



CHAPTER vii.

An Act to amend the Metage on Grain (Port of London) Act, 1872, and the Gaslight and Coke Company Act, 1876; and for other purposes. A.D. 1877.
[24th April 1877.]

WHEREAS by the Metage on Grain (Port of London) Act, 1872, the Corporation were empowered to demand and receive in respect of all grain brought into the port of London for sale a certain fixed duty therein particularly specified, and to be called the City of London Grain Duty; and it was enacted that such duty should, subject to the provisions of that Act, be held by the Corporation for the preservation of certain open spaces in the neighbourhood of London as therein mentioned; and by the said Act it was further enacted that for the purpose of the preservation of any such open space to which the said Act applied the Corporation might from time to time borrow at interest on the credit of the net proceeds of the City of London Grain Duty, and of their estates and revenues, any money not exceeding in the whole ninety-nine thousand pounds: 35 & 36 Vict.
c. c.

And whereas the Corporation has, in execution of the powers of such Act, acquired, with the license of Her Majesty under the Great Seal of England, several plots of land to be preserved as open spaces for ever, and seventy thousand pounds, portion of the said sum of ninety-nine thousand pounds, has been borrowed by the Corporation upon the security aforesaid for the purposes by the said Act authorised, and it is expedient that the Corporation should be empowered to borrow a further sum of fifty thousand pounds upon the same security and for the like purposes as are specified in the said recited Act:

And whereas on the twenty-second day of May one thousand eight hundred and seventy-four, the Corporation obtained the license of Her Majesty under the Great Seal to hold certain hereditaments situate in the parish of West Ham in the county of Essex, containing together eighty acres or thereabouts, and since called

A.D. 1877. and known and in this Act referred to as "West Ham Park," together with certain other hereditaments:

And whereas by an indenture dated the twentieth day of July one thousand eight hundred and seventy-four, all the said hereditaments were granted and confirmed unto the Corporation and their successors and assigns for the considerations, subject to the terms and conditions, and to the uses therein declared of and concerning the same, and as to West Ham Park, to the end and intent that the same might be holden by the Corporation for ever as open public grounds and gardens for the resort and recreation of adults and as playgrounds for children and youth:

And whereas it is expedient that, for the purpose of more fully effectuating the end and intent aforesaid, powers should be conferred upon the common council with respect to the making of byelaws and otherwise in relation to West Ham Park:

39 & 40 Vict.
c. CCXXV.

And whereas by the Gaslight and Coke Company's Act, 1876, provision was made for the appointment of certain gas examiners by the Corporation and the Metropolitan Board of Works respectively, and for the appointment of a chief gas examiner and of an auditor from time to time by the Board of Trade; and it is expedient that provision should be made for the payment of the remuneration of the said gas examiners, chief gas examiner, and auditor respectively, and for the payment of the expenses incurred by them in the execution of their respective duties:

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

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

Short title.

1. This Act may be cited as "The City of London (Various Powers) Act, 1877."

Interpretation of terms.

2. In this Act—

The "Corporation" means the mayor and commonalty and citizens of the city of London:

The "Common Council" means the mayor, aldermen, and commons of the city of London in common council assembled.

Power to borrow.

3. For the purpose of the preservation of any open spaces in the neighbourhood of London within the meaning of the Metage on Grain (Port of London) Act, 1872, the Corporation may from time to time borrow, in addition to the sum of ninety-nine thousand pounds which they are by the said Act authorised to borrow, such

moneys not exceeding the sum of fifty thousand pounds as they may require, and the same may be borrowed upon the same security and subject to the same terms and conditions in every respect as though the same were moneys authorised to be borrowed by the Metage on Grain (Port of London) Act, 1872, for a like purpose; and all the provisions of the said Act with respect to the borrowing of moneys under that Act (except the limitation as to the amount to be borrowed) shall extend and apply to the borrowing of moneys under this Act: Provided always, that nothing in this Act shall prejudicially affect any charge on the net proceeds of the City of London Grain Duty, and on the estates and revenues of the Corporation, or any of them, by way of annuity, mortgage, bond, or otherwise, subsisting at the passing of this Act, and every annuitant, mortgagee, or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge, and all the like rights and remedies in respect of the duty, estates, or revenues subject to the charge, as if this Act had not been passed.

4. Any person paying any money under this Act to the Corporation, or to any person appointed by them to receive the same, shall not be answerable or accountable for the non-application or misapplication thereof.

Protection
of persons
paying any
money to
Corporation.

5. The common council may from time to time by act of common council make byelaws, and when made, may in like manner alter, amend, or repeal such byelaws as they may think fit for all or any of the following purposes with respect to West Ham Park:

Byelaws as
to West Ham
Park.

For regulating the days on and hours at which the same is to be opened and closed;

For the exclusion and removal therefrom of gipsies, hawkers, beggars, rogues, and vagabonds, and of any persons who may be intoxicated, or who may commit any breach of any byelaw or regulation made under this Act or any public law;

For prohibiting the holding therein of any public meeting;

For prohibiting the beating, shaking, or cleaning of carpets therein, or the exposing of clothes to dry;

For preventing or regulating the playing of any sports and games therein;

For preventing or regulating the playing of any music therein;

For preventing or regulating the admission thereto of dogs;

For preventing or regulating the admission therein of horses and vehicles;

For preventing males from intruding on or using places set apart for the use of females, and vice versâ;

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For preventing or regulating the posting of any bills, placards, or notices within the same, or on the fences thereof;

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of West Ham Park, or things of or belonging thereto, and for preventing the destruction of or injury of any birds or other animals, or of trees, shrubs, plants, or flowers, or the plucking of any flowers or leaves, or the taking of any birds' eggs or nests therein;

For the prevention of nuisances, and the preservation of order; and

Generally for the prevention or restraint of any act or thing tending to the injury or disfigurement of West Ham Park, or to interference with the use thereof as open public grounds and gardens for the resort and recreation of adults and as playgrounds for children and youth.

Confirmation
of byelaws.

6. Byelaws made under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper, nor shall any such byelaws be confirmed—

Unless notice of the intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the West Ham Local Board of Health, and has been open during office hours thereat to the inspection of all persons interested therein, without fee or reward.

Penalties to
be imposed
by byelaws.

7. The common council may, by any byelaw made in pursuance of this Act, impose penalties for offences against the same, to be recovered on summary conviction, not exceeding in respect of any offence five pounds, and in the case of a continuing offence a further daily penalty not exceeding the sum of forty shillings, so as every byelaw imposing a penalty be so framed as to allow of less than the maximum penalty being ordered to be paid.

As to
printing of
byelaws.

8. The common council shall cause all their byelaws to be printed and copies thereof to be posted up in conspicuous positions at some of the principal gates of and in such other places as they shall think fit within West Ham Park, and copies thereof to be sold at a price not exceeding one shilling a copy to all persons desiring to buy the same.

9. A copy of byelaws purporting to be made by the common council under this Act and to be printed by their direction, and to be authenticated by the signature of the town clerk of the said city for the time being, shall be *prima facie* evidence of the existence and contents of such byelaws, and of the due making thereof, without proof of such signature or any other thing. A.D. 1877.
Proof of byelaws.

10. Nothing in this Act contained shall alter, prejudice, or affect any of the rights, powers, or privileges of the West Ham Local Board of Health. Saving rights of West Ham Local Board of Health.

11. The common council may from time to time appoint officers for securing the execution of the provisions of this Act with respect to West Ham Park and of the byelaws, and every such officer shall have all such powers and privileges and be liable to all such duties and responsibilities as any police constable has within the district in which the park is situate. Swearing in of officers as constables.

12. Any constable or other officer appointed by the common council under this Act, and all persons called by such constable or officer to his assistance, may, without any other warrant than this Act, seize and detain any person offending or having offended against any byelaw of the common council made under this Act, who shall refuse to give his name and address, or who shall fail to satisfy such constable or officer as to his true name and address, and such constable or officer shall convey him with all convenient despatch before a justice to be dealt with according to law. Arrest of transient offenders.

13. Proceedings with a view to the summary conviction of offenders under this Act with respect to West Ham Park, or under any byelaws of the common council made under this Act, or to the recovery of any money or expenses authorised to be recovered summarily, or to any other order to be made by justices under this Act or any such byelaw as aforesaid, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter 43), "to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same. Proceedings for summary convictions and recovery of penalties.
11 & 12 Vict. c. 43.

14. Where, under this Act or any byelaw of the common council, any pecuniary penalty, expenses, costs, or other money is or are recovered by the Corporation, the same shall, notwithstanding anything in any other Act, be paid to the common council, and shall be applied by them in aid of the expenses of West Ham Park. Application of penalties.

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Remuneration and expenses of chief gas examiner and auditor.

15. The remuneration of any chief gas examiner and of any auditor appointed or to be appointed under the provisions of the Gaslight and Coke Company Act, 1876, shall be such as the Board of Trade from time to time direct, and such remuneration and all expenses properly incurred by the said chief gas examiner and auditor in or about the execution of their duties respectively shall be paid by the Company on demand to such fund or account and in such manner as the Board of Trade from time to time direct, and shall be a debt due from the Company to the Crown, and shall be recoverable accordingly with costs.

Remuneration and expenses of gas examiners.

16. The Commissioners of Sewers and the Metropolitan Board of Works respectively shall pay the remuneration of all gas examiners appointed by the Corporation and the Metropolitan Board of Works respectively under the provisions of the Gaslight and Coke Company Act, 1876, together with all expenses properly incurred by such gas examiners respectively in or about the execution of their duties, as part of the expenses of executing the Acts relating to them respectively.

Expenses of Act.

17. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation.