



CHAPTER clvi.

An Act to confer powers on the Metropolitan Board of Works with respect to the improvement of Streets and Bridges the providing and extending of Recreation Grounds and for other purposes. [7th August 1888.] A.D. 1888.

WHEREAS it is expedient that the Metropolitan Board of Works (herein-after referred to as the Board) should be authorised to widen Church Street Fulham as herein-after mentioned and that powers should be conferred for constructing a new bridge over the West London Extension and London Chatham and Dover Railways in the parish of Saint Mary Battersea and for the improvement and widening of the span of a bridge carrying the West London Extension Railway over the Latchmere Road in the same parish and that provisions with respect to contributions by the vestries of the said parishes respectively towards the costs and expenses of those works should be made as herein-after provided :

And whereas it is expedient to authorise the Board to purchase a piece of land situate to the north of Kennington Park and that the said piece of land should be added to and form part of Kennington Park :

And whereas it is expedient to enable the Board to purchase certain lands in the parish of Lewisham in the county of Kent so that the same may be held by the Board as an open space for the perpetual use thereof for exercise and recreation and to provide that the board of works for the Lewisham District shall contribute towards the cost of acquiring the said lands as an open space :

And whereas it is expedient that two pieces of land in the parish of Camberwell in the county of Surrey should be transferred to and vested in the Board for the purpose of forming approaches to Dulwich Park and that the said pieces of land should be added to and form part of Dulwich Park :

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 Vict.] Powers) Act, 1888.*

A.D. 1888.

And whereas the Board have caused to be deposited with the clerks of the peace for the counties of Middlesex Kent and Surrey plans and sections showing the lines and levels of the works by this Act authorised and the lands on which the same will be made and plans of the lands which may be taken compulsorily or are transferred to the Board 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 it is expedient to make provision as to the manner in which the charges of and incident to the maintenance and repair of Westminster Bridge and the approaches thereto should be defrayed and as to the rates upon which moneys required for those purposes are to be charged :

48 & 49 Vict.
c. clxvii.

And whereas it is expedient that the powers of the Metropolitan Board of Works (Various Powers) Act 1885 for the compulsory purchase of lands for the new street thereby authorised and for the completion of the said street should be extended :

And whereas 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.

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Various Powers) Act 1888.

Interpreta-
tion of
terms.

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) :—

“The street improvement” means the widening of Church Street authorised by this Act;

“The bridge improvements” means the construction or improvement as the case may be of the Culvert Road Bridge and the bridge over Latchmere Road as authorised by this Act;

[51 & 52 VICT.] *Metropolitan Board of Works (Various Powers) Act, 1888.* [Ch. clvi.]

A.D. 1888.

“Street and bridge improvements” means the street improvement and the bridge improvements ;

“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 ;

“The Metropolis Management Act” means the Metropolis Management Act 1855 and any Act amending the same ;

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

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

“Street authority” means with respect to any parish under the control of a vestry acting under the Metropolis Management Act the vestry of such parish and with respect to any parishes under the control of a district board of works acting under that Act the board of works for such district 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” and “the Company” 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.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 Vict.] Powers) Act, 1888.*

A.D. 1888.

Division of
Act into
parts.

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

I.—Preliminary.

II.—Street and Bridge Improvements.

III.—Open Spaces &c.

IV.—Miscellaneous.

Incorporation of Lands
Clauses Acts.

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

Power to
Board to
appoint
committees.

5. 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.

PART II.

STREET AND BRIDGE IMPROVEMENTS.

Power to
Board to
make certain
works.

6. 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 Act (that is to say) :—

THE WIDENING OF CHURCH STREET.

The widening of Church Street in the parish of Fulham in the county of Middlesex ;

On the south side commencing at the western end of Church Street where it joins High Street and terminating opposite the end of King's Road ; and

On the north side commencing at the western side of the school house buildings and terminating opposite the end of King's Road.

CULVERT ROAD BRIDGE.

A new bridge over the West London Extension and London Chatham and Dover Railways between Culvert Road and Eversleigh Road in the parish of St. Mary Battersea in the county of Surrey commencing in Culvert Road on the north side of the West London Extension Railway and terminating in the said road or the continuation thereof leading into Eversleigh Road alongside and on the south side of the London Chatham and Dover Railway.

BRIDGE OVER LATCHMERE ROAD.

A.D. 1888.

The improvement and widening of the span of the bridge which carries the West London Extension Railway over Latchmere Road in the parish of St. Mary Battersea about forty yards northward of the end of Knowsley Road and the widening and lowering of the roadway beneath and on both sides of the said bridge.

7. With regard to the Culvert Road Bridge over the London Chatham and Dover and West London Extension Railways by this Act authorised the following provisions for the protection of the London Chatham and Dover Railway Company and the West London Extension Railway Company shall unless otherwise agreed on between the Board and the said companies have effect viz.:—

For protection of the London Chatham and Dover and West London Extension Railway Companies.

(1.) The Board shall not commence the construction of the said bridge or any works in connexion therewith until they shall have given to the said 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 constructing the intended bridge the design thereof and the materials to be used and other necessary particulars of the construction of the same and of any temporary works for the purposes thereof and until the said companies shall have signified their approval of the same unless the said companies 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.

(2.) The said bridge and all works connected therewith shall be constructed by the Board (or by the said two companies or either of them if so agreed with the Board) in accordance with the plans elevations sections and particulars agreed on or approved by arbitration as herein-after provided and to the reasonable satisfaction of the engineers of the said companies who shall have access to the works of the Board at all reasonable times and the said bridge and works shall (after the vesting of the same in the street authority as by this Act provided) be thenceforth maintained to the like satisfaction by the street authority.

(3.) In constructing the said bridge over the said railways and lands the Board shall not acquire any ownership of or in the railway land or property of either of the two companies but the Board may for the purposes thereof purchase and acquire and

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 Vict.] Powers) Act, 1888.*

A.D. 1888.

the said two companies respectively shall sell such easement or right as may be necessary for making and maintaining the said bridge and works connected therewith.

- (4.) The Board shall bear and on demand pay to the said two companies respectively the expense of the employment by them respectively during the making of the said bridge over the said railways 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.
- (5.) In constructing the said bridge and works the Board shall not in any way obstruct or interfere with the traffic on the railways of the said two companies or either of them nor shall they interfere with the railways of the said two companies or either of them except so far as may be necessary for the purpose of constructing the piers or abutments of the said bridge and they shall not so construct the said bridge as to interfere with the efficient use of the signals on the said railways or either of them: Provided nevertheless that in the event of any interference with or obstruction to any such signals being necessary in the construction of the said bridge and works the same may be altered by the said two companies or either of them and the cost of any alterations or new signals which may thereby be rendered necessary shall be defrayed by the Board.
- (6.) During the construction of the said bridge and works 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 them or to their respective railways or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of the works of or incidental to the said bridge 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 said companies respectively from all claims and demands upon or against them by reason of any such execution or failure or of any such act or omission and after the completion of the said bridge the street authority shall in like manner be responsible for and make good to the two companies respectively all costs losses

damages and expenses occasioned by reason of the insufficiency or failure of the said bridge or works and shall in like manner indemnify and hold harmless the said companies respectively from all such claims and demands as aforesaid. A.D. 1888.

- (7.) If during the construction of the said bridge and the approaches thereto or of any temporary works or by the acts omissions or defaults of the Board or of any contractor or other person employed by the Board any stoppage or interruption of the traffic upon either of the said railways shall arise the Board shall pay to the company to whom such railway belongs the sum of thirty pounds for each and every hour during which such stoppage or interruption shall continue as and for liquidated damages and the same may be recovered by the company to whom such railway belongs as any simple contract debt of the like amount and if after the completion of the said bridge and works and the vesting thereof in the street authority any like stoppage or interruption shall occur by reason of the insufficiency or failure of the works or during any works of repair or maintenance thereto the street authority shall be liable to the like payment to the company to whom the railway belongs which may be recovered in like manner.
- (8.) After the completion of the said bridge and works they shall not be altered added to or reduced except in such manner and on such terms as shall be agreed between the street authority and the said two companies or failing agreement as may be prescribed by arbitration as herein-after provided.
- (9.) The reasonable costs charges and expenses of the said two companies and each of them and of their respective engineers in reference to the matters aforesaid shall be defrayed by the Board until the completion of the said bridge and works and the vesting thereof in the street authority and thereafter by the street authority.
- (10.) The said bridge and the works connected therewith so far as the same shall cross or be over the railway or lands of the said two companies respectively or shall or may involve any interference with the said railway and property of either of the said two companies shall be executed under the supervision and to the reasonable satisfaction in all things of the principal engineer for the time being of the respective company.
- (11.) Any dispute or difference which may from time to time arise between the Board or the street authority on the one hand and the two companies or either of them on the other hand with reference to the plans elevations sections and

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 Vict.] Powers) Act, 1888.*

A.D. 1888.

particulars aforesaid or to any other matter arising out of the provisions of this section shall be referred to an engineer to be appointed on 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.

(12.) If and whenever either of the said two companies desire to widen or alter their railway so as to render necessary or expedient any interference with the said bridge such company may on giving not less than two months notice to the Board and the street authority widen or alter the said railway and bridge as they think proper but any alteration in the said bridge shall be made subject to the reasonable control of the engineer of the street authority upon such terms and conditions as may be agreed upon between the street authority and such company or may be settled by an arbitrator appointed as aforesaid.

(13.) When and so soon as the said new bridge and approaches are so far completed as to be available for public use the Board may close and remove the existing footbridge over the said railways under the supervision of the engineers of the said two companies.

As to
northern
approach to
Culvert
Road
Bridge.

8. Unless otherwise agreed between the Board and the West London Extension Railway Company no part of the approach to the Culvert Road Bridge by this Act authorised on the northern side shall be placed on any land situate to the southward of the red line marked A B C D on a plan signed in triplicate by the Most Noble Richard Duke of Buckingham and Chandos the Chairman of Committees of the House of Lords one copy of which is deposited in the Parliament Office and any land acquired by the Board between the land required for the said approach and the land and property of the West London Extension Railway Company shall be transferred and conveyed by the Board to that company and taken by and vested in that company at the price which it shall have cost the Board including the cost and expenses incidental to the purchase and transfer and the said company shall repay to the Board so much of the cost of constructing the said bridge as will be occasioned by the construction thereof over the land so conveyed and transferred to the said company.

The said company may at their own expense form a means of communication by steps or otherwise between their railway and the northern approach of the said bridge and also between their railway and the top of the central pier of the said bridge and for that

purpose may make such openings as they may consider necessary in the parapet of the said northern approach and over the said central pier in such manner as may be agreed between the Board and the said company or failing agreement as may be settled by arbitration as provided in the next following section.

A.D. 1888.

9. With regard to the improvement and widening of the span of the bridge carrying the West London Extension Railway over Latchmere Road as by this Act authorised the following provisions for the protection of the West London Extension Railway Company and with reference to the construction of the said works shall unless otherwise agreed on between the Board and the said Company have effect viz.:—

For protection of the West London Extension Railway Company at Latchmere Road.

- (1.) The Board shall not (unless otherwise agreed between the Board and the West London Extension Railway Company) execute any of the works authorised by this Act for such improvement and widening which involve any alteration of or interference with the said railway or bridge but the said company may and shall effect and complete all such works to the reasonable satisfaction of the engineer of the Board and either themselves or by their contractors or agents in accordance with plans elevations sections and particulars to be agreed on between the Board and the said company or approved by arbitration as herein-after provided.
- (2.) In carrying out the said works the Board shall not acquire any ownership of or in the railway land or property of the West London Extension Railway Company but the Board shall have and the company shall grant to the Board an easement or right of public way beneath the said bridge and works as altered and made under the provisions of this section and as the purchase money or consideration for such easement or right the Board shall pay to the said company the sum of fifty pounds sterling.
- (3.) The Board shall repay to the West London Extension Railway Company all sums properly expended by them in or about the said works and the materials required for the same including all reasonable costs of any inspectors and watchmen and of the preparation and settlement of plans sections and specifications of the same and they shall also pay to the said company the sum of one hundred pounds sterling as compensation for additional expense of maintenance in consequence of the alteration in addition to the sum of fifty pounds herein-before provided for.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 Vict.] Powers) Act, 1888.*

A.D. 1888.

(4.) The said bridge and works as altered and made under the provisions of this section and the materials used therein shall be and remain the property of the West London Extension Railway Company and shall be maintained by them as part of their railway and works but the road and footways under the same shall be formed paved metalled channelled and flagged by and at the expense of the Board.

(5.) The Board shall also repay to the West London Extension Railway Company the amount of any costs losses damages and expenses from time to time occasioned to them or to their railway or to the traffic thereon or to any person or persons using the same or otherwise during and by reason of the widening of the span of the said bridge or the works connected therewith as by this Act provided and the Board shall effectually indemnify and hold harmless the said company from all claims and demands upon or against them by reason thereof: Provided that such costs losses damages or expenses are not due to any negligence on the part of any contractor or other person employed by the said company.

(6.) All works in connexion with the widening of the said bridge and alterations of the roadway under the same or which may involve any interference with the said railway and property of the said company shall be executed under the supervision and to the reasonable satisfaction in all things of the principal engineer for the time being of the said company.

(7.) Any dispute or difference which may from time to time arise between the Board and the said company with reference to the plans elevations sections and particulars aforesaid or to any other matter arising out of the provisions of this section shall be referred to an engineer to be appointed on 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.

As to land
of the
Metropolitan
District
Railway
Company.

10. For the protection of the Metropolitan District Railway Company (herein-after called the District Company) and with reference to the land to be acquired by the Board from the District Company for the widening of Church Street Fulham the following provisions shall have effect:—

(1.) The Board shall not enter upon or interfere with the railway or works of the District Company and shall not (except as in this section expressly provided) without the consent of the

District Company under their common seal take or acquire any rights over any land or property of the District Company. A.D. 1888.

- (2.) The District Company in consideration of the land to be conveyed to them as herein-after provided shall convey to the Board all their estate and interest in so much of the properties numbered on the deposited plans and in the deposited books of reference 15 16 and 17 in the parish of Fulham as is coloured blue on the plan signed in triplicate by the Most Noble Richard Duke of Buckingham and Chandos Chairman of Committees of the House of Lords one copy of which is deposited in the Parliament Office and the Board shall use the portions of the said properties so conveyed to them for the purpose of widening Church Street and throw the same into the public thoroughfare.
- (3.) In exchange for the portions of the said properties so to be conveyed by the District Company to the Board the Board shall acquire and convey to the District Company so much of the property numbered 14 on the said plans as is coloured red on the said signed plan.
- (4.) That portion of the said property numbered 14 which is coloured yellow on the said signed plan shall be acquired by the Board and thrown into the public thoroughfare.
- (5.) The Board shall construct at their own cost and to the reasonable satisfaction of the District Company along the line marked A.C. on the said signed plan a proper and sufficient boundary fence between Church Street as widened and the residue of the said properties numbered 15 16 and 17 and that part of the said property numbered 14 which will be conveyed to the District Company under the provisions of this section and shall at their own cost and to the like satisfaction provide proper and sufficient gates and approaches to the said properties of the District Company from the street as widened : And the Board shall also at their own cost and to the like satisfaction construct along the line marked A.B. on the said signed plan a proper and sufficient boundary fence between that part of the said property numbered 14 which will be conveyed to the District Company under the provisions of this section and so much of the remainder of the said property as will not be thrown into the public thoroughfare.
- (6.) In making the widening of Church Street as by this Act authorised the Board shall cause as little temporary obstruction as reasonably practicable to the approach to the Putney Bridge Station of the District Company and shall at all times keep the footpath from Church Street to the said station and also the approaches to the properties 15 16 and 17 open and available for traffic.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 Vict.] Powers) Act, 1888.*

A.D. 1888.

Separate
accounts to
be kept in
respect of
street and
bridge im-
prove-
ments.

Contribution
to widening
of Church
Street by
the vestry.

11. The Board shall keep separate accounts of all moneys expended by them and of all lands tenements easements and hereditaments purchased by them for the purposes of and in connexion with the street and bridge improvements respectively and of all their receipts credits payments and liabilities with respect to the execution of the said street and bridge improvements respectively.

12. The vestry of the parish of Fulham shall and they are hereby required from time to time to contribute towards the costs and expenses of the Board in relation to the widening of Church Street such sums on account of such costs and expenses as the Board may from time to time require to the extent of but not exceeding one half of such costs and expenses and the vestry may for the purpose of paying any such contribution or any part thereof borrow of the Board and the Board may (subject to the provisions of any Act of Parliament for the time being in force relating to loans by the Board to a vestry) lend to the vestry the requisite moneys and for the purpose of securing the repayment with interest of any moneys to be borrowed as aforesaid the vestry may mortgage and assign over to the Board all the moneys or rates authorised to be raised by the vestry under the Metropolis Management Act 1855 and all the provisions of sections 183 to 191 inclusive of the last-mentioned Act shall apply to any borrowing by the vestry under this section of this Act.

Contribution
by vestry to
Culvert
Road Bridge
and bridge
over Latch-
mere Road.

13. The vestry of the parish of St. Mary Battersea shall and they are hereby required from time to time to contribute towards the costs and expenses of the Board in relation to Culvert Road Bridge and the widening of the span of the bridge over Latchmere Road and the widening and lowering of the roadway thereat such sums on account of such costs and expenses as the Board may from time to time require to the extent of but not exceeding one half of such costs and expenses and the said vestry may for the purpose of paying any such contribution or any part thereof borrow of the Board and the Board may (subject to the provisions of any Act of Parliament for the time being in force relating to loans by the Board to a district board or vestry) lend to the said vestry the requisite moneys and for the purpose of securing the repayment with interest of any moneys to be borrowed as aforesaid the said vestry may mortgage and assign over to the Board all the moneys or rates authorised to be raised by the said vestry under the Metropolis Management Act 1855 and all the provisions of sections 183 to 191 inclusive of the last-mentioned Act shall apply to any borrowing by the said vestry under this section of this Act.

14. Any sums of money which the Board shall become liable to pay and shall pay in connexion with the Culvert Road Bridge or the improvement and widening of the span of the bridge over Latchmere Road under or in pursuance of any of the provisions of this Act for the protection of the London Chatham and Dover and West London Extension Railway Companies or either of them shall be deemed to form part of the costs and expenses of the work in respect of which they are paid to which costs and expenses the vestry of the parish of Saint Mary Battersea are to contribute as by this Act provided.

A.D. 1888.

Payments made in connexion with works to be treated as part of expenses thereof.

15. The vestry of the parish of Fulham 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 Church Street and the vestry of the parish of St. Mary Battersea 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 Culvert Road Bridge and the bridge over Latchmere Road whether such sums arise from the sale of materials or 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 street and bridge improvements respectively recoup the Board a part of the expenses incurred by them in carrying this Act into execution with respect to the said street and bridge improvements respectively and the Board shall from time to time furnish a copy of such account in relation to the widening of Church Street to the vestry of the parish of Fulham and in relation to Culvert Road Bridge and the bridge over Latchmere Road to the vestry of the parish of St. Mary Battersea.

Credit to be given to vestries and district board for sale of lands &c.

16. When the street and bridge improvements authorised by this Act or any one of them are made a certificate thereof shall be issued under the common seal of the Board and any copy of such certificate certified under the hand of the clerk of the Board shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and so much of the said improvements as shall have been laid out for carriage-ways or footways shall form a street and may be used by the public accordingly. The soil under the said improvements except where an easement only shall have been acquired by the Board shall be vested in the Board. The new bridge over the West London Extension and London Chatham and Dover Railways by this Act authorised shall when completed be vested in the street authority of the district in which it is situate and the maintenance repair paving cleansing and lighting of the said bridge and of the roadway under

The street and bridge improvements to form a street repair &c.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 Vict.] Powers) Act, 1888.*

A.D. 1888. — the Latchmere Road Bridge when altered under the provisions of this Act and of the approaches thereto respectively and of the widening of Church Street shall be under the care management control and jurisdiction of the street authority of the district in which they are respectively situate in the same manner as other public roads and streets in their district.

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

17. The Board for the purposes and during the making of the street and bridge 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 hoardings bars posts and other erections and may make from time to time such orders for regulating the traffic as to them shall seem proper.

Streets may be raised or lowered.

18. Subject to the provisions of this Act the Board may for the purposes of and in connexion with the street and bridge 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.

Power to deviate from levels &c.

19. In making any of the works for or connected with any of the street and bridge improvements the Board may subject to the provisions of this Act 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 make subsidiary works.

20. Subject to the provisions of this Act and within the limits defined on the deposited plans the Board in connexion with and for the purposes of the works by this Act authorised may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the said works and may divert widen or alter the line or level of any existing street for the purpose of connecting the same with the said works or of crossing under or over the same or otherwise and may alter divert stop up use or appropriate all or any part of any street and alter and interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in any such drain or sewer. The soil of any street or any part of any street stopped up or diverted and appropriated by the Board under this Act and the paving metalling or materials in on or under any street so altered diverted

or stopped up and of any drain or sewer so altered 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. A.D. 1888.

21. The Board may for any purpose in connexion with any of the street and bridge 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 and bridge 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 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 nor 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

Alteration
of position
of water gas
and other
pipes.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 Vict.] Powers) Act, 1888.*

A.D. 1888. — 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 15 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 the engineer either 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 :

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.

Board empowered to lay out carriage-ways &c.

22. The Board may cause such parts of the street and bridge 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.

Directing how the pavement

23. The Board shall for the purposes of and in connexion with the street and bridge improvements in a substantial and workman-

like manner fill or cause to be filled in all and every the vaults cellars and open places over which it may be necessary to new pave (except such as 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 are situate or by such street authority as the Board may order 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 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.

A.D. 1888.

shall be
laid and
made.

24. 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 and bridge 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.

Sewers or
drains to be
arched over
or filled up.

25. The Board within the limits of deviation defined on the deposited plans may for the purposes of and in connexion with the street and bridge improvements raise sink or otherwise alter or cause

Power to
alter steps
areas pipes
&c.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 Vict.] Powers) Act, 1888.*

A.D. 1888. — to be altered the position of any of the steps areas cellars cellar flaps gratings fencings windows and watercourses pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Board shall make reasonable compensation to any company society or person who suffers damage by any such alteration.

Period for completion of street and bridge improvements.

26. If any part of the street and bridge improvements be not completed within four 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.

Limitation of time for purchase of lands.

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

PART III.

OPEN SPACES, &c.

KENNINGTON PARK.

Power to purchase a piece of land north of Kennington Park.

28. The Board may purchase and acquire a piece of land situate on the northern side of Kennington Park partly in the parish of St. Mary Lambeth and partly in the parish of St. Mary Newington in the county of Surrey shown on the deposited plans and thereon coloured red and described in the deposited book of reference and the said piece of land shall thereupon vest in the Board and be added to Kennington Park and shall be considered for all purposes to form part of Kennington Park : And all byelaws and regulations from time to time in force with regard to Kennington Park shall apply to and be in force with regard to the said piece of land.

As to widening streets at Kennington.

29. The Board shall widen South Place and Newington Terrace where they abut upon the said piece of land so that both those thoroughfares so far as they will abut upon the said piece of land shall be forty feet clear in width with proper footpaths kerbs and channelling and for that purpose shall throw into the said highways respectively as much of the said land as will be necessary for that purpose.

DULWICH PARK.

A.D. 1888.

30. The two pieces of land in the parish of Camberwell in the county of Surrey shown on the deposited plans and thereon coloured red and described in the deposited book of reference are by virtue of this Act transferred to and vested in the Board for the purpose of enabling the Board to form approaches to Dulwich Park and the said pieces of land shall be added to Dulwich Park and shall for all purposes be considered to form part of Dulwich Park and all byelaws and regulations from time to time in force with regard to Dulwich Park shall apply to and be in force with regard to the said pieces of land :

Approaches
to Dulwich
Park.

Provided that all persons (other than the Governors of Dulwich College) having any estate or interest in the said two pieces of land or any part thereof which may be interfered with or prejudicially affected by the transfer of the said pieces of land to the Board for the purposes of this Act shall be entitled to compensation from the Board in respect thereof and the amount of such compensation if not agreed upon between such person and the Board shall be settled as a question of disputed compensation under the Lands Clauses Acts.

31. With reference to the approaches to Dulwich Park formed by the Board upon the said two pieces of land in the parish of Camberwell the following provisions shall be observed and have effect :—

Further
provisions
as to lay-
ing out
approaches.

- (1.) The Board shall plant and maintain on each side of the approach road to be formed by them from Court Lane to Dulwich Park upon the piece of land in the parish of Camberwell coloured red on the deposited plans and numbered 1 thereon and in the deposited books of reference a belt of trees and shrubs twenty feet wide.
- (2.) Each side of the approach road from Dulwich Common Road to Dulwich Park to be formed by the Board upon the pieces of land also coloured red on the deposited plans and numbered 2 3 4 and 5 on the said plans and in the deposited books of reference shall be laid out in a manner approved on behalf of the Governors of Dulwich College by Charles Barry of Number One Westminster Chambers Victoria Street S.W. or other person to be appointed by them for that purpose.
- (3.) The Board shall not take down any of the trees standing on the said pieces of land except such as it may be necessary for them to remove for the purpose of forming the said approach road and the trees and shrubs remaining on the said pieces of

A.D. 1888.

land and to be planted there from time to time by the Board shall be preserved and renewed by the Board from time to time.

- (4.) Any gates bars fence or railings erected by the Board abutting on Dulwich Common Road shall be of a design and materials to be previously approved by the said Charles Barry or other person to be appointed on behalf of the said Governors.
- (5.) The Board may close the gates between the lane known as Snakes Lane numbered on the deposited plans 5 in the parish of Camberwell and the enclosure on the eastern side thereof.

LANDS AT LEWISHAM.

Power to
purchase
lands at
Lewisham.

32. The Board may purchase and acquire certain lands in the parish of Lewisham in the county of Kent shown on the deposited plans and thereon coloured red and described in the deposited book of reference and when the Board shall have purchased the same they shall vest in the Board and the Board shall hold the same and every part thereof as an open space and shall lay out maintain and preserve the same and every part thereof as an open space for the perpetual use thereof by the public for exercise and recreation and may from time to time exercise all necessary powers for the maintenance and preservation of the same as an open space: Provided that the Board may if they think fit enclose the said lands or any part thereof with a view to the better or more effectual preservation thereof for public use.

Power to
purchase
rights over
lands at
Lewisham.

33. Subject to the provisions of this Act the Board may purchase and acquire any estates interests and rights in over or affecting the said lands at Lewisham for the better execution of this part of this Act with respect to the maintenance and preservation of the said lands as an open space and for the purpose of applying the provisions of the Lands Clauses Acts under this Act the term "lands" in the said provisions shall be considered to include such estates interests and rights and when the Board have purchased any such estate interest or right they may either extinguish the same or retain hold and exercise the same wholly or partially.

Power to
Board to
construct a
footbridge.

34. The Board may construct and maintain a footbridge across the Mid-Kent Railway as shown on the deposited plans for the purpose of affording communication between those parts of the said lands which are on either side of the said railway and the said footbridge when constructed shall belong to and be maintained by the Board and for the purpose of constructing such bridge the Board may purchase or take an easement or right of constructing such

bridge where the same passes over the Mid-Kent Railway and shall not be required to purchase any part of the railway or of the soil thereof.

A.D. 1888.

35. With regard to the footbridge across the Mid-Kent Railway by this Act authorised the following provisions for the protection of the South-eastern Railway Company (in this Act called the South-eastern Company) shall unless otherwise agreed on between the Board and the South-eastern Company have effect viz. :—

For the protection of the South-eastern Railway Company.

(1.) The Board shall not commence the construction of the said footbridge or any works in connexion therewith until they shall have given to the South-eastern Company 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 footbridge the design thereof and the materials to be used and other necessary particulars of the construction of the same and of any temporary works for the purposes thereof and until the South-eastern Company shall have signified their approval of the same unless the South-eastern Company 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.

(2.) The span of the said footbridge shall be of sufficient width for four lines of permanent way of the said railway thereunder and shall be constructed at such place upon the lands in the said parish shown upon the deposited plans and described in the deposited books of reference as the engineer of the South-eastern Company shall determine and the said footbridge and all works connected therewith shall be of a reasonably ornamental character and shall be constructed and at all times hereafter maintained by the Board in accordance with the plans elevations sections and particulars agreed on or approved by arbitration as herein-after provided and to the reasonable satisfaction of the engineer of the South-eastern Company who shall have access to the works of the Board at all reasonable times.

(3.) In constructing and maintaining the said footbridge over the said railway and lands the Board shall not acquire any ownership of or in the railway land or property of the South-eastern Company but the Board may for the purposes thereof purchase and acquire and the South-eastern Company shall

A.D. 1888.

sell an easement or right of making and maintaining the said footbridge.

- (4.) The Board shall bear and on demand pay to the South-eastern Company the expense of the employment by them during the making of the said footbridge across the railway of the South-eastern Company of a sufficient number of inspectors and watchmen to be appointed by them for watching their railway 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.
- (5.) 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 railway or the traffic thereon or the railway signals of the South-eastern Company.
- (6.) The Board shall from time to time be responsible for and make good to the South-eastern Company all costs losses damages and expenses from time to time occasioned to the South-eastern Company or to their railway or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of the works of or incidental to the said footbridge or any act or omission of the Board or of any contractor or any person in the employ of them or him or of any new signals or of the re-erection or alteration of signals which may be rendered necessary by the said works and the Board shall effectually indemnify and hold harmless the South-eastern Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission.
- (7.) If in the construction and maintenance of the said footbridge or of any temporary works or by the user thereof or by reason of the insufficiency or failure thereof respectively or by the acts omissions or defaults of the said Board or of any contractor or other persons employed by the said Board any stoppage or interruption of the traffic upon the said railway shall arise the Board shall pay to the South-eastern Company the sum of thirty pounds for each and every hour during which such stoppage or interruption shall continue as and for liquidated damages and the same may be recovered by the Company as any ordinary simple contract debt of the like amount.

A.D. 1888.

- (8.) 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 the South-eastern Company or failing agreement as may be prescribed by arbitration as herein-after provided.
- (9.) The reasonable costs charges and expenses of the South-eastern Company and of their engineer in reference to the matters aforesaid shall be defrayed by the Board on request by the South-eastern Company.
- (10.) Any dispute or difference which may from time to time arise between the Board on the one hand and the South-eastern Company on the other hand with reference to the plans elevations sections and particulars aforesaid or to any other 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.
- (11.) Nothing in this Act contained shall prejudice take away lessen or interfere with any of the property rights powers interests or privileges of the South-eastern Company otherwise than is herein expressly provided.
- (12.) The said footbridge and the works connected therewith so far as the same shall cross or be over the railway or lands of the South-eastern Company or shall or may involve any interference with the said railway and property of the South-eastern Company shall be executed under the supervision and to the reasonable satisfaction in all things of the principal engineer for the time being of the South-eastern Company.
- (13.) If and whenever the South-eastern Company desire to widen or alter the said railway so as to render necessary or expedient any interference with the said footbridge the South-eastern Company may on giving not less than two months notice to the Board widen or alter the said railway and bridge as they think proper and if in executing such widening or alteration it becomes necessary to make any alteration in the said footbridge such alteration shall be made subject to the reasonable control of the engineer of the Board upon such terms and conditions as may be agreed upon between the Board and the South-eastern Company or may be settled by an arbitrator appointed as aforesaid.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 VICT.] Powers) Act, 1888.*

A.D. 1888.

Power to erect certain buildings and make certain communications.

36. The Board may erect and maintain on or near the said lands such convenient or ornamental buildings as they may think requisite for the accommodation of keepers constables and other officers and huts or lodges to be used in connexion with the maintenance of the said lands as an open space and may erect and maintain such bridges as they may think necessary for the purpose of affording communication between those parts of the said lands which are on either side of the River Ravensbourne and any such bridge when constructed shall belong to and be maintained by the Board.

Byelaws as to lands at Lewisham.

37. From and after the purchase of the said lands by 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 bye-laws and of securing the observance of the same and the penalties and proceedings before justices and the recovery and application of penalties and generally with respect to the parks and heaths and commons shall extend and apply to the said lands as if they had been included among 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 and for the purpose of this section any footbridges constructed by the Board over the Mid-Kent Railway and the River Ravensbourne shall be deemed to form part of the said lands.

Contribution by Board of Works for the Lewisham district to expenses.

38. The Board of Works for the Lewisham district shall and they are hereby required from time to time to contribute towards the costs and expenses of the Board in relation to the purchase and acquisition of the said lands and the purchase acquisition and extinction of all estates rights and interests in over or affecting the same such sums on account of such costs and expenses as the Board may from time to time require to the extent of but not exceeding one half of such costs and expenses and the said district board may for the purpose of paying any such contribution or any part thereof borrow of the Board and the Board may (subject to the provisions of any Act of Parliament for the time being in force relating to loans by the Board to a district board) lend to the district board the requisite moneys and for the purpose of securing the repayment with interest of any moneys to be borrowed as aforesaid the district board may mortgage and assign over to the Board all the moneys or rates authorised to be raised by the district board under the Metropolis Management Act 1855 and all the provisions

of sections 183 to 191 inclusive of the last-mentioned Act shall apply to any borrowing by the district board under this section of this Act. A.D. 1888.

39. The purchases of lands in the parishes of St. Mary Lambeth St. Mary Newington and Lewisham under the powers of this Act shall be evidenced by duly stamped deeds of conveyance and within three months after the completion of any such purchase the Board shall produce such deed to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum shall be recoverable from the Board with full costs of suit and all costs and charges attending the same. Deed to be stamped.

PART IV.

MISCELLANEOUS.

40. All sums which from time to time the Board may require to defray the expenses of keeping open managing maintaining and repairing Westminster Bridge and approaches including the charges for moneys raised at any time after the passing of this Act for the purpose of carrying out permanent improvements and alterations in the said bridge and approaches and which the Board shall by precept require any street authority to pay the Board shall in such precept be placed under the head of "bridge expenses" and shall be paid by such street authority and shall be levied 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 the general rate. Moneys required in connexion with Westminster Bridge and approaches to be raised as a general rate.

41. The powers of the Board for the compulsory purchase of lands and property required for the purpose of the street improvement authorised by the Metropolitan Board of Works (Various Powers) Act 1885 are extended to the sixth day of August 1889 and the period limited in the said Act for the completion of the said improvement is hereby extended to the sixth day of August 1891. Extending power for compulsory purchase and completion of works.

42. Part II. of the Railways Clauses Act 1863 relating to extension of time shall be deemed to be incorporated with this Act and in the said part of the said Act so incorporated with this Act and for the purposes of this Act the expressions "railway" and "railway and works" shall mean the street improvement authorised by the Metropolitan Board of Works (Various Powers) Act 1885 and the expression "the Company" shall mean the Board. Applying provisions of Railways Clauses Act 1863 as to extension of time.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 VICT.] Powers) Act, 1888.*

A.D. 1888.

Power to
take lands.

43. 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 this Act and for providing space for the erection of houses and buildings adjoining or near to the street and bridge improvements. For the purposes of or in connexion with the street and bridge 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 footways or towing-paths within the limits of deviation shown on the deposited plans having given three weeks previous 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 43 and 44 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 labour-
ing class
in any
parish.

44. Nothing in this Act authorises the Board to purchase for the purpose of the street and bridge improvements and other works by this Act authorised 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 fifteenth 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 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.

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

45. 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. A.D. 1888.

46. 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 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.

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

47. 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.

48. 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

Costs of arbitration &c. in certain cases.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 VICT.] Powers) Act, 1888.*

A.D. 1888. — 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 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 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 endorsed with a notice of the effect of this section.

As to purchasing part of certain property.

49. And whereas it may happen that portions only of the properties respectively numbered on the deposited plans and described in the deposited book of reference relating to the widening of Church Street under the numbers 19 and 20 in the parish of Fulham may be sufficient for the purposes of that widening and that such portions may be severed from the remainder of the said properties respectively without material detriment thereto: Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the said properties respectively may (if such portions respectively can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from the remainder of the properties without material detriment thereto) be required to sell and convey to the Board the portions only of the premises so required without the Board being obliged or compellable to purchase the whole or any greater portion thereof the Board paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise:

Provided always that if in the opinion of the jury arbitrators or other authority as aforesaid any such portion cannot be severed from the remainder of such property without material detriment thereto the Board may withdraw their notice to treat for the portion

[51 & 52 VICT.] *Metropolitan Board of Works (Various [Ch. clvi.] Powers) Act, 1888.*

of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice. A.D. 1888.

50. The Board in case they shall become possessed by virtue of this Act of any land charged with land tax may 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. Redemption of land tax on land acquired by Board.

51. 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 under 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 sell materials.

52. In case any lands acquired by the Board under the powers of this Act for any of the street or bridge 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 peppercorn or other 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 a condition of re-entry on non-payment of the rent thereby to be reserved or on non-observance or non-performance of the covenants therein to be contained on the part of the tenant or lessee to be observed and performed and every such tenant or lessee shall give such good and sufficient security for the erecting finishing and completing of Power to lease surplus lands.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 VICT.] Powers) Act, 1888.*

A.D. 1888. — 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.

As to sale
of ground
rents.

53. 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.

Board may
sell land in
the first
instance

54. 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 herein-before directed all or any lands acquired under the

[51 & 52 VICT.] *Metropolitan Board of Works (Various [Ch. clvi.] Powers) Act, 1888.*

powers of this Act for any of the street and bridge 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.

A.D. 1888.
—
without having previously granted a lease thereof.

55. The Board may from time to time let either from year to year or for a less period or for a term at rack rent 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 and bridge 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 may let or exchange lands.

56. Subject to the provisions of this Act the Board shall on or before the first day of February in the year one thousand nine hundred and forty-one which period shall be the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845 sell and dispose of all lands acquired by them under the powers of this Act and which shall not be required for any of the purposes of this Act.

Board to dispose of lands not wanted.

57. 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.

Receipts of Board to be effectual discharges.

58. 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 and bridge improvements with respect to the sale by the Board to such person of any lands or property (including any street or thoroughfare or

Power to Board to make agreements with owners of property &c.

[Ch. clvi.] *Metropolitan Board of Works (Various [51 & 52 VICT.] Powers) Act, 1888.*

A.D. 1888. — 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.

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

59. 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.

Expenses
of Act.

60. 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.

London : Printed for HER MAJESTY'S STATIONERY OFFICE,
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.