



CHAPTER cxlviii.

An Act to authorise the construction of new and widening of existing Streets and the taking of Lands in the parish of Saint Mary Abbotts Kensington in the county of Middlesex and for other purposes. [7th August 1888.] A.D. 1888.

WHEREAS the construction of the new streets and widening of the existing streets herein-after mentioned would be of public and local advantage :

And whereas the several persons herein-after named are willing at their own expense to execute the necessary works upon being authorised to acquire certain lands buildings and property in the neighbourhood thereof and having the other powers in this Act expressed conferred upon them :

And whereas a plan and section showing the lines and levels of the works authorised by this Act the plan showing also the lands which may be compulsorily taken under the powers of this Act and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Middlesex and are herein-after respectively referred to as the deposited plan section and book of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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

1. This Act may be cited as the Kensington Square Improve- Short title.
ments Act 1888.

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Incorporation of
General
Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 (except where expressly varied by or excepted from or inconsistent with this Act) are incorporated with and form part of this Act.

Interpretation of
terms.

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

The expression “the Undertakers” means and includes Albert James Barker of Kensington Court Place in the county of Middlesex and Frederick Moir of Kensington Court Gardens in the county of Middlesex and the survivor of them and the heirs of such survivor and their respective assigns:

The expression “Metropolitan Board” means the Metropolitan Board of Works:

The expression “vestry” means the vestry of the parish of Saint Mary Abbots Kensington:

The word “street” includes streets squares courts lanes alleys highways roadways thoroughfares and other public passages or places:

The expressions “the works” and “the undertaking” mean respectively the works and the undertaking by this Act authorised:

The word “Company” in the Acts herewith incorporated means the Undertakers:

The word “person” includes Corporation:

Any enactment in the Acts herewith incorporated referring to a writing under the common seal of the Company shall be read and have effect as if referring to a writing under the hands or seals of the Undertakers or whilst the Undertakers are more than three in number of any three of them or when the Undertakers are three in number of any two of them or in the case of the sole survivor of the Undertakers or of the sole heir of the survivor of the Undertakers under his hand and seal:

Any enactment in the Acts herewith incorporated referring to the manager secretary chief or other clerk accountant treasurer or other officer of the Company shall be deemed to apply to the Undertakers:

And for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other

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like expression in this Act or any Act wholly or partially 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.

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4. Subject to the provisions of this Act the Undertakers may enter upon take and use the lands delineated on the deposited plan and described in the deposited book of reference or any of them or any part or parts thereof respectively and shall make and maintain in the lines and according to the levels shown on the deposited plan and section the works herein-after described with all necessary and proper walls fences drains culverts and other approaches buildings works and conveniences connected therewith.

Power to
take lands
and execute
works.

The works herein-before referred to and by this Act authorised will be situate in the parish of Saint Mary Abbotts in the county of Middlesex and are:—

- (1.) A new street (No. 1) commencing at or near the south-east corner of Kensington Square and terminating at or near the west end of Saint Alban's Road at its junction with South End and South End Row :
- (2.) A new street (No. 2) commencing at or near the south-east corner of Kensington Square and terminating at or near the junction of Kensington Court Charles Place and Charles Street :
- (3.) A new street (No. 3) commencing at or near the junction of South End and South End Road with Saint Alban's Road and terminating at or near the southern end of South End Row :
- (4.) A widening (No. 1) of Charles Street on the east side thereof for the whole length thereof and on the west side between the south side of the house No. 16 in Charles Street and Saint Alban's Road :
- (5.) A widening (No. 2) of the western end of Saint Alban's Road on the north side thereof between Charles Street and South End Row.

5. Subject to the provisions of this Act the Undertakers may stop up and discontinue for public use the following streets roads and places or some of them or some part or parts thereof respectively (that is to say) James Street Kensington Mews James Place and the passage now leading from South End Row to South End Cottages and the roadway leading northward from South End and towards which the industrial dwellings belonging or reputed to

Power to
stop up and
discontinue
certain
streets and
passages.

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belong to Mr. Thomas Hussey abut and all other yards passages roadways and places leading out of or communicating with the same respectively all in the parish of Saint Mary Abbots Kensington aforesaid and upon the stopping up or discontinuance thereof respectively the sites and soils of those streets roads and places respectively or such parts thereof as are not shown by the deposited plan to be thrown into and form part of the new streets to be made under the powers of this Act are by this Act vested in the Undertakers freed and discharged from all public and private rights over or affecting the same and may be appropriated and used by the Undertakers for the purposes of their undertaking.

Period for compulsory purchase of lands.

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

Power to take easements, &c. by agreement.

7. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Undertakers any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

For protection of inhabitants of Kensington Square.

8. For the protection of the inhabitants of Kensington Square the following provisions shall apply:—

(1.) The Undertakers shall not under the powers of this Act enter upon take purchase or acquire the properties numbered on the deposited plans 43, 44, 129, 130, 131 and 140 in the parish of Saint Mary Abbots Kensington or any or either of them or the estate or interest of any person or persons therein without the consent in writing of the owner or owners of the said properties respectively and of the person or persons having estates or interests therein as the case may be:

(2.) The new street No. 1 by this Act authorised shall not be formed laid out or constructed to the westward of the existing garden wall dividing the property numbered 131 on the deposited plans from the properties numbered on the said plans 132 and 48 unless and until the Undertakers shall have

by agreement acquired the whole of the properties numbered 129, 130, 131 and 140 as aforesaid and all estates and interests therein :

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(3.) In forming laying out or constructing the said new street No. 1 the Undertakers shall not cut down or remove the plane tree which at present exists on the proposed site thereof but shall take all such measures as may be proper for its preservation and protection :

(4.) The eastern frontage of the said new street No. 1 shall be well and sufficiently planted by the Undertakers with plane or chestnut or lime trees throughout the whole of its length :

(5.) All the new streets and widenings by this Act authorised shall subject to the approval of the vestry of Kensington be well and efficiently paved either with block wood pavement of an approved construction or with asphalte.

9. For the benefit and protection of Marie Albertine Duff (herein-after called "the Lessee") as lessee of the property numbered 4 on the deposited plans under and by virtue of a lease for the term of twenty-one years from the twenty-fourth day of June one thousand eight hundred and eighty-seven and as the occupier of the said property numbered 4 the following provisions shall during the subsistence of the said lease have effect :—

For the
protection
of Mrs.
M. A. Duff.

(A.) The Undertakers shall not purchase or acquire otherwise than with the consent in writing of the lessee her executors administrators or assigns any part or parts of the property numbered 4 on the deposited plans which shall not actually be required for the construction of the new street No. 3 and the footway on the eastern side thereof as respectively shown on the said deposited plans nor shall any part or parts of the said property numbered 4 or of the properties numbered 2 3 and 5 on the deposited plans which shall be purchased or acquired by the Undertakers be used by them or any person claiming through or under them for the erection of any new buildings except on the site of existing buildings without the like consent in writing :

(B.) Any part of the said property numbered 4 which shall be purchased or acquired by the Undertakers for the construction of the said street No. 3 and the said footway on the eastern side thereof shall be fenced off from the remainder of the said property numbered 4 by a wall to be erected at the

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expense of the Undertakers which shall be not less substantial nor less in height than the wall with the fence on the top of the same now existing and separating the said property numbered 4 from the South End Row:

(c.) The erection of the said wall shall be commenced as soon as the Undertakers shall be reasonably able to commence the same and shall be completed within four weeks from the commencement thereof:

(d.) Before the Undertakers interfere with the wall now separating any of the said properties from South End Row they shall erect a temporary fence of not less than six feet in height for separating the parts of the said properties respectively to be purchased or acquired by the Undertakers as aforesaid from the remainder of the respective properties and such temporary fence shall be sufficient for securing the portions of the said properties not so purchased or acquired by the Undertakers from trespass.

For the
benefit of
the vicar of
St. Mary
Abbotts
and the
Trustees of
the Mission
Hall.

10. For the benefit of the vicar for the time being of the parish of St. Mary Abbotts Kensington and of the Trustees of the Mission Hall numbered 63 on the deposited plans the following provisions shall have effect:—

(A.) The new dwellings to be provided under the scheme mentioned in the section of this Act the marginal note of which is "Restriction on displacing persons of the labouring class" shall be erected on a site within the Ecclesiastical District of St. Mary Abbotts Kensington unless the said vicar otherwise consent:

(B.) The Undertakers shall before taking or interfering with the existing Mission Hall aforesaid at the option of the Trustees either—

(1.) Erect on a suitable site to be provided by the Undertakers at their own cost in close proximity to the site mentioned in subsection (A.) of this section a new Mission Hall at least as large and commodious as the existing one which new Mission Hall shall be built and completed to the reasonable satisfaction of the Trustees or of a surveyor to be named by them in that behalf and convey or cause to be conveyed the said new Mission Hall and the site thereof in fee simple to the Trustees or as they may direct in exchange for the existing Mission Hall and the site thereof which shall be conveyed by the Trustees to the Undertakers or as they may direct in fee simple all costs

charges and expenses whether of the Trustees or the Undertakers in relation to the premises being paid by the Undertakers ; or

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—

(2.) Purchase the existing Mission Hall under the compulsory powers of purchasing lands contained in this Act and if so required by the Trustees provide a site for a new Mission Hall in close proximity to the site mentioned in subsection (A.) of this section and convey or cause to be conveyed such site to the Trustees or as they may direct for such price as shall be agreed upon between the Undertakers and the Trustees or in case of difference determined by a surveyor to be agreed upon between the Undertakers and the Trustees or if they do not agree to be nominated by the President for the time being of the Surveyors' Institute but the Undertakers shall not in this event bear any part of the expense of the erection of a new Mission Hall :

(c.) The Undertakers shall if so required by the said vicar within six months after the passing of this Act convey to him or as he may direct a freehold site for a new church having a frontage to the east side of Charles Street of about 105 feet and a frontage to St. Albans Road of about 75 feet forming part of the piece of land (now vacant) numbered 150 on the deposited plans the said vicar paying for such site the same price per square foot as that at which the Undertakers acquire the whole piece of land numbered 150 as aforesaid.

11. Nothing in this Act contained shall authorise or empower the Undertakers to take or interfere with any of the property delineated and numbered 2 in the parish of St. Mary Abbots Kensington on the deposited plans during the continuance of the existing lease thereof without the consent in writing of Julia Elizabeth Strong the lessee thereof or her assigns and if such property or any fence wall drain or other part of such property shall be in any manner interfered with or be injuriously affected by reason of the works of the Undertakers authorised by this Act and constructed or commenced upon any of the lands to be acquired under the powers of this Act the said Julia Elizabeth Strong or her successors in title shall be entitled to compensation and such compensation shall in case of difference be ascertained in manner provided by the 68th section of the Lands Clauses Consolidation Act 1845.

For protec-
tion of Julia]
Elizabeth
Strong.

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Existing
amenity to be
preserved as
regards
property
No. 2.

12. No building or erection and no noxious or offensive trade or business nor any trade or business which shall be a nuisance or annoyance to the said Julia Elizabeth Strong or her tenants or assigns shall be erected or carried on upon any of the lands proposed to be acquired under the powers of this Act nor shall any wall building erection or other work which can or may interfere with or obstruct the access of light and air to the said property now leased to the said Julia Elizabeth Strong or which can or may in any way interfere with or destroy the comfort and enjoyment of the said Julia Elizabeth Strong or her tenants or successors in title in the occupation of the said property be built erected or made temporarily or permanently upon any land near to or adjoining the said property numbered 2 on the deposited plans and any infringement on the part of the Undertakers of the provisions of this section shall be deemed to entitle the said Julia Elizabeth Strong or her successors in title to compensation under the provisions of the last preceding section of this Act.

In certain
event whole
of property
No. 2 may
be required
to be pur-
chased.

13. If the said property No. 2 on the deposited plans shall be interfered with or injuriously affected by reason of the works of the Undertakers authorised by this Act and constructed or commenced upon any of the lands to be acquired under this Act the said Julia Elizabeth Strong or her successors in title may in lieu of the provisions hereinbefore contained for the protection of the said Julia Elizabeth Strong require the Undertakers to take and purchase the whole of her estate and interest in the said property and upon notice in writing being given to the Undertakers by the said Julia Elizabeth Strong or her successors in title requiring them to take and purchase the whole of her estate and interest as aforesaid the Undertakers shall take and purchase the same and the purchase-money and compensation to be paid therefor shall be ascertained in manner provided by the Lands Clauses Consolidation Act 1845 and any statutory amendment thereof and paid by the Undertakers to the said Julia Elizabeth Strong or her successors in title together with all costs incurred by the said Julia Elizabeth Strong or her successors in title of or incidental to the sale and purchase of her said estate and interest.

Definition of
"Under-
takers."

14. For the purposes of the three last preceding sections the term "the Undertakers" shall include any person company or body for the time being dealing in execution of the powers of this Act with any part of the lands shown on the deposited plans and whose works or operations thereon shall interfere with or injuriously affect the said property numbered 2 on the deposited plans.

15. The agreement dated the twenty-sixth day of June one thousand eight hundred and eighty-eight and made between Albert James Barker and Frederick Moir of the one part and the governors and proprietors of King's College London of the other part as set forth in the schedule to this Act annexed is hereby confirmed and made binding upon the respective parties thereto.

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Confirmation of scheduled agreement.

16. If the works by this Act authorised and shown on the deposited plan and section are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Undertakers for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for completion of works.

17. The Undertakers during the making of the works by this Act authorised may in or upon the lands shown upon the deposited plan and with the consent of the Metropolitan Board and the vestry and according to such regulations as the said board and vestry or either of them may prescribe stop up or cause to be temporarily stopped up all or any part of the carriageways or footways of streets which they shall think necessary for the purposes of this Act to be so stopped up and for that purpose may put or cause to be put up sufficient palisades bars posts and other erections and the Metropolitan Board may from time to time make such orders for regulating the passage of horses carts and carriages as to them shall seem proper.

Power to stop up ways during execution of Act.

18. During the construction of the new street No. 2 and the widening of Charles Street the Undertakers shall make reasonable provision to the satisfaction of the vestry for means of communication for foot passengers between the south-eastern corner of Kensington Square and the north end of Charles Street and to St. Alban's Road and any difference between the vestry and the Undertakers as to the matters aforesaid shall be determined by a surveyor to be appointed on the application of either party by the President for the time being of the Surveyors' Institution.

Footway to be kept open during the construction of street No. 2 and widening of Charles Street.

19. The roadways of the several new streets and widenings of existing streets shall be formed of the width of forty feet including the footways on either side thereof and any buildings erected by the Undertakers shall be set back seven feet six inches at least from the lines of the respective footways Provided always that if for the whole length of the frontage to any new street or widened street as aforesaid the Undertakers erect buildings having the

Width of streets, &c.

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Power to deviate from levels &c.

20. Subject to the provisions of this Act in making any of the works for or connected with the works by this Act authorised the Undertakers may deviate to any extent not exceeding two feet from the levels thereof defined on the deposited section and may deviate from the lines thereof within the limits of deviation defined on the deposited plan.

Power to make subsidiary works.

21. Subject to the provisions of this Act and within the limits defined on the deposited plan the Undertakers in connexion with the works and as part and for the purposes thereof may make junctions and communications with any existing streets interfered with by or contiguous to the works and may make alterations of the levels of any existing streets for the purpose of connecting the same with the works and may remove alter or interfere with any sewer or drain or telegraphic or telephonic apparatus the Undertakers providing a proper substitute before interrupting the flow of sewage in any sewer or drain and making compensation to all persons injuriously affected by the alteration of level or interference with any street or any premises or property :

Provided that the Undertakers shall not remove alter or interfere with any telegraphic or telephonic apparatus belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Restriction on displacing persons of the labouring class.

22. (1.) The Undertakers shall not under the powers of this Act purchase or acquire twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A.) They shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

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(B.) They shall have given security to the satisfaction of the said Secretary of State for the carrying out of the scheme. A.D. 1888.

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

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the said Secretary of State may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

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

(5.) If the Undertakers acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any such house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State by action in the High Court of Justice and shall be carried to and form part of the consolidated fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

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

(7.) The Undertakers may on any lands belonging to them or purchased under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid :

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Provided that all lands on which any buildings have been erected or provided by the Undertakers in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

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

(8.) All buildings erected or provided by the Undertakers for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act or Acts amending the same respectively.

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

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

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

For protection of
sewers in
the Metro-
polis.

23. Where any of the works to be done under or by virtue of this Act shall interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board or of the vestry or with any sewers or works to be made or executed by the said board or vestry or either of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Undertakers shall not commence such works until they shall have given to the Metropolitan Board or the vestry as the case may be twenty-one days'

previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such board or vestry as the case may be shall have signified their approval of the same (unless such board or vestry do not signify their approval disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid) and the Undertakers shall comply with and conform to all orders directions and regulations of the Metropolitan Board or of the vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such board or vestry shall deem necessary for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said board and vestry respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the Metropolitan Board or the vestry as the case may be at the costs charges and expenses in all respects of the Undertakers and all costs charges and expenses which the Metropolitan Board or the vestry may be put to by reason of such works of the Undertakers whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such board by the Undertakers on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Undertakers under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the Metropolitan Board or vestry as the case may be respectively as any sewers or works now or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said respective boards or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

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24. If after the Undertakers have acquired any land houses or buildings in the parish of St. Mary Abbots Kensington under the powers of this Act any deficiency shall in any year arise in the amount of the rates levied on the houses and buildings on such land by reason of the rateable value of such land houses or buildings

Deficiency
in rates to
be made
good.

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being diminished in consequence of the works or operations of the Undertakers the Undertakers shall from time to time make good such deficiency until there shall have been erected on the lands acquired by the Undertakers in the said parish and shall have been occupied by a person or persons liable to pay rates in respect thereof houses and buildings which shall be assessed at a sum equal to or greater than the amount at which the whole of the houses and buildings on the land so acquired were assessed for the purpose of the rate made last before the passing of this Act (which last-mentioned amount is herein-after referred to as "the present rateable value") and the amount of such deficiency may from time to time be charged upon and levied and recovered from the Undertakers in addition to the amount of rate payable by them in respect of their property in the said parish or may be recovered from the Undertakers as a debt due from them to the person or persons empowered to levy and collect such rate. But when and so soon as the whole rateable value of the lands acquired by the Undertakers in the said parish and the houses and buildings erected thereon and occupied by a person or persons liable to pay rates in respect thereof shall exceed the present rateable value the Undertakers shall be at liberty to deduct or as the case may be shall be repaid by the rating authority of the said parish any sum or sums which they shall have paid to meet any such deficiency as aforesaid from or out of any rates payable in respect of such lands houses and buildings in excess of the rates which would have been payable in respect thereof if the rateable value of the said lands houses and buildings had been the present rateable value and no more. Provided that the Undertakers shall not make any such deduction or be entitled to any such repayment beyond the 31st December 1896.

Money to be deposited.

25. Before commencing the execution of any of the works by this Act authorised the Undertakers shall deposit such sum of money or of Government securities not exceeding five thousand pounds as may be required by the vestry in the joint names of a trustee to be appointed by the Undertakers or any two of them and a trustee to be appointed by the vestry by resolution under their common seal which sum of money when so invested shall be and continue a fund for the following purposes:—

- (1.) As a security for the payment by the Undertakers of any deficiency in rates to be made good by them under the preceding section of this Act:
- (2.) In case the Undertakers do not within the time by this Act limited in that behalf complete the new streets and widenings of streets by this Act authorised then the said fund may be

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applied pursuant to an order of the Metropolitan Board and of the vestry in or towards the completion of the said works which may have been commenced by the Undertakers and shall then remain unfinished. But the said sum or the balance thereof shall be repaid or retransferred to the Undertakers or as they may direct so soon as the said works by this Act authorised shall be completed and open for public use and after houses and buildings shall have been erected on the lands acquired by the Undertakers in the parish of St. Mary Abbots Kensington and occupied by a person or persons liable to pay rates in respect thereof the rateable value of which shall exceed the present rateable value or if and when the undertaking of the Undertakers be abandoned under the authority of Parliament. And the Undertakers shall be from time to time entitled to any interest or dividend which may accrue upon any money deposited as aforesaid and not applied under any such order as aforesaid.

26. One month before commencing the execution of any of the street works by this Act authorised the Undertakers shall submit to the vestry plans sections and other necessary particulars of such street works and describing the nature of the paving and other materials to be used therein and all such street works shall be made and completed paved flagged sewered channelled and kerbed in such manner and with such materials as shall be reasonably approved by the vestry and the lamp posts and other arrangements for lighting the same shall be subject to the like approval of the vestry.

Works to be subject to approval of vestry.

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

As to alteration of position of water and gas pipes.

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

Dedication
of streets
&c. to the
public and
repair and
mainten-
ance thereof.

28. So soon as the new streets and widenings of streets by this Act authorised shall have been completed with proper paved flagged or asphalted and kerbed footpaths or sideways channels sewers gullies or other necessary works to the satisfaction of the vestry the Undertakers may and shall open and dedicate the same to the public and thereafter they shall be used by the public accordingly and the same and the sole power authority liability and duty of maintaining paving repairing cleansing painting and lighting the same shall be vested in the vestry.

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

29. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Undertakers may after ten days' notice to the owners lessees and occupiers of the lands in question apply to two justices for the correction thereof and if it appear to such justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what

respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Middlesex and such certificate shall be kept by such clerk of the peace along with the other documents to which the same relates and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and the Undertakers may take the lands and execute the works in accordance with such certificate. A.D. 1888.

30. Nothing in this Act shall be construed to prevent the Undertakers from selling any land acquired by them under this Act and not required for the new streets and widening of streets by this Act authorised or from demising any such land on lease or otherwise disposing of the same as they may think fit. Powers of sale and lease of land not to be restricted.

31. Nothing in this Act contained shall exempt the Undertakers or the undertaking from any of the provisions of the Metropolitan Building Acts the Metropolis Management Act 1855 the Metropolis Management Amendment Act 1856 the Metropolis Management Amendment Act 1858 the Metropolis Management Amendment Act 1862 or of any of the Acts relating to the Metropolitan Board. Company not exempt from provisions of the Metropolitan Building and Metropolis Management Acts.

A.D. 1888.

THE SCHEDULE referred to in the foregoing Act.

AN AGREEMENT dated the twenty-sixth day of June one thousand eight hundred and eighty-eight and made between ALBERT JAMES BARKER of Kensington Court Place in the county of Middlesex Gentleman and FREDERICK MOIR of Kensington Court Gardens in the said county Builder (hereinafter called "the Promoters") of the one part and THE GOVERNORS and PROPRIETORS of KING'S COLLEGE LONDON (hereinafter called "the College") of the other part.

Whereas the Promoters are promoting a Bill in Parliament intituled "A Bill to authorise the construction of new and widening of existing streets and the taking of lands in the parish of St. Mary Abbots Kensington in the county of Middlesex and for other purposes" And whereas the College being affected by the said Bill presented a Petition to the House of Commons praying that it might be heard by its counsel agents and witnesses in support of the allegations contained in such Petition against so much of the preamble and against such of the clauses and provisions of the Bill as affected its rights and interests and that the said Bill might not pass into law as it then stood And whereas in consideration of the College having agreed to withdraw all opposition to the passing of the Bill into law the Promoters have agreed to enter into the agreements and stipulations hereinafter contained.

Now these presents witness and it is hereby agreed as follows :

1. In the event of the Promoters requiring the premises Nos. 13 and 13A Kensington Square belonging to the College the Promoters shall convey to the College all and singular the messuages and hereditaments situate and being Nos. 8, 9 and 9A Kensington Square in the parish of St. Mary Abbots aforesaid and more particularly described and delineated together with the dimensions and boundaries thereof on the plan hereunto annexed and thereon coloured orange in fee simple free from all incumbrances and also free from land tax tithe or other outgoings to the same extent as the messuages and hereditaments to be conveyed by the College to the Promoters as hereinafter mentioned In the event of the said premises not being free to the same extent the Promoters shall pay to the College compensation for the difference but if free to a greater extent no compensation shall be paid for such difference by the College to the Promoters.

2. The Promoters shall sell and the College shall purchase all that piece or parcel of land coloured yellow on the said plan at the price of one pound per superficial foot and the said purchase shall be completed and the said land shall be conveyed to the College in fee simple free from all incumbrances if and at the same time as the College shall convey to the Promoters the messuages hereinafter mentioned If the price to be paid for the said land shall exceed the sum of one thousand pounds the excess shall be allowed to remain upon the security of the said land for a period of five years at interest at the rate of four pounds per cent. per annum.

3. The Promoters shall make a good title to the said messuages and hereditaments to be conveyed by them to the College as aforesaid.

A.D. 1888.

4. Any liability now or hereafter to be imposed upon the owner lessee or occupier of the messuages and hereditaments to be conveyed by the Promoters to the College as aforesaid (hereinafter referred to as "the proposed site") or any part thereof in respect to roads footways drains or sewers under the authority of any Act of Parliament or otherwise shall be borne by the Promoters and their liability to the College shall be joint and several.

5. No building to be now or hereafter erected on any land belonging to or dealt with or now or hereafter to be taken or acquired by the Promoters abutting on or adjoining the proposed site shall be used for any purposes so as in any way to affect or interfere with the access of light or air to or the use of the proposed site as a college for ladies or so as to be a nuisance or annoyance to the owners lessees or occupiers of such college.

6. The Promoters shall at their own expense properly enclose the proposed site and erect thereon a building having the same area and cubical capacity and with at least the same accommodation as have the existing buildings of the Ladies' College Nos. 13 and 13A Kensington Square (hereinafter referred to as "the present buildings") according to the plans drawings and specifications of the architect for the time being of the College and Mr. William John Green the architect of the Promoters and shall complete the same with all necessary fixtures and fittings to the satisfaction of the architect of the College fit for occupation for the purposes for which the present buildings are used and with all proper access to the proposed site before the present buildings or property of the College or the approaches and adjoining land or buildings are interfered with so that the use and enjoyment of the present buildings shall be in all respects preserved intact until the new building is ready for the occupation of the College for the purposes for which the present buildings are used.

7. The Promoters shall pay to the College the sum of nine hundred and fifty pounds in addition to the one hundred pounds already paid as a deposit before the present property of the College is in any way interfered with The Promoters shall also pay:—

- I. The costs charges and expenses of the solicitors and of the parliamentary agents of the College in all matters connected with the business from first to last:
- II. The costs of the architect of the College and the sum of two hundred guineas (£210) the agreed costs of the surveyor of the College:
- III. The costs of any district surveyor or local authority:
- IV. The costs of removal of the furniture and effects from the present building to the new building and advertisements and other costs incident to the removal not exceeding one hundred pounds.

8. Upon the Promoters fulfilling all the terms of this agreement to be performed by them the College shall convey to the Promoters at the Promoters' expense the present premises of the College being Nos. 13 and 13A Kensington Square as now in their occupation The title of the College thereto is hereby accepted by the Promoters.

9. The Promoters shall cause to be inserted in the Act of Parliament for which they are applying as aforesaid proper and sufficient clauses for confirming this agreement.

10. This agreement is conditional on the proposed Bill passing into law during the year one thousand eight hundred and eighty-eight and in the event of the said Bill not so passing into law these presents (except the clause next hereinafter contained) shall be void.

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11. In the event of the said Bill not passing into law as aforesaid the Promoters will pay to the College all costs charges and expenses which the College shall have incurred in consequence of the intended Bill or in any way connected therewith and the College shall retain the said deposit of one hundred pounds on account thereof.

12. If any difference shall arise between the Promoters and the College respecting the construction or the effect or the execution of these presents or any clause or provision herein contained or the rights duties or liabilities of either party under these presents or any other thing in anywise relating to these presents or the subject matter thereof the matter in difference shall be referred to the arbitration of Mr. Charles Barry of Great George Street Westminster whom failing Mr. Ralph Clutton of Whitehall Place whom failing someone to be nominated by the President of the Surveyors' Institution and the decision of such arbitrator shall be final and binding on all parties.

13. This agreement is made subject to such alterations as Parliament may think fit to make therein and if Parliament makes any material alteration in this agreement it shall be lawful for any of the parties hereto by notice in writing to the other or others of them to rescind this agreement.

In witness whereof the said Albert James Barker and Frederick Moir have hereunto set their hands and the Governors and Proprietors of King's College London have hereunto affixed their common seal the day and year first above written.

Sealed with the Corporation Seal of King's College London the
25th day of June 1888 in the presence of

L. S.

J. W. CUNNINGHAM

Secretary of King's College London.

G. WATKINS

Clerk in King's College London.

Witness to the signature of the
said ALBERT JAMES BARKER

A. H. SPARKES
Clerk to R. J. BOWERMAN
Solr.

3 Gray's Inn Square W.C.]

ALBERT JAMES BARKER.

Witness to the signature of the
said FREDERICK MOIR

A. H. SPARKES
Clerk to R. J. BOWERMAN
Solr.

3 Gray's Inn Square W.C.]

FREDERICK MOIR.

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