



CHAPTER cclix.

An Act to confer further powers upon the mayor aldermen and burgesses of the county borough of West Ham and to make further provision for the good government of that borough and for other purposes. [12th August 1898.] A.D. 1898.

WHEREAS the county borough of West Ham (herein-after referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (herein-after called "the Corporation") and the Corporation acting by the Council of the borough are the urban sanitary authority for the district of the borough :

And whereas by the North Metropolitan Tramways Act 1870 (herein-after called "the Act of 1870") and the North Metropolitan Tramways Act 1884 (herein-after called "the Act of 1884") the North Metropolitan Tramways Company were authorised to construct and have constructed certain tramways within the borough and in accordance with the provisions of the said Act of 1870 and the Tramways Act 1870 incorporated with the Act of 1884 the Corporation at the expiration of the periods thereby respectively prescribed may purchase such tramways :

And whereas the period at the expiration of which the Corporation may give notice to purchase the tramways within the borough authorised by the Act of 1870 expires on the tenth day of August one thousand eight hundred and ninety-eight and the Corporation have decided to exercise their option to purchase the said tramways and it is expedient that provision be made as herein-after contained with respect to the working of such tramways and otherwise relating thereto :

And whereas by the West Ham (Corporation) Electric Lighting Order 1892 the Corporation are empowered to supply electrical energy within the borough and it is expedient that powers be conferred upon them as herein-after provided with respect to the supply of fittings and electric light apparatus in houses :

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And whereas it is expedient that the Corporation be authorised to construct the street improvements and other works for the improvement of the borough by this Act authorised and for the purposes thereof and for the extension of the town hall and for recreation grounds to purchase further lands :

And whereas by the West Ham Corporation Improvements Act 1888 (herein-after called "the Act of 1888") the upper surface of the northern outfall sewer of the London County Council so far as situate within the parish of West Ham was declared subject to the provisions of that Act to be open to the public and is now used by the inhabitants of the borough as a promenade and such outfall sewer adjoins certain lands which the Corporation are by this Act authorised to acquire for the purpose of a recreation ground and it is expedient that provision be made for providing access from such recreation ground to the upper surface of the said sewer :

And whereas the Corporation have by agreement with the board of works for the Poplar District (herein-after called "the Poplar District Board") acquired the hospital at Plaistow formerly belonging to the Poplar District Board and have also acquired under the powers of the West Ham Order 1895 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1895 Session 2 further land in the vicinity of the said hospital and it is expedient with a view to the provision of efficient hospital accommodation for the reception of persons suffering from infectious disease other than small-pox that the Corporation be authorised to acquire for that purpose further property and lands and to exercise the powers herein-after contained :

And whereas the Corporation have erected a small-pox hospital in the parish of Dagenham in the county of Essex and it is expedient that the Corporation be authorised to construct an access thereto as by this Act provided :

And whereas an agreement dated the twenty-sixth day of May one thousand eight hundred and ninety-six was made between the district council for the urban district of Ilford (herein-after called "the Ilford Council") of the one part and the Corporation of the other part whereby that council for themselves and their successors agreed not to use or suffer to be used for small-pox cases a certain contemplated hospital at Chadwell and it is expedient that such arrangement be confirmed :

And whereas by the West Ham Corporation Act 1893 (herein-after called "the Act of 1893") the purchase by the Corporation of certain lands known as "The Green" was ratified and confirmed and provision was made with respect to the erection of a technical institute and public library thereon and the Corporation have

contracted for the erection of such technical institute and public library : A.D. 1898.

And whereas an offer has been made to the Corporation of a contribution to the cost of the erection on part of the land so purchased and on a site adjoining of certain buildings (herein-after called "the Museum Buildings") subject to a condition (amongst others) that the said buildings shall be used as a museum for the accommodation of the collections of the Essex Field Club (herein-after called "the club") and it is expedient that the Corporation be empowered to acquire compulsorily the said site for the purpose of such buildings and to erect and utilise such buildings accordingly :

And whereas it would be a great convenience to the public and to persons applying for licences and certificates and practising before the justices of the peace acting in and for the borough if the annual general licensing meeting of such justices were held in the month of March in each year in lieu of as at present and it is expedient that provision be made in that behalf :

And whereas by the Act of 1888 power was conferred upon the board of guardians of the poor of the West Ham Union (herein-after called "the guardians") to remove certain collectors of the poor rates within the parish of West Ham and such collectors have been removed with the exception of the collector for the Stratford Ward and it is expedient that the powers of the guardians with respect to the appointment of collectors in the said ward should cease :

And whereas it is expedient that the powers of the Corporation be in other respects amended and extended and that further and better provision be made for the good government of the borough :

And whereas the parish and county borough of West Ham are coterminous and comprise about three-fifths both in population and rateable value of the West Ham Union and the provision of proper accommodation for the poor of the said union and the due execution of the poor law therein is of essential importance to the ratepayers of the borough :

And whereas the guardians are possessed of a workhouse in the parish of Leytonstone and of an auxiliary workhouse in the parish of Leyton and further workhouse accommodation is urgently required and could conveniently be provided by additions to such workhouses but the guardians are unable to obtain the property required for that purpose and it is expedient that powers be conferred upon the guardians as herein-after contained :

And whereas the Corporation have under the provisions of the Municipal Corporations Act 1882 acquired a site at Chadwell Heath for a lunatic asylum :

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And whereas the erection of an extensive borough lunatic asylum at a cost of upwards of 250,000*l.* on the said site is contemplated but under the provisions of the Municipal Corporations Act 1882 any loan for that purpose would be repayable within a period of thirty years and the repayment within so short a period of so large a sum as it is proposed to expend for the purposes aforesaid would impose on the present ratepayers a burden wholly out of proportion to any advantage which would accrue to them from such expenditure and it is expedient that the Corporation be authorised to borrow money for the purpose of such lunatic asylum with the sanction of the Local Government Board as herein-after provided :

And whereas it is expedient that the further powers herein-after contained with respect to the borrowing of money be conferred upon the Corporation :

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

And whereas estimates have been prepared by the Corporation of the amount required for lands for and the cost of carrying into effect their powers in connexion with the following matters and such estimates are as follows :—

	£
For the town hall extension - - - -	42,500
For the hospital at Plaistow - - - -	106,000
For the new road to Dagenham Hospital - - -	2,000
For street improvements - - - -	18,000
For recreation grounds - - - -	27,000
For the technical institute and museum buildings &c. (including land) - - - -	35,000

And whereas the several works included in such estimates are respectively permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the Council at a meeting held on the eleventh day of January one thousand eight hundred and ninety-eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Stratford Express a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the Stratford Express a newspaper published and circulating in the borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the twenty-fifth day of January one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and plans showing the lands to be acquired under the powers of this Act and a book of reference to those plans respectively containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands acquired or which may be taken for the purposes of this Act and describing those lands have been deposited with the clerk of the peace for the county of Essex and are in this Act referred to respectively as the deposited plans sections and book of reference :

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 :—

PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as the *West Ham Corporation Act 1898.* Short title.

2. This Act is divided into parts as follows (that is to say) :—

Act divided
into parts.

- Part I.—Preliminary.
- Part II.—Tramways.
- Part III.—Works and lands.
- Part IV.—Streets and buildings.
- Part V.—Hospitals &c.
- Part VI.—Museum &c.
- Part VII.—Licensing.
- Part VIII.—Powers to guardians.
- Part IX.—Financial.
- Part X.—Miscellaneous.

3. The Lands Clauses Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act. Incorporation of Acts.

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Interpreta-
tion.

4. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say) :—

“The borough” means the county borough of West Ham ;

“Corporation” means the mayor aldermen and burgesses of the borough ;

“Council” means the town council of the borough ;

“Town clerk” “borough engineer” and “borough treasurer” mean respectively the town clerk borough engineer and borough treasurer of the borough ;

“Medical officer of health” means the medical officer of health for the borough and includes any person duly authorised to act temporarily as medical officer of health ;

“Borough fund” “borough rate” “district fund” and “general district rate” mean respectively the borough fund borough rate district fund and general district rate of the borough ;

“Guardians” means the board of guardians of the poor of the West Ham Union ;

“Mechanical power” means and includes electric power either carried in the carriages or generated and applied from stations steam power (locomotive or stationary) haulage by means of cables or wires or motors propelled by means of gas oil or compressed air ;

“Outfall sewer” means that portion of the northern outfall sewer of the London County Council which is situate in the parish of West Ham between the City Mill River and the Waterworks River and is shown on the deposited plans and within the limits of land marked thereon ;

“Daily penalty” means a penalty to accrue for each day on which the offence is continued after conviction thereof :

Terms to which meanings are assigned by the Acts incorporated with this Act or by the Public Health Acts have in this Act the same respective meanings unless varied by this section or unless there is something in the subject or context repugnant to such construction.

Act to be
executed by
Council.

5. Subject to the provisions of this Act and except where otherwise expressly provided this Act except Part VIII. thereof (“Powers to guardians”) shall be carried into effect by the Corporation acting by the Council.

PART II.--TRAMWAYS.

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Corporation
to work
tramways.

6. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of any of the tramways within the borough authorised by the North Metropolitan Tramways Act 1870 and the North Metropolitan Tramways Act 1884 which shall be purchased or acquired by them and in respect of the use of such carriages and generally may exercise the same powers of working such tramways as were possessed by the North Metropolitan Tramways Company prior to such purchase and may provide maintain and use such carriages and stables buildings trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may employ such persons as may be requisite or convenient for that purpose Provided that the Corporation shall not take or demand on Sunday or any public holiday any higher tolls or charges than those levied by them on ordinary week days.

7. For the protection of the urban district councils of Leyton and East Ham (in this section referred to as "the councils") the following provisions shall have effect :—

For pro-
tection of
Leyton and
East Ham
District
Councils.

(1) The Corporation and each of the councils shall respectively if so required permit all necessary and convenient junctions and communications to be made and maintained between the tramways of the Corporation and those of the councils and the Corporation if required by either of the councils and each of the councils if required by the Corporation shall grant to the body making such requisition and to their respective assignees lessees and licencees all such reasonable running powers and traffic facilities over and on their respective tramways upon such terms and conditions as to payment compensation or otherwise as may be agreed upon between them or in case of difference as shall be settled by an arbitrator to be appointed as occasion arises on the application of either party by the President for the time being of the Board of Trade whose decision shall be final :

(2) The Corporation and each of the councils as the case may be shall and will use their best endeavours to cause to be inserted in any Provisional Order or Act of Parliament which may be

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obtained by or for them authorising them to construct any tramways or tramway extensions or additions within or partly within their respective districts and in any Provisional Order or Act of Parliament which may be obtained by or for any company or person authorising the construction by such company or person of tramways or tramway extensions or additions within or partly within their respective districts provisions for giving effect to the provisions of subsection 1 of this section with regard to the tramways or tramway extensions or additions so to be authorised. Provided that in case of any such Provisional Order or Act of Parliament being made or confirmed and passed the provisions of subsection 1 of this section shall not apply to the tramways or tramway extensions or additions by such Provisional Order or Act of Parliament authorised except in the event of such provision being inserted therein.

Power to work tramways by mechanical power.

8. The carriages used on any of such tramways when so purchased or acquired by the Corporation may be moved by mechanical power subject to the following provisions (that is to say) :—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- (2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the said tramways and for regulating the use of electric power :
- (3) The Corporation or any company or person using any mechanical power on such tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- (4) The Board of Trade if they are of opinion—
 - (a) That the Corporation or any company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or
 - (b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Corporation or any company or person using mechanical power to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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9. The Corporation may subject to the provisions of this Act construct lay down place erect maintain renew and repair all such engines cables electric mains wires posts plates tubes grooves rails batteries dynamos accumulators apparatus machinery works and appliances as may be requisite or necessary for the purpose of the working by mechanical power of any tramways which in accordance with the provisions of this Act it may for the time being be lawful to work by mechanical power and may for that purpose subject to the restrictions and provisions contained in Part II. of the Tramways Act 1870 open and break up any street or road in which the tramways so to be worked by mechanical power or any of them may be situate and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

As to laying down and maintaining works necessary for using mechanical power.

10. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages:—

As to use of electric power.

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:
- (3) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade

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regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:
- (5) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:
- (6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:
- (7) The expression "the Corporation" in this section shall include their lessees licencees and any person owning working or running carriages over any tramway of the Corporation.

For protec-
tion of
Postmaster-
General.

11. In the event of any tramways of the Corporation being worked by electricity the following provisions shall unless such power is entirely contained in and carried along with the carriages have effect:—

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection

whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) (a) Before any electric line is laid down or any act or work for working the tramways of the Corporation by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work (b) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :
- (4) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they

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satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (11) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

Byelaws.

12. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any tramways upon which any

mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):— A.D. 1898.

For regulating the use of the bell whistle or other warning apparatus fixed to the engines or carriages ;

For regulating the emission of smoke or steam from engines used on the tramways ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

13. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on tramways shall not authorise the Corporation to make any byelaws sanctioning a higher rate of speed on any tramways for the time being worked by mechanical power under the powers of this Act than that authorised by this Act or by the Board of Trade regulations at which engines are to be driven or propelled on such tramways but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed. Amendment of Tramways Act 1870 as to byelaws by local authorities.

14. All Orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or assistant secretary of the Board. Orders and byelaws.

15. Any penalty under this part of this Act or under any byelaws or regulations made under this part of this Act may be recovered in manner provided by the Summary Jurisdiction Acts. As to recovery of penalties.

16. For the purpose of working any tramways acquired or purchased by them by means of mechanical power generating stations with all necessary engines batteries dynamos accumulators Power to construct generating stations.

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The lands in the parish and county borough of West Ham belonging or reputed to belong to and now in the occupation of the Corporation abutting on the Channelsea River and known as Abbey Wharf and the lands lying between that wharf and Canning Road.

As to
working
agreements.

17. If and when the Corporation shall have acquired any tramways within the borough forming junctions with or which could be conveniently worked in connexion with any tramways within the county of London or the urban districts of East Ham and Leyton respectively belonging to the London County Council or the urban district councils of either of the aforesaid districts it shall be lawful for the Corporation on the one hand and for the aforesaid respective councils or any of them or the lessees of any tramways for the time being belonging to them to enter into and carry into effect agreements for or with respect to the following objects or any of them and all matters incidental or necessary thereto (that is to say) :—

- (1) The working running over use management occupation and maintenance by any of the contracting parties of the undertakings and tramways of or leased to the other or others of them or any part or parts thereof respectively ;
- (2) The supply under any agreement for the undertakings and tramways of the contracting parties or any of them being worked by the other or others of them of cars engines and horses necessary for the purposes of any such agreement and the employment of officers and servants ;
- (3) The supply to any of the contracting parties of motive power by the other or others of them ;
- (4) The payment appropriation division and apportionment between the contracting parties or any of them of the tolls fares and income arising on their respective undertakings ;
- (5) The interchange of traffic between the undertakings of or leased to the contracting parties or any of them ;
- (6) The employment of officers and servants and the appointment of joint committees for the carrying into effect of such agreements :

And for the purposes of and during the continuance of such agreement the corporation council company or person working or running over managing or occupying any tramways shall in

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accordance with and to the extent provided by any such agreement have and may exercise in respect of the tramways worked run over used managed occupied or maintained by them all such and the like powers rights and remedies for the taking collection and recovery of tolls fares and charges and otherwise howsoever as are by or under the Acts respectively relating to such tramways conferred upon the company council or person owning or leasing the same Provided that no such agreement entered into or made between the Corporation and any such council or lessees of such council shall as regards any tramways under lease be of any force or effect unless and until it shall have been approved in writing by the lessees of or as the case may be the council owning such tramways Provided further that no such agreement with respect to any tramways within the county of London shall be of any force or effect unless and until it shall have been approved in writing by the London County Council.

18. Notwithstanding any provision in any Act or Provisional Order relating to any tramways purchased or acquired by the Corporation the Conveyance of Mails Act 1893 shall extend and apply to all such tramways when so purchased or acquired as if the same had been authorised by an Act of Parliament passed after the 1st day of January 1893 and to the Corporation as the body or person owning or working such tramways.

As to
conveyance
of mails.

PART III.—WORKS AND LANDS.

19. Subject to the provisions of this Act the Corporation may in the lines and situations and according to the levels shown on the deposited plans and sections make and maintain the street roads and widenings shown on those plans and herein-after described (that is to say):—

Power to
make street
works.

- (1) A widening of High Street Plaistow on the north side thereof between the junction of Church Street therewith and a point situate sixty-two yards or thereabouts eastward of such junction:
- (2) A widening of Whalebone Lane on its southern side between the junction thereof with West Ham Lane and a point two hundred and ten yards or thereabouts eastward of such junction:
- (3) A widening of the road known as the Portway on the north side thereof between the junction therewith of Upton Lane and a point four hundred and sixty-five yards or thereabouts measured in a westerly direction from such junction:

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- (4) Widenings of the road known as Ham Park Road :
- (a) On the north side between the junction therewith of Amity Road and a point seventeen yards or thereabouts eastward of that junction ;
- (b) On the south side between the junction therewith of Amity Road and a point twenty-two yards or thereabouts eastward of that junction :
- (5) A new road (connecting the severed portions of Ham Park Road) commencing at the eastern side of the house and premises numbered 131 in that road and terminating at the western side of the house and premises numbered 153 in that road :
- (6) A widening of Fox Street (sometimes known as Peacock's Alley) on the north side thereof between its junction with Woodstock Street and a point twenty-two yards or thereabouts eastward of that junction :
- (7) A new street commencing at or about the junction of Warton Road and High Street Stratford and terminating at a point twenty-four yards or thereabouts westward of the west side of the flood gate across the Waterworks River which is situate near and to the westward of the said junction of Warton Road and High Street Stratford together with a bridge over the Waterworks River on the site of the said flood gate :
- (8) A new road at Dagenham commencing at a point thirty-five yards or thereabouts westward of the western end of the bridge carrying the road known as "New Road" over the River Beam in the parish of Dagenham and terminating at a point three hundred and thirty yards or thereabouts north of such point of commencement.

Power to close portion of Romford Canal.

20. From and after the completion of the purchase by the Corporation of the portion of the Romford Canal authorised by the Romford Canal Act 1875 and of the towing-path thereof which lies between the bridge carrying the road known as "the New Road" over that canal and the termination of the New Road at Dagenham authorised by this Act as herein-before described the same shall respectively be closed to traffic and all rights of way or user and other rights in reference thereto and in connexion therewith shall be on and after such completion extinguished and such portion of canal and tow-path shall vest in the Corporation freed and discharged from all liabilities claims and demands whatsoever on the part of the Romford Canal Company or any mortgagees or creditors of that company.

21. In making the new street roads widenings and works by this Act authorised the Corporation may deviate to any extent not exceeding two feet from the levels thereof respectively shown on the deposited sections and may deviate laterally from the lines thereof to any extent within the limits of deviation defined on the deposited plans.

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Power to deviate.

22. The Corporation during the making and for the purpose of any street works by this Act authorised may in or upon the lands shown upon the deposited plans in connexion therewith respectively stop up or cause to be temporarily stopped up all or any part of the carriage-ways or footways of any street or road which they shall think necessary to be so stopped up and for that purpose may put or cause to be put up sufficient palisades bars posts and other erections and may from time to time make such orders for regulating the passage of persons horses carts and carriages as to them shall seem proper provided that reasonable access to houses still in occupation shall be preserved.

Power to stop up ways during execution of works.

23. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with any such street works and as part and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or contiguous to such street works and may make alterations of any existing streets for the purpose of connecting the same with the new or altered street or road but full compensation shall be made to the owners and occupiers (if any) whose property may be injuriously affected by any alteration of the level of any existing street under the powers of this section.

Power to make subsidiary works in connexion with street works.

24. The Corporation may in connexion with the bridge over the Waterworks River by this Act authorised erect make and maintain all such staging piers piles walls banks gates sluices arches and other works and conveniences as they may deem necessary or proper.

Power to make subsidiary works in connexion with bridge &c.

25. The Corporation may for any purpose in connexion with the works by this Act authorised upon any 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 sewer drain channel water pipe or gas pipe belonging to or connected with any house or building adjoining or near to such works and also any main or other pipe laid down or used by any company for carrying a supply of water or gas or any pipe tube wire or other apparatus laid down or used

As to alteration of position of pipes &c.

A.D. 1898. for telephonic purposes and any pipe tube wire or apparatus laid down or used for telegraphic or electric lighting purposes and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances will 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 Corporation alter the position of any such main or other pipe or apparatus laid down or used by any such company they shall (except in cases of emergency) give to the company 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 Corporation under the superintendence of the company to whom such pipe belongs unless such company 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 Corporation shall execute such work to the reasonable satisfaction of the engineer of such company. Provided also that the Corporation 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 Corporation 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 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 Corporation in such case provide special means of access to the same to the satisfaction of the engineer of such company. Provided that the Corporation shall not raise sink or otherwise alter or interfere with any pipe tube wire or other apparatus laid down or used for telegraphic or telephonic purposes by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 and nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply. If any difference arise between the Corporation or the borough engineer and any such company or their engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Corporation to any such company or touching any work matter or thing with reference to such mains pipes or apparatus.

under such provisions to be done or executed by the Corporation or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the borough engineer and such company respectively or failing agreement by such engineer as shall on the application of the borough engineer or such company be named by the President of the Institution of Civil Engineers. A.D. 1898.

26. If within seven days after a notice under the preceding section of this Act given to the Gas Light and Coke Company or the West Ham Gas Company or the East London Waterworks Company any of those companies so elect they shall themselves execute all such alterations to their mains and pipes as may from time to time be necessary Provided always that such alterations shall be forthwith carried out in accordance with the directions of and to the reasonable satisfaction of the borough engineer with all reasonable dispatch and the reasonable cost of executing such works shall be repaid by the Corporation to the company. Execution of alterations of mains by companies.

27. The Corporation may enter upon take or use all or any of the following lands shown on the deposited plans and described in the deposited books of reference (that is to say):— Lands.

(1) For the purpose of the new street roads widenings and works by this Act authorised the lands shown on the deposited plans in connexion therewith and which the Corporation may require for the purposes thereof respectively :

(2) For the purpose of the proposed hospital at Plaistow (a) a strip of land adjoining and on the east side of Samson Street (b) certain lands and buildings abutting on the east side of Western Road and the south side of Southern Road :

(3) For the purposes of the extension of the town hall—
Certain lands and property lying on the south side of the Broadway Stratford and immediately adjoining the town hall :

(4) For recreation grounds—

(a) Certain lands adjoining and on the north of that portion of the northern outfall sewer of the London County Council which is situate between the City Mill River and the Waterworks River and lying between that portion of sewer and the Great Eastern Railway and the Waterworks River ;

(b) Certain land lying on the eastern side of West Ham Lane and southward of Whalebone Lane :

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(5) For the museum buildings—

Certain lands in the parish and borough of West Ham in the county of Essex situate on the north side of the Romford Road known as No. 103 in that road.

For protec-
tion of
West Ham
Park.

28. For the protection of the mayor commonalty and citizens of the city of London the following provisions shall have effect (that is to say) :—

(1) The Corporation shall not for the purpose of widening the road known as the Portway enter upon take or use any portion of West Ham Park north of the line of widening shown on the deposited plans :

(2) Before the Corporation remove the existing boundary wall or fence of West Ham Park abutting upon the Portway they shall at their own cost erect a new boundary wall or fence consisting of a dwarf wall and iron fencing of a height and construction to be reasonably approved by the committee of managers of West Ham Park and also remove and transplant such of the trees and shrubs now growing upon the piece of land to be acquired as aforesaid as far as such trees and shrubs are reasonably suitable for the purpose and shall lay out and plant with sufficient and proper new trees and shrubs the portion of the park to the north of the new boundary fence for a reasonable distance in an ornamental and park-like manner and form suitable paths in connexion therewith and re-erect in a suitable position the existing tool house :

The construction of the said boundary wall or fence and all the works above mentioned shall be executed to the reasonable satisfaction of the committee of managers of West Ham Park :

(3) The Corporation shall not for the purpose of the widening of the Portway enter upon take or use any portion of the land forming part of the grounds attached to the house known as "The Cedars" which lies to the north of the line of widening as shown on the deposited plans :

(4) The Corporation shall not for the purpose of the widening of the road known as Ham Park Road enter upon take or use any portion of West Ham Park to the south of the line of widening marked "C. D." on the deposited plans and shall at their own cost re-erect the existing gate and railings divert the roadway and replant the shrubbery in such positions and in such manner respectively as the committee of managers of West Ham Park shall reasonably approve :

(5) Any dispute arising between the Corporation and the said committee of managers under subsections 2 or 4 of this section

shall be settled by an arbitrator to be appointed by the President of the Board of Agriculture. A.D. 1898.

29. The powers conferred by this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

30. And whereas it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:— Owner may be required to sell parts only of certain properties.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell

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and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

31. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation

Power to
take ease-
ments &c.
by agree-
ment.

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 the provisions of the Lands Clauses Acts with respect to lands and rentcharges as 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. A.D. 1898.

32. If there be any omission misstatement 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 Corporation may after ten days' notice to the owners lessees and occupiers of the lands in question apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission misstatement 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 misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Essex and such certificate shall be kept by such clerk of the peace along with the other documents to which the same relates and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands in accordance with such certificate. Errors and omissions in plans &c. to be corrected.

33. The Corporation shall not under the powers of this part of this Act purchase or acquire in the borough or in any urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December last but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

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 such persons who may be residing with them.

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As to
accesses to
outfall
sewer.

34.—(1) In addition to the gates fences and steps which by subsection (1) of section 45 of the Act of 1888 the Corporation are empowered to make they may construct and maintain a gate or gates in the fence separating the outfall sewer from the lands (a) by this Act authorised to be acquired by the Corporation for a recreation ground together with a corresponding gate or gates in the fence on the north side of the upper surface of the outfall sewer and all necessary steps and approaches for the purpose of affording access from such recreation ground to the upper surface of the outfall sewer and the provisions of the said section 45 with respect to accesses shall apply to the accesses so to be provided.

(2) Any gate or gates to be made under the provisions of this section shall be of such description and situate at such convenient place or places as shall have been previously reasonably approved by the London County Council and any such steps and approaches shall be constructed and maintained by the Corporation in such manner and with such proper and sufficient fences on both sides as shall prevent access therefrom to the slopes of the outfall sewer.

(3) If at any time hereafter the London County Council require to widen the embankment of the outfall sewer or alter the slopes thereof the council may at the same time alter any gates steps or fences made or placed under the provisions of this section and the reasonable cost thereof shall be repaid to the council by the Corporation.

(4) The provisions of subsection (8) of section 45 of the Act of 1888 with respect to differences as to the sufficiency of the fence therein mentioned shall extend and apply to any difference which may arise between the council and the Corporation under this section and section 47 of the Act of 1888 shall extend and apply so far as applicable for the purposes of this section.

Amending
provisions
of section
17 (A) of
Act of 1893.

35. Section 17 (A) of the West Ham Corporation Act 1893 (herein-after called "the Act of 1893") shall be read and have effect as if the words "fifteen years" had been inserted therein in lieu of the words "ten years" and the said section as so amended shall extend and apply to any lands acquired by the Corporation under this Act as if such lands and this Act had been expressly referred to therein.

PART IV.—STREETS AND BUILDINGS.

Storing of
wood and
timber.

36.—(1) It shall not be lawful for any person to erect or place a pile stack or store of cut or uncut timber lathwood firewood casks or barrels whether on or above the ground nearer to a street than

the buildings forming the general line of buildings therein. Timber-yards existing on the first day of December one thousand eight hundred and ninety-seven shall be exempt from the provisions of this subsection.

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(2) It shall not be lawful for any person to pile stack or store cut or uncut timber lathwood firewood casks or barrels in the same yard or ground or in any part of the same premises with any furnace except in the following cases:—

(a) Where the furnace is enclosed in a building or chamber constructed of fire resisting materials; or

(b) Where there is a distance of not less than ten feet between the furnace and the pile stack or store of timber lathwood firewood casks or barrels.

(3) No pile stack or store of timber lathwood firewood casks or barrels shall exceed in height from the level of the ground sixty feet nor in cases where any pile stack or store other than one situate in a yard existing as aforesaid on the said first day of December is situate within fifty feet of any street the horizontal distance of the nearest portion of such pile stack or store from the opposite side of any such street measured at right angles to such street.

(4) It shall not be lawful to form in any pile stack or store of timber lathwood firewood casks or barrels any room or chamber or space (other than a passage) to be used for any purpose whatever.

(5) Any person who acts in contravention of any of the provisions of this section shall be liable for each offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding the like amount.

(6) This section shall not apply to railway companies or canal companies so far as regards timber lathwood firewood casks or barrels in transit or piled stacked or stored on land occupied by them for the purposes of their undertakings nor to timber lathwood firewood casks or barrels piled stacked or stored in or on any yard or other premises occupied by any dock company for the purposes of their undertaking or to any such yard or premises or to any person piling or stacking or storing timber lathwood firewood casks or barrels in or on any such yard or premises.

37. Proceedings with respect to a building shall not be affected by the removal or falling in of the roof or covering of such building.

Removal of roof not to affect proceedings.

38. If a water-closet or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such defective construction or repair was not due to

Improper construction or repair of water-closet or drain;

A.D. 1898. any wilful act neglect or default be liable to a fine not exceeding twenty pounds :

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

Byelaws
as to fixed
baths.

39. The Corporation may make and enforce byelaws for prescribing the materials method or system of construction reconstruction or repair of fixed baths sinks and the accessories thereof and of drains water-closets earth-closets privies and ashpits and for compelling the ventilation of drains and any such byelaws may be made so as to affect buildings whether erected before or after the passing of this Act and the Corporation if they have reasonable grounds for believing that any bath sink drain water-closet earth-closet privy or ashpit or the accessories thereof are not in accordance with any such byelaws shall have and may exercise all such and the like powers of entry upon and inspection of premises and otherwise as are conferred upon them by section 41 of the Act of 1893 with regard to drains sanitary conveniences and other matters mentioned in that section and the provisions of that section shall mutatis mutandis extend and apply to and in the case of any infringement or suspected infringement of any such byelaw as if the same had been re-enacted in this Act with reference thereto.

Provisions
as to
hoardings
and other
structures
used for
advertising
purposes.

40.—(1) Every hoarding or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Corporation.

(2) It shall not be lawful after the passing of this Act to erect any hoarding or similar structure to be used either wholly or partly for advertising purposes in or abutting on or adjoining any street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding and the removal thereof as the Corporation may determine.

(3) The owner or other person using for advertising purposes any hoarding wall or other structure whether erected before or after the

passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Corporation and in the event of any papers affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such papers.

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(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Any consent or condition made under this section may be under the hand of the town clerk or the borough engineer.

41. The borough engineer may cause any building or wall or anything fixed thereon to which or any structure to which the provisions of section 75 of the Towns Improvement Clauses Act 1847 as extended by section 53 of the Act of 1888 apply to be sufficiently shored up to his satisfaction in addition to causing a proper hoarding or fence to be put up for the protection of passengers and may for that purpose enter upon and erect such shoring on any forecourt or property adjoining such building wall or structure and the Corporation shall make compensation to any owner lessee or occupier of any adjoining forecourt or property utilised for the purpose of such shoring up who may be injuriously affected thereby for all damage or injury done or occasioned by the entry on such property or the erection of any such shoring and such compensation and all expenses of erecting and removing such shoring shall be paid as expenses incurred by the Corporation under the section 75 of the said Act of 1847 are directed to be paid.

As to
shoring up
buildings.

42. In and for the purposes of section 41 of the Act of 1893 the word "drain" shall be deemed to include any sewer or drain whether constructed before or after the passing of this Act with which two or more houses or premises (whether belonging to the same or different owners) are at the date of the passing of this Act or may at any time thereafter be connected or which is used or capable of being or intended to be used for the conveyance of the drainage of such houses or buildings directly or by means of any other sewer or drain to any public sewer situate under a street repairable by the inhabitants at large but shall not include any sewer which has been constructed to the satisfaction of the Corporation under section 152 of the Public Health Act 1875 or any sewer which has been constructed by the Corporation for the effectual drainage of the borough.

As to
private
drains.

A.D. 1898.

Extending
powers of
Part III.
of Act of
1888.

43. The powers transferred to and conferred upon the Corporation by Part III. of the Act of 1888 shall be deemed to include the whole or partial filling up and covering over (subject to the provisions of section 34 of that Act) of any ditch or watercourse within the borough and if thought fit by the Corporation the substitution for such ditch or watercourse of a pipe or drain with all necessary shoots and means of conveying surface water thereinto And the Corporation may construct and execute such works as may in their opinion be necessary for effecting the objects aforesaid and repairing or amending any pipe drain or work constructed for the purpose and may at all reasonable times enter upon any lands for the purpose of executing repairing amending or inspecting any works constructed under this section.

As to
recovery of
expenses
charged
on the
premises.

44. Where any expenses have been incurred by the Corporation prior to the adoption of the Private Street Works Act 1892 by the Corporation for the repayment whereof the owner of the premises for or in respect of which the same were incurred is liable under the provisions of any Act for the time being in force within the borough and which are charged on the premises in respect of which they were incurred the Corporation shall with respect to such charge have all and the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having powers of sale and lease and appointing a receiver and any such charge and any payments made in satisfaction thereof shall be entered in the register of charges required to be kept by the Corporation under section 13 of the Private Street Works Act 1892.

Open space
about
buildings.

45.—(1) Where any building has at the date of the passing of this Act directly attached thereto and in rear thereof an open space exclusively belonging thereto it shall not be lawful to cover over or build upon such space so as to diminish the area thereof to less than that allowed under the byelaws for the time being in force within the borough in relation to new buildings and if such open space shall at the date of the passing of this Act be less than is required by such byelaws in the case of new buildings no part of such space shall be covered over or built upon.

(2) It shall not be lawful to detach from any building any open space directly attached thereto and exclusively belonging thereto or any portion of any such open space so as to diminish the area of the open space attached to such building to less than that allowed under the byelaws for the time being in force within the borough in relation to new buildings.

(3) Any person who acts in contravention of any provisions of this section shall be liable to a penalty of not exceeding twenty

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pounds for every such offence and to a daily penalty of five pounds and the Corporation may in addition to any other remedies to which they may be entitled pull down or remove any building or structure the erection or construction of which has caused such contravention or may cause any open space which may have been detached from any such building to be again attached thereto and may pull down and remove any building which by reason of such restoration will not have exclusively belonging thereto an open space of the area required by the byelaws for the time being in force within the borough in relation to new buildings And any expenses incurred by the Corporation in or about the pulling down or removal of any building or structure or the restoring to any building of any open space detached therefrom may be recovered by the Corporation in a summary manner either from the person who erected or constructed such building or structure or detached such open space or from the person causing such works to be executed at the discretion of the Corporation.

No excavation in streets after plans deposited.

46. From and after the deposit with the Corporation of any plan of any new street it shall not be lawful to excavate or remove any gravel soil or other material from the site of such street as shown on the plan so deposited without in each case the consent of the Corporation and if any gravel soil or other material be excavated from such site whether before or after the deposit of such plan the Corporation may in addition to requiring the sewerage levelling paving metalling channelling and making good of such street and notwithstanding any penalty which may have been inflicted under this section require such excavation to be properly filled in and made good in such manner and with such material as the Corporation require and the Corporation shall with respect to such filling in and making good have all and such like powers as are conferred upon them by the section 150 of the Public Health Act 1875 and the Private Street Works Act 1892 with respect to sewerage levelling paving metalling channelling and making good of such street as if in all respects such filling in and making good of excavations had been referred to in such enactments and in any case in which any such excavation may either before or after the passing of this Act have been filled in without the approval of the Corporation the Corporation may require the material with which such excavation has been filled in to be removed and such excavation to be filled in and made good in manner aforesaid.

Any person who in contravention of the provisions of this section excavates or removes any gravel soil or other materials from the site of any new street as shown on the plan so deposited or who

A.D. 1898. — violates any conditions or terms of any consent given by the Corporation in pursuance of the provisions of this section shall be liable to a penalty for each offence not exceeding ten pounds and to a daily penalty of forty shillings.

Exemption of Government property from building regulations.

47. Without prejudice to any existing right of Her Majesty there shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Saving for railway companies.

48. There shall be exempted from so much of the provisions of this part of this Act as relates to buildings and structures any building (not being a dwelling-house) belonging to any railway company and used by such company as part of or in connexion with their railway.

PART V.—HOSPITALS &c.

As to hospital at Plaistow.

49. The Corporation may maintain support and keep the hospital at Plaistow formerly belonging to the Poplar District Board and the hospital of the guardians which the Corporation are by this Act authorised to acquire and may upon the lands described in the Second Schedule to this Act and the lands which the Corporation are by this Act or by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1895 Session 2 authorised to purchase erect furnish equip maintain support and keep a hospital or hospitals for the reception of persons suffering from infectious diseases other than small-pox and either pull down the aforesaid existing hospitals or adapt the buildings thereon for the purpose of an enlarged hospital and shall have and enjoy with regard to such hospital all powers rights and privileges conferred upon local authorities by the Public Health Acts in reference to hospitals.

Corporation to accommodate small-pox cases in Dagenham Hospital.

50. As from the time when the purchase by the Corporation of the lands (b) described in subsection (2) of the section of this Act of which the marginal note is "Lands" shall have been completed the Corporation shall so long as the existing union of parishes known as the West Ham Union exists provide at their hospital at Dagenham in the county of Essex or at some other hospital or place sufficient accommodation for the reception of all such paupers as for the time being shall be resident in or chargeable to the said union and shall

be suffering from small-pox and shall receive into such hospital or place and maintain and provide with proper medical treatment all such paupers as aforesaid as the guardians shall require and shall send to such hospital or place and the guardians shall pay to the Corporation for or in respect of every such pauper as shall be or remain in any such hospital or place a sum of three shillings per day for every day during which such pauper shall be or remain in any such hospital or place. A.D. 1898.

51. The agreement dated the twenty-sixth day of May one thousand eight hundred and ninety six and made between the Ilford District Council of the one part and the Corporation of the other part (a copy of which is set forth in the Third Schedule to this Act) is hereby confirmed and made binding upon the parties thereto their successors and assigns and neither the Ilford District Council nor their successors or assigns shall use or suffer or permit to be used the hospital belonging to the said district council situate at Chadwell Heath or the site thereof for the reception or treatment of patients suffering from small-pox or allow patients suffering from small-pox to be or remain therein or thereon. Prohibiting use of hospital for small-pox patients.

PART VI.—MUSEUM &c.

52. The Corporation may appropriate for the purpose of a building for the accommodation of any collections of instruments specimens maps books pictures engravings articles and things of the club and other purposes of a museum any portion of the land known as The Green Stratford referred to in Part V. of the Act of 1893 and may erect thereon and on the lands shown on the deposited plans and known as 103 Romford Road a building to be used as a museum and for the accommodation and exhibition of such collections in accordance with any agreement which may be entered into between the Corporation and the club and may accordingly fit up furnish and maintain such building for such purposes and employ attendants in connexion therewith and may from time to time pay such attendants such salaries or other emoluments as they think fit. Power to appropriate land for site for museum buildings.

53. The expenses of the maintenance and management of the museum and museum buildings may be defrayed in manner provided by section 36 of the Act of 1893 with respect to the expenses of the technical institute and public library and all expenses incurred by the Corporation under this part of this Act or in pursuance of any agreement made thereunder and not so defrayed (other than the cost of erecting the museum buildings) shall be paid out of the borough fund. Expenses.

PART VII.—LICENSING.

A.D. 1898.

Interpreta-
tion.

Alteration
of time of
holding
general
annual
licensing
meeting.

54. In this part of this Act the expression "Licensing Acts" means and includes the Alehouse Act 1828 the Wine and Beerhouse Act 1869 the Wine and Beerhouse Act Amendment Act 1870 the Licensing Acts 1872-1874 and any Act or Acts amending the same respectively.

- (1) Notwithstanding anything in the Licensing Acts the general annual licensing meeting of the justices of the peace acting in and for the borough shall be holden within the first ten days of the month of March in the year one thousand eight hundred and ninety-nine and in every subsequent year and every adjournment of any such meeting shall be holden within the month of March and the provisions of the Licensing Acts shall with respect to the general annual licensing meeting to be held within the borough be read and construed as if the borough was situate within the county of Middlesex and no general annual licensing meeting of the justices of the peace acting in and for the borough shall be held in the year one thousand eight hundred and ninety-eight:
- (2) All licences granted by the justices of the peace acting in and for the borough at the general annual licensing meeting held in the year one thousand eight hundred and ninety-seven or at any adjournment of that meeting shall notwithstanding anything in such licences or in the Licensing Acts contained to the contrary be and remain in force until the fifth day of April one thousand eight hundred and ninety-nine unless previously forfeited or the person to whom or premises in respect of which the same was granted be or become disqualified:
- (3) All certificates granted by the justices of the peace acting in and for the borough under the Wine and Beerhouse Act 1869 as amended by the Wine and Beerhouse Act Amendment Act 1870 at the general annual licensing meeting held in the year one thousand eight hundred and ninety-seven or at any adjournment of that meeting shall notwithstanding anything in any such certificate or in the Licensing Acts be and remain in force until the fifth day of April one thousand eight hundred and ninety-nine:
- (4) It shall be lawful for the Commissioners of Inland Revenue to renew any excise licence granted to any person holding a licence granted by the justices of the peace acting in and for the borough at the general annual licensing meeting held in the year one thousand eight hundred and ninety-seven or any

adjournment thereof upon production of that licence in the same manner as if that licence had been renewed at a general annual licensing meeting held in the year one thousand eight hundred and ninety-eight. A.D. 1898.

PART VIII.—POWERS TO GUARDIANS.

55. The guardians may enter upon take and use for the purpose of enlarging the West Ham Union Workhouse all or any of the lands houses and buildings in the parish of Leytonstone in the urban district of Leyton and county of Essex herein-after described and which are delineated on the deposited plans and described in the deposited books of reference and are situate as follows (that is to say) :— Power to take lands.

(a) Certain lands houses and buildings abutting on and on the west side of the High Road Leytonstone near the junction of that road with Union Road ;

(b) Certain lands houses and buildings abutting on the north side of Union Road adjoining and to the westward of the lands (a) last above described and lying between such lands and the premises of the aforesaid union workhouse ;

(c) Certain lands houses and buildings abutting on and on the south-east side of Birkbeck Road and Holloway Road Leytonstone and bounded on the south-east side by the premises of the union workhouse Also the lands houses and buildings abutting on and on the south side of Temple Street and lying between that street and the premises of the union workhouse :

In construing the provisions of the Lands Clauses Acts for the purposes of this section the expression “the promoters of the undertaking” shall mean the guardians.

56. When and so soon as the guardians shall have acquired all the properties abutting upon Short Street or Angle Street respectively they may permanently stop up and discontinue for public or other traffic such streets respectively and all rights of way over and all liability to repair such streets so stopped up shall thereupon be absolutely extinguished and the site and soil thereof shall vest in the guardians freed and discharged from such rights and liability. Power to stop up streets.

57. The provisions of the sections of this Act of which the marginal notes are as follows (that is to say) :— Provisions of sections of this Act to apply to

“Period for compulsory purchase of lands” ;

A.D. 1898.

lands
acquired by
guardians.

“ Power to take easements &c. by agreement ” ;
“ Errors and omissions in plans &c. to be corrected ” ;

shall extend and apply to the lands which by this Act the guardians are authorised to enter upon take and use and to the exercise of the powers of this part of this Act as if the guardians had been named therein in reference thereto instead of the Corporation.

Restrictions
on guardians
displacing
persons of
labouring
class.

58.—(1) The guardians shall not under the powers of this part of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

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

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of

Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1898.

(5) If the guardians acquire or appropriate any house or houses under the powers of this part of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board 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 guardians subject to the approval of the Local Government Board 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 and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands for the purposes of any scheme under this section in the same manner in all respects as if the guardians were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The guardians may on any lands appropriated as aforesaid or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid :

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

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions if any as they may see fit.

(8) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall

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for the purposes of any such inquiry and the inspector so appointed or employed shall for the purposes of such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(9) The guardians shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(10) The guardians and the Local Government Board are hereby respectively authorised and empowered to do all acts matters and things for carrying into full effect every such scheme as aforesaid and the guardians and the Local Government Board shall for that purpose have the same powers as they have under the Poor Law Acts for the purpose of providing workhouse accommodation including the power of borrowing money.

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

Agreements
by guardians
and Cor-
poration of
London.

59. For the purpose of the Forest House Auxiliary Workhouse the guardians may by agreement with the Corporation of the city of London acting by the mayor aldermen and commons of the said city in common council assembled as the Conservators of Epping Forest (herein-after referred to as "the Corporation of London") purchase and acquire all or any part of certain common lands forming part of Epping Forest situate in the parish of Leyton in the urban district of Leyton and county of Essex lying on the north-westernmost side of James Lane and between that lane and the pond and ditch which are situate near and to the eastward of the entrance gate to Forest House Auxiliary Workhouse and the Corporation of London may sell and dispose of the same accordingly Provided that the guardians shall not under the powers of this Act purchase or acquire more land forming part of Epping Forest than one rood and twelve perches And the guardians and the Corporation of London may from time to time enter into and carry into effect contracts agreements and

arrangements with respect to such purchase and sale and to the exchange for such lands of any lands now vested in the guardians either with or without equality of payment and the guardians and the Corporation of London may respectively convey and accept the conveyance of any lands so purchased or given or taken in exchange and the lands taken in exchange by the Corporation of London shall accordingly vest in the Corporation of London for all the estate and interest of the guardians therein and shall be subject to all such and the like provisions and restrictions as now affect the lands by this Act authorised to be acquired by the guardians for the purposes of the said auxiliary workhouse under the provisions of the Epping Forest Act 1878 and the said last-mentioned lands shall notwithstanding anything in that Act when acquired by the guardians whether by purchase or exchange vest in the guardians freed and discharged from all trusts restrictions rights or privileges over or in connexion therewith conferred or imposed by the said Act of 1878 or otherwise howsoever.

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60. Any money received by the Corporation of London by way of compensation for any lands acquired by the guardians under the powers of this part of this Act for the purposes of the Forest House Auxiliary Workhouse or by way of equality of exchange shall be carried to the credit of the capital of the Epping Forest Fund and may be applied by the Corporation of London accordingly.

Application of compensation by Corporation of London.

61. The powers by this part of this Act conferred upon the guardians shall not be exercised by them except with the previous consent of the Local Government Board which consent the Local Government Board are hereby authorised and empowered to grant subject to such conditions or restrictions if any as they may prescribe And the purposes of this part of this Act shall be deemed to be purposes of the Poor Law Acts and all capital expenses incurred by the guardians under this part of this Act shall be deemed to be expenses incurred for a permanent work or object under section 2 of the Poor Law Act 1889 as amended by the Poor Law Act 1897.

Powers of guardians to be exercised with consent of Local Government Board.

PART IX.—FINANCIAL.

62. The Corporation may from time to time borrow at interest—

Power to borrow.

(a) On the security of the borough fund and borough rate—

- (1) For the purposes of the borough lunatic asylum at Chadwell Heath such sum as the Local Government Board may sanction;

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- (2) For the purposes of the extension of the town hall and the purchase of the land by this Act authorised to be acquired for those purposes forty-two thousand five hundred pounds ;
 - (3) For the technical institute and museum buildings (including the land and the fitting up and furnishing of such buildings) thirty-five thousand pounds ;
 - (4) For the purpose of Part II. of this Act such sum as the Board of Trade may sanction :
- (b) On the security of the district fund and general district rate—
- (1) For the purposes of the hospital at Plaistow including the payment off of the balance of the existing loan due to the Poplar District Board and the purchase of the lands at Plaistow the sum of one hundred and six thousand pounds ;
 - (2) For the new road (Work No. 8) by this Act authorised two thousand pounds ;
 - (3) For the new street the new road connecting Ham Park Road and street widenings eighteen thousand pounds ;
 - (4) For recreation grounds twenty-seven thousand pounds ;
 - (5) For payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act such sum as may be ascertained as herein-after provided :

Provided always that in case further moneys may be required for any of the aforesaid purposes or other the purposes of this Act the Local Government Board or the Board of Trade as the case may be may from time to time at the request of the Corporation authorise them to borrow such further sums for all or any of such purposes as the Local Government Board or the Board of Trade as the case may be may from time to time think fit and the provisions of this Act shall mutatis mutandis apply to the further sums so borrowed :

And in calculating the amount which the Corporation may borrow under the provisions of any other enactment the amount which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and reborrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts :

The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority (except where the same are in this Act expressly altered or varied) shall apply in the case of all mortgages granted

by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act. A.D. 1898.

63. A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof. Protection of lenders from inquiry.

64. All moneys borrowed by the Corporation under the authority of this Act without the sanction of the Local Government Board may be borrowed for any terms not exceeding the terms herein-after respectively mentioned from the date of the original loan (that is to say) :— As to repayment of borrowed money.

As regards moneys borrowed for the purpose of paying the costs charges and expenses aforesaid five years ;

As regards moneys borrowed for any other purposes fifty years :

All moneys borrowed by the Corporation under the foregoing provisions of this Act with the consent of the Local Government Board or the Board of Trade may be borrowed for such term as such respective Board may prescribe not exceeding sixty years and the respective terms so prescribed are herein-after referred to as "the prescribed period" and subject as aforesaid all moneys borrowed by the Corporation under the authority of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

65. The Corporation in case they borrow any moneys on mortgage under this Act repayable by means of a sinking fund shall within twelve months after borrowing the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys out of the funds and rates on the security of which such moneys shall have been borrowed such equal annual sum or sums as will with accumulations by way of compound interest after a rate not exceeding three per centum be sufficient to pay within such a period as they may think fit (not exceeding the prescribed period) the amount of the principal moneys so borrowed : Sinking fund.

All sums so set apart and the income thereof shall from time to time be invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or on the security of mortgages bonds debentures debenture stock or other security (not including

A.D. 1898. — annuity certificates or certificates payable to bearer) of any municipal corporation in Great Britain (other than the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875 :

If and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any deficiency shall be made good out of the funds and rates which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any such excess may be applied as part of such equal annual payments :

The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys for which such sinking fund is set aside in such order and manner as they deem proper Provided that in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based Provided also that whenever and so long as the securities in which such sinking fund is invested shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Annual
return to
Local
Government
Board with
respect to
repayment
of moneys
borrowed
on mortgage.

66. The borough treasurer shall within twenty-one days after the twenty-fifth day of March of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed by the Corporation on mortgage under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period

and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such borough treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act :

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If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in the event of the Corporation borrowing under the provisions of the Local Loans Act 1875.

67. If the Corporation out of the proceeds of the sale exchange or disposition of any lands acquired by the Corporation under the powers of this Act or out of moneys received by them by way of fine or premium on any lease of any such lands or other moneys received on capital account other than borrowed moneys repay any principal moneys borrowed by the Corporation under the powers of this Act the payments to the sinking fund may be reduced to such extent and on such terms as may from time to time be approved by the Local Government Board.

Sinking fund may be adjusted.

68. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under the foregoing provisions of this Act on the same becoming repayable or for paying off any part of any of such principal moneys as they can borrow at a lower rate of interest Provided as follows—

Power to reborrow.

- (1) The time for repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed :
- (2) For the purpose of repayment all moneys so reborrowed and the moneys originally borrowed shall be deemed the same loan :

A.D. 1898.

(3) The Corporation shall not reborrow any money paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of surplus lands or out of premiums or fines on leases or other moneys received on capital account not being borrowed moneys.

Power to borrow under Local Loans Act 1875.

69. The Corporation if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Fund Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another :

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by mortgage under this Act and such funds and rates shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875 :

Every such loan shall be discharged within the prescribed period :

The section of this Act of which the marginal note is " Sinking fund " shall apply to any sinking fund provided by the Corporation for the repayment of any moneys so borrowed by them under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

Application of money borrowed.

70. All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Corporation not to regard trusts.

71. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss mis-application or non-application of any such money.

PART X.—MISCELLANEOUS.

A.D. 1898.

72.—(1) Section 48 of the Act of 1888 is hereby repealed and from and after the passing of a resolution in that behalf by the Corporation the powers and duties of any assistant overseer or collector of poor rates appointed by the guardians of the West Ham Union and the power of the guardians to appoint collectors of poor rates in respect of the Stratford Ward of the parish of West Ham shall cease.

As to collection of local rates.

(2) Any assistant overseer or collector of poor rates of or for the said ward who was in office before the passing of the resolution referred to in the preceding subsection of this section and for whom no equivalent office shall be found by the Corporation or by the guardians of the poor for the West Ham Union shall be deemed to be an officer within the meaning of section 120 of the Local Government Act 1888 and that section shall with the necessary modifications and with the substitution of the Local Government Board for the Treasury and of the Corporation for the county council apply accordingly. Provided that the non-acceptance of any office offered shall not be a bar to the right of any officer to compensation.

73.—(1) The Corporation as they from time to time think fit may purchase provide supply sell let use and otherwise deal in fit up fix alter remove repair and refix wires fuses casings switches fittings arc and other lamps lampholders motors and other apparatus incidental to or connected with or used in the supply of electricity and may provide materials and do all work necessary or proper in that behalf and may take such remuneration rents or charges and make such terms and conditions with respect to such supply sale letting using fixing fitting altering repairing or removal or refixing or such materials or work and for securing the safety and return to the Corporation of articles and fittings let and otherwise as may be agreed upon between the Corporation and the persons to or for whom the same are sold supplied let fixed up altered repaired removed refixed or done.

Power to supply electric fittings &c.

(2) Any expenses incurred by the Corporation in carrying into effect the provisions of this section shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses and any moneys received by the Corporation under this section shall be applied in manner provided by section 52 of the West Ham (Corporation) Electric Lighting Order 1892.

74. All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according

General provisions as to byelaws

A.D. 1898. — to the provisions contained in sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority.

As to appeal. **75.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding or revocation of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Offences against Act or byelaws to be prosecuted as if against Public Health Act 1875.

76. Except as otherwise by this Act expressly provided all offences against the provisions of this Act or any byelaw made under the authority thereof may be prosecuted and all penalties or forfeitures which may be imposed for the breach of any such provisions or byelaws and the cost and expenses which may be incurred by the Corporation in the prosecution of any person offending against any such provision or byelaw may respectively be recovered and applied in the manner provided by sections 251 and 254 of the Public Health Act 1875 respectively as if such offences were offences against the said Act.

Compensation &c. how to be determined.

77. When any compensation costs damage or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts Provided that where any such compensation costs damage or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such compensation costs damage or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

Compensation may be in land &c.

78. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent.

Saving for indictments &c.

79. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that no person shall be punishable twice for the same offence.

A.D. 1898.

80. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Judges &c.
not dis-
qualified.

81. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by the Public Health Acts or any of them and the Municipal Corporations Act 1882 and any Act amending the same and the Corporation may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence.

Powers
of Act
cumulative.

82.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

Inquiries
by Local
Government
Board.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

83. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act (including the costs incurred by the Corporation in or with the object of complying with the provisions of the Borough Funds Act 1872 with respect to the Bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of any moneys borrowed by them under the authority of this Act. And the guardians shall repay to the Corporation such proportion of such costs charges and expenses as may be agreed or failing agreement may be determined by the said taxing officer to be fairly attributable to the inclusion in the Bill for this Act of the powers by such Bill proposed to be conferred upon the guardians and such proportion of such costs charges and expenses shall be paid by the guardians out of the common fund of the West Ham Union.

Costs of
Act.

A.D. 1898. The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PROPERTIES WHEREOF PORTIONS ONLY ARE REQUIRED TO
BE TAKEN.

Parish.	No. on deposited Plans.	Description of Property.
West Ham - -	11	Forecourt
West Ham - -	12	Forecourt
West Ham - -	14	Forecourt
West Ham - -	15	Forecourt
West Ham - -	16	Forecourt
West Ham - -	19	Strip of garden ground

SECOND SCHEDULE.

DESCRIPTION OF HOSPITAL LANDS.

All that piece of land with the hospital and other buildings thereon in the borough of West Ham in the county of Essex having a frontage of 161 feet 10 inches to Southern Road on the north side thereof and of 162 feet 11 inches on the south side thereof of 195 feet to Western Road on the east side thereof and 191 feet 2 inches to Short Street North on the west side thereof.

THIRD SCHEDULE.

A.D. 1898.

AGREEMENT BETWEEN ILFORD DISTRICT COUNCIL AND
CORPORATION.

This INDENTURE made the twenty-sixth day of May one thousand eight hundred and ninety-six between the DISTRICT COUNCIL FOR THE URBAN DISTRICT OF ILFORD in the county of Essex herein-after called "the district council" of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF WEST HAM in the same county herein-after called "the Corporation" of the other part.

WHEREAS the Corporation have recently acquired certain land known as Blue House Farm at Chadwell in the said county for the erection of an asylum for the reception of lunatics from the said borough and are about to erect such asylum thereon :

And whereas the district council propose to build a hospital for the reception of patients suffering from infectious diseases on land situate at Cat Lane Chadwell at a distance of a quarter of a mile or thereabouts from the site of the proposed asylum :

And whereas the district council applied to the Local Government Board to sanction their borrowing the money necessary for the purchase of the land and the erection thereon of the proposed hospital :

And whereas by direction of the Local Government Board an inquiry was held on the sixteenth day of April one thousand eight hundred and ninety-six at Ilford by Dr. Bulstrode one of the medical inspectors of the said Board to consider and report on the said application of the district council :

And whereas at such inquiry the Corporation appeared and opposed the said application of the district council on the ground (inter alia) that the proposed hospital might be used for the reception of patients suffering from small-pox and that if so used it would be a source of danger to the inmates of the proposed asylum and it was then agreed between the representatives of the district council and of the Corporation that the Corporation should withdraw their opposition to the said application and should not further oppose the erection of the proposed hospital and that in consideration thereof the district council should enter into the undertaking and agreement herein-after contained :

Now this indenture witnesseth that in pursuance of the said agreement and for the consideration aforesaid the district council for themselves and their successors hereby undertake and agree with the Corporation that they the district council and their successors will not at any time after the said

A.D. 1898. hospital shall have been erected use or suffer the same to be used for the reception or treatment of patients suffering from small-pox or allow patients suffering from small-pox to be or remain in the said hospital :

And the district council further agree with the Corporation that if and when the district council or their successors shall next promote a Bill in Parliament they the district council or their successors will use their utmost reasonable endeavours to procure the insertion and enactment in such Bill of clauses which shall confirm and make valid and binding the undertaking and agreement herein before contained unless the Corporation shall then have already procured the insertion and enactment of such clauses in a Bill promoted by the Corporation :

And that in the event of the Corporation first promoting a Bill containing clauses to confirm and make valid and binding the said undertaking and agreement the district council and their successors will not oppose the said clauses but will use their utmost reasonable endeavours to procure the insertion and enactment of such clauses in such last-mentioned Bill :

And the Corporation agree with the district council to withdraw their opposition to the said application of the district council and that they will not hereafter oppose the erection use or maintenance by the district council or their successors of the said proposed hospital for the reception and treatment of patients suffering from infectious diseases other than small-pox.

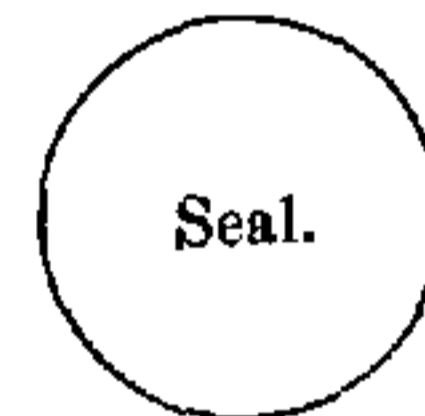
In witness whereof the district council for the urban district of Ilford in the county of Essex have hereunto set their seal in the presence of

E. J. BEAL
Chairman.

May 26th 1896.



The common seal of the county borough of West Ham was hereunto affixed by resolution of the Council on the 9th day of June 1896 in the presence of



WILLIAM CROW
Mayor.

FRED. E. HILLEARY
Town Clerk.

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