



## CHAPTER xxx.

An Act to enable the Hendon Rural Sanitary Authority to make certain payments to the Local Board for the Hendon Local Government District out of the income of trust estates and funds vested in the Edgware Highway Board by the Metropolis (Kilburn and Harrow) Roads Act, 1872, to vary the provisions of the said Act, to discharge the Hendon Rural Sanitary Authority from the obligation to maintain portions of a certain road, to impose on them the obligation to maintain another portion of the same road ; and for other purposes. [29th June 1880.] A.D. 1880.

WHEREAS under and by virtue of an indenture of bargain and sale enrolled in Chancery, bearing date the sixth day of July in the twenty-first year of the reign of Queen Elizabeth, and made between Sir Gilbert Gerrard and William Gerrard of the first part, John Lyon and Joan his wife of the second part, and the keepers and governors of the possessions, revenues, and goods of the Free Grammar School of John Lyon, within the town of Harrow-upon-the-Hill, in the county of Middlesex, of the third part, certain lands and hereditaments described in the first part of Schedule A. annexed to the Metropolis (Kilburn and Harrow) Roads Act, 1872, hereinafter mentioned, were vested in the said keepers and governors upon trust to bestow and employ the profits, yearly rent, and commodity thereof towards and upon repairing and amending the common highway from the town of Edgware, in the county of Middlesex, to the City of London, and to bestow and employ the residue and surplusage (if any) of the same profits, yearly rents, and commodity towards and upon repairing and amending the highway from the town of Harrow-upon-the-Hill into the City of London :

And whereas by another indenture, dated the nineteenth day of December in the twenty-fifth year of the reign of Queen Elizabeth, and made between William Sherrington of the first part, the said

A.D. 1880. — John Lyon and Joan his wife of the second part, and the said keepers and governors of the third part, certain other lands and hereditaments described in the second part of Schedule A. to the said Act annexed (which lands and hereditaments, together with the lands and hereditaments previously mentioned, are in the said Act and hereafter referred to as “Lyon’s estates”) were appropriated upon trust to apply the whole profit, yearly rent, and commodity thereof towards and upon repairing and amending the said highway from the town of Harrow-upon-the-Hill into the City of London :

7 Geo. 4.  
c. cxlii. And whereas by the Metropolis Roads Act, 1826, the said roads, together with other roads in the neighbourhood of the metropolis north of the River Thames, specified in the First Schedule to the said Act annexed, were placed under the care and superintendence of commissioners appointed and to be appointed by and under the said Act, with the name of “The Commissioners of the Metropolis “ Turnpike Roads North of the Thames ” (in this Act referred to as “the commissioners”), for the purpose of making, widening, improving, repairing and keeping in repair, cleansing, lighting, watching, and watering the said roads :

10 Geo. 4.  
c. 59.  
26 & 27 Vict.  
c. 78. And whereas by the Metropolis Roads Act, 1826, as amended by the Metropolis Roads Act, 1829, and by the Metropolis Roads Act, 1863, the clear yearly income of the said keepers and governors arising from the rents and profits of Lyon’s estates, after paying thereout the expenses of the said keepers and governors in and about the managing and letting of Lyon’s estates, and of collecting the rents and profits thereof, was directed to be paid by the said keepers and governors into the Bank of England to the credit of “the commissioners,” to be by them applied to the maintaining, repairing, lighting, and watering of the said roads in the proportions and in the manner by the said Acts directed, and in the said Acts provisions in favour of the said keepers and governors are contained for the application of the surplus (if any) of such clear yearly income after the satisfaction and accomplishment of the aforesaid purposes :

And whereas Edward Harvist, citizen and brewer of London, by his will bearing date the twenty-first day of February 1610, gave to the master, wardens, and commonalty of the art or mystery of brewers of the City of London and their successors (herein-after referred to as “the Brewers Company”) two closes of meadow called London Fields, with the appurtenances, situate in or near Holloway, in the parish of Islington, in the county of Middlesex (herein-after referred to as “the devised lands”), to the intent that the Brewers Company should employ all the rents and profits thereof (except forty shillings) upon the repairing and amending of



the highway between Tyburn and Edgware (in the said will called Edgworth), in the said county of Middlesex : A.D. 1880.

And whereas under the provisions of the Metropolis Roads Act, 1826, the rents and profits of the devised lands were accounted for and paid over by the Brewers Company to the Commissioners :

And whereas by the Metropolis Roads Act, 1829, provision was made for the application of the rents and profits of the devised lands :

And whereas part of the devised lands was taken by the Great Northern Railway Company for the purposes of their undertaking, and the compensation for the same was laid out in the purchase of four thousand seven hundred and forty-nine pounds fourteen shillings and ninepence consolidated Bank three pounds per centum annuities (herein-after referred to as "the trust stock"), now standing in the name of Her Majesty's Paymaster General on behalf of the High Court of Justice, Chancery Division, to the credit of ex parte "The Great Northern Railway Company, the " Account of the Board of Waywardens of the Edgware Highway " District ":

And whereas by the Metropolis Roads (Harvist's Estate) Act, 18 & 19 Vict. 1855, such parts of the devised lands as were not taken by the Great Northern Railway Company and as were specified in the schedule to the said Act annexed were vested in the commissioners, and provision was made for the management of the same, and also for the sale of the trust stock and the application of the proceeds to the purchase of land, and provision was also made for the application by the commissioners of the rents and profits of the said lands, and of the dividends of the trust stock, and of the rents and profits of any lands purchased with the proceeds of the trust stock : c. 11.

And whereas the Metropolis Roads (Harvist's Estate) Act, 1855, was amended by the Metropolis Roads Act, 1863, and thereby further provisions were made for the application of the clear yearly income of the commissioners from Harvist's estate towards the maintenance, repair, lighting, and watering of the Kilburn Road to Edgware, being the said highway between Tyburn and Edgware referred to in the herein-before recited will of Edward Harvist :

And whereas under the authority and for the purposes of the Acts commonly referred to as the Church Building Acts, the commissioners granted and conveyed a certain part of the said lands specified in the schedule annexed to the Metropolis Roads (Harvist's Estate) Act, 1855, to the Ecclesiastical Commissioners for England :

And whereas under the authority of the Act passed in the session of Parliament holden in the fourth and fifth years of the reign of

A.D. 1880. Her present Majesty, intituled "An Act to afford further facilities  
 4 & 5 Vict. "for the Conveyance and Endowment of Sites for Schools," and of  
 c. 38. the Act passed in the session of Parliament holden in the seventh  
 and eighth years of the reign of Her present Majesty, intituled  
 7 & 8 Vict. "An Act to secure the terms on which grants are made by Her  
 c. 37. Majesty out of the Parliamentary Grant for the Education of the  
 "Poor, and to explain the Act of the fifth year of the reign of Her  
 "present Majesty for the Conveyance of Sites for Schools," the  
 commissioners have sold certain other parts of the said lands  
 specified in the schedule annexed to the Metropolis Roads (Har-  
 vist's Estate) Act, 1855, to the minister and chapelwardens of the  
 consolidated chapelry of Saint Barnabas, Hornsey, but the remain-  
 ing portions of the said lands (herein-after called "Harvist's  
 building lands"), and specified in the Schedule B. annexed to the  
 Metropolis (Kilburn and Harrow) Roads Act, 1872, remained  
 vested in the commissioners :

And whereas an Act was passed in the thirty-fifth and thirty-  
 sixth years of the reign of Her present Majesty, intituled the  
 Metropolis (Kilburn and Harrow) Roads Act, 1872, (herein-after  
 called "the Act of 1872,") after reciting as herein-before recited,  
 34 & 35 Vict. and also that by the Annual Turnpike Acts Continuance Act, 1871,  
 c. 115. it was, amongst other things, enacted that the Metropolis Roads  
 Act, 1826, the Metropolis Roads Act, 1829, and the Metropolis  
 Roads Act, 1863, should be repealed on and after the first day of  
 July one thousand eight hundred and seventy-two, and that upon  
 such repeal taking effect the commissioners acting in execution of  
 the said Acts would cease to exist as such commissioners, and that  
 considerable portions of the roads specified in the first and second  
 parts of the Schedule C. to that Act annexed, and in that Act and  
 herein-after respectively referred to as "the Kilburn Road" and  
 "the Harrow Road," to the maintaining, repairing, lighting, and  
 watering of which the yearly income of Lyon's estates and of  
 Harvist's estate were by the Metropolis Roads Act, 1863, appro-  
 priated, were situated within the district of the Board of Way-  
 wardens of the Edgware Highway District (herein-after referred to  
 as "the Edgware Highway Board") acting under the authority of  
 the Highway Acts, and that the same, upon such repeal taking  
 effect, would be maintained and repaired under the orders and  
 direction of the Edgware Highway Board, and the commissioners  
 were anxious and the Edgware Highway Board were willing and it  
 was expedient that Harvist's building lands should be vested in the  
 Edgware Highway Board, and that the trust stock should be  
 applied in the manner in that Act directed, and also that for the  
 purposes in that Act mentioned the yearly income of the commis-  
 sioners arising from Lyon's estates should thenceforth be received



by the Edgware Highway Board instead of by the commissioners, and that such income and also the yearly income arising from Harvist's building lands, and the dividends of the trust stock and the yearly income arising from any lands to be purchased with the trust stock, should be applied in the manner in that Act directed, and that, subject to the provisions of that Act, the commissioners should be discharged from the execution of the several trusts in the therein recited Acts mentioned, and that notwithstanding the repeal of the Metropolis Roads Act, 1826, the Metropolis Roads Act, 1829, and the Metropolis Roads Act, 1863, the Edgware Highway Board should act in the execution of such of the said trusts as were in that Act mentioned in the manner by that Act provided, and that it was therefore expedient to make provision with reference to the matters aforesaid and to amend the Metropolis Roads (Harvist's Estate) Act, 1855 :

And whereas the Act of 1872 enacted that the Edgware Highway Board, as incorporated for the purposes of the Highway Acts, should act in the execution of that Act as such body corporate, in like manner in every respect and subject to the same conditions as if the purposes of that Act, so far as they related to the Edgware Highway Board, were purposes of the Highway Acts, and also that from and after the commencement of that Act, to wit, the first day of July 1872, sections two, three, four, five, nine, twelve, thirteen, and fourteen of the Metropolis Roads (Harvist's Estate) Act, 1855, were repealed ; and also that from and after the commencement of the Act of 1872 Harvist's building lands, with the rights, members, and appurtenances of the same, were by that Act and should for ever be vested in the Edgware Highway Board upon trust for the purposes of that Act ; and also that the trust stock should be applicable under the authority of the Court of Chancery for the purchase of land or otherwise as the Court should direct in like manner in every respect as previously to the commencement of that Act, save only that the Edgware Highway Board should be substituted for the commissioners and should in all respects represent them, and that all lands or securities purchased therewith should be vested in the Edgware Highway Board, and should be dealt with and the yearly income of the same should be applied by the Edgware Highway Board in every respect as if the same had formed part of Harvist's building lands at the time of the passing of that Act, and that until such application the dividends on the trust stock, or such part thereof as from time to time remained unapplied, should be paid to the Edgware Highway Board ; and the said Act further provided for payment to the Edgware Highway Board of any balance remaining in the hands of the commissioners of moneys received by them on account of the Kilburn Road and the Harrow Road, and of the yearly income of Lyon's estates, and



A.D. 1880. — of the rents and profits of Harvist's building lands, and of the dividends of the trust stock respectively, and also provided for the application of such balance paid to the Edgware Highway Board by the commissioners :

And whereas the Act of 1872, after discharging the commissioners from the trusts of Lyon's estates, Harvist's building lands, and the trust stock, further enacted that from and after the commencement of that Act those portions of the Kilburn Road and the Harrow Road which before the commencement of that Act were maintainable by the commissioners should cease to be maintained, repaired, lighted, watched, or watered by the commissioners, and to be subject to the superintendence and management of the commissioners, and to be turnpike roads, and should be common highways, and thereupon the same and also the other portions of the Kilburn Road and the Harrow Road should be maintained, repaired, lighted, watched, and watered by the authorities and to the extent respectively specified in such behalf in the first and second columns of the Schedule C. to that Act annexed, by which schedule the Edgware Highway Board are named as the authority by whom that portion of the Kilburn Road from a point seven furlongs northward of the southern boundary of the parish of Saint John Hampstead to Edgware was to be maintained, and by which schedule it further appears that the parish of Saint Marylebone, the parish of Paddington, and the parish of Saint John Hampstead are respectively named as the authorities by whom other portions therein specified of the Kilburn Road were respectively to be maintained :

And whereas by the Act of 1872 it was further enacted that from and after the commencement of that Act the keepers and governors of Harrow School should from time to time, annually, up to the twenty-fifth day of March in each year, pay to the Edgware Highway Board the clear yearly rents and profits of Lyon's estates coming to them subsequent to such commencement and after paying thereout certain expenses ; and it was further enacted that from and after the commencement of that Act the clear yearly income of the Edgware Highway Board from Lyon's estates should be apportioned and applied as follows ; that is to say, first, as to the clear yearly income of the Edgware Highway Board from those parts of Lyon's estates which were conveyed by the said indenture of the sixth day of July in the twenty-first year of Queen Elizabeth, four thirty-ninth parts thereof should be paid by the Edgware Highway Board to the vestry of the parish of Paddington, nine twenty-ninth parts thereof should be paid by the Edgware Highway Board to the vestry of the parish of Saint Marylebone, one-seventh part of the remaining twenty-six thirty-ninth parts thereof should be paid by the Edgware Highway Board

to the vestry of the parish of Saint John Hampstead (such payments to be applied by those several authorities respectively in or towards defraying the expenses of the maintaining, repairing, lighting, and watering of those portions of the Kilburn Road specified in the said Schedule C. which should respectively be maintained by the said several parishes), and the residue of the remaining twenty-six thirty-ninth parts thereof should be retained by the Edgware Highway Board and be applied by them in or towards the expenses of the maintaining, repairing, lighting, and watering of the remainder of the Kilburn Road to Edgware specified in the said Schedule C. as aforesaid, and which should be maintained by the Edgware Highway Board, and the surplus (if any) should be apportioned and applied in the manner prescribed by that Act in relation to the apportionment and application of the clear yearly income of the Edgware Highway Board from those parts of Lyon's estates which were conveyed by the said indenture of the nineteenth day of December in the twenty-fifth year of Queen Elizabeth: Provided always, that no part of such yearly income should be applicable or applied in or towards defraying the expenses of the maintaining, repairing, lighting, and watering of the Kilburn Road until the clear yearly income from Harvist's building lands and the trust stock applicable to the like purposes shall have proved to be deficient for such purposes; and, secondly, as to the clear yearly income of the Edgware Highway Board from those parts of Lyon's estates which were conveyed by the said indenture of the nineteenth day of December in the twenty-fifth year of Queen Elizabeth, the same should be apportioned and applied in accordance with the provisions in the Act of 1872 in that behalf contained:

And whereas by the said Act it was further enacted that from and after the commencement of that Act the clear yearly income of the Edgware Highway Board from Harvist's building lands and from the trust stock should be apportioned and applied as follows; that is to say, one-eighth part thereof should be paid by the Edgware Highway Board to the vestry of the parish of Paddington, one-eighth part thereof should be paid by the Edgware Highway Board to the vestry of the parish of Saint Marylebone, one-seventh part of the remaining six-eighth parts thereof should be paid by the Edgware Highway Board to the vestry of the parish of Saint John Hampstead (such payments to be applied by those several authorities respectively in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of those portions of the Kilburn Road specified in the said Schedule C. which should respectively be maintained by the said several parishes), and the residue of the remaining six-eighth parts thereof should be retained by the Edgware Highway Board and be applied



A.D. 1880. by them in or towards defraying their expenses of the maintaining, repairing, lighting, and watering of the remainder of the Kilburn Road to Edgware specified in the said Schedule C. as aforesaid, and which should be maintained by the Edgware Highway Board :

39 & 40 Vict.  
c. lxxvi. And whereas by the Willesden Local Board Act, 1876, (hereinafter called "the Act of 1876,") after reciting that by a Provisional Order dated the eleventh day of June one thousand eight hundred and seventy-four, and confirmed by the Local Government Board's Provisional Orders Confirmation Act, 1874 (No. 4), it was ordered that from and after the twenty-ninth day of September then next

37 & 38 Vict.  
c. clii. all that part of the rural sanitary district of the Hendon Union which comprised the parish of Willesden should be and was thereby constituted an urban sanitary district within the meaning of the Public Health Act, 1872, under the name of "The Willesden Urban Sanitary District," and that such urban sanitary district should become a local government district and be subject to the jurisdiction of a local board, and that the local board for the Willesden Urban Sanitary District (therein-after and herein-after called "the Willesden Local Board"), as the urban authority of such district, were by law required within their district to execute the powers and duties therein mentioned with reference to highways, and that the Willesden Urban Sanitary District extended up to and along the middle of the Kilburn Road for the distance from a point (in the first part of Schedule C. to the Act of 1872 mentioned) seven furlongs northwards of the southern boundary of the parish of Hampstead to the point where the parish of Willesden adjoins the parish of Hendon at the centre of Brent Bridge and forms the boundary of the said district, and one half of the said road for the said distance lay within the said district and by law (subject nevertheless to the provisions of the Act of 1872) had to be maintained, repaired, lighted, watched, and watered by the Willesden Local Board, it was (inter alia) enacted that from and after the commencement of the said Act the Edgware Highway Board were relieved and discharged from any obligation to maintain, repair, light, watch, or water so much of the Kilburn Road as lies between the said point (in the first part of the Schedule C. to the Act of 1872 mentioned) seven furlongs northward of the southern boundary of the parish of Saint John Hampstead and a point or stone nine hundred and eleven yards north of the fourth milestone from London on the said road, containing in length three thousand and fifty-eight yards or thereabouts, and also from any obligation to maintain, repair, watch, and light the portions of footways therein mentioned and defined, and that from and after the passing of the said Act the maintaining, repairing, lighting, watching, and watering of the said defined portion of the Kilburn Road, and the maintaining, repairing, watching,



and lighting of the said defined portions of footways, should be done by the Willesden Local Board with the powers and subject to the provisions therein mentioned; and it was further provided that nothing therein contained should be deemed to alter or affect the boundaries of any of the parishes mentioned in the said Schedule C. to the Act of 1872 annexed; and it was also enacted (section 3) that the Kilburn Road and the footways on either side thereof, from the said point or stone nine hundred and eleven yards north of the fourth milestone from London on the said road to the point where the parish of Willesden adjoins the parish of Hendon at the centre of Brent Bridge (though part of such road and one of such footways be within the parish of Willesden), should (as to the footways) be made where not then already made, and (as to the road and footways) be maintained, repaired, lighted, watched, and watered by the Edgware Highway Board, and so far as regards the footways then within the district of the Willesden Local Board, but thereafter to be maintained and repaired under the powers of that Act by the Edgware Highway Board, the said Edgware Highway Board should maintain and repair such footways as surveyors of highways for the parish of Hendon, and it was provided that nothing in section three of the said Act of 1876 contained should be deemed to alter or affect the boundaries of any of the parishes lying contiguous to such road or footways; and it was further enacted that as to the clear yearly income of the Edgware Highway Board from Lyon's estates, Harvist's building lands, and the trust stock and lands, or other securities upon which the proceeds thereof were or might be invested, the various payments thereout in that Act mentioned should be made by the Edgware Highway Board to the Willesden Local Board for the purposes and subject to the provisions therein specified:

A.D. 1880.

And whereas by an Order made by the Local Government Board dated the twenty-first day of March 1879 it was ordered that the said parish of Hendon should be a local government district, to be designated "The Hendon Local Government District," and that the said Order should come into operation on the twenty-eighth day of March 1879:

And whereas in consequence of the said Order and by virtue of the provisions of the Public Health Act, 1875, in that behalf, the said district has become subject to the jurisdiction of a local board, herein-after called the Hendon Local Board:

38 & 39 Vict.  
c. 55.

And whereas the Hendon Local Board, as the urban authority of such district, are by law required within their district, exclusively of any other person, to execute the office of and be surveyors of highways, and have, exercise, and are subject to all the powers, authorities, duties, and liabilities of surveyors of highways under the law for

A.D. 1880. — the time being in force, save so far as such powers, authorities, or duties are or may be inconsistent with the provisions of the Public Health Act, 1875, and have, exercise, and are subject to all the powers, authorities, duties, and liabilities which by the Highway Act of 1835, or any Act or Acts amending the same, are vested in and given to the inhabitants in vestry assembled of any parish within their district, and the said parish of Hendon, as such local government district as aforesaid, is now excluded from the highway district of the Edgware Highway Board :

5 & 6 Will. 4.  
c. 50.

41 & 42 Vict.  
c. 77.

And whereas by the Highways and Locomotives (Amendment) Act, 1878, (herein-after called "the Act of 1878,") it is (inter alia) provided that where a highway district, whether formed before or after the passing of that Act, is or becomes coincident in area with a rural sanitary district, the rural sanitary authority of such district may apply to the county authority (defined by the said Act to mean the justices of a county in general or quarter sessions assembled), stating that they are desirous to exercise the powers of a highway board under the Highway Acts within their district, and also that on such application the county authority may, if they see fit, by order declare that from and after a day to be named in the order (in the said Act called the commencement of the order) such rural sanitary authority shall exercise all the powers of a highway board under the Highway Acts, and as from the commencement of the order the existing highway board (if any) for the district shall be dissolved, and waywardens or surveyors shall not hold office or be elected for any parish in the district, and also that an order made under section four of the Act of 1878 may be amended, altered, or rescinded by a subsequent order of the county authority :

And whereas it is also provided by the Act of 1878 that from and after the commencement of the order declaring a rural sanitary authority entitled to exercise the powers of a highway board within their district the following consequences shall ensue :

- " All such property, real or personal, including all interests,
- " easements, and rights in, to, and out of property, real and
- " personal, and including things in action, as belongs to or is
- " vested in, or would but for such order have belonged to or
- " been vested in, the highway board or any surveyor or sur-
- " veyors of any parish forming part of the district shall pass
- " to and vest in the rural sanitary authority for all the estate
- " and interest of the highway board or of such surveyor or
- " surveyors, but subject to all debts and liabilities affecting
- " the same ;
- " All debts and liabilities incurred in respect of any property
- " transferred to the rural sanitary authority may be enforced



“ against that authority to the extent of the property trans-  
“ ferred ;

“ All such powers, rights, duties, liabilities, capacities, and inca-  
“ pacities (except the power of obtaining payment of their  
“ expenses by the issue of precepts in manner provided by the  
“ Highway Acts, or the power of making, assessing, and levy-  
“ ing highway rates) as are vested in or attached to, or would  
“ but for such order have become vested in or attached to, the  
“ highway board or any surveyor or surveyors of any parish  
“ forming part of the district shall vest in and attach to the  
“ rural sanitary authority ;

“ All property by this Act transferred to the rural sanitary  
“ authority shall be held by them on trust for the several  
“ parishes for the benefit of which it was held previously to  
“ such transfer :”

And whereas it is further provided by the Act of 1878 that all expenses incurred by a rural sanitary authority in the performance of their duties as a highway board shall be deemed to be general expenses of such authority within the meaning of the Public Health Act, 1875 :

And whereas it is further provided by the Act of 1878 that all expenses incurred by any highway board in maintaining and keeping in repair the highways of each parish within their district, and all other expenses legally incurred by such board, shall, notwithstanding anything contained in the Highway Acts, on and after the twenty-fifth day of March one thousand eight hundred and seventy-nine, be deemed to have been incurred for the common use or benefit of the several parishes within their district, and shall be charged on the district fund :

And whereas the guardians of the poor of the Hendon Union in the county of Middlesex (herein-after called “ the Hendon Rural Sanitary Authority ”), being the rural sanitary authority within the meaning of the Act of 1878 for the rural sanitary district of the Hendon Union, which is a rural sanitary district coincident in area with the highway district of the Edgware Highway Board (as the same now exists since the exclusion of the Hendon Local Government District), have, under and in pursuance of the Act of 1878, made due application to the county authority for the county of Middlesex, in which the whole of their highway district is situated, stating that they were desirous to exercise the powers of a highway board under the Highway Acts within their district :

And whereas the said county authority, on the tenth day of November one thousand eight hundred and seventy-nine, ordered that from and after the twenty-fifth day of March one thousand eight hundred and eighty the Hendon Rural Sanitary Authority

A.D. 1880, should exercise all the powers of a highway board under the Highway Acts :

And whereas the Hendon Local Government District extends up to and along the middle of the Kilburn Road for the distance from the said point seven furlongs northward of the southern boundary of the parish of Saint John Hampstead to the said point or stone nine hundred and eleven yards north of the fourth milestone from London on the said road, and thence up to and along the middle of the said road to the said point where the parish of Willesden adjoins the parish of Hendon at the centre of Brent Bridge, and includes the whole of that portion of the Kilburn Road and the footways on either side thereof which lie between the centre of Brent Bridge and a point at or near Hyde Lane where the said parish of Hendon adjoins the parish of Kingsbury, and from the last-mentioned point extends up to and along the middle of the Kilburn Road to the centre of the bridge at Edgware, where the parish of Edgware abuts upon the parish of Hendon :

And whereas one half of the Kilburn Road, from the said point at or near Hyde Lane where the said parish of Hendon adjoins the parish of Kingsbury up to the centre of the bridge at Edgware, has by law (subject nevertheless to the provisions of the Act of 1872) to be maintained, repaired, lighted, watched, and watered by the Hendon Local Board, and the other half of the said road between the said points (together with any footways on the west side of the said portion of road) now has to be so maintained, repaired, lighted, watched, and watered by the Hendon Rural Sanitary Authority as the successors of the Edgware Highway Board :

And whereas it is expedient that provision should be made to insure the maintenance, repair, lighting, watching, and watering of the whole width of the said road (including the maintaining, repairing, lighting, watching, and watering of suitable footways to the extent herein-after mentioned) for a defined distance by the Hendon Local Board, and to insure the maintenance, repair, lighting, watching, and watering of the whole width of the road (including the making where not already made, maintaining, repairing, lighting, watching, and watering of suitable footways to the extent herein-after mentioned on either side of the said road) for the remainder of the said road towards and as far as the centre of the said bridge at Edgware by the Hendon Rural Sanitary Authority as the successors of the Edgware Highway Board :

And whereas it has become expedient that the Edgware Highway Board and the Hendon Rural Sanitary Authority should be relieved and discharged to the extent herein-after mentioned from the obligations resting upon them or either of them under the Acts of 1872 and



1876, so far as regards the maintaining, repairing, lighting, watching, and watering of the portion herein-after defined of the Kilburn Road, and that the said Hendon Local Board should undertake the said obligations to the extent herein-after provided, and that the Hendon Local Board should receive a fair and equitable proportion of the yearly income of the Edgware Highway Board or of the Hendon Rural Sanitary Authority from Lyon's estates, Harvist's building lands, and the trust stock, such portion to be applied by the Hendon Local Board in manner herein-after provided for, in, or towards the maintaining, repairing, lighting, watching, and watering of the herein-after defined portions of the Kilburn Road and footways :

A.D. 1880.

And whereas since the constitution as aforesaid of the Hendon Local Government District the Hendon Local Board have expended divers sums of money in maintaining, repairing, lighting, watching, and watering those portions of the Kilburn Road which lie between the said point nine hundred and eleven yards north of the fourth milestone from London on the said road and the said point at or near Hyde Lane where the said parish of Hendon adjoins the parish of Kingsbury, and one half of that portion of the said road which lies between the last-mentioned point and the centre of the bridge at Edgware, and the Edgware Highway Board and the Hendon Rural Sanitary Authority, or one of them, have to that extent been relieved from the expense of the maintenance, repair, lighting, watching, and watering required to be done by them under the Act of 1872 and the Act of 1876 :

And whereas it is also expedient that the Hendon Local Board should have the powers herein-after contained with reference to the sewerage, levelling, paving, metalling, flagging, or channelling, or making good or providing with proper means of lighting of streets or roads within their said district :

And whereas it is expedient that the other powers and provisions herein-after contained should be passed into law :

And whereas an absolute majority of the whole number of the members of the Hendon Local Board, at a meeting held on the fourth day of October one thousand eight hundred and seventy-nine, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Hendon and Finchley Times," a local newspaper published or circulating in the district of the Hendon Local Board, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate of the district :



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And whereas such resolution was published twice in the "Hendon and Finchley Times," a newspaper circulating in the district, and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Hendon Local Board at a further special meeting held in pursuance of a similar notice on the twenty-fourth day of January 1880, being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district, by a resolution in the manner by law required in that behalf, consented to the promotion of the Bill for this Act :

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

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

Short title.

1. This Act may be cited as the Hendon Local Board Act, 1880.

Interpretation.

2. Throughout the various sections of this Act the expression "the Hendon Rural Sanitary Authority" shall mean and include the guardians of the poor of the Hendon Union in the county of Middlesex and any other person or body which may hereafter be by law appointed to discharge the functions which at the time of the commencement of this Act the said guardians are entitled or required to discharge as a rural sanitary authority or as a highway board for their district, and shall also mean and include the Edgware Highway Board and any person or body by law either heretofore, now, or hereafter succeeding to them or entitled to succeed to them in the property, funds, moneys, powers, rights, duties, functions, liabilities, capacities, or incapacities which the Edgware Highway Board on or at any time before the twenty-fifth day of March one thousand eight hundred and eighty had or were entitled to or were subject to under the Act of 1872 or the Act of 1876, or otherwise howsoever.

Maintenance by Hendon Local Board of a portion of Kilburn Road and footways to centre of

3. From and after the commencement of this Act the Hendon Rural Sanitary Authority shall be relieved and discharged from any obligation imposed upon the Edgware Highway Board by the Act of 1872 or by the Act of 1876 with reference to the maintaining, repairing, lighting, watching, and watering of so much of the Kilburn Road as lies between the said point nine hundred and



eleven yards north of the fourth milestone from London on the said road and the point where the parish of Willesden adjoins the parish of Hendon at the centre of Brent Bridge, or of the footways on either side thereof, or as to the making of any such footways; and from and after the commencement of this Act the said portion of the Kilburn Road in this section defined and the footways on either side thereof (though part of such portion of road and the footway on the west side thereof be within the parish of Willesden) shall (as to footways) be made where not already made, and (as to the road and footways) be maintained, repaired, lighted, watched, and watered by the Hendon Local Board, and so far as regards the said footway which is within the parish of Willesden, and was prior to the passing of this Act maintainable and repairable by the Edgware Highway Board or the Hendon Rural Sanitary Authority, the same shall be maintained, repaired, lighted, watched, and watered as aforesaid by the Hendon Local Board as surveyors of highways for the Hendon Local Government District, and the expenses thereby incurred shall be borne and defrayed by them in the same manner as the expenses of maintaining the portion of the Kilburn Road in this section defined: Provided that nothing in this section contained shall be deemed to alter or affect the boundaries of any of the parishes lying contiguous to the said portion of the Kilburn Road or footways, or any jurisdiction as to the houses, buildings, tenements, or hereditaments abutting on the said portion of road and footways, or the parochial or other rates or assessments thereon.

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Brent  
Bridge.

4. From and after the commencement of this Act the Hendon Rural Sanitary Authority shall be relieved and discharged from any obligation to maintain, repair, light, watch, or water so much of the Kilburn Road as lies between the said point where the parish of Willesden adjoins the parish of Hendon at the centre of Brent Bridge and the said point at or near Hyde Lane where the said parish of Hendon adjoins the parish of Kingsbury, or any footways on either side of the portion of road in this section defined, and from and after the commencement of this Act the said portion of the Kilburn Road in this section defined and the footways on either side thereof shall (as to footways) be made where not already made, and (as to the road and footways) be maintained, repaired, lighted, watched, and watered by the Hendon Local Board.

Maintenance  
by Hendon  
Local Board  
of a further  
portion of  
Kilburn Road  
to a point  
near Hyde  
Lane.

5. From and after the commencement of this Act the Hendon Rural Sanitary Authority shall be relieved and discharged from any obligation to maintain, repair, light, watch, or water so much of the Kilburn Road as lies between the said point at or near Hyde Lane where the parish of Hendon adjoins the parish of Kingsbury and a

Maintenance  
by Hendon  
Local Board  
of a further  
portion of  
Kilburn  
Road to



A.D. 1880.  
point north  
of seventh  
milestone  
from London.

point or stone three hundred and twenty-eight yards north of the seventh milestone from London on the said road, or any footway on either side of the portion of road in this section defined; and from and after the commencement of this Act the said portion of the Kilburn Road in this section defined and the footways on either side thereof (though part of such portion of road and the footways on the west side thereof be within the parish of Kingsbury) shall (as to footways) be made where not already made, and (as to the road and footways) be maintained, repaired, lighted, watched, and watered by the Hendon Local Board, and so far as regards any such footways lying within the parish of Kingsbury the same shall be maintained, repaired, lighted, watched, and watered as aforesaid by the Hendon Local Board as surveyors of highways for the Hendon Local Government District, and the expenses thereby incurred shall be borne and defrayed by them in the same manner as the expenses of maintaining the portion of the Kilburn Road in this section defined: Provided that nothing in this section contained shall be deemed to alter or affect the boundaries of any of the parishes lying contiguous to the said portion of the Kilburn Road or footways, or any jurisdiction as to the houses, buildings, tenements, or hereditaments abutting on the said portion of road or footways, or the parochial or other rates or assessments thereon.

Powers of  
Hendon  
Local Board  
for the pur-  
poses afore-  
said.

6. The Hendon Local Board, for the purposes of the maintaining, repairing, lighting, watching, and watering of the portions of the road and footways in the third, fourth, and fifth sections of this Act defined, shall, in addition to the powers by law vested in them as a local board, have and be entitled to exercise the same rights and powers as prior to the passing of this Act were had and exercised or were exerciseable by the Edgware Highway Board or by the Hendon Rural Sanitary Authority under the Act of 1872 and the Act of 1876 respectively with reference to such maintaining, repairing, lighting, watching, and watering; and the Hendon Local Board, for the purposes aforesaid, shall, subject to the provisions of the ninth section of this Act, have power to charge and shall charge the general district fund and general district rates levied by them with the expenses of maintaining, repairing, lighting, watching, and watering the said portions of road and footways and the expenses of making any such footways where not already made, and shall pay such expenses out of such rates: Provided always, that nothing in this Act contained shall be deemed or taken to transfer to the Hendon Local Board any liability, claim, or demand incurred or arising in respect of the execution by the said Edgware Highway Board or by the Hendon Rural Sanitary Authority of the powers and provisions of the Act of 1872 or of the Act of 1876: Provided also, that no



alteration whatsoever shall be made in the level of the channels of the said portions of the said road without the mutual consent in writing for that purpose first had and obtained of the respective authorities interested. A.D. 1880.

7. Nothing in this Act contained shall be construed to relieve or discharge the Willesden Local Board from the obligation resting upon them under the Act of 1876 to maintain, repair, light, watch, and water so much of the Kilburn Road as lies between the herein-before mentioned point (in the first part of the Schedule C. to the Act of 1872 mentioned) seven furlongs north of the southern boundary of the parish of Saint John Hampstead and the said point or stone nine hundred and eleven yards north of the fourth milestone from London on the said road, or the footways on either side of the said portion of road, as the same footways are defined by the second section of the Act of 1876. Certain duties of Willesden Local Board in regard to a portion of Kilburn Road to remain.

8. The Kilburn Road and the footways on either side thereof from the said point or stone in the fifth section of this Act mentioned, three hundred and twenty-eight yards north of the seventh milestone from London on the said road, to the point where the parish of Hendon abuts on the parish of Edgware at the centre of the said bridge at Edgware (though part of such portion of road and the footways on the east side thereof be within the parish of Hendon), shall (as to the footways) be made where not already made, and (as to the road and footways) be maintained, repaired, lighted, watched, and watered by the Hendon Rural Sanitary Authority; and so far as regards the footways now within the district of the Hendon Local Board, but in future to be made, maintained, repaired, lighted, watched, and watered under the powers of this Act by the Hendon Rural Sanitary Authority, the Hendon Rural Sanitary Authority shall make, maintain, repair, light, watch, and water such footways as surveyors of highways for their district: Provided that nothing in this section contained shall be deemed to alter or affect the boundaries of any of the parishes lying contiguous to the said portion of road or footways, or any jurisdiction as to the houses, buildings, tenements, or hereditaments abutting on the said portion of road or footways, or the parochial or other rates or assessments thereon: Provided also, that nothing herein contained shall be construed to relieve the Hendon Rural Sanitary Authority from the obligation resting upon the Edgware Highway Board under the Act of 1872 to maintain, repair, light, watch, and water the Kilburn Road from the point first in this section mentioned to Edgware: Provided further, that no alteration whatsoever shall be made in the level of the channels of the said portion of road in this section defined without the mutual consent in writing for that



A.D. 1880. — purpose first had and obtained of the respective authorities interested.

Payment to  
Hendon  
Local Board  
by Hendon  
Rural Sani-  
tary Autho-  
rity of a por-  
tion of  
income from  
Lyon's  
estates, &c.

9. As to the clear yearly income of the Hendon Rural Sanitary Authority from Lyon's estates, Harvist's building lands, and the trust stock and lands or other securities upon which the proceeds thereof are or may be invested, be it enacted as follows :

1. As to the residue (in the thirteenth section of the Act of 1872 mentioned) of the remaining twenty-six thirty-ninth parts (in the said section mentioned) of the clear yearly income of the Hendon Rural Sanitary Authority from those parts of Lyon's estates which were conveyed by the said indenture of the sixth day of July in the twenty-first year of Queen Elizabeth, after deducting therefrom thirty-three hundredth parts thereof payable to the Willesden Local Board under the fourth section of the Act of 1876, seventy-two parts of the balance of such residue shall be paid by the Hendon Rural Sanitary Authority to the Hendon Local Board at the same time as parts of the said income are in pursuance of the Act of 1872 payable by the Hendon Rural Sanitary Authority to the parishes of Paddington, Saint Marylebone, and Saint John Hampstead respectively, such payment to the Hendon Local Board to be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, watching, and watering of the several portions of the Kilburn Road and footways mentioned or described in the third, fourth, and fifth sections of this Act, and the making of such footways where not already made, and which maintaining, repairing, lighting, watching, and watering, and (in the case of footways) making are by this Act required to be done and performed by the Hendon Local Board: Provided always, that, except as to the said portions of the Kilburn Road in this section referred to, the obligations of the several authorities mentioned in the Act of 1872 with reference to the maintenance, repair, lighting, watching, and watering of the Kilburn Road shall not be affected by this Act: Provided also, that nothing in this Act contained shall alter or vary the proviso in the said thirteenth section of the Act of 1872 contained, to the effect that no part of the yearly income therein mentioned shall be applicable or applied in or towards defraying the expenses of the maintaining, repairing, lighting, watching, and watering of the Kilburn Road until the clear yearly income from Harvist's building lands and the trust stock applicable to the like purpose has proved to be deficient for such purpose :



2. As to the residue in the fourteenth section of the Act of 1872 mentioned of the remaining six-eighth parts (in the said section mentioned) of the clear yearly income of the Hendon Rural Sanitary Authority from Harvist's building lands, and from the trust stock, or lands or other securities upon which the proceeds thereof are or may be invested, seventy-two parts of the balance of such residue, after deducting from such residue thirty-three hundredth parts of the same payable to the Willesden Local Board under the fourth section of the Act of 1876, shall be paid by the Hendon Rural Sanitary Authority to the Hendon Local Board at the same time as parts of the said income are in pursuance of the Act of 1872 payable by the Hendon Rural Sanitary Authority to the parishes of Paddington, Saint Marylebone, and Saint John Hampstead respectively, such payment to the Hendon Local Board to be applied by them in or towards defraying their expenses of the maintaining, repairing, lighting, watching, and watering of the several portions of the Kilburn Road and footways mentioned or described in the third, fourth, and fifth sections of this Act, and the making of such footways where not already made, and which maintaining, repairing, lighting, watching, and watering, and (in the case of footways) making are by this Act required to be done and performed by the Hendon Local Board :

Provided always, that the first payment to be made by the Hendon Rural Sanitary Authority under this section shall (notwithstanding the date of the passing of this Act) be according to the proportion herein-before defined for the fourth part of a year ending the first day of July one thousand eight hundred and seventy-nine and for the year ending the first day of July one thousand eight hundred and eighty, and such payment shall be taken to be the sum necessary to recoup the Hendon Local Board for the expenses incurred by them from the twenty-eighth day of March one thousand eight hundred and seventy-nine to the first day of July one thousand eight hundred and eighty in maintaining, repairing, lighting, watching, and watering those portions of the Kilburn Road which as aforesaid lie between the said point nine hundred and eleven yards north of the fourth milestone from London on the said road and the said point at or near Hyde Lane where the said parish of Hendon adjoins the parish of Kingsbury, and one half of that portion of the said road which lies between the last-mentioned point and the centre of the bridge at Edgware.

10. It shall not be the duty of the Hendon Rural Sanitary Authority to see to the disposition of any moneys paid or to be paid by them to the Hendon Local Board in pursuance of any of the

Hendon  
Rural  
Sanitary  
Authority



A.D. 1880.

not bound  
to see to the  
disposition  
of moneys  
payable by  
them under  
this Act.

Conditions  
under which  
Order of  
10th Novem-  
ber 1879 may  
be altered.

Repeal of  
enactments,  
and saving  
rights of  
Harrow  
School.

Access to  
accounts of  
Lyon's  
estates.

Hendon  
Rural  
Sanitary  
Authority  
to furnish  
Hendon  
Local Board  
with copies  
of accounts.

Appeal as to  
accounts.

provisions of this Act, neither shall they in anywise hereafter be liable for any default of the Hendon Local Board in maintaining, repairing, lighting, watching, and watering the portions of roads and footways which by this Act are required to be maintained, repaired, lighted, watched, and watered by the Hendon Local Board.

11. From and after the commencement of this Act the county authority for the county of Middlesex shall not exercise the power conferred upon them by the Act of 1878 of amending, altering, or rescinding the herein-before recited Order dated the 10th day of November 1879 without the consent for that purpose first obtained of the Hendon Rural Sanitary Authority signified under the common seal of the guardians of the poor of the Hendon Union, and also the consent of the Hendon Local Board under their common seal; and no such amendment, alteration, or rescission shall invalidate any payment which previously thereto or without notice thereof shall have been made by the keepers and governors of Harrow School to the Hendon Rural Sanitary Authority.

12. All enactments of the Act of 1872 and of the Act of 1876 and of other Acts inconsistent with this Act are hereby repealed: Provided always, that nothing in this Act contained shall be taken or construed to prejudice or affect the rights of Harrow School as by the Act of 1872 reserved, or the application of any surplus of the rents and profits of Lyon's estates after the purposes of the Act of 1872 and this Act are satisfied.

13. The Hendon Local Board shall be entitled from time to time to demand and obtain from the Hendon Rural Sanitary Authority inspection of the accounts required in pursuance of the fifteenth section of the Act of 1872 to be transmitted to the Hendon Rural Sanitary Authority.

14. The Hendon Local Board shall be entitled to receive, and the Hendon Rural Sanitary Authority shall deliver to them, a copy of each of the separate accounts for each year required in pursuance of the seventeenth section of the Act of 1872 to be kept by the Hendon Rural Sanitary Authority of the income received by them from Lyon's estates, and from Harvist's building lands, and from the trust stock, or the lands or other securities in or upon which the proceeds thereof are or may be invested, and of the application of the same respectively, and the Hendon Local Board shall also be entitled to inspection of the vouchers of such accounts.

15. The eighteenth section of the Act of 1872 shall be read and construed as if the name of the Hendon Local Board had been inserted therein after the words "The keepers and governors of Harrow School (so far as relates to Lyon's estates)," and the Hendon



Local Board shall, for the purposes of this Act, have the power of appeal by that section contemplated. A.D. 1880.

16. When in pursuance of the provisions of section 150 of the Public Health Act, 1875, the Hendon Local Board shall think fit to execute the works mentioned or referred to in that section, it shall be lawful for the Hendon Local Board from time to time and at any time within fifteen years from the passing of this Act to defray the expenses incurred by them in executing such works out of (in the first instance) their district fund and the general district rates leviable or levied by them under and in pursuance of the said Public Health Act, 1875: Provided always, that nothing herein contained shall be construed to relieve the Hendon Local Board from the duty or deprive them of the right of recovering the said expenses in the manner provided for by the said Public Health Act, 1875, and that when and as often as such expenses are so recovered the Hendon Local Board shall repay and credit to the said district fund the amount or amounts of such expenses as so recovered.

Expenses of works under section 150 of 38 & 39 Vict. c. 55.

17. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act, including those connected with the compliance with the provisions of the Act of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, shall be and are hereby included among the general expenses of the Hendon Local Board, and may be defrayed accordingly from the general district rates to be levied by the Hendon Local Board; provided that nothing in this Act contained shall be construed to exempt such costs, charges, and expenses from the operation of the sixth section of the Municipal Corporation (Borough Funds) Act, 1872.

Expenses of Act.  
35 & 36 Vict. c. 91.

