Undertakers, within the limits of deviation defined upon the deposited plans, may raise, sink, or otherwise alter or cause to be altered the position of any of the steps, areas, cellars, windows, and channels, pipes, or spouts belonging to any house or building, and also the drains, mains, and the leaden or other pipes which, for the purpose of conveying water or gas to any house or other place, shall be laid into or form any main or pipe laid down by any of the companies or societies who furnish the inhabitants with water or gas, and may remove all other obstructions, so as the same be done with as little delay and inconvenience to the said companies, societies, and inhabitants as the circumstances of the case will admit, and the Undertakers shall make reasonable compensation to any corporation or person who suffers damage by any such alteration.

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

29. So soon as the bridge and roads shall have been constructed with proper paved, flagged, or asphalted and kerbed footpaths or sideways, channels, sewers, gullies, or other necessary works to the satisfaction of the vestry of the parish of Saint Mary Abbots

Ground laid
into the
streets to
form part
thereof.

A.D. 1878. Kensington and the board of works for the Fulham district, the Undertakers may and shall open and dedicate the same to the public, and thereafter they shall be used by the public accordingly.

Repair and maintenance of bridge and roads.

30. The said bridge and roads, when formed and made to the satisfaction of the Metropolitan Board of Works, and opened and dedicated to the public, and the sole power and authority of paving, repairing, cleansing, and lighting the same, shall be vested as follows; that is to say, as to the road (No. 3) herein-before mentioned, and which will be in the parish of Fulham, in the board of works for the district of Fulham; and as to the bridge (No. 1) and the road (No. 2) herein-before also mentioned, both of which will be in the parish of Saint Mary Abbots Kensington, in the vestry of the parish of Saint Mary Abbots Kensington; but the board of works for the district of Fulham shall pay to the vestry of the parish of Saint Mary Abbots Kensington one half of the cost, annual or otherwise, which the vestry of Saint Mary Abbots Kensington may from time to time incur in paving, repairing, cleansing, painting, and lighting the said bridge (No. 1) and road (No. 2).

Saving Lord Kensington's right to make vaults in road.

31. Provided nevertheless, that William Lord Kensington, his heirs or assigns, or other the owner or owners for the time being of the Kensington Estate, shall, subject to all byelaws, rules, and regulations of the Metropolitan Board of Works, or the vestry of the parish of Saint Mary Abbots Kensington, for the time being in force under the Metropolis Local Management Acts or any of them, from time to time and at any time, either before or after such opening and dedication to the public, have full power to put vaults under the approach road (No. 2) herein-before described for any houses to be built on the Kensington Estate and fronting on such road leading from the Warwick Road, and to use without charge for the purposes of such houses a sewer under the same which the Undertakers shall construct at their expense: Provided that all damage that may from time to time be done to the said road or the footways thereof by reason of the construction of any of such vaults shall be made good by the said William Lord Kensington, his heirs or assigns, or other the owner or owners aforesaid, to the satisfaction of the surveyor for the time being of the authority or person for the time being having jurisdiction over or entitled to the said road.

Errors and omissions in plans, &c. to be corrected

32. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plans or specified in the deposited books of

reference, the Undertakers may, after ten days notice to the owners, lessees, and occupiers of the lands in question, apply to two justices for the correction thereof, and if it appear to such justices that the omission, mis-statement, or wrong description arose from mistake they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter is mis-stated or wrongly described, and such certificate shall be deposited with the clerk of the peace for the county of Middlesex, and a duplicate thereof shall also be deposited with the vestry clerk of the parish of Saint Mary Abbots Kensington, and with the clerk to the board of works for the Fulham district, and such certificate and duplicate respectively shall be kept by such clerk of the peace, vestry clerk, and clerk to the board along with the other documents to which the same relate, and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate, and the Undertakers may take the lands and execute the works in accordance with such certificate.

A.D. 1878.

by justices,
who shall
certify the
same.

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

Notice to be
given of
taking
houses of
labouring
classes.

34. If the Undertakers shall, under the powers of this Act, take or interfere with fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, the Undertakers shall, before displacing such persons (unless the Undertakers and such persons otherwise agree), procure sufficient accommodation elsewhere for such persons; provided that if any question arise as to the sufficiency of such accommodation, the same shall be determined by a justice.

Accommoda-
tion to be
provided for
labouring
classes.

35. The Undertakers may enter into agreements with the vestry of the parish of Saint Mary Abbots Kensington and the board of works for the Fulham district, or either of them, with respect to the following purposes, or any of them; (that is to say,)

Power to enter
into agreements
with vestry
of St. Mary
Abbots Ken-
sington and
board of works
for Fulham
district.

The construction and maintenance of the bridge and roads, or any of them, or any parts thereof respectively, and of the works connected therewith respectively, or any of them;

A.D. 1878.

The acquisition and appropriation of lands and property for the purposes of the works by this Act authorised;

The contribution of funds for the above purposes, or any of them;

Any incidental matters.

As to making
good defi-
ciency in
local rates.

36. For the purpose of providing against any deficiencies in the rates which may be occasioned by the construction of the bridge and roads, and carrying into effect the works connected therewith, in the parishes of Saint Mary Abbots Kensington and Fulham, the Undertakers shall from time to time be liable to make good the deficiency (if any) arising within each such parish by reason of any lands having been taken or used for the purposes of this Act, and the Undertakers shall, at the end of each year during which such deficiency shall occur, on demand, pay to such person as the respective vestry or board of works of such parish shall appoint to collect or receive the said rates the deficiency for each such year.

Undertakers not
exempt from
provisions of
7 & 8 Vict. c. 84.
18 & 19 Vict. c. 122.
23 & 24 Vict. c. 52.
24 & 25 Vict. c. 87.
32 & 33 Vict. c. 82.
18 & 19 Vict. c. 120.
19 & 20 Vict. c. 112.
21 & 22 Vict. c. 104.
25 & 26 Vict. c. 102.

37. Nothing in this Act contained shall exempt the Undertakers or the undertaking from any of the provisions of the Metropolitan Building Acts, the Metropolis Management Act, 1855, the Metropolis Management Amendment Act, 1856, the Metropolis Management Amendment Act, 1858, the Metropolis Management Amendment Act, 1862, or of any of the Acts relating to the Metropolitan Board of Works.

Powers of
heirs of
Undertakers.

38. All powers, authorities, rights, duties, and liabilities by this Act conferred or imposed on the Undertakers shall pass and belong to and be exercised and discharged by the Undertakers, and the survivors and survivor of them, and their or his heirs.

Expenses of
Act.

39. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Undertakers.