

[49 & 50 VICT.] *Metropolitan Board of Works (Various [Ch. cxii.] Powers) Act, 1886.*



CHAPTER cxii.

An Act to confer further powers on the Metropolitan Board of Works as to streets and open spaces; and for other purposes. A.D. 1886.
[25th June 1886.]

WHEREAS it is expedient that the Metropolitan Board of Works (herein-after referred to as "the Board") should be authorised to make the street improvements and works herein-after mentioned and that provision should be made as in this Act set forth as to contributions by certain vestries towards the expenses of certain of such improvements.

And whereas the Board have caused to be deposited with the respective clerks of the peace for the counties of Middlesex and Surrey plans and sections showing the lines and levels of the street improvements and works by this Act authorised and the lands on which the same will be made or which may be taken for the purposes or under the powers of this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands and such plans sections and book of reference are herein referred to respectively as the deposited plans sections and book of reference.

And whereas the manor of Fulham in the county of Middlesex (part of the ancient possessions of the episcopal see of London and now vested or reputed to be vested in the Ecclesiastical Commissioners for England) originally comprised divers commons or waste lands in the parishes of Fulham and Hammersmith of which there have been vested in the Board to be preserved as open spaces for the benefit of the public certain large portions which include Wormwood Scrubs vested in them under the Wormwood Scrubs Act 1879.

Little
Wormwood
Scrubs.

And whereas a part of the same tract of common or waste land which formerly included Wormwood Scrubs was severed from the remainder by the West London Railway and such severed part

[Ch. cxii.] *Metropolitan Board of Works (Various Powers) Act, 1886.* [49 & 50 VICT.]

A.D. 1886. — contains about twenty-two acres and the same has not been vested in the Board or dealt with by the said Act and does not form part of the Scrubs as defined by the said Act.

And whereas the copyhold tenants of the manor of Fulham have or claim certain rights of common of pasture on the said lands for their commonable cattle and swine at certain seasons of the year (such as formerly were exerciseable over the whole tract of land forming Wormwood Scrubs) subject to byelaws from time to time made by the homage jury of the said manor.

And whereas the said commonable rights have for many years ceased to be exercised and have been allowed to fall into disuse and the said piece of land comprising about twenty-two acres has been for many years past and is now inclosed and the same has been and is let under the direction of the homage jury of the said manor and the rent arising therefrom has been and is applied under the direction of the said homage jury to charitable purposes within the said manor.

And whereas the Ecclesiastical Commissioners have offered to transfer the said piece of land to the Board without any consideration on condition that it should be laid out and maintained by the Board as an open space for public recreation subject to the rights of the commoners over the same being acquired and extinguished.

And whereas the homage jury of the manor acting so far as they lawfully can for and on behalf of and as representing all persons having rights of common on or over the said land have entered into an agreement for the transfer to the Board and extinguishment of the same rights on payment of a sum of two thousand pounds and it is expedient that provision should be made for carrying the said arrangement into effect.

And whereas the existing means of access to the said lands are inadequate and it is expedient that further provision should be made with reference thereto.

And whereas the said piece of land (with a road intended to be formed thereon) is shown on the plan of Little (Wormwood) Scrubs comprised in the deposited plans.

Dulwich Park.
48 & 49 Vict.
c. clxvii.

And whereas by section 48 of the Metropolitan Board of Works (Various Powers) Act 1885 (in this Act called the Act of 1885) certain lands in the parish of Camberwell in the county of Surrey called in the said Act "Dulwich College lands" delineated upon the plan marked B referred to in the said Act were transferred to and vested in the Board and the Board were required to hold the said lands and from time to time lay out maintain and preserve the same and every part of the same as a public park for the perpetual use thereof by the public for exercise and recreation.

[49 & 50 VICT.] *Metropolitan Board of Works (Various [Ch. cxii.] Powers) Act, 1886.*

And whereas there are on and over the said lands certain footpaths and rights of way which may interfere with the laying out and public enjoyment of the said lands in manner aforesaid and it is expedient that subject to the provisions of this Act powers should be conferred upon the Board as to the stopping diversion or alteration of the said footpaths and rights of way and as to closing the said park at night as in this Act set forth.

A.D. 1886.

And whereas under a provisional order headed "Metropolis (Saint George-the-Martyr Southwark) Improvement" which was confirmed by the Metropolis (Goulston Street Flower and Dean Street Whitechapel &c.) Improvement Provisional Orders Confirmation Act 1877 the Board were authorised to carry into execution an improvement scheme under the Artizans and Labourers Dwellings Improvement Act 1875 relating among other lands to certain lands adjoining King Street in the parish of St. George-the-Martyr Southwark.

St. George-the-Martyr Southwark.

40 & 41 Vict. cap. ciii.
38 & 39 Vict. cap. 36.

And whereas under the powers of the said Acts Provisional Order and Scheme the Board by two deeds dated the 28th November 1882 conveyed to one Frederick Snelling firstly a piece of land in the said parish on the north-west side of King Street on the south-west side of Flint Street and on the north-east side of Gun Street and secondly a piece of land in the same parish situate on the north-west side of King Street and on the south-west side of Gun Street and the north-east side of Martin Street subject to certain provisions and covenants for the erection of dwelling-houses or lodging-houses suitable for mechanics labourers and other persons of the working class within the meaning of the Artizans and Labourers Dwellings Improvement Acts 1875 and 1879.

38 & 39 Vict. cap. 36.
42 & 43 Vict. cap. 63.

And whereas part of the first-mentioned plot of land between Flint Street and Gun Street has been used for the erection of artizans dwellings which are completed and inhabited.

And whereas on other part of the said first-mentioned plot of land adjoining King Street artizans dwellings were commenced but the erection thereof was subsequently abandoned and the portion of the said buildings which was erected and the materials thereof are falling into decay.

And whereas no buildings have been commenced on the said piece of land between Gun Street and Martin Street.

And whereas by reason of subsequent mortgages or reputed mortgages of the said lands and of the bankruptcy or reputed bankruptcy of the said Frederick Snelling complications have arisen in which no powers exist under which the said pieces of land can be made available for artizans dwellings and it is expedient that further provisions should be made with reference thereto.

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 Vict.] Powers) Act, 1886.*

A.D. 1886.

Deptford
Creek
Bridge.
43 Geo. 3.
cap. cxxxi.

40 & 41 Vict.
cap. xcix.¹

And whereas by an Act of Parliament passed in the 43rd year of King George the Third entitled "An Act for building a bridge over the River Ravensbourne at or near its mouth or outlet into the River Thames in the county of Kent and for making and maintaining proper approaches thereto" the Deptford Creek Bridge Company was incorporated and empowered to erect a bridge over the said river and it was enacted that in the said bridge should be constructed a drawbridge or swingbridge and certain powers duties and obligations were by the said Act vested in and imposed upon the said company with respect to the opening or removing such drawbridge or swingbridge for the passage of vessels. And whereas under the Metropolis Toll Bridges Act 1877 the Board have acquired the undertaking of the said company and it is provided by section 24 of the said Act that from and after the transfer of the undertaking of the said company to the Board all the powers duties and obligations of the said company under the said Act of George III. with respect to the opening or removing of the drawbridge or swingbridge in the Deptford Creek Bridge for the passage of ships and other vessels through the same should be transferred to and should be exercised and performed by and be binding upon the Greenwich District Board of Works herein-after called the Greenwich Board but the expenses incurred by the Greenwich Board in respect thereof not exceeding the average annual expense so incurred in the three years prior to the first day of January one thousand eight hundred and seventy-seven should upon demand be repaid to the Greenwich Board by the Board.

44 & 45 Vict.
cap. cxcii.

And whereas by the Metropolitan Bridges Act 1881 the Board were authorised to reconstruct widen and alter the then existing Deptford Creek Bridge and it was enacted (section 20) that when the reconstruction alteration and widening of Deptford Creek Bridge thereby authorised should be completed by the Board and the said bridge so reconstructed altered and widened should be thrown open to the public all the powers duties and obligations of the Deptford Creek Bridge Company under the said Act of Geo. III. with respect to the opening or removing of the drawbridge or swingbridge in the Deptford Creek Bridge for the passage of ships through the same transferred to the Greenwich Board under and by virtue of the Metropolis Toll Bridges Act 1877. and of the transfer of the undertaking of the said Company in pursuance of the said last-mentioned Act should be exercised and performed by and be binding upon the Greenwich Board and that the Board should pay to the Greenwich Board for the opening or removing of the said drawbridge or swingbridge in accordance with the provisions of the said Act the sum of fifty pounds per annum by equal half-yearly

40 & 41 Vict.
cap. xcix.

[49 & 50 VICT.] *Metropolitan Board of Works (Various [Ch. cxii.] Powers) Act, 1886.*

A.D. 1886.

payments and should permit the person who might from time to time be employed by the Greenwich Board to open and remove the said drawbridge or swingbridge to reside with his wife family and servants during such employment in the house erected by the Deptford Creek Bridge Company for the residence of the person employed for the same purpose by the said Company and known as the Bridge House and should keep the said house in tenantable repair.

And whereas the reconstruction and alteration of the said bridge has been duly completed by the Board and the said bridge as reconstructed and altered has been thrown open to the public. And whereas it appears to the Board and to the Greenwich Board that it would be more convenient that the powers duties and obligations with respect to the opening or removing of the said drawbridge or swingbridge so as aforesaid transferred to the Greenwich Board should instead thereof be transferred to and be binding upon the Board in whom the bridge itself and the obligation of maintaining the machinery for working the same is vested.

And whereas the works which the Board were authorised to make by the Metropolitan Street Improvements Act 1877 are approaching completion. But the time for the compulsory purchase of land under that Act and also under the Metropolitan Bridges Act 1881 are about to expire and it is expedient that the same be as regards certain properties extended.

Extension of time.
40 & 41 Vict.
cap. ccxxxv.
44 & 45 Vict.
cap. cxcii.

And whereas it is expedient that other provisions should be made as in this Act set forth. But the objects aforesaid cannot be accomplished 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):--

PART I.

PRELIMINARY.

1. This Act may be cited as the Metropolitan Board of Works (Various Powers) Act 1886.

Short title.

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

Interpretation of terms.

"Dulwich College lands" means the lands in the parish of Camberwell and county of Surrey lying between Dulwich

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886.

Common Road on the south Lordship Lane and Court Lane on the north-east and College Road on the west delineated on the plan (marked B) referred to in the Act of 1885 ;

“The Lands Clauses Acts” means the Lands Clauses Consolidation Acts 1845 1860 and 1869 (except section 133 of the Lands Clauses Consolidation Act 1845) as amended by the Lands Clauses (Umpire) Act 1883 ;

“Metropolis” means the Metropolis as defined by the Metropolis Management Act 1855 ;

“Street” has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same ;

“Street authority” means with respect to any parish mentioned in Schedule A to the Metropolis Management Act 1855 or to any district formed by the union of the parishes mentioned in Schedule B to the said Act the vestry of such parish or the Board of Works for such district as the case may be and the term “district” in relation to a street authority means the area subject to the jurisdiction of such street authority ;

“Justice” means justice of the peace acting for the county borough liberty or place where the matter requiring the cognizance of any such justice shall arise and who shall not be interested in the matter. When any matter shall require to be done before justices the expression “two justices” shall be understood to mean two justices assembled and acting together in petty sessions or a metropolitan police magistrate sitting alone ;

“Lessee” includes any person holding a sub-lease ;

“Person” includes corporation ;

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction :

Provided always that for the purposes of this Act the expression “the promoters of the undertaking” in the Lands Clauses Acts shall be construed to mean the Board and that for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partly incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

3. This Act is divided into parts as follows:—

- I.—Preliminary.
- II.—Street Improvements.
- III.—Open Spaces &c.
- IV.—Miscellaneous.

A.D. 1886.

Division of Act into parts.

4. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

Incorporation of Lands Clauses Acts.

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

Act to be carried into effect by the Board.

6. The Board may from time to time appoint a committee or authorise any committee or committees appointed by the Board for other purposes to manage and transact all or any of the matters or purposes which the Board are by this Act empowered to do or perform and any such committee shall have so much or so many of the powers by this Act conferred on the Board as from time to time the Board may see fit to delegate to them.

Power to Board to appoint committees.

PART II.

STREET IMPROVEMENTS.

7. Subject to the provisions of this Act in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections the Board may make and carry into execution all or any of the works described in this section (which are in this Act referred to as the street improvements) (that is to say):—

Power to make certain street works.

WIDENING OF COLD HARBOUR LANE.

The widening of Cold Harbour Lane on the eastern side thereof in the parish of Lambeth and county of Surrey commencing at a point about one chain north of the junction of Denmark Passage with Cold Harbour Lane and terminating at the northern end of the triangular enclosure at the junction of Cold Harbour Lane and Denmark Hill.

VICTORY PLACE IMPROVEMENT.

A new street in the parish of St. Mary Newington in the county of Surrey commencing at the junction of Paragon Row and Henshaw Street and terminating by a junction with the new road known as Munton Road.

STAIRCASE AT CHARING CROSS.

And subject as aforesaid the Board may make and maintain in the parish of St. Martin-in-the-Fields and county of Middlesex a staircase to form an access for foot passengers to the footway along the

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886. north-eastern side of the bridge which carries the South-eastern Railway over the River Thames which staircase will be on the north-western side of the roadway of the Victoria Embankment commencing on the surface of the ground on the Victoria Embankment with an approach from the Embankment roadway and terminating in the said existing footway along the said bridge :

And subject as aforesaid the Board may construct such railing and form such enclosure around and in the neighbourhood of the said staircase as they may think fit.

For protection of Southwark and Vauxhall Water Company.

8. Before raising the level of Cold Harbour Lane to any extent exceeding six inches or before lowering the level of the said lane in exercise of the powers conferred for that purpose by this Act the Board shall give three months notice in writing to the Southwark and Vauxhall Water Company (in this section referred to as the water company) of their intention to commence such works and thereupon the following provisions for the protection of the water company shall be in force and take effect (that is to say):—

- (a) The water company shall be at liberty forthwith to remove so much of their main or mains now laid in Cold Harbour Lane and High Street as lies to the north of the road known as Denmark Passage and shall be at liberty to lay and maintain a main or mains through or in Denmark Passage in lieu thereof :
- (b) All the reasonable costs charges and expenses of the water company of and incidental to the removal of the existing main and the laying of the main or mains to be laid in lieu thereof as aforesaid shall be borne by the Board and repaid to the water company on demand :
- (c) If any dispute or difference shall arise under this section between the Board and the water company the same shall be determined by a single arbitrator to be agreed upon between the Board and the said company or failing agreement to be appointed by the President for the time being of the Institute of Civil Engineers whose decision shall be final and binding upon both parties and the costs of the reference shall be in the discretion of the arbitrator.

Power to stop up ways for purposes of the street improvements.

9. The Board for the purposes and during the making of the street improvements may in or upon the lands shown in connexion therewith upon the deposited plans stop up or cause to be stopped up temporarily all or any part of the carriageways or footways of streets which they shall think necessary for such purposes to be stopped up and may from time to time put or cause to be put up sufficient palisades bars posts and other erections and may make

[49 & 50 Vict.] *Metropolitan Board of Works (Various Powers) Act, 1886.* [Ch. cxii.]

from time to time such orders for regulating the traffic as to them shall seem proper. A.D. 1886.

10. Subject to the provisions of this Act the Board may for the purposes of and in connexion with the street improvements alter the lines or levels of any of the streets and places described on the deposited plans as intended to be diverted raised or lowered in such manner as may be described on such plans. Streets may be raised or lowered.

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

12. Subject to the provisions of this Act and within the limits defined on the deposited plans the Board in connexion with the street improvements and as part and for the purposes thereof may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works and may make diversions widenings or alterations of the lines or levels of any existing street for the purpose of connecting the same with the works or of crossing the same or otherwise and may alter divert stop up or appropriate all or any part of any street and the paving metalling or materials in on or forming part of any such street shall be vested in the Board and the Board may also alter and interfere with any drain or sewer but the Board shall provide a proper substitute before interrupting the flow of sewage in any such drain or sewer and the materials obtained in such alterations and interference shall vest in the Board and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers for which they may be so substituted. Power to make subsidiary works.

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

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886: alteration and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person who suffers damage by any such alteration: Provided always that before the Board alter the position of any main or other pipe laid down or used by any such company or person they shall (except in cases of emergency) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Board) of the company or person to whom such pipe belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Board shall execute such work to the reasonable satisfaction of the engineer of such company or person: Provided also that the Board shall not cause any street to be lowered or raised or the position of any water or gas main or other pipe to be altered so as to leave over such main or other pipe in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Board shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Board in such case provide special means of access to the same to the satisfaction of the engineer of such company or person:

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 which the Board may have power to alter under section fifteen of the said Act.

If any difference arise between the Board or their engineer and any such company or person or their or his engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Board to any such company or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the Board or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineer of the Board and of any such company or person respectively or failing agreement by such engineer as shall on the application of

[49 & 50 VICT.] *Metropolitan Board of Works (Various [Ch. cxii.] Powers) Act, 1886.*

either the engineer of the Board or of any such company or person be named by the President for the time being of the Institute of Civil Engineers whose decision shall be final and binding and the expenses of the reference shall be borne as the referee may direct:

A.D. 1886.

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

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

Board empowered to lay out carriageways &c

15. The Board shall for the purposes of and in connexion with the street improvements in a substantial and workman-like manner fill or caused to be filled in all and every the vaults cellars and open places over which it may be necessary to new pave (except such as may be used as cellars vaults or areas) with good sound hard brick or other rubbish to be well rammed down to prevent the ground from giving way and shall well and effectually pave over all the said ground with a sufficient quantity of materials of proper quality and dimensions and shall in like manner erect and build any underground arches which they may think necessary and also relay and repair the streets which they may disturb or alter in carrying the purposes of this Act into execution: Provided always that nothing herein contained shall extend or be construed to extend to charge the Board with the liability or expense of repairing or making good such pavement or arches in future but when the same shall have been in the first instance so paved relaid erected built and repaired as aforesaid the same shall for ever thereafter be kept in repair by the street authority of the district in which the same is situate or by any other parties or persons liable to repair the same and the right and property in all such pavements and arches shall belong to and

Directing how the pavement shall be laid and made.

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 Vict.] Powers) Act, 1886.*

A.D. 1886. be the property of such street authority or of such parties or persons in the same manner as things of a like description in such district are now vested in them by law respectively.

Sewers or drains to be arched over or filled up.

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

Power to alter steps areas pipes &c.

17. The Board within the limits of deviation defined on the deposited plans may for the purposes of and in connexion with the street improvements raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar flaps gratings fencings windows and watercourses pipes or spouts belonging to any house or building and also (but subject to the preceding provisions of this Act with respect to the depth of covering over any water or gas mains or other pipes) the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by any of the companies or societies who furnish the inhabitants with water or gas and may remove all other obstructions so as the same be done with as little delay and inconvenience to the said companies societies and inhabitants as the circumstances of the case will admit and the Board shall make reasonable compensation to any company society or person who suffers damage by any such alteration.

Period for completion of street improvements.

18. If any part of the street improvements be not completed within three years from the passing of this Act then on the expiration of that period the powers of the Board under this Act for the execution of such part of such improvements or otherwise in relation thereto shall cease to be exercised except so far as the same shall have been then completed.

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

A.D. 1886.
Limitation of time for purchase of lands.

20. When the street improvements are made so much of the same as shall be laid out for carriageways or footways of any street shall form part of such street and may be used by the public accordingly but the soil thereunder shall continue to be and be vested in the Board and the paving maintenance repair cleansing and lighting of such street shall in the case of the Cold Harbour Lane and Victory Place improvements by this Act authorised be under the care management control and jurisdiction of the street authority of the parish in which the same are respectively situate.

Ground laid into the streets to form part thereof.

21. At least one month before commencing the construction of the Victory Place improvement by this Act authorised the Board shall serve notice in writing of their intention to commence the same upon the owners of the houses shown on the deposited plans of the said improvement as abutting upon the property thereon numbered 2 in the parish of Saint Mary Newington And if within one month after the service of such notice the owners of the said houses or either of them shall by notice in writing to the Board so require the Board shall provide a proper and sufficient means of access from such house or houses to the footway of the new street and the right conferred by this section upon the owners of the said houses respectively shall be in lieu of any right on the part of either of them or of the lessees or occupiers of such houses or either of them to compensation from the Board in respect of any alleged obstruction or injury to the access to such house or houses in the exercise of the powers conferred on the Board by this Act.

Compensation in certain cases at Victory Place.

22. With regard to the staircase at Charing Cross by this Act authorised the following provisions for the protection of the South-eastern Railway Company (in this Act called the South-eastern Company) and of the Metropolitan District Railway Company (in this Act called the District Company) shall unless otherwise agreed on between the Board and the said two companies respectively have effect viz. :—

For protection of the South-eastern and Metropolitan District Railway Companies.

FOR THE PROTECTION OF BOTH COMPANIES.

(1.) The Board shall not acquire any ownership of or in any land or property of either of the two companies but the Board may subject to the provisions of this section make and maintain the said staircase in manner by this Act authorised :

A.D. 1886.

- (2.) (a) If and so far as for the purpose of making and maintaining the said staircase and works connected therewith it shall be necessary for the Board to interfere with the structure of the Charing Cross Bridge or to enter upon use or interfere with any property of the South-eastern Company the Board may purchase and the South-eastern Company shall sell an easement or right of making and maintaining the said staircase in manner aforesaid :
- (b) If and so far as for the purpose of making and maintaining the said staircase it shall be necessary for the Board to erect the same or any part thereof upon or over any land or property, station or works of the District Company the Board may purchase and the District Company shall sell an easement or right of making and maintaining the said staircase in manner aforesaid :
- (3.) The amount to be paid by the Board to each of the said two companies respectively for the acquisition of any such easement shall if not agreed between them respectively be ascertained by arbitration in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement :
- (4.) The Board shall not commence the construction of the said staircase or any works in connexion therewith until they shall have given to the said two companies twenty-one days notice in writing of their intention to commence the same accompanied with plans elevations sections and specifications describing the manner of executing the intended works and the materials to be used and other necessary particulars of the construction of the said staircase and of any temporary works for the purpose thereof and until the said two companies shall have signified their approval of the same unless the said two companies or either of them shall fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid :

Provided that the Board shall not be relieved from any responsibility touching the execution or maintenance of any works by this Act authorised by reason of the submission of any plans specifications or descriptions to the engineer of the District Company or by the approval of any plans specifications or descriptions by him or by any such arbitrator as herein-after mentioned :

[49 & 50 VICT.] *Metropolitan Board of Works (Various [Ch. cxii.] Powers) Act, 1886.*

- (5.) If any difference arise between the Board and the said two companies or either of them with respect to such plans elevations sections and particulars or any of them or in any way arising under the provisions of this section the same shall be referred for decision to an engineer to be agreed upon between the Board and each of the said two companies respectively or in default of agreement to be appointed at the request of either of them by the Board of Trade: A.D. 1886.
- (6.) The said staircase and all works connected therewith shall be constructed within the limits of deviation authorised by this Act and all permanent works shall at all times thereafter be maintained by the Board in accordance with the plans elevations sections and particulars agreed upon or approved by arbitration as herein-before provided and to the reasonable satisfaction of the engineers of the two companies who shall have access to the works of the Board at all reasonable times:
- (7.) The Board shall bear and on demand pay to each of the two companies the expense of the employment by them during the making of the said staircase adjacent to the railway of those companies respectively of a sufficient number of inspectors and watchmen to be appointed by them respectively 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 or accident that may arise from any act or default of the Board or any contractor employed by them or any person in the employ of them or him but the employment of such inspectors and watchmen shall not in any way relieve the Board from their liability under this Act:
- (8.) In carrying into execution any works or any of the powers of this Act the Board shall not cause any obstruction of or interference with the railways of the two companies respectively so as to prevent or impede the convenient passage of engines and carriages along the same nor shall the Board cause any obstruction to or interference with the free and uninterrupted access of carriage and foot traffic to and from the Charing Cross Stations of the respective companies:
- (9.) The Board shall from time to time be responsible for and make good to the two companies respectively all costs losses damages and expenses from time to time occasioned to those companies respectively or to their respective railways or to the traffic thereon or to any person or persons using the same

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886.

or otherwise by reason of the execution or failure of any of the works of or incidental to the said staircase or any act or omission of the Board or of any contractor or any person in the employ of them or him and the Board shall effectually indemnify and hold harmless the two companies respectively from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission :

- (10.) After the execution of the works by this Act authorised they shall not be altered added to or reduced except in such manner and on such terms as shall be agreed between the Board and each of the said two companies respectively or failing agreement as may be prescribed by arbitration :
- (11.) The reasonable costs charges and expenses of the said two companies and their respective engineers in reference to the matters aforesaid shall be defrayed by the Board :
- (12.) Any dispute or difference which may from time to time arise between the Board on the one hand and the said two companies or either of them on the other hand with reference to any works referred to in this section or any matter arising out of the provisions of this section shall be referred to an engineer to be appointed upon the application of either party by the Board of Trade and the decision of such arbitrator shall be final and conclusive and the costs of and incidental to such arbitration shall be borne and defrayed as he may direct :
- (13.) Nothing in this Act contained shall prejudice take away lessen or interfere with any of the property rights powers interests or privileges of either of the said two companies otherwise than is herein expressly provided.

FOR THE PROTECTION OF THE SOUTH-EASTERN COMPANY.

- (1.) So far as the said staircase and the works connected therewith shall involve any interference with the said Charing Cross Railway Bridge or property of the South-eastern Company the same shall be executed under the supervision and to the reasonable satisfaction of the principal engineer for the time being of the said company :
- (2.) Nothing in this Act contained shall be deemed to prejudice alter or diminish the right to close the Charing Cross foot-bridge now claimed to be exerciseable by the South-eastern Company under the provisions of section 30 of the Metropolis Toll Bridges Act 1877 and the said right of closure shall

subject to the conditions in the said section mentioned relating to the said footbridge extend to the staircase and works connected therewith by this Act authorised and may be exerciseable by the company in as full and complete a manner as if the said staircase and works had been included in the said section :

- (3.) If and whenever the South-eastern Company desire to widen or alter their Charing Cross Bridge on the northern side thereof so as to render necessary or expedient any interference with the said staircase and works the South-eastern Company may execute such widening or alteration as they shall think proper in all respects as if no staircase or works of the said Board existed :
- (4.) If such widening or alteration shall necessitate the removal alteration or re-erection of the said staircase and works the South-eastern Company shall give all reasonable facilities for the alteration and re-erection thereof by the Board at their expense in all things provided that no such alteration or re-erection shall be made on any lands or property or so as to involve any interference with any works of the District Company otherwise than in such manner and on such terms as may be agreed by that company or settled by arbitration.

FOR THE PROTECTION OF THE DISTRICT COMPANY.

- (1.) So far as the said staircase and the works connected therewith shall be upon or over any property station or works of the District Company or involve any interference therewith the same shall be executed under the supervision and to the reasonable satisfaction of the principal engineer for the time being of the District Company and shall be at all times maintained (subject to the provisions of this section) in like manner :
- (2.) The said staircase shall be made in such manner and of such materials as will obstruct as little as possible the access of light and air to the District Company's station and before commencing the same the Board shall erect proper screens or other means to protect the roof and other structures of the District Company from damage during the construction of the said staircase and after the completion of the said staircase the Board shall make and maintain such provision by a screen or other means as may be reasonably required to protect the said roof and structures from damage :
- (3.) If the said staircase shall obstruct the access of light and air to the District Company's station the Board shall make

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886.

compensation to the District Company in respect thereof and the question whether any such obstruction of light and air has been caused and if so the amount of compensation to be paid by the Board to the District Company shall in case of difference be settled and ascertained by arbitration in the manner provided by the Lands Clauses Consolidation Act 1845.

Separate accounts to be kept in respect of street improvements.

23. The Board shall keep separate accounts of all moneys expended by them and of all lands tenements and hereditaments purchased by them for the purposes of and in connexion with the widening of Cold Harbour Lane and the Victory Place improvement respectively and of all their receipts credits payments and liabilities with respect to the execution of the said widening and improvement respectively.

Contributions by vestries to expenses of street improvements.

24. The vestry of the parish of Lambeth shall and they are hereby required from time to time to contribute towards the expenses of the Board in relation to the widening of Cold Harbour Lane by this Act authorised and of carrying into effect the purposes of this Act in relation to the said improvement such sums on account of such expenses as the Board may from time to time require to the extent of but not exceeding one half of such expenses :

And the vestry of the parish of Saint Mary Newington shall and they are hereby required from time to time to contribute towards the expenses of the Board in relation to the Victory Place improvement by this Act authorised and of carrying into effect the purposes of this Act in relation to the said improvement such sums on account of such expenses as the Board may from time to time require to the extent of but not exceeding one half of such expenses :

And the Board may at any time and from time to time issue precepts to the said vestries respectively for any such sums and the Board shall have all the like powers of enforcing any precepts for this purpose as are applicable by law to the ordinary precepts of the Board.

Credit to be given to vestries for sale of lands, &c.

25. The vestry of the parish of Lambeth shall have credit for one half of all sums of money which may from time to time be paid to the Board under the provisions of this Act on account of the widening of Cold Harbour Lane and the vestry of St. Mary Newington shall in like manner have credit for one half of all sums of money from time to time paid to the Board under the provisions of this Act on account of the Victory Place improvement whether arising from the sale of materials the sale or letting of lands or any other sums which being carried to the credit of the separate account to be kept as by this Act directed with respect to the said

improvements respectively recoup the Board a part of the expenses incurred by them in carrying this Act into execution with respect to the said improvements respectively and the Board shall from time to time furnish a copy of such account to the vestry of the parish of Lambeth with relation to the first and to the vestry of St. Mary Newington with relation to the second of the said improvements.

A.D. 1886.

PART III.

OPEN SPACES, &c.

26. In this Act the expression Little Wormwood Scrubs means the said piece of land containing about twenty-two acres shown on the deposited plans under the heading Little (Wormwood) Scrubs and within the dotted line thereon marked "limits."

Defining
Little Worm-
wood Scrubs.

27. Little Wormwood Scrubs shall upon the passing of this Act vest in the Board and their successors in fee simple in possession free from all rights of copyholders common commonable or other similar rights in over or affecting the same and the Board shall hold the same upon trust for the perpetual use thereof by the inhabitants of the metropolis for exercise and recreation. The Board may from time to time lay out drain level plant and improve Little Wormwood Scrubs and may exercise all necessary powers for the maintenance and preservation of the same as an open space.

Little Worm-
wood Scrubs
vested in the
Board.

28. Compensation for any estate interest or right in over or affecting Little Wormwood Scrubs which may be taken away or injuriously affected by this Act or by anything done in pursuance thereof (other than the estate and interest of the Ecclesiastical Commissioners therein) shall be paid for as the same would be payable if this Act were a scheme under the Metropolitan Commons Act 1866 and that compensation shall in case of difference be ascertained and provided in the same manner as compensation under that Act and shall be paid by the Board. Any compensation to be awarded under this Act in respect of copyhold commonable or other rights in or over Little Wormwood Scrubs shall be paid by the Board to the homage jury of the manor of Fulham on behalf of the persons entitled thereto and the receipt of the treasurers of the said homage jury for the time being shall be a discharge for the said sum which receipt shall be produced to the Commissioners of Inland Revenue duly stamped with ad valorem duty in respect thereof as a conveyance on sale. The said sum of money shall be applied by the homage jury to any purposes to which they would have been entitled to apply moneys received by them in

Compensa-
tion for
rights in-
juriously
affected.

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886. respect of any such rights and upon payment of the said sum to the said homage jury all such rights shall become and be absolutely extinguished.

Byelaws as to Little Wormwood Scrubs.

29. From and after the vesting of Little Wormwood Scrubs in the Board as in this Act provided all the provisions of the Metropolitan Board of Works Act 1877 with respect to the making contents confirmation approval allowance publication and evidence of byelaws and to securing the observance of the same and to penalties and proceedings before justices and the recovery and application of penalties and generally with respect to the parks and heaths or commons shall extend and apply to Little Wormwood Scrubs as if it had been included amongst the parks heaths and commons in respect of which byelaws were by the Metropolitan Board of Works Act 1877 authorised to be made by the Board.

Board to form new road at Little Wormwood Scrubs.

30. The Board shall lay out and form along the southern side of Little Wormwood Scrubs, when vested in them under this Act a road forty feet in width as shown on the deposited plans in continuation of the archway under the West London Railway at about ten chains north of the North Pole Road And shall metal gravel kerb channel pave sewer and complete the said new road in the same manner as other new roads in the metropolis and shall properly maintain the said new road and the sewer to be formed in the same until the said new road shall have been completed and opened to the public and the said road shall for the purpose of byelaws and other purposes be part of Little Wormwood Scrubs But nothing in this Act or any such byelaw shall authorise the Board to close the said road at any time after it shall have been completed.

As to building houses on the glebe land fronting the new road.

31. It shall be lawful for the vicar of St. Clement Kensington and his successors or other the owner of the piece of glebe land on the south side of and fronting on the new road to be formed by the Board (as directed in the previous section) to build on the said piece of glebe land houses fronting on the said new road and also to lay sewers or drains to connect with the sewer under the said new road and he and they and all persons authorised by him or them shall have free right of access at all times to and from the said new road: Provided always that except with the consent of the Board no house shall be built fronting on the said new road which shall be of less annual value than forty pounds or of a less prime cost value (in labour and materials) than three hundred and fifty pounds.

[49 & 50 Vict.] *Metropolitan Board of Works (Various [Ch. cxii.] Powers) Act, 1886.*

32. Notwithstanding anything shown on the deposited plans nothing in this Act shall enable the Board in any way to interfere with any part of the West London Railway or transfer to the Board any of the land or property belonging to the owners of that railway but the strip of land shown on the deposited plans and numbered thereon and in the deposited books of reference 3 in the parish of Hammersmith (part of which lies under the West London Railway) may be used as a public way as part of Little Wormwood Scrubs and subject to the byelaws of the Board relating thereto.

A.D. 1886.

Protecting
West London
Railway.

Nothing in this Act shall prevent the Great Western and London and North-western Railway Companies from constructing over the said strip of land or the roadway formed along the same such works as may be necessary for the widening of the said railway or the constructing of additional lines of rails platforms or buildings thereon or shall entitle the Board to call upon the said two companies or either of them to make any money payment in respect thereof And notwithstanding anything in this Act the said two companies may enter upon the said strip of land if it be necessary for the purpose of altering repairing maintaining renewing or extending the archway over the same :

Provided that except in case of emergency the said two companies shall give 48 hours previous notice in writing to the engineer of the Board of their intention to enter upon the same and shall be subject to such reasonable conditions and regulations as he may prescribe for preventing traffic through the said archway from being interfered with And provided also that if the said railway be widened over the road to be formed along the said strip of land then such widening shall (unless otherwise agreed by the Board in writing under their common seal) be constructed so as not to lessen the clear width of the said road and any footways along the same and so as to leave a headway at least as high as that of the existing archway.

33. Except only as is by this Act expressly provided nothing in this Act contained shall take away lessen prejudice or alter any of the estates rights interests powers privileges or authorities of the Great Western and London and North-western Railway Companies or either of them.

Saving rights
of Great West-
ern and Lon-
don and North-
western Rail-
way Com-
panies.

34. As from the time when the said new road is completed and open to the public the same shall become and be a public road and repairable and maintained by the street authority of the district in the same manner as other public roads and streets in their district.

New road to
be public.

A.D. 1886.

DULWICH PARK.

Definitions.

35. For the purpose of this Act the expression "the amended park plan" means the plan of Dulwich Park which has been prepared for the purposes of this Act and signed by Leonard H. Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Parliament Office of the House of Lords and one other copy has been deposited at the Private Bill Office in the House of Commons and of which copies are also deposited with the Governors of Dulwich College and with the Board.

The expression "the governors" means the persons acting as the estates governors in the execution of the Dulwich College scheme approved by Her Majesty in Council on the 18th day of August one thousand eight hundred and eighty-two.

The expression "Dulwich Park" means the Dulwich College lands transferred to and vested in the Board by the Act of 1885 as intended to be laid out by the Board as a park and as shown on the amended park plan by the colours light green and blue.

Further powers as to Dulwich Park.

36. In laying out the Dulwich College lands as a public park the Board may from time to time subject to the provisions of this Act divert and alter any existing footpaths and rights of way over the same and may stop up and close any such paths and rights of way or entrances or means of access to the said lands as they may think fit:

Provided that they shall not stop up or divert any existing public footpath on or over the said lands until they shall have provided a reasonably convenient substitute for the same.

The Board may every night during such hours as they may from time to time think fit between sunset and six a.m. from the first day of April to the first day of October and between sunset and seven a.m. during the rest of the year close the park formed by them on the Dulwich College lands or any part or parts thereof of which they shall from time to time have obtained possession.

Further provisions as to laying out Dulwich Park.

37. With reference to the Dulwich College lands the following provisions shall apply:—

- (1.) The Board shall form and lay out and shall thereafter repair and maintain upon the site coloured yellow on the amended park plan between the points marked N and F a roadway fifteen feet in width for the purpose of affording access for all purposes from the College Road to the properties situate between the said roadway and the said College Road and also a roadway fifteen feet in width for the purpose of affording access for all

purposes from the point marked Q at the north-west corner of the park to the two properties abutting on the College Road at the points marked L and M on the amended park plan :

- (2.) The Board shall also form and lay out and thereafter repair and maintain upon the site coloured brown on the amended park plan a footpath twenty feet in width between the Dulwich Common Road and Lordship Lane and the said footpath shall be deemed to be in substitution for the existing footpath between Dulwich Common Road and Lordship Lane which is shown on the said plan and thereon marked "footpath to be abolished" : Provided that the line and dimensions of the said roadways and footpath respectively may be varied by agreement between the Board and the governors :
- (3.) The existing gateway at the point marked G on the amended park plan shall not be closed by the Board until they have acquired possession of such part of the piece of land numbered 20 on the said plan as is within the boundary of the park :
- (4.) The Board shall inclose the land laid out by them as Dulwich Park with a suitable fence of character and design to be agreed upon between them and the governors or in the event of difference to be settled by arbitration as herein-after provided. Where the said fence will divide Dulwich Park from land of the governors it shall be made of oak and where it will divide Dulwich Park from any public road or footway it shall be made of open iron railings or other material to be agreed upon between the Board and the governors or in the event of difference to be settled by arbitration. Any difference which may arise between the Board and the governors with reference to the character design or material of the said fence or any part or parts thereof shall be referred to the arbitration of Sir Henry Arthur Hunt of 45 Parliament Street Westminster or him failing an arbitrator to be appointed on the application of either party by Her Majesty's Secretary of State for the Home Department and the decision of such arbitrator shall be final and conclusive and the fees of such arbitrator and any costs of and incident to such arbitration shall be defrayed by the Board :
- (5.) The Board shall in laying out Dulwich Park provide on the south side of the park at the point marked P on the amended park plan a gateway of sufficient dimensions for the admission of carriages and they shall also provide a like gateway on the northern side of the park at the point marked H on the said plan or at some place not more than one hundred yards therefrom And when the governors shall have provided to

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886.

the satisfaction of the Board land for approaches to the said gates respectively from Dulwich Common Road and Court Lane the Board shall form and make up such approaches. The Board shall also provide a gateway suitable for the admission of carriages into the said park from the Dulwich Common Road at the south-eastern corner of the park between the line of the proposed footpath coloured brown on the said plan and the property called "The Elms" also shown thereon and a like gateway for the admission of carriages to Dulwich Park from the College Road on the western side of the park:

- (6.) On the first day of October immediately following the passing of this Act the piece of land which is coloured pink on the amended park plan and which now forms part of the Dulwich College lands transferred to and vested in the Board under the Act of 1885 shall by virtue of this Act become and be re-transferred to and vested in the governors and the piece of land coloured blue on the amended park plan together with so much of the site of the footpath coloured brown thereon as now belongs to the governors shall by virtue of this Act be transferred to and vest in the Board in the same manner and for the same intent and purposes as the said Dulwich College lands transferred to and vested in them by the Act of 1885 to the intent that the said piece of land coloured pink as aforesaid shall be exchanged for the pieces of land coloured blue and brown as aforesaid.

PART IV.

MISCELLANEOUS.

Re-purchase
of land in
parish of St.
George-the-
Martyr
Southwark.

38. It shall be lawful for the Board to enter into and carry into effect any agreement or agreements for the re-purchase and acquisition of those parts of the lands in the parish of St. George-the-Martyr Southwark acquired by them under the Metropolis (Goulston Street Flower and Dean Street Whitechapel &c.) Improvement Provisional Orders Confirmation Act 1877 upon which artizans dwellings have not been completed at the passing of this Act and upon such re-purchase and acquisition the Board shall re-sell or lease the same to any person who may covenant and agree to erect thereon buildings suitable for the habitation of mechanics labourers and other persons of the working class within the meaning of the Artizans and Labourers Dwellings Improvement Acts 1875 and 1879 upon such terms and conditions as to the number of persons to be accommodated and generally in the same manner and subject to the same

powers and provisions as if such lands were now to be sold or let for the first time under those provisions of the Artizans and Labourers Dwellings Improvement Act 1875 which relate to the execution of schemes by local authority. The receipts and expenditure of the Board under this section shall be dealt with as part of their receipts and expenditure in respect of transactions under that Act.

A.D. 1886.

39. As from the passing of this Act all the powers duties and obligations of the Deptford Creek Bridge Company under the said Act of George III. with respect to the opening or removal of the drawbridge or swingbridge in the Deptford Creek Bridge for the passage of ships and other vessels through the same (which were transferred to the Greenwich Board by section 24 of the Metropolis Toll Bridges Act 1877) shall be transferred to and be exercised and performed by the Board and section 20 of the Metropolitan Bridges Act 1881 shall be repealed.

Transfer to Board of power and obligations for opening drawbridge in Deptford Creek Bridge.

The Board shall repay to the Greenwich Board all sums which the Greenwich Board may have paid or become liable to pay for salaries or wages of mechanics or workmen employed in opening or removing the said drawbridge or swingbridge during the period which shall have elapsed between the completion of the reconstruction of the said bridge and the passing of this Act not exceeding in the whole the sum of two hundred and fifty pounds.

40. The period limited by the Metropolitan Street Improvements Act 1877 for the compulsory purchase of the lands and properties described in the schedule to this Act and the period limited by the Metropolitan Bridges Act 1881 for the compulsory purchase of the lands and property in the parish of St. Luke Chelsea in the county of Middlesex in connexion with New Battersea Bridge mentioned in that Act are hereby extended until the 11th day of June 1887.

Extension of time for purchase of certain land.

41. Subject to the provisions of this Act the Board may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of or in connexion with the street improvements and for providing space for the erection of houses and buildings adjoining or near to the said improvements respectively. For the purposes of or in connexion with the street improvements the Board may enter upon and use temporarily any road within the limits of deviation shown on the deposited plans and also any lands roads or footways within the limits of deviation shown on the deposited plans having given three weeks previous

Power to take lands for purpose of improvements.

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886. notice in writing to the owners and occupiers of the same of their intention to enter upon the same for such purposes and without being required to purchase or acquire the said premises or any of them and making compensation to the persons and in the manner prescribed by sections forty-three and forty-four of the Railways Clauses Consolidation Act 1845 in all cases where the company shall not be required to purchase lands and where they shall take temporary possession of lands by virtue of the powers in the special Act granted and for the purposes of this Act the expression the company in the said sections shall mean the Board.

Act not to authorise taking twenty houses of persons of the labouring class in any parish.

42. Nothing in this Act authorises the Board to purchase twenty or more houses in any parish in the metropolis as defined by the Metropolis Management Act 1855 which after the passing of this Act have been or on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Power to certain persons to grant easements &c. by agreement.

43. 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 Board 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 for the purposes of this Act the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

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

44. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands on the deposited plans or in the deposited book of reference the Board may after ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous

[49 & 50 VICT.] *Metropolitan Board of Works (Various [Ch. cxii.] Powers) Act, 1886.*

description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county in which the lands affected thereby shall be situate and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Board may take the lands in accordance with such certificate.

A.D. 1886.

45. The Board and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Board may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours and afterwards from time to time twelve hours previous notice enter into and upon the lands and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

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

46. The arbitrator arbitrators umpire or jury to whom any question of compensation under this Act is referred shall if so required by the Board award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Board by the claimant giving sufficient particulars and in sufficient time to enable the Board to make a proper offer and if he or they shall be of opinion that no such statement giving sufficient particulars shall have been delivered one half of the costs of the arbitration or as the case may be one half of the costs of the proceedings before the sheriff (including the costs of summoning empannelling and returning the jury and of taking the inquiry and in recording the verdict and judgment therein) shall be defrayed by the person with whom the Board shall have such controversy or dispute and the remaining half shall be defrayed by the Board anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding: Provided that it shall be lawful for any judge of the High Court of Justice by order in chambers in a summary way to permit any claimant to alter and amend the statement in writing of the claim delivered by him to the Board in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge and such amendment to be subject to such

Costs of arbitration &c. in certain cases.

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 Vict.] Powers) Act, 1886.*

A.D. 1886.

terms enabling the Board to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case: Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was indorsed with a notice of the effect of this section.

Redemption of land tax on lands acquired by Board.

47. The Board in case they shall become possessed by virtue of this Act of any land charged with land tax shall within two years of their obtaining possession of such land proceed to redeem such land tax in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

Power to sell materials.

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

Power to lease surplus land.

49. In case any lands acquired by the Board under the powers of this Act for any of the street improvements shall not be required for such improvements the Board may when and as they shall think fit so to do demise and lease such lands or such parts thereof as the Board shall think it expedient to let on building leases either altogether or in parcels to any person or persons who shall erect and build or covenant and agree to erect and build thereon or on any part thereof houses erections or buildings of such size or class of building and upon such plan and elevation and of such height and with such storeys as the Board shall think proper for any term or number of years to determine at or before the expiration of ninety-nine years from and after the passing of this Act so as there be reserved in every such demise or lease such yearly rent to be incident to the immediate reversion of the premises therein comprised as to the Board shall seem reasonable and so that in every such demise or lease there be contained a covenant for the payment of the rent thereby to be reserved and such other covenants on the part of the tenant or lessee to be therein named as the Board shall reasonably be advised or require and also a clause in the nature of the condition of re-entry on non-payment of the rent thereby to be reserved or on non-performance of the covenants therein to be contained on the part of the tenant or lessee to be observed and

[49 & 50 VICT.] *Metropolitan Board of Works (Various Powers) Act, 1886.* [Ch. cxii.]

performed and every such tenant or lessee shall give such good and sufficient security for the erecting finishing and completing of every such house erection and building which he shall covenant or agree to erect within the time in which he shall have contracted to finish the same as the Board shall order and direct and the Board may if they think fit accept and take any fine for the granting of any lease and may enter into any agreement for the granting of any lease of such lands or such parts thereof and may in any such lease or agreement for a lease give to the lessee or intended lessee an option or right to purchase the fee simple in reversion in the premises leased or agreed to be leased together with all houses erections or buildings thereon at the time of the exercise of such option at such time and on such terms and conditions as they may think fit and on granting leases in pursuance of such agreements may alter the amount of the rents agreed to be reserved in such leases and may apportion the same and grant separate leases of any part of the hereditaments by any such agreement agreed to be leased as the Board think fit and may also alter or rescind any agreement as aforesaid and may accept any surrender of any lease in all respects as the Board shall think fit and any part of the said lands may be appropriated for and left as yards or courts to be attached to any houses agreed to be leased as the Board shall think fit.

A.D. 1886.

50. Subject to the provisions of this Act the Board may sell and dispose of or cause to be sold and disposed of the ground rents to be reserved by the leases or demises or agreed to be reserved by any agreements for leases of any lands made under the authority of this Act and also the fee simple in reversion in such lands and in the houses erections or buildings thereon either altogether or in parcels by public auction or by private contract for such price or prices or sum or sums of money as the Board shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Board shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Board by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Board shall think fit.

As to sale of ground rents.

51. Subject to the provisions of this Act the Board may if they think it expedient so to do sell and dispose of in the manner hereinbefore directed all or any lands acquired under the powers of this

Board may sell land in the first instance with-

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886.
out having
previously
granted a
lease thereof.

Act for any of the street improvements and not required for such improvements without having previously granted or agreed to grant any lease thereof for such price or prices or sum or sums of money as the Board shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Board shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Board by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Board shall think fit.

Board may
let or ex-
changelands.

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

Board to
dispose of
lands not
wanted.

53. Subject to the provisions of this Act the Board shall within such period as they may think fit which period shall be the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845 after the completion of any of the street improvements for the purposes of which any lands have been acquired sell and dispose of to any person or persons and grant and convey such parts of such lands as they may have acquired under the powers of this Act and which shall not be required for any of such improvements.

Receipts of
Board to be
effectual
discharges.

54. The receipt of the Board or of any person duly authorised by the Board for any purchase moneys rents or profits or money payable to the Board by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Power to
Board to
make agree-
ments with
owners of
property &c.

55. The Board may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of any of the street improvements with respect to the sale by the Board to such person of any lands or

property (including any street or thoroughfare or any part of a street or thoroughfare acquired by the Board under the powers of this Act and not required for any of such improvements) for such consideration as may be agreed upon between the Board and such person and the Board may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Board for the purposes of this Act.

A.D. 1886.

56. The Board may from time to time defray the expenses incurred by them in the execution of this Act and not otherwise provided for by this or any other Act in like manner in every respect as if such expenses were expenses incurred by the Board in carrying into execution the purposes of the Metropolis Management Act 1855 and the Acts amending the same: Provided that all sums which the Board may require to defray the expenses relative to the footbridge at Charing Cross and relative to Deptford Creek Bridge under the provisions of this Act including the charges for moneys raised at any time after the passing of this Act for the purposes thereof and which the Board shall by precept require any street authority to pay to the Board in pursuance of the said Acts and of this Act shall in such precept be placed under the head of "bridge expenses" and may be included in the amount of bridge expenses and shall be paid by such street authority and shall be raised in like manner as if the same were required by such street authority for defraying such of the expenses of such street authority as are chargeable upon their general rate.

Power of Board to defray expenses as if incurred under 18 & 19 Vict. c. 120.

57. The costs charges and other expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Board.

Expenses of Act.

[Ch. cxii.] *Metropolitan Board of Works (Various [49 & 50 VICT.] Powers) Act, 1886.*

A.D. 1886.

The SCHEDULE referred to in the foregoing Act.

LANDS IN RESPECT OF WHICH POWERS OF COMPULSORY PURCHASE ARE EXTENDED.

The numbers given in the following table are the numbers on the plan and book of reference deposited on behalf of the Board with the clerk of the peace for the county of Middlesex in the month of November 1876 in relation to the application for the Metropolitan Street Improvements Act 1877.

Numbers on Plan and Book of Reference.	Parish.
223, 224, 225, 225A, 226, 244, 247, 249, 285, 293, 294, 295, 297, 309.	Parish of St. Anne Soho
26, 73, 74, 75, 76, 92, 93, 102B, 118, 120 - -	Parish of St. James Westminster
23, 95, 96, 97, 125A, 126, 130, 135, 136, 137, 235, 236, 237, 241, 242.	Parish of St. Giles-in-the-Fields.

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1886.