



CHAPTER ccxxi.

An Act to empower the London County Council to make certain street improvements to purchase lands to make provision for contributions in certain cases by Local Authorities to remove obstructions in certain streets to make various miscellaneous provisions relating to the London County Council and for other purposes. A.D. 1898.

[12th August 1898.]

WHEREAS it is expedient that the London County Council (in this Act called "the Council") should be empowered to make the works herein-after described (that is to say):—

New Street—Continuation of Roehampton Street Westminster;
Widening of York Road (Battersea and Wandsworth);
Widening of Albert Embankment (Vauxhall);
Reconstruction of Rosemary Branch Bridge over the Regent's Canal:

And whereas it is expedient that provisions should be made with regard to contributions by the vestries of certain parishes and the boards of works for certain districts as in this Act specified towards the improvements authorised by this Act and the acquisition of lands for open spaces and that other provisions relative thereto should be made as herein-after set forth:

And whereas there are certain streets in London mentioned in the Third Schedule to this Act in which certain gates bars rails posts or other obstructions are maintained which have the effect of limiting and restricting the traffic through the same and it is expedient that provision should be made for the removal of such obstructions:

And whereas under the Metropolitan Board of Works (Various Powers) Act 1884 Hackney Commons as therein defined were vested in the Metropolitan Board of Works and by section 50 of the said Act it was provided that the said board might from

A.D. 1898. — time to time by agreement exchange any lands forming part of Hackney Commons as therein defined for any other lands adjoining which the said board might think it desirable to substitute for such first-mentioned lands :

And whereas the Council have entered into agreements with the owners of certain land partly adjoining and partly near to the Hackney Commons to convey to them certain pieces of land parts of the said commons by way of exchange for certain other pieces of land to be conveyed to the Council by such owners subject to certain provisions and it will be of public and local advantage that such exchange of lands should be carried into effect and that the provisions relating thereto in this Act contained should be made accordingly :

And whereas a plan of the lands to be so conveyed and exchanged by and between the Council and the said owners has been signed by the Right Honourable James William Lowther the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and one copy thereof has been deposited in the Private Bill Office of the House of Commons and one other copy thereof has been deposited in the Parliament Office of the House of Lords and one other copy thereof has been deposited with the clerk of the peace for the county of London :

And whereas it is also expedient that sundry further powers should be conferred on the Council and further provisions made as in this Act provided :

And whereas the Council have caused to be deposited with the clerk of the peace for the county of London plans and sections describing the line situation and levels of each of the works by this Act authorised and showing the lands which may be taken compulsorily under the powers of this Act and a book of reference to such plans 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 respectively referred to in this Act as the deposited plans sections and book of reference :

And whereas by the Thames Tunnel (Greenwich to Millwall) Act 1897 the Council were empowered to make a subway or tunnel under the River Thames between Greenwich and Poplar and were empowered to expend on capital account for the purposes of the said Act such money as they might from time to time think fit not exceeding seventy thousand five hundred pounds :

And whereas various claims were made against the Council in respect of compensation for loss of traffic and business alleged to result from the construction of the tunnel or subway and by reason

thereof and of the increased cost of materials required it appears that the said works cannot be constructed within the original estimate :

And whereas an estimate has been prepared by the Council as to the additional amount which they may require to expend on capital account for the purposes of the said Act and the amount of such additional estimate is eighty-five thousand pounds :

And whereas his Grace the Duke of Bedford is about to construct a new street between Drury Lane and Catherine Street in the parishes of Saint Paul Covent Garden and Saint Martin-in-the-Fields and it has been agreed between his Grace the said Duke and the Council that subject to the authority of Parliament being obtained a subway shall be constructed under the said new street for the reception of mains pipes and wires which subway shall belong to the Council and the Council shall pay the cost of constructing the same not exceeding two thousand pounds :

And whereas estimates have been prepared by the Council as to the amount which they will require to expend out of borrowed money or money raised by the creation and issue of stock for the purposes of this Act and such estimates are as follows namely :—

New Street (continuation of Roehampton Street Westminster)	£
Widening of York Road (Battersea and Wandsworth)	5,700
Albert Embankment (Vauxhall) Widening	87,150
Rosemary Branch Bridge (Regent's Canal)	37,100
Thames Tunnel (Greenwich to Millwall) Act—(Additional)	6,800
Subway under new street (Drury Lane to Catherine Street)	85,000
Other purposes of this Act	2,000
	1,200
Making a total of	<u>£224,950</u>

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

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

PART I. —INTRODUCTORY.

1. This Act may be cited as the London County Council Short title. (General Powers) Act 1898.

A.D. 1898.
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Interpreta-
tion.

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 Council” means the London County Council;

“Improvements” means the new street and street widenings and the reconstruction of the Rosemary Branch Bridge by this Act authorised;

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893;

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 that for the purposes of this Act the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

Incorpora-
tion of Lands
Clauses Acts.

3. The Lands Clauses Acts are (except section 133 of the Lands Clauses Consolidation Act 1845 and except where otherwise expressly varied by this Act) incorporated with and form part of this Act.

PART II.—IMPROVEMENTS &C.

New street
and street
improve-
ments.

4. Subject to the provisions of this Act the Council in the line and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections may make the improvements in the county of London hereafter described viz. :—

New street
(continua-
tion of
Roehampton
Street West-
minster).

(a) They may make a new street wholly in the parish of Saint John the Evangelist Westminster commencing at a point in Ponsonby Place opposite the end of Roehampton Street and terminating by a junction with a new street now in course of construction on land forming part of the site of the old Millbank Penitentiary:

Widening of
York Road
(Battersea
and Wandsw-
worth).

(b) They may widen York Road (Battersea and Wandsworth):
Upon the north-western side thereof:—

(i) In the parish of Wandsworth—

From a point at or near the Wandsworth Station of the London and South Western Railway Company to a point 100 feet or thereabouts south of Worpleway:

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(ii) In the parish of Saint Mary Battersea—

From a point 80 feet or thereabouts north of Starchfactory Road to York Place ;

Between Lombard Road and Totteridge Road :

Upon the south-eastern side thereof :—

(i) In the parish of Wandsworth—

From a point at or near the said Wandsworth Station to Bramford Road ;

From a point $3\frac{1}{2}$ chains or thereabouts south of the thoroughfare known as Eltringham Street or New Eltringham Road to John Street :

(ii) In the parish of Saint Mary Battersea—

From John Street to the Nag's Head public-house ;

From Benfield Street to Falcon Road :

(c) They may widen the street called Albert Embankment in the parish of Lambeth near the Vauxhall Station of the London and South Western Railway on the east side between Upper Kennington Lane and Vauxhall Walk :

Albert Embankment (Vauxhall) widening.

(d) They may take down and remove the bridge over the Regent's Canal known as the Rosemary Branch Bridge in the parishes of Saint John Hackney and Saint Leonard Shoreditch and Saint Mary Islington and construct a new bridge on the site thereof and approaches thereto commencing at or near the junction of Bridport Place with Hyde Road in the said parish of Saint Leonard Shoreditch and terminating at or near the southern end of Southgate Road in the said parish of Saint John Hackney :

Reconstruction of Rosemary Branch Bridge (Regent's Canal).

And the Council may for the purposes aforesaid enter upon take and use temporarily or permanently all or such part of the lands of the North Metropolitan Railway and Canal Company as may be necessary and construct and do all such works and things permanent or otherwise whether upon such lands or otherwise as may be found necessary or desirable and may also in connexion with the proposed new bridge and approaches alter their tramway now crossing the existing bridge the alteration commencing at the northern end of Bridport Place at a point 3 chains or thereabouts southward from the centre of the existing bridge and terminating in Southgate Road at a point 2 chains or thereabouts northward from the centre of the existing bridge :

Provided that unless otherwise agreed in writing between the Council and the North Metropolitan Railway and Canal Company nothing in this Act shall authorise the alteration of the said bridge over the Regent's Canal known as the Rosemary Branch Bridge

A.D. 1898. — otherwise than in such manner as shall be agreed between Sir Alexander Richardson Binnie on behalf of the Council and Sir John Wolfe Barry on behalf of the North Metropolitan Railway and Canal Company or the entry upon or taking of any lands or works of that company except so far as may be necessary for the purposes of making the said alteration in manner agreed as aforesaid.

Agreement
as to recon-
struction of
Rosemary
Branch
Bridge.

5. The Council on the one hand and the North Metropolitan Railway and Canal Company on the other hand may enter into and carry into effect agreements with respect to the reconstruction of the said Rosemary Branch Bridge and as to the apportionment of the costs thereof in conjunction with the vestry of Saint Leonard Shoreditch and the vestry of Hackney or either of them.

For protec-
tion of South
London
Tramways
Company.

6. Whereas the South London Tramways Company (in this section called "the tramways company") have constructed certain tramways in portions of the York Road and the street called the Albert Embankment which the Council are by this Act empowered to widen and the tramways company are under and by virtue of the Acts of Parliament relating to their undertaking required to pave portions of such streets in manner in the said Acts provided:

Be it therefore enacted that notwithstanding the execution by the Council of the said widenings herein-before authorised or any part thereof the tramways company shall not be bound to pave any greater portion of the said streets or either of them than they were bound to pave prior to the execution of such widening.

Power to
purchase and
take lands.

7.—(1) Subject to the provisions of this Act the Council 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 the improvements and works connected therewith and for providing space for the erection of houses and buildings adjoining or near to the improvements.

(2) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any other lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connexion with any of the works or purposes by this Act authorised.

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

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of the Lands Clauses Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors

have an interest) 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.

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9. If any omission mis-statement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited book of reference the Council may after ten days' notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to a metropolitan police magistrate for the correction thereof and if it shall appear to such magistrate that such omission mis-statement or erroneous description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of London and 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 Council may take the lands in accordance with such certificate.

Correction
of errors &c.
in deposited
plans and
book of
reference.

10. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may at any reasonable time in the day upon giving in writing for the first time twenty-four hours and afterwards twelve hours previous notice enter upon and into the lands and buildings by this Act authorised to be taken 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 and buildings.

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

11. The court or person to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if they or he shall be of opinion that no such statement has been delivered one half of the costs of the arbitration or as the case may be one half of the costs of the proceedings before the sheriff

Costs of
arbitration
&c. in certain
cases.

A.D. 1898. (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 such claimant and the remaining half shall be defrayed by the Council 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 to permit any claimant after seven days' notice to the Council to amend his statement of claim 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 after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council 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.

Compensation in case of recently altered buildings.

12. In settling any question of disputed purchase money or compensation under this Act the Court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of June one thousand eight hundred and ninety-seven if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Parts only of certain properties may be taken.

13. Notwithstanding anything contained in section 92 of the Lands Clauses Consolidation Act 1845 the Council may take the part of the several houses buildings or manufactories shown on the deposited plans and described in the deposited book of reference under the numbers stated in the First Schedule to this Act which is within the limits of deviation shown on the deposited plans without being required or compellable to purchase the whole or any greater part of any such house building or manufactory :

Provided that nothing in this section or the said First Schedule shall apply to the leasehold interest of Henry Collier Alfred Thomas Collier and Frederick George Collier (trading as Colliers Brothers)

or their successors in title in the beerhouse and premises known as the Stag's Head York Road Battersea parts of which are numbered 53 and 54 on the deposited plan for the parish of Saint Mary Battersea.

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14. Whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of houses buildings or manufactories shown on the deposited plans may be sufficient for the purposes of this Act and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding anything contained in section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties numbered on the deposited plans as specified in the Second Schedule to this Act may (if such portions respectively can in the judgment of the arbitrator arbitrators umpire or jury 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 Council the portions only of the premises so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council 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 :

As to taking
of parts of
certain other
properties.

If for twenty-one days after the service of notice to sell and convey any portions of the said properties any owner or other person shall fail to notify to the Council his contention that such portions cannot be severed from the remainder of the property without causing material detriment thereto then the Council may proceed to take such portions only :

But if within such twenty-one days he shall by notice to the Council allege that such portions cannot be severed from the remainder without causing such material detriment as aforesaid then the arbitrator arbitrators umpire or jury shall determine the matter of the said allegation in addition to the other questions required to be determined by them :

Provided that if in the opinion of the arbitrator arbitrators umpire or jury any such portion cannot be severed from the remainder of such property without material detriment thereto the Council may withdraw their notice to treat for the portion 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

A.D. 1898. reasonably and properly incurred by them in consequence of such notice and may if they think fit proceed de novo to take the whole or any other portion of the property :

Provided also that if in the opinion of the arbitrator arbitrators umpire or jury any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then they may in their absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person :

The provisions of this section shall be stated in every notice given thereunder by the Council to sell and convey any premises :

In dealing with the leasehold interest in the premises numbered on the deposited plans 53 and 54 in the parish of Saint Mary Battersea and in deciding whether the portion of the said premises required for the purposes of this Act can be severed from the remainder of the premises without material detriment thereto the arbitrator arbitrators umpire or jury shall take into consideration and have regard to the effect which the construction of the works by this Act authorised as then proposed will have on the said premises and the use thereof for the purposes of the business there carried on.

Power to
stop up ways
temporarily.

15. The Council for the purposes of and during the construction of any works under the powers of this Act 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 any carriageway or footway which it may be found necessary to stop up and they may put or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such carriageway and footway open for traffic and may make such orders for regulating the traffic as to them shall seem proper.

Alteration or
stopping up
of streets &c.

16. Subject to the provisions of this Act the Council may for the purposes of and in connexion with the improvements alter the line or level of any of the streets and places described on the deposited plans or sections as intended to be diverted raised or lowered in the manner shown on such plans or sections and they may stop up and appropriate the site and soil of any streets courts alleys and thoroughfares shown on the deposited plans as intended to be stopped up.

Deviation
from line and
levels.

17. In making any of the works for or connected with the improvements the Council may subject to the provisions of this

Act deviate to any extent from the line thereof within the limits of deviation defined on the deposited plans and subject to the provisions of this Act they may deviate to any extent not exceeding three feet from the levels thereof as defined on the deposited sections. A.D. 1898.

18. Subject to the provisions of this Act and within the limits of deviation and of land to be taken as defined on the deposited plans the Council in connexion with and for the purposes of the improvements and as part of the works to be executed under the powers of this Act may execute or do any of the following works or things viz. :—

Power to
make subsi-
diary works.

They may—

- (a) Make junctions and communications with any streets interfered with by or contiguous to the works and may divert widen or alter the line or level of any street for the purpose of connecting the same with the said improvements and works ;
- (b) Relay and alter the line or level of any tramways in or along any street to be widened raised or lowered under the powers of this Act and provide during such relaying and alteration any temporary line or lines of tramway which may be necessary for continuing the traffic on any tramway to be so relaid or altered ;
- (c) Execute any works for the protection of any adjoining land or buildings ;
- (d) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings ; and
- (e) Alter and interfere with any drain or sewer on providing a proper substitute before interrupting the flow of sewage in any such drain or sewer :

Any lamp-posts paving metalling or materials in on or under any street so altered or diverted and any materials of any drain or sewer so altered shall vest in the Council 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.

19. The Council may for any purpose in connexion with the improvements 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 watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main or other

Alteration of
position of
water gas
and other
pipes.

A.D. 1898. — pipe laid down or used by any company or person for carrying a supply of water or water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any pipe tube wire or apparatus laid down or placed 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 Council alter the position of any main or other pipe or apparatus 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 at the expense of the Council under the superintendence 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 Council shall execute such work to the reasonable satisfaction of the engineer of such company or person. Provided also that the Council shall not cause 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 Council 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 Council in such case provide special means of access to the same to the satisfaction of the engineer of such company or person :

If any difference arise between the Council 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 Council 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 Council 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 Council 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 Council or of any such company or person be named by the president of the Institution of Civil Engineers :

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Provided also that the Council 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 :

Provided always that nothing in this section shall extend to prejudice or affect any of the provisions for the protection of any undertakers authorised to supply electric energy contained in any special Act or any provisional order confirmed by Act of Parliament.

20. If within seven days after a notice under the preceding section of this Act shall have been given either to the Gas Light and Coke Company or to the South Metropolitan Gas Company the company in receipt of such notice shall so elect then that company shall themselves execute all such alterations to their mains and pipes as may from time to time be necessary Provided always that any such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the chief engineer of the Council and the reasonable costs of executing such works shall be repaid by the Council to that company.

For protection of Gas Light and Coke Company and South Metropolitan Gas Company.

21. Subject to the provisions of this Act the Council may cause such parts of the improvements to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans 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 and in laying out or forming such carriageway and footway and works the Council may in addition to any other powers by this Act conferred exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only in respect thereof as are imposed upon any vestry or district board of works in the county of London when they stop up temporarily any thoroughfare or any part thereof in the repairing or repaving of any street.

Council empowered to lay out carriageways.

22. The Council shall for the purposes of and in connexion with the improvements in a substantial and workmanlike manner fill or cause to be filled in all and every the vaults cellars and open places

Directing how the pavement shall be laid and made.

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over which it may be necessary to new pave (except such as are capable of being 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 make any underground arches which they may think necessary and also relay and repair the streets which they may disturb or alter in carrying out the improvements Provided always that nothing herein contained shall extend or be construed to extend to charge the Council with the liability or expense of repairing or making good in future any street roadway footway pavement or arches so paved relaid or made but when the same shall have been in the first instance so paved relaid or made the same shall for ever thereafter be kept in repair by the authority in whom the management and repair of the street is vested or by the parties or persons liable to repair the same.

Alterations
of sewers
and drains.

23. The Council may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets to be interfered with for the purposes of the improvements as shall appear necessary for executing the purposes of this Act so as that no sewer or drain (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 removing or filling up any sewer or drain or part thereof as aforesaid the Council shall where necessary cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains.

Power to
alter steps
areas pipes
&c.

24. The Council within the limits of deviation and of the lands to be acquired as defined on the deposited plans may for the purposes of and in connexion with the execution of the improvements raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar-flaps gratings fencings windows and watercourses pipes or spouts belonging to any house or building and 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 Council shall make reasonable compensation to any company society or person who suffers damage by any such alteration.

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25. The powers of the Council for the compulsory purchase or taking of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Limitation of
time for
purchase of
lands.

26. If the improvements be not completed within five years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the execution of the improvements shall cease (except so far as the same shall have been then completed).

Period for
completion of
improve-
ments.

27. When each of the improvements is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which it relates as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly. The land acquired by the Council for and thrown into the improvements shall be and remain vested in the Council and the maintenance repair paving cleansing and lighting thereof shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

Completion
of improve-
ments.

28. The Council may sell or dispose of all building and other materials acquired by them under the powers of this Act and all lamp-posts paving metalling and materials in under or upon any road street or other place altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer which may become vested in the Council under the powers of this Act.

Power to sell
materials.

29. The Council may when and as they shall think fit so to do demise and lease any lands acquired by them under this Act and not required for the purposes of this Act or such parts thereof as the Council 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 Council shall think proper for such term or number of years as they may think fit 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 Council shall seem reasonable and so that in every such demise

Power to
lease surplus
lands.

A.D. 1898. — 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 Council shall reasonably be advised or require and also a clause in the nature of a condition of re-entry on nonpayment 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 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 Council shall order and direct and the Council 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 Council 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 Council 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 Council shall think fit.

As to sale
of ground
rents.

30. Subject to the provisions of this Act the Council 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 Council 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 Council 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 Council by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Council shall think fit. A.D. 1898.

31. Subject to the provisions of this Act the Council may if they think it expedient so to do sell and dispose of in the manner hereinbefore directed all or any lands acquired under the powers of this Act and not required for the purposes of this Act without having previously granted or agreed to grant any lease thereof for such price or prices or sum or sums of money as the Council 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 Council shall think fit. Council may sell land in the first instance without having previously granted a lease thereof.

32. The Council may 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 or in connexion with any of the purposes of this Act and not required for such purposes and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition. Council may let or exchange lands.

33. Subject to the provisions of this Act the Council shall on or before the first day of September in the year one thousand nine hundred and fifty-eight which period shall be the prescribed period for the purposes of section 127 of the Lands Clauses Consolidation Act 1845 sell and dispose of all lands acquired by them under the powers of this Act for the purposes of this Act and which shall not be required for any of the purposes thereof. Council to dispose of lands not wanted.

34. The receipt of the Council or of any person duly authorised by the Council for any purchase money rent or money payable to the Council 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 receipt 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 Council to be effectual discharges.

35. The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on Power to Council to make agreements with

A.D. 1898.
—
owners of
property &c.

any portion of the works authorised by this Act or lands purchased and taken under the powers of this Act with respect to the sale by the Council to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the Council under the powers of this Act and not required for the purposes of this Act) for such consideration as may be agreed upon between the Council and such person and the Council 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 Council for the purposes of this Act.

Restrictions
on displacing
persons of
labouring
class.

36.—(1) The Council shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire twenty or more houses in any parish which on the fifteenth day of December next before the passing of this Act or of the respective former Acts by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or have been or shall be subsequently so occupied unless and until they shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case.

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

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

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

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary of State may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with any such requirement as aforesaid shall be enforceable by a writ of Mandamus to be obtained by the Secretary of State out of the High Court.

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

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

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

(7) The Council may on any lands belonging to them or purchased or acquired under this section provide such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and such dwellings may be in buildings exclusively devoted to dwellings or in buildings partly designed for use for shops warehouses offices or other purposes and the Council may sell demise or let or otherwise dispose of such buildings and any lands purchased or acquired as aforesaid :

Provided that any buildings erected or provided by the Council in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated either wholly or partly (as the case may be) in accordance with the scheme for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

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

(8) All buildings erected or provided for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 and any Act or Acts relating to buildings in the county of London.

A.D. 1898.

(9) The Secretary of State may direct any inquiries to be held by any persons appointed by him as inspectors which he may deem necessary in relation to any scheme under this section and every such inspector shall for the purposes of any such inquiry have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

(11) Any houses on any of the lands shown on the plans deposited with reference to this Act or to any former Act the powers of which are extended by this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Council and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State under the powers of any previous Act relating to the Council shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary of State is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary of State they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "labouring class" means 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.

Saving
rights of the
Crown.

37. Nothing contained in this Act shall authorise the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her

Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

A.D. 1898.

38. Nothing contained in this Act shall extend to authorise the Council to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said Duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Saving
rights of the
Duchy of
Cornwall.

PART III.—CONTRIBUTIONS BY LOCAL AUTHORITIES.

39. The district board of works for the district and the vestries of the parishes herein-after mentioned respectively shall and they are hereby required from time to time to contribute towards the costs and expenses of the Council in relation to the improvements and purchases of land herein-after respectively stated such sums on account of such costs and expenses as the Council may from time to time require to the extent of but not exceeding in each case the fixed sum or the proportion of such costs and expenses herein-after stated with reference thereto and the said board and vestries respectively may for the purpose of paying any such contribution or any part thereof borrow the requisite moneys and for the purpose of securing the repayment with interest of any moneys to be borrowed as aforesaid the district board or vestry may mortgage and assign all the moneys or rates authorised to be raised by the district board or vestry under the Metropolis Management Act 1855 and all the provisions of sections 183 to 191 of the last-mentioned Act as amended by any subsequent Act shall apply to any borrowing by

Contribu-
tions by
local
authorities.

A.D. 1898. — such district board or vestry under this section of this Act The contributions required by this section are—

(1) Towards the cost of the new street (continuation of Roehampton Street Westminster)—

By the united vestry of the parishes of Saint Margaret and Saint John the Evangelist Westminster one fourth of the cost and expenses thereof :

(2) Towards the cost of the widening of York Road (Battersea and Wandsworth)—

By the vestry of the parish of Saint Mary Battersea one fourth of the cost and expenses of the widenings between Falcon Road and John Street ;

By the board of works for the Wandsworth district one fourth of the cost and expenses of the widenings between John Street and Wandsworth Railway Station :

Provided that any sums of money which the board of works for the Wandsworth district may from time to time require to raise for the purpose of their contribution under this Act towards the cost of the widening of York Road and any moneys which they may from time to time require to raise in order to repay moneys borrowed for the purpose of such contribution and the interest thereon may be ordered to be levied and shall be levied from the parish of Wandsworth and all the provisions of the Metropolis Management Acts 1855 to 1893 with regard to the collection and levying by any district board of moneys for defraying expenses which have not been incurred for the equal benefit of the whole of their district shall apply to the collection and levying of any moneys charged under the provisions of this sub-section upon the said parish of Wandsworth :

(3) Towards the cost of the removal and reconstruction of the Rosemary Branch Bridge (Regent's Canal)—

By the vestry of the parish of Saint Leonard Shoreditch one fourth of the cost and expenses thereof ;

By the vestry of the parish of Hackney one thousand pounds :

(4) Towards the purchase of lands adjoining Ravenscourt Park Hammersmith for addition to that park—

By the vestry of Hammersmith one half of the purchase money and one half of the costs and expenses connected with the acquisition of the said lands :

(5) Towards the cost of the purchase of lands lying between Putney Bridge Road and the River Thames for the purpose of

an open space or recreation grounds and all other expenditure connected therewith—

A.D. 1898.

By the board of works for the Wandsworth district the whole of such cost and expenditure after deducting the amount to be contributed by the Council (fifteen thousand five hundred pounds) and the amount received by public subscriptions (five thousand eight hundred and twenty-eight pounds fifteen shillings):

Provided that with respect to the sum of ten thousand pounds (part of their contribution under this sub-section) any sums of money which the said district board may from time to time require to raise for the purpose of such contribution and any moneys which they may from time to time require to raise in order to repay moneys borrowed for the purpose of the said part of such contribution and the interest thereon may be ordered to be levied and shall be levied from the respective parishes in their district in the following proportions namely:—

Clapham one thousand one hundred and seventy pounds;

Putney (including Roehampton) two thousand and fifty pounds;

Streatham one thousand six hundred and fifty pounds;

Tooting Graveney one hundred and thirty pounds;

Wandsworth five thousand pounds:

Provided also that any further sum of money to be paid by the said board under the provisions of this section over and above the said part of such contribution shall be levied from the said parish of Wandsworth and all the provisions of the Metropolitan Management Acts 1855 to 1893 with regard to the collection and levying by any district board of moneys for defraying expenses which have not been incurred for the equal benefit of the whole of their district shall apply to the collection and levying by the said board of any moneys charged under the provisions of this sub-section upon the aforesaid parishes respectively.

40. Separate accounts shall be kept in relation to the costs and expenses of each of the several improvements referred to in the preceding section of this Act and for the purpose of ascertaining the sums to be paid to the Council under the provisions of the said preceding section by the vestries and district board therein mentioned the Council shall notwithstanding the provisions of the Metropolitan Board of Works (Loans) Act 1869 or any other Act carry to the said accounts respectively all sums of money (if any) which may from time to time be paid to the Council under the provisions of this Act on account of the said improvements respectively whether such sums arise from the sale of materials or the sale or letting of lands or any

Accounts
of receipts
and pay-
ments.

A.D. 1898. — other sums which recoup the Council part of the expenses incurred by them in carrying this Act into execution with respect to the said several improvements and shall furnish to the said vestries and district board copies of the accounts relative to the improvement to which they are respectively required under the provisions of the said section to contribute.

Agreements
for closing
accounts in
case of joint
works.

41. Where under the powers of this Act an improvement has been or is to be carried out at the joint cost of the Council and of any vestry or district board it shall be lawful for the Council and such vestry or district board to enter into and carry into effect any agreement for determining the amount of the respective contributions of the Council vestry or district board and for settling and closing the account between them in relation to the improvement although the improvement may not be at the time completed and although the total cost of the improvement may not have been at the time ascertained and either party may accept from the other of them and the other of them may make a conveyance or assignment of any estate or interest in any surplus lands in connexion with such settlement in such manner as may be agreed between them.

PART IV.—REMOVAL OF OBSTRUCTIONS IN STREETS.

Definition of
owner.

42. In this part of this Act the expression "the owner" used with reference to a gate bar rail post or other obstruction means the person or persons for the time being entitled to maintain such gate bar rail post or other obstruction.

Agreements
for removal
of certain
gates bars
and obstruc-
tions in
streets.

43. At any time after the passing of this Act it shall be lawful for the Council on the one hand and the owner of each of the gates bars rails posts or other obstructions mentioned in the Third Schedule to this Act on the other hand to enter into and carry into effect any agreement or agreements as to the removal of such gate bar rail post or other obstruction and for opening the street in which the same is situate to the free and unrestricted use either of traffic of all descriptions at all times or of such classes of traffic and at such times as may be defined in such agreement.

Procedure in
default of
agreement.

44. If the Council and the owner of any such gate bar rail post or other obstruction fail to make such agreement then it shall be lawful for the Council at any time to serve notice in writing upon the owner of the gate bar rail post or obstruction with respect to which he shall have failed to agree with the Council requiring him within a time therein stated (not to be less than three months after the date of the notice) to take down and remove the gate bar rail

post and other obstruction to which the notice relates and to restore and make good the site thereof so that the same shall form part of the footway or roadway of the street :

A.D. 1898.

If on the expiration of the time stated in the notice the owner shall have failed to comply therewith it shall be lawful for the Council by their officers and servants to take down and remove every gate bar rail post and other obstruction to which any such notice relates and to restore and make good the site thereof :

From and after the date of such notice it shall not be lawful for the owner (except with the consent in writing of the Council) to erect any other gate bar rail post or other obstruction for limiting or restricting traffic in the street or any other street in the vicinity or in any way to limit or restrict the use of any such street for traffic of all descriptions When and as soon as any of the said gates bars rails posts and other obstructions shall have been removed under the powers of this part of this Act the site of such gate bar rail post or obstruction shall for all intents and purposes form part of the street in which it was situate and may and shall thenceforth be used repaired maintained lighted cleansed and sewered in the same manner as the rest of the street and other public streets in the district :

Provided that if any lands shall be taken or injuriously affected by anything to be done under or by virtue of this part of this Act without the consent of the owner thereof compensation shall be made for the same by the Council in the manner provided by the Lands Clauses Consolidation Acts the provisions of which Acts so far as relates to lands taken otherwise than by agreement and to compensation for lands injuriously affected shall be deemed for that purpose to be incorporated with this part of this Act The words "injuriously affected" shall have the same meaning as in the said Acts Provided also that no claim for compensation under this part of this Act shall be made after the expiration of six months from the date of the notice served upon such owner under the provisions of this section and duly published.

45. If the Council are unable to find the owner of any such gate bar rail post or other obstruction it shall be sufficient for the purpose of this part of this Act for the Council to affix the notice in a conspicuous position on such gate bar rail post or other obstruction or near thereto and at any time not less than three months after such notice shall have been so affixed it shall be lawful for the Council to proceed to take down and remove the gate bar rail post or other obstruction in accordance with the provisions of this part of this Act.

Notice where
owner cannot
be found.

A.D. 1898.

PART V.

AS TO EXCHANGE OF LANDS AT HACKNEY COMMON.

Definitions
in this part
of Act.

46. In this part of this Act—

The expression “the owners” shall mean and include the persons following or such one or more of them as in each case shall be the proper party or parties under the agreements herein-before mentioned—

James David Powell Thomas Baden Powell and William George Powell all of Newick in the county of Sussex Edward Cotton Powell of Star Yard Carey Street in the county of London Arthur Crofts Powell of Dorking in the county of Surrey and Owen Markham Powell of 7 Lincoln's Inn Fields in the county of London being the owners or reputed owners of the lands and hereditaments to be transferred to the Council in pursuance of the provisions of the said recited agreements;

“The Hackney Vestry” or “the vestry” means the vestry of the parish of Hackney in the county of London;

“The signed plan” means the plan signed by the Right Honourable James William Lowther the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred.

Lands to be
exchanged.

47. When and so soon as there shall have been conveyed to the Council—

(a) The site of Clapton Pond and its banks and the land enclosed around it situate in Lower Clapton Road;

(b) So much of the cricket ground shown on the signed plan near the corner of Chatsworth Road as is required for the new road hereafter mentioned;

(c) All the estate and interest of the said James David Powell in or over the triangular plot of land in the middle of the roadway south of Clapton Pond;

(d) The plots of land consisting of two paddocks in Lower Clapton Road lying near to Clapton Pond on the north side thereof; and

(e) The field near to the Hackney Cut now known as Paradise Field (subject to the sewer existing thereunder);

all which pieces of land are cross-barred with green on the signed plan; and

(f) The land lying to the west of Chatsworth Road coloured in part pink and cross-barred with green and in part brown and cross-barred with green on the signed plan;

the Council may and shall convey to the owners in manner provided for by the agreements herein-before mentioned the land shown upon the signed plan and thereon coloured green and cross-barred with red (being heretofore parts of South Mill Field and of that portion of North Mill Field which lies south of Lea Bridge Road) freed from any public rights of way and all other public rights thereover which are hereby extinguished as from the date of such conveyance.

A.D. 1898.

48. Immediately after the conveyance to the Council of the lands to be conveyed as aforesaid the small triangular plot south of Clapton Pond shall be thrown into the roadway and be for ever thereafter maintained by the Hackney Vestry as part of the highway and the site of Clapton Pond and the said two paddocks near it shall forthwith be laid out by the Hackney Vestry as lawns or gardens and either with or without ornamental water as the Hackney Vestry shall think fit but so that there shall be thrown into the roadway on the east side of the said pond and paddocks any little strip that may be required to make the western part of such roadway twenty feet in width measured from the centre of the existing road and it shall not be lawful for the Council or the Hackney Vestry or for any person to deposit rubbish on any part of the same parcels of land or to do anything thereon which may be a nuisance or an annoyance to the persons residing near to the same or to the public and nothing shall at any time be built thereon except open boundary fences not exceeding six feet in height and a band stand or a greenhouse or a weather shelter or two or all of such erections but none of such erections shall ever exceed twenty feet in height and the Hackney Vestry shall at all times keep the said lawns and gardens and ornamental water and the boundary fences thereof and such buildings as may be erected thereon as aforesaid in good repair and order and condition.

Lands to be
managed by
Hackney
Vestry.

49. Immediately upon the conveyance to the Council of the lands agreed to be conveyed to them by the agreements herein-before mentioned the said lands (other than and except those mentioned in the preceding section) shall be added to and become portions of Hackney Commons within the meaning of the Metropolitan Board of Works (Various Powers) Act 1884 subject nevertheless as to so much thereof as forms part of the site of the intended new road hereafter mentioned to the provisions relating thereto herein-after contained.

Lands added
to Hackney
Common.

50.—(1) After the conveyance of the said lands to the Council the Council shall permit the owners and the vestry to make a

As to new
road and
street.

A.D. 1898. — new road forty feet wide between Chatsworth Road and Lea Bridge Road in the position shown upon the signed plan and thereon marked "Intended new road" and the owners and the vestry shall make such new road (herein-after referred to as "the new road") in accordance with the provisions herein-after contained and the Council shall without any consideration therefor give up for that purpose so much of the site of the new road as may be vested in them and the owners shall make a new street forty feet wide (herein-after called "the new street") between the south-west angle of the new road and Chailey Street in the position shown upon the signed plan and marked thereon "Intended new street."

(2) The new road shall be laid out and constructed with a footpath of not less than eight feet wide on the south and west side thereof and a carriageway of not less than twenty-four feet in width and a footpath of not less than eight feet wide on the north and east side thereof. The footpath on the south and west side thereof and the carriageway shall be laid out formed made and paid for by the owners but at such time as to allow time for the making of the sewer herein-after mentioned. The vestry shall at its own cost and as soon as the carriageway is laid out and formed lay out and form the footpath on the north and east side of the new road and make up and kerb the same.

(3) The new road shall be a public highway and shall be made as a new road in the parish of Hackney with liberty for the vestry when the frontage upon the south and west side of the same shall have been built upon to make the usual rate in respect of the final making up of the roadway of the same and the paving of the footpath on the south and west side thereof but so that no such rate be made in respect of the said footpath on the north and east side thereof and the kerb of the said footpath or the paving of the same (if it shall be paved) the full costs of which works are to be paid by the vestry.

As to main-
tenance of
Chatsworth
Road.

51. The vestry shall have the same rights as to the paving of the footpath on the west side of Chatsworth Road (between the new road and Mill Fields Road) as they would have if that road became a new street when buildings were erected facing it on the west side thereof but in other respects Chatsworth Road shall be considered as having been already taken over and become repairable by the inhabitants at large without further claim upon the owners or any of them.

New sewer
under Lea
Bridge Road.

52. The owners shall within eighteen months after the passing of this Act make a sewer under the most convenient part of Lea

Bridge Road from the northern extremity of the existing sewer under Thistlewaite Road to the junction of Lea Bridge Road with the new road and thence under the most convenient part of the new road into Chatsworth Road and thence under the most convenient part of Chatsworth Road to and into the sewer in Mill Fields Road and such sewer when made shall become the property of and be thereafter repairable by the vestry but the owners and all persons claiming under them shall at all times have the right of making communications with the said sewer for the purpose of draining their land lying to the west of Chatsworth Road and any buildings erected or to be erected thereon and the new road and of draining the same accordingly subject nevertheless to the byelaws and regulations of the vestry in relation to the mode of construction of new drains and upon the completion of the said sewer the owners shall be at liberty to take away and abolish the existing sewer along the southern side of the lands situate to the southward of the Lea Bridge Road and to be conveyed to them by the Council as herein-before provided.

A.D. 1898.

53. The vestry shall forthwith remove the urinal which now stands upon the land to be conveyed as herein-before provided by the Council to the owners and the Council shall not thereafter erect any urinal upon any portion of the land vested in them lying between Lea Bridge Road and Mill Fields Road or in North Mill Field within one hundred yards of any land which after the completion of the agreed exchange will belong to the owners or any of them except at the extreme south-western corner of North Mill Field and if any urinal shall be erected at that spot it shall be screened from view as much as reasonably practicable by the planting and maintenance of bushes shrubs and trees.

Removal and
reconstruction of
con-
veniences.

54. So soon as the Council shall have conveyed the lands fronting on Lea Bridge Road to the owners or such of them as shall be grantees thereof the owners or grantees shall dedicate to the public the strip of land along the south side of Lea Bridge Road delineated with the measurements thereof on the enlargement attached to the signed plan and thereon coloured blue and such strip shall thereupon become part of the public highway :

Provisions
for widening
Lea Bridge
Road.

And the vestry shall at their own expense (so soon as the owners or some of them shall have erected a temporary or permanent fence or wall along the northern boundary of the land coloured pink on the said enlargement) widen that road accordingly and as soon as buildings are erected on the said land coloured pink fronting Lea

A.D. 1898. Bridge Road finally make up and pave the footpath in front of such buildings :

And no paving rate shall be made on the owners or any of them or on their or any of their assigns in respect of the making up of the roadway or in respect of the paving or flagging of the footpath or of anything connected with the said roadway or footpath :

It shall be lawful for the owners and all parties claiming under them or any of them at any time or times to erect buildings upon the land fronting on Lea Bridge Road up to the margin of the said land coloured pink on the said enlargement.

Council not to build on certain parts of lands conveyed.

55. The Council shall not at any time part with possession of any of the land now or which by virtue of the said agreement or this Act shall become vested in the Council between Mill Fields Road and Lea Bridge Road or adjoining Lea Bridge Road on the north side thereof within three hundred feet from any part of the land which after the completion of the said exchange will belong to the owners or any of them nor shall they so use or deal with any part of the same land as to deprive the owners and the parties claiming under them or any of such parties of the benefit of a view over the same as open ground from the frontages upon Lea Bridge Road Chatsworth Road and the new road to which after the completion of the said exchange the owners or any of them will be entitled and nothing shall at any time be done upon the said land which may impair or disfigure the said view but nothing in this section contained shall be deemed to preclude the Council from planting trees and shrubs within the distance aforesaid in the ordinary course of management of the land aforesaid as an open space.

Repayment of certain paving rates.

56. The vestry shall pay or make good or release to the owners certain paving rates of seventy pounds ten shillings and seventy-eight pounds six shillings and eight pence which were made on the twenty-fifth day of September one thousand eight hundred and ninety-five upon the owners in respect of the paving of the portion of Newick Road lying between the two paddocks in the Lower Clapton Road so to be conveyed to the Council as aforesaid and all liability of the owners and their predecessors and of any parties claiming under them in respect of the making and paving of such portion of Newick Road and the footpaths along such portion shall be deemed to be satisfied and such portion of Newick Road shall be deemed to be repairable by the inhabitants at large and if any payment shall have been made by any person in respect of the same rates or either of them the vestry shall repay all sums so paid for such portion and the vestry shall do the paving and other work in

respect of which the said rates were made without making any charge for the same upon any of the owners. A.D. 1893.

PART VI.—MISCELLANEOUS.

57. The powers conferred on the Council by the London County Council (Vauxhall Bridge) Act 1895 for the compulsory purchase of lands for the reconstruction of Vauxhall Bridge in the parishes of Lambeth and Saint John the Evangelist Westminster and the powers conferred on the Council for the compulsory purchase of lands for purposes of the London County Council (Tower Bridge Southern Approach) Act 1895 are hereby respectively extended to the sixth day of July one thousand nine hundred and one. Extending period for compulsory purchase of lands.

58. Part II. of the Railways Clauses Act 1863 relating to extension of time shall be deemed to be incorporated with this Act and for the purposes of this Act the expressions "railway" and "railway and works" shall mean the works mentioned in the last preceding section of this Act and the expression "the Company" shall mean the Council. Applying provisions of Railways Clauses Act 1863 as to extension of time.

59. The Council shall within three months after the passing of this Act pay to the Board of Works for the Strand District the sum of one thousand pounds and in consideration thereof the said district board shall thereafter maintain cleanse light water repair pave sewer and drain and keep as a street or streets under the management care and control of the district board the roads and thoroughfares now known as Savoy Place and Savoy Hill in or near the precinct of the Savoy in the county of London and shall for ever thereafter relieve the Council from all liability in respect thereto. As to maintenance of Savoy Place and Savoy Hill.

60. It shall be lawful for the Council if they think fit to purchase by agreement buildings and places of historical or architectural interest or works of art or to undertake or contribute towards the cost of preserving maintaining and managing any such buildings and places and to erect and maintain or contribute towards the provision erection and maintenance of works of art in London. Purchase or contribution towards purchase of buildings &c.

61. Whereas by the London Council (General Powers) Act 1890 section 14 the Council have powers to make byelaws in relation to parks gardens and open spaces vested in or under their control and it is provided that the said powers shall be deemed to extend to and include various matters set out in Schedule B to that Act: Further provision as to collecting &c. in parks.

A.D. 1898.

And whereas among the subjects of general byelaws for parks gardens and open spaces set out in Schedule B is comprised the following—

“ 27. Soliciting or gathering money or other thing except within the limits of the site or sites upon which public meetings are allowed to be held : ”

And whereas having regard to the said provisions the Council are unable to limit or regulate the solicitation or collection of money on such sites whether in aid of the objects of such meetings or otherwise and it is expedient that the said provisions should be altered Be it therefore enacted that notwithstanding anything in Article 27 of Schedule B to the London Council (General Powers) Act 1890 the Council may subject to the provisions of that Act make and enforce byelaws prohibiting the solicitation or collection of money on any such site otherwise than under the circumstances and conditions prescribed in the byelaws.

Applying provisions of London County Council (Subways) Act 1893 in certain cases.

62. The provisions of the London County Council (Subways) Act 1893 shall apply to any subway to be constructed under the powers of this Act and also to any subway constructed in connexion with the works herein-after mentioned as if such subway or part thereof had been included in the expression “subway” in the said Act of 1893 and the provisions of section 3 of the said Act shall apply during the actual construction of any such subway :

The works herein-before referred to are as follows :—

- (a) The Sandy's Row improvement described in and authorised by the London County Council (General Powers) Act 1892:
- (b) The works authorised by the London County Council (Tower Bridge Southern Approach) Act 1895 :
- (c) The new street (Tower Bridge Northern Approach) described in and authorised by the London County Council (Improvements) Act 1897.

Enlarging powers of capital expenditure for Greenwich tunnel or subway.

63. Section 34 of the Thames Tunnel (Greenwich to Millwall) Act 1897 shall be read and have effect as if the amount which the Council are authorised to expend on capital account as therein specified were one hundred and fifty-five thousand five hundred pounds instead of seventy thousand five hundred pounds.

Extending certain provisions of the Thames Tunnel (Greenwich to Millwall) Act 1897.

64. The provisions of section 32 of the Thames Tunnel (Greenwich to Millwall) Act 1897 as to the licensed ferrymen therein defined shall be deemed to extend and apply to licensed watermen working as ferrymen in accordance with the conditions of the said section between Millwall on the north and Greenwich and Deptford below Upper Water Gate on the south side of the river.

65. It shall be lawful for the Council to enter into and carry into effect any agreement with his Grace the Duke of Bedford with reference to the construction of a subway with side passages under the new street about to be formed between Catherine Street and Drury Lane and for the repayment to his Grace the Duke of Bedford of the actual cost of the construction of the said subway as ascertained by the comptroller of the London County Council. Provided that the amount to be paid by the Council for and in connexion with the said subway shall not exceed the sum of two thousand pounds. And the provisions of the London County Council (Subways) Act 1893 shall extend and apply to the said subway and works connected therewith.

A.D. 1898.

—
Agreement
as to subway
in Catherine
Street and
Drury Lane.

PART VII.—FINANCIAL.

66.—(1) The Council may expend on capital account for the purposes of this Act including the purchases of land by this Act authorised such money as they may from time to time think fit not exceeding two hundred and twenty-four thousand nine hundred and fifty pounds and in order to raise or provide the money required for those purposes the Council may from time to time create and issue consolidated stock or resort to the consolidated loans fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time in force regulating the raising of money for capital purposes by the Council:

Money to be
raised on
capital
account.

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand eight hundred and ninety-nine.

(2) The Council in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account shall make provision for the redemption of stock or the repayment of money borrowed or expended on capital account for the purposes of this Act within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine.

67. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and 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 Council in like manner.

As to
payments
under this
Act.

A.D. 1898

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED
TO BE TAKEN BY THE COUNCIL.

Name of Improvement.	Parish.	No. on Plan and in Book of Reference.	Description in Book of Reference.	Describing Part to be taken.	
Widening of York Road.	Wandsworth	1	Forecourt and roadway.	So much as is within the line marked on the deposited plans as "Extent of widening" or "Limit of deviation."	
		2, 3, 4, 5, 6, 7, 8, 9	Forecourts -		
		12	Forecourt and garden.		
		13, 14, 15, 16, 17, 18, 19	Forecourts -		
		20	Roadway -		
		21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47	Forecourts -		
		Saint Mary Battersea.	1, 3, 4, 5, 6, 7, 8, 9, 10		Forecourts -
			12		Forecourt cattle-trough and post.
			14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34		Forecourts -
			35		Forecourt and roadway.
	37, 38, 40, 41, 42, 43		Forecourts -		
	44		Forecourt and roadway.		
			45, 46, 47, 49, 50		Forecourts -
			52		Forecourt and roadway.
			53		Forecourt and roadways.
			54		Forecourt and roadway.
		55, 56, 57, 58, 59	Forecourts -		

Name of Improvement.	Parish.	No. on Plan and in Book of Reference.	Description in Book of Reference.	Describing Part to be taken.
Widening of York Road.	Saint Mary Battersea.	62	Forecourt and signpost.	So much as is within the line marked on the deposited plans as "Extent of widening" or "Limit of deviation."
		63, 64, 65	Forecourts -	
		66	Private passage	
		67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87	Forecourts -	
		88	Forecourt and roadway.	
		132	Forecourt and fence.	
		133	Private passage	
		134	Forecourt -	
		135	Forecourt and fence.	
		136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 158, 160, 161, 162, 163, 164, 165, 167, 168, 169, 170, 171, 172	Forecourts -	
		173	Forecourt and post.	
		174, 175	Forecourts -	
		176	Forecourts -	
		177, 178	Forecourts -	
		181	Forecourt and steps.	
		185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200	Forecourts -	
		201	Forecourt and roadway.	
		202	Forecourt -	
		203	Forecourt and roadway.	
		204, 205, 208, 209, 210, 211, 212	Forecourts -	
		213	Forecourt and post.	
		214, 215, 216, 217, 218, 219, 220, 221, 222, 223.	Forecourts -	

A.D. 1898.

THE SECOND SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED TO BE TAKEN
BY THE COUNCIL.

Name of Improvement.	Parish.	No. on deposited Plan.
Widening of York Road	Saint Mary Battersea	11, 36, 51. 53 } Leasehold Interest 54 } only.

THE THIRD SCHEDULE.

DESCRIBING NATURE AND SITUATION OF OBSTRUCTION AND PARISH IN
WHICH IT IS SITUATE.

Gate and bar in the parish of Camberwell at the south end of Camberwell Glebe.

Gate posts and railing in the parish of Saint Mary Islington across Duncan Terrace near the junction of that street with Duncan Street.

Gates and railing in the parish of Christchurch (Southwark) situate in Nelson Square Charlotte Street Blackfriars Road.

A wall across Caesar Street in the parish of Saint Leonard Shoreditch near the northern end of that street.

Posts across the northern end of Long Street in the parish of Saint Leonard Shoreditch.

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