



CHAPTER lxxxviii.

An Act to authorise the construction of a bridge over certain railways near the western end of Cromwell Road Kensington with roads and approaches in connection therewith. [3rd July 1884.]

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WHEREAS the construction of the bridge roads and works hereinafter described would open out a short and convenient line of communication between the important thoroughfares and districts of North End Road Fulham West Kensington and Hammersmith and Cromwell Road West Kensington and would be attended with public and local advantage :

And whereas the vestry of the parish of Saint Mary Abbott Kensington and the Board of Works for the Fulham District consider that the construction of the said bridge roads and works would be of public advantage and have agreed to undertake the future maintenance thereof as hereinafter provided :

And whereas Gibbs and Flew Limited (hereinafter called "the Undertakers") are willing at their own expense to construct the said bridge roads and works and to dedicate the same to the public on being authorised to acquire certain lands buildings and property and on having the powers hereinafter contained conferred upon them : And whereas plans and sections showing the lines and levels of the works by this Act authorised and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Middlesex and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and

A.D. 1884. 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:—

Short title. 1. This Act may be cited as the Cromwell Road Bridge Act 1884.

Incorporation of general Acts. 2. The Lands Clauses Consolidation Acts 1845, 1860, and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 (except sections sixteen seventeen and one hundred and thirty-three of the first-mentioned Act and also such of the provisions of those Acts as are varied by or excepted from or inconsistent with this Act) are incorporated with and form part of this Act.

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

The expression "two justices" means two justices assembled and acting together in petty sessions or a metropolitan police magistrate sitting alone;

The word "street" includes streets squares courts lanes alleys highways roadways thoroughfares or public passages or places;

The expressions "the bridge and roads" and "the undertaking" mean respectively the bridge roads approaches and works and the undertaking by this Act authorised;

The word "lessee" includes any person holding a sub-lease;

The word "person" includes corporation;

And for the purposes of this Act in the incorporated provisions of the Lands Clauses Acts—

Any enactment referring to "the Company" shall be deemed to apply to the Undertakers;

Any enactment referring to "the manager secretary chief or other clerk accountant treasurer or other officer of the Company" shall be deemed to apply to the Undertakers;

Any enactment referring to "a writing under the common seal of the Company" shall be read and have effect as referring to a writing under the common seal of the Undertakers; and

Any enactment referring to "superior courts" or "court of competent jurisdiction" or any other like expression 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.

Power to make works according to deposited plans.

4. Subject to the provisions of this Act the Undertakers may make and maintain in the lines and according to the levels shown on the deposited plans and sections the bridge and roads hereinafter

described with all proper abutments piers retaining walls fences drains culverts and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The bridge and roads hereinbefore referred to and authorised by this Act are :—

- (1) A bridge for the passage of horses carriages carts and passengers over certain railways and sidings commencing on the eastern side of such railways and sidings five chains west of the junction of Cromwell Road West with Warwick Road and terminating on the western side of the said railways and sidings three chains west of the said commencement ;
- (2) An approach road commencing opposite the junction of Cromwell Road West with Warwick Road and terminating at the commencement of the bridge ;
- (3) A road commencing on the eastern side of North End Road and terminating at the termination of the bridge ;

Provided always that nothing in this Act contained shall extend to authorise or empower the Undertakers to enter upon take and use any of the lands respectively delineated on the said deposited plans and described in the said deposited books of reference without the consent of the owners lessees and occupiers thereof save only and except such of the said respective lands as shall be actually required for the construction of the said bridge and roads and for the diversion of the streets numbered 16 and 26 on the deposited plans in the parish of Saint Mary Abbott Kensington: Provided also that nothing in this section contained shall exempt the Undertakers from the provisions of section ninety-two of the Lands Clauses Consolidation Act 1845.

5. The bridge and approach roads shall be made throughout of a width (inclusive of foot pavements) of not less than forty feet and the bridge shall be so fenced as to prevent as far as may be practicable the escape of steam or smoke into the roadway over the same.

Width of
bridge and
roads.

6. The Undertakers shall not commence the erection of the said bridge or approaches until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the said Board with plans sections and other necessary particulars of the construction of the said bridge and approaches and until that Board shall have signified their approval of the same unless that Board fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and

Plans &c. of
bridge to be
submitted
to the
Metropolitan
Board.

A.D. 1884. delivery of the said plans sections and other particulars as aforesaid and the Undertakers shall comply with and conform to all reasonable directions and regulations of the said Board in the execution and subsequent maintenance of the said bridge and the works connected therewith and shall save harmless the said Board against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the said Board at the costs charges and expenses in all respects of the Undertakers and all costs charges and expenses which the said Board may be put to by reason of the works of the Undertakers whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the said Board by the Undertakers on demand.

As to roads
in Kensington.

7. Provided always that notwithstanding anything in this Act contained to the contrary the Undertakers shall be subject to and shall be bound by the following conditions and restrictions:—

The inclination of the before-mentioned approach road shall be not steeper than one in thirty;

Before stopping up any part of the streets in the parish of Saint Mary Abbott Kensington numbered respectively 16 and 26 upon the deposited plans the Undertakers shall within the limits of deviation make and complete and open to the public a new road to connect each of the said streets with Warwick Road of a width not less than forty feet unless otherwise approved of by the Metropolitan Board of Works;

The said new road shall be made to the satisfaction of the vestry of the parish of Saint Mary Abbott Kensington and when completed shall be open for public use and shall be under the care and management of and shall vest in the vestry of the said parish.

For the protection of
Lord Kensington.

8. For the protection of the Right Honourable William Lord Kensington his heirs or assigns or other the owner or owners for the time being (in this section hereinafter referred to as "the owner") of the Kensington estate the following provisions shall have effect (that is to say):—

(A) The owner of the Kensington estate shall subject to all byelaws rules and regulations of the Metropolitan Board of Works or the vestry of the parish of Saint Mary Abbott Kensington for the time being in force under the Metropolis Local Management Acts or any of them from time to time and at any time either before or after the opening and dedication to the public have full power to put vaults under the approach road (No. 2) hereinbefore described for any houses to be built on the Ken-

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sington estate and fronting on such road leading from the Warwick Road and to use without charge for the purposes of such houses a sewer under the same which the Undertakers shall construct at their expense provided that all damage that may from time to time be done to the said road or the footways thereof by reason of the construction of any of such vaults shall be made good by the owner of the Kensington estate to the satisfaction of the surveyor for the time being of the authority or person for the time being having jurisdiction over or entitled to the said road ;

(B.) No point in the southernmost boundary of the said new road shall be at a less distance than sixty feet from any point in the northernmost boundary of the said approach road except with the consent of the owner of the Kensington estate. The southernmost boundary of the said new road and the northernmost boundary of the said approach road shall respectively be coincident with the boundaries of the land lying intermediate between the said roads which may not be taken by the Undertakers for the purposes of this Act so as to secure to the owner of the Kensington estate the frontage upon such roads respectively. The Undertakers and any other body or persons in whom the said roads may at any time be vested shall not be entitled to interfere with the frontages by this section secured to the owner of the Kensington estate or with the access to and from the said land from and to the said roads and any parapet wall or fence erected along the said roads which may interfere with the user of such frontages and access as aforesaid may subject nevertheless to all byelaws rules and regulations of the Metropolitan Board of Works or the vestry of the parish of Saint Mary Abbott Kensington for the time being in force under the Metropolis Local Management Acts or any of them at any time be removed by him or them or any person or persons authorised by him or them in order to occupy and use such frontages for building.

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

Period for compulsory purchase of lands.

10. All claims for compensation made upon the Undertakers shall if the person claiming to be entitled to compensation has no greater interest than as tenant for a year or from year to year in the lands in respect to which the compensation is claimed be determined in like manner as is provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act 1845 with respect to the compensations in that section referred to.

Mode of settlement prescribed in Lands Clauses Consolidation Act 1845 to apply to certain claims.

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Power to take easements &c. by agreement.

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

Period for completion of works.

12. If the bridge and roads are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Undertakers for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Power to stop up ways during execution of Act.

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

Streets may be raised or lowered.

14. Subject to the provisions of this Act the Undertakers may 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 so described on such plans.

Power to deviate from levels &c.

15. Subject to the provisions of this Act in making any of the works for or connected with the bridge and roads the Undertakers may deviate to any extent not exceeding two feet from the levels thereof defined on the deposited sections and may deviate from the lines thereof within the limits of deviation defined on the deposited plans.

Power to make subsidiary works.

16. Subject to the provisions of this Act and within the limits defined on the deposited plans the Undertakers in connexion with the bridge and roads and as part and for the purposes thereof may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the works or of crossing under or over the same or otherwise and

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may alter divert stop up inclose use or appropriate all or any part of any street square court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any drain sewer channel void ground or other property shown on the deposited plans the Undertakers providing a proper substitute before interrupting the flow of sewage in any drain or sewer and making compensation to all persons injuriously affected by the alteration of level or stopping up of or interference with any street or any premises or property.

17. Where any of the works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the Metropolitan Board of Works or of any vestry or district board of works constituted under the Metropolis Management Act 1855 or any Act or Acts amending the same or extending the powers thereof or with any sewers or works to be made or executed by the said boards or vestries or any of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Undertakers shall not commence such works until they shall have given to the said Metropolitan Board or to the district board or vestry as the case may be twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such board or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such board or vestry respectively shall have signified their approval of the same (unless such board or vestry as the case may be do not signify their approval disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid); and the Undertakers shall comply with and conform to all orders directions and regulations of the said Metropolitan Board and of the respective district board or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such boards or vestries respectively shall deem necessary for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by reason of the said intended works or any part thereof and shall save harmless the said boards and vestries respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said Metropolitan Board district board or vestry as the case may be at the costs charges and expenses in all respects of the Undertakers

For protection of sewers in the Metropolis.

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For protection of railway companies.

18. In constructing and maintaining the works by this Act authorised affecting any railway (under which term are included all sidings works land and properties connected therewith) the Undertakers shall be subject to the following conditions:—

1. The bridge by which the road shall be carried over the railway shall be a girder bridge of two spans of wrought iron or steel with wrought iron flooring and the easternmost of such spans shall carry the said bridge over the railway of the West London Extension Railway Company and the railway of the Great Western Railway Company and the westernmost of such spans shall carry the said bridge over the railway of the Metropolitan District Railway Company and so that there shall be a clear height above the level of the rails of any running lines or siding for the entire length of such bridge of not less than fourteen feet six inches and the said bridge and also all temporary and other works necessary for the construction thereof shall be constructed only and according to plans elevations sections and specifications to be submitted by the Undertakers to the respective principal engineers of the Railway Companies to whom such railway belongs (herein-after jointly and severally referred to as the Railway Companies) and to be reasonably approved of by such respective engineers in writing under their respective hands and if they respectively fail or decline to approve the same by an engineer to be appointed by the Board of Trade on the application and at the expense of the Undertakers before the Undertakers shall enter on any lands of those

respective Companies. No pier or abutment of the bridge shall be so constructed as to impinge on the property of the Metropolitan District Railway Company;

2. Subject to the provisions of this Act the Undertakers shall at all times maintain the works by which under the provisions of this Act the road and bridge shall be carried over the railway in complete and substantial repair order and condition to the reasonable satisfaction in all respects of the respective principal engineers for the time being of the Railway Companies and if and whenever the Undertakers fail so to do those respective Companies may make and do in and upon as well the lands of the Undertakers as their own respective lands such works and things as those respective Companies may think requisite in that behalf and the reasonable amount of their respective expenditures in that behalf from time to time shall be repaid to them respectively by the Undertakers and in default of full repayment the amounts due may be recovered with full costs by them respectively from the Undertakers in any court of competent jurisdiction;
3. If by reason of the construction or maintenance of the works by this Act authorised or the commencement thereof and failure to complete the same it shall become necessary to add to or alter any of the signals upon the railway the same shall be added to or altered by the Railway Companies and the reasonable expense thereof shall be repaid them by the Undertakers;
4. If by reason of the construction or maintenance of the works by this Act authorised or the commencement thereof and failure to complete the same within the time limited by this Act the railway shall be damaged or injured the Undertakers shall make full compensation for any loss or expense occasioned thereby;
5. The Undertakers shall not in the exercise of any of the powers of this Act in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway or any traffic thereon and if at any time hereafter the free uninterrupted and safe user of the railway or the traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Undertakers shall forfeit and pay to the Railway Company the user of or traffic on whose railway shall be so obstructed hindered or interfered with the sum of ten pounds by way of ascertained damages for every hour during which any such obstruction hindrance or interference shall continue;

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6. If the Undertakers having commenced the works by this Act authorised shall fail to complete the same within the time limited by this Act, or shall suspend or neglect to proceed therewith for a period of six consecutive calendar months it shall be lawful for the Railway Companies and their agents and servants to take down and remove such portion of the works and for the purpose of effectually taking down and removing the same to enter upon any land of the Undertakers adjoining those respective railways and to remove any works connected with such portion of the works which it may be necessary to remove in order effectually to carry out such taking down and removal and to sell and dispose of all materials so taken down and removed and to apply the proceeds of any sale thereof in and towards reimbursing and compensating themselves respectively for all expenses loss or damage they respectively may incur sustain or be put to in or about such taking down or removal and restoring their respective properties to their proper condition and the surplus (if any) of any moneys realised by any such sale after full reimbursement and compensation as aforesaid shall be paid by those respective Companies to the Undertakers but those respective Companies shall not be liable to the Undertakers for any loss that may accrue upon any such sale as aforesaid: Provided that if the moneys realised on any such sale shall be insufficient to reimburse and compensate the Railway Companies the Undertakers shall be liable to pay to them the amount by which the sum so realised as aforesaid shall be deficient;
7. With respect to any land of the Railway Companies which the Undertakers are by this Act from time to time authorised to use enter upon or interfere with the Undertakers shall not purchase and take the same but the Undertakers may purchase and take and the Railway Companies may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Undertakers might purchase and take the same;
8. The Undertakers shall bear and on demand pay to the Railway Companies the expense of the employment by them respectively during the making of the road and bridge over and adjacent to the railway of a sufficient number of inspectors or watchmen to be appointed by them 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 and accident to arise from

any of the operations or from the acts or defaults of any person or persons in the employ of the Undertakers with reference thereto or otherwise;

9. All disputes and differences that may arise between the Undertakers and the Railway Companies as to the amount to be paid for the acquisition of an easement in and upon the lands works and property of the Railway Companies including the compensation (if any) for damage or injury to the railway shall from time to time be settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859 and for the purposes of such arbitration the Undertakers shall be deemed to be a Company within the meaning of that Act;
10. Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights privileges or powers of the Railway Companies otherwise than is herein expressly provided.

19. In constructing and maintaining the works by this Act authorised the Undertakers shall be subject to the following additional and special provisions for the protection of the West London Extension and Great Western Railway Companies:—

Additional provisions for the protection of the West London Extension and Great Western Railway Companies.

(A) The Undertakers shall not enter upon take or acquire any lands of the Great Western Railway Company or construct any works on the lands of such Company without their consent in writing first had and obtained except only such temporary works as may be deemed necessary for the construction of the said bridge;

(B) Before the bridge is commenced the Undertakers shall invest in the Consolidated Three Pounds per centum Annuities in the names of John Pares Bickersteth Richard Bassët and Josiah Wilkinson the sum of one thousand pounds which sum when so invested with all dividends to accrue thereon and which dividends shall from time to time as they become payable be invested in like manner and accumulated therewith shall be and continue a fund in trust (hereinafter referred to as "the trust fund") for the following purposes (that is to say):—

First—So soon as it appears to the satisfaction of the engineers for the time being of the West London Extension Railway Company and the Great Western Railway Company respectively that the bridge and the works connected therewith are so far constructed that the trust fund will be sufficient to complete such bridge and works then the trustees shall transfer the trust fund to the Undertakers or as they direct to be applied for that purpose;

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Secondly—In case the Undertakers do not within three years from the commencement of the bridge complete such bridge and works then the trust fund shall be applied in paying the costs and expenses of removing in such manner as the West London Extension Railway Company and the Great Western Railway Company respectively direct such parts of such bridge and works as are then commenced but left unfinished. The surplus (if any) of such trust fund to be transferred or paid to the Undertakers or as they shall direct;

Thirdly—In case the Undertakers after having commenced such bridge and works at any time thereafter fail for three consecutive months to proceed with or make reasonable progress in constructing such bridge and works then the West London Extension Railway Company and the Great Western Railway Company respectively if they in their discretion think proper may forthwith apply the trust fund for removing such parts of such bridge and works as are commenced but left unfinished in like manner as if the three years had actually expired. The surplus of such trust fund to be transferred or paid to the Undertakers or as they shall direct;

- (c) All disputes and differences that may arise between the Undertakers and the West London Extension Railway Company and the Great Western Railway Company as the case may be as to the amount to be paid for the acquisition of any right or easement to be acquired under this Act in upon and over the railway lands works and property of the West London Extension Railway Company and of the Great Western Railway Company respectively shall be settled by John Clutton or him failing by some other arbitrator to be agreed upon in the manner provided by the Lands Clauses Consolidation Act 1845 and for the purpose of such arbitration the Undertakers shall be deemed to be "the Promoters of the undertaking" within the meaning of that Act and the West London Extension Railway Company or the Great Western Railway Company as the case may be shall be deemed to be "the owner" and the amount awarded shall be paid by the Undertakers to the West London Extension Railway Company or the Great Western Railway Company as the case may be before entering upon or in any way interfering with the railway lands works and property of either of the said Railway Companies.

As to alteration of position of

20. Subject to the provisions of this Act the Undertakers may for any purpose in connection with the bridge and roads upon the

lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined upon the deposited plans raise sink or otherwise alter the position of any drain channel water pipe or gas pipe belonging to or connected with any house or building adjoining or near to the works and also any main or other pipe laid down or used by any company for carrying a supply of water or gas and may remove any other obstruction making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit to any company person or body and making reasonable compensation to any company person or body who suffers damage by any such alteration: Provided always that before the Undertakers alter the position of any main or other pipe laid down or used by any such company or body they shall give to the company or body to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Undertakers) of the company or body to whom such pipe belongs unless such company or body refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work or discontinues the same during the work and the Undertakers shall execute such work to the reasonable satisfaction of the engineer of such company or body: Provided also that the Undertakers shall not cause any street or road to be lowered or raised or the position of any water or gas pipes to be altered so as to leave over such pipes in any part a covering of less than two feet (unless the Undertakers shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or body) or more than six feet unless a referee to be appointed by the Board of Trade on the application of either party in case of dispute shall consider that the pipes should be carried to a greater depth for the purpose of avoiding interference with the works to be executed under this Act and in such case the pipe shall be altered in such manner and such works shall be made at the expense of the Undertakers in such manner as the referee may prescribe and the expense of the reference shall be in the discretion of the referee.

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 water and
 gas pipes.

21. For the protection of the Gaslight and Coke Company (hereinafter referred to as "the Gas Company") the following provisions shall have effect (that is to say):—

For protec-
 tion of the
 Gaslight
 and Coke
 Company.

(1.) Whereas in execution of the works by this Act authorised the mains pipes syphons and other works belonging to the Gas Company may be intersected or otherwise interfered with and

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it is expedient that the Gas Company should have full control over the execution of all works in any way affecting the supply by them of gas so as effectually to provide against the supply thereof being impeded: Therefore all works matters or things which under the provisions of this Act the Undertakers may be empowered or required to do or execute with reference to the mains pipes syphons or other works of the Gas Company shall be done and executed by and at the cost of the Undertakers but to the reasonable satisfaction and under the direction of and in such manner as shall be required by the engineer for the time being of the Gas Company and such works matters or other things shall not be commenced until after fourteen days previous notice thereof in writing shall have been given to the Gas Company: Provided always that if the Gas Company shall elect themselves to execute any portion of the works matters and things which the Undertakers may by this Act be empowered or required to do or exercise with reference to or affecting the mains pipes syphons apparatus or other works of the Gas Company and of such their election shall give seven days' notice in writing to the Undertakers of their intention so to do by leaving the same at their registered office in London the Gas Company may themselves execute that portion of the said works matters and things and the expense of and incident to the executing the same shall be repaid by the Undertakers to the Gas Company on demand and such expense may be recovered from the Undertakers in any court of competent jurisdiction;

- (2.) And whereas there are divers mains pipes syphons and other apparatus belonging to the Gas Company in divers streets highways roads footpaths lanes courts passages and other places within the limits shown on the deposited plans which are now used by the Gas Company for supplying gas to the streets highways roads footpaths lanes courts passages and other places as aforesaid and such streets or other places or some of them will or may be done away with under the powers of this Act therefore when the Undertakers for any purposes of this Act take any of those mains pipes syphons or other apparatus they shall pay to the Gas Company the value thereof and the same shall thereupon become the property of the Undertakers and the Undertakers shall also pay to the Gas Company their reasonable charges of removing or altering any of the mains pipes syphons or other apparatus in immediate communication therewith which the works of the Undertakers shall render useless or which shall require to be altered and the Gas Company shall at all times have the same rights and power over or under

the bridge and roads (whether such bridge and roads shall be dedicated to the public use or not) as they possess over other streets or highways in the parishes of Saint Mary Abbott Kensington and Fulham ;

- (3.) If any interruption whatsoever in the supply of gas by the Gas Company or any loss of gas shall be in any way occasioned to or sustained by any act or omission of the Undertakers or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Undertakers shall forfeit and pay to the Gas Company for such interruption for the use and benefit of the Gas Company the sum of ten pounds for every hour during which such interruption shall continue and in addition shall pay to the Gas Company the value of the gas so lost such sum or sums of money to be recovered by the Gas Company in any court of competent jurisdiction. If the Undertakers shall find it necessary to undermine but not otherwise alter the position of any main pipe syphon or other work belonging to the Gas Company they shall temporarily support the same in its position during the execution of their works and on their completion shall provide a good and suitable foundation for every main pipe syphon or other work so undermined ;
- (4.) It shall be lawful for the Gas Company and their engineer workmen and others in their employment at all times when it may be necessary upon the lands acquired by the Undertakers under the powers of this Act and not being lands appropriated or set apart for building purposes or for private use to enter for the purpose of repairing maintaining or removing or replacing such mains or pipes which may have been laid over the same lands and premises. Provided also that the expense of all repairs renewals or removals of the said pipes or mains or any works in connection therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Undertakers their contractors agents workmen or servants or any person in the employ of them or any or either of them shall be borne and paid by the Undertakers and may be recovered against them by the Gas Company in any court of competent jurisdiction ;
- (5.) Notwithstanding anything in this Act contained the Undertakers shall be responsible for and make good to the Gas Company all costs losses damages and expenses which may be occasioned to the Gas Company or to any of their mains pipes syphons apparatus property works and conveniences or in the supply of gas by the Gas Company or otherwise by reason of

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the execution or failure of any of the intended works or of any act or omission of the Undertakers or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Undertakers will effectually indemnify and hold harmless the Gas Company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission ;

(6.) Any difference arising between the Undertakers and the Gas Company respecting any of the matters referred to in this enactment shall be settled at the request of either party by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers ;

(7.) Save as in this Act otherwise expressly provided nothing in this Act shall diminish limit prejudice or affect any of the rights powers or privileges of the Gas Company.

Power to
alter steps
areas pipes
&c.

22. The Undertakers within the limits of deviation defined upon the deposited plans may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and channels pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or form any main or pipe laid down by any of the companies or societies who furnish the inhabitants with water or gas and may remove all other obstructions so as the same be done with as little delay and inconvenience to the said companies societies and inhabitants as the circumstances of the case will admit and the Undertakers shall make reasonable compensation to any person who suffers damage by any such alteration.

Dedication
of bridge
and roads to
the public
and repair
and main-
tenance
thereof.

23. So soon as the bridge and roads shall have been constructed with proper paved flagged or asphalted and kerbed footpaths or sideways channels sewers gullies or other necessary works to the satisfaction of the vestry of the parish of Saint Mary Abbott Kensington and the Board of Works for the Fulham district the Undertakers may and shall open and dedicate the same to the public and thereafter they shall be used by the public accordingly and the same and the sole power authority liability and duty of maintaining paving repairing cleansing painting and lighting the same shall be vested as follows that is to say as to the road (No. 3) hereinbefore mentioned and which will be in the parish of Fulham in the Board of Works for the district of Fulham and as to the bridge (No. 1) and the road (No. 2) also hereinbefore mentioned both of which will be in the parish of Saint Mary Abbott Kensington in the vestry of the parish of Saint Mary Abbott Kensington.

But the Board of Works for the district of Fulham shall pay to the vestry of the parish of Saint Mary Abbott Kensington one half of the cost annual or otherwise which the vestry of the parish of Saint Mary Abbott Kensington may from time to time reasonably incur in maintaining paving repairing cleansing painting and lighting the said bridge (No. 1).

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24. The Undertakers may subject to the provisions of this Act when and as they shall think fit sell lease or appropriate for building or other purposes all lands and hereditaments which shall be purchased or otherwise acquired by them under the provisions of this Act and which shall not be required by them for the purposes of the Undertaking by this Act authorised or such part or parts thereof as they may deem expedient and under such conditions as they may think fit and sections one hundred and twenty-seven to one hundred and thirty-one of the Lands Clauses Consolidation Act 1845 both inclusive shall not apply to any lands so sold leased or appropriated before the expiration of ten years from the passing of this Act.

Disposal by Undertakers of lands &c. not wanted for purposes of this Act.

25. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Undertakers may after ten days notice to the owners lessees and occupiers of the lands in question apply to two justices for the correction thereof and if it appear to such justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Middlesex and a duplicate thereof shall also be deposited with the clerk to the vestry of the parish of Saint Mary Abbott Kensington and with the clerk to the Board of Works for the Fulham district and such certificate and duplicate respectively shall be kept by such clerk of the peace clerk to the vestry and clerk to the board along with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Undertakers may take the lands and execute the works in accordance with such certificate.

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

26. The Undertakers shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or

Notice to be given of taking houses of labouring classes.

A.D. 1884. within a reasonable distance from such houses and the Undertakers shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Undertakers to procure accommodation for persons of the labouring class to be displaced.

Before taking in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers who may for the time being be occupiers of any house or part of any house which the Undertakers are by this Act authorised to acquire the Undertakers shall (unless the Undertakers and such persons otherwise agree) procure sufficient accommodation elsewhere for such persons: Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Undertakers may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase by agreement such further lands as may be necessary for such purpose and may on such lands erect labouring-class dwellings and may let or otherwise dispose of such lands and dwellings and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

Power to enter into agreements with Board of Works for Fulham district.

27. The Undertakers and the Board of Works for the Fulham district may enter into agreements with respect to the following purposes or any of them that is to say:—

The construction of the bridge and roads or any of them or any parts thereof respectively and of the works connected therewith respectively or any of them;

The acquisition and appropriation of lands and property for the purposes of the works by this Act authorised;

Any incidental matters.

As to making good deficiency in local rates.

28. For the purpose of providing against any deficiencies in the rates which may be occasioned by the construction of the bridge and roads and carrying into effect the works connected therewith in the parishes of Saint Mary Abbot Kensington and Fulham the Undertakers shall from time to time be liable to make good the deficiency (if any) arising within each such parish by reason of any lands having been taken or used for the purposes of this Act and the Undertakers shall at the end of each year during which such deficiency shall occur on demand pay to such person as the respective vestries shall appoint to collect or receive the said rates the deficiency for each such year.

Undertakers not exempt from provisions of the

29. Nothing in this Act contained shall exempt the Undertakers or the undertaking from any of the provisions of the Metropolitan Building Acts the Metropolis Management Act 1855 the Metropolis

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Management Amendment Act 1856 the Metropolis Management Amendment Act 1858 the Metropolis Management Amendment Act 1862 or of any of the Acts relating to the Metropolitan Board of Works.

Metropolitan Building and Metropolis Management Acts.

30. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Undertakers.

Expenses of Act.

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