



CHAPTER li.

An Act for the extension and enlargement of the Foreign Cattle Market at Deptford and to authorise the Corporation of the City of London to construct maintain and work certain Railways and a Tramway between the said Market and the Deptford Wharf Branch of the London Brighton and South Coast Railway and for other purposes. A.D. 1898.
[1st July 1898.]

WHEREAS by the Diseases of Animals Act 1894 the mayor and commonalty and citizens of the city of London acting by the mayor aldermen and commons of that city in common council assembled (herein-after referred to as the Corporation) were constituted and now are the local authority for the administrative county of London for the purpose of the provisions of that Act relating to foreign animals: 57 & 58 Vict.
c. 57.

And whereas by section 30 of the said Act the Board of Agriculture are empowered to make such orders as they think fit subject and according to the provisions of that Act in relation to foreign animals:

And whereas the Corporation as such local authority has borrowed and spent large sums of money in providing under the Contagious Diseases (Animals) Act 1869 a market for foreign animals at Deptford in the administrative county of London:

And whereas by an Order of the Privy Council made under the Contagious Diseases (Animals) Act 1878 on the twelfth day of October one thousand eight hundred and eighty-three such market was defined as a foreign animals wharf:

And whereas byelaws have been made imposing tolls to be charged for the use of such market:

And whereas it is expedient that such market should be extended enlarged and improved and that the Corporation should be empowered

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And whereas it is expedient that communication be provided between such market and the Deptford Wharf Branch of the London Brighton and South Coast Railway :

And whereas it is expedient that the Corporation be empowered to make the railways and the tramway in this Act mentioned and to acquire and hold lands for the purposes of the same :

And whereas it is expedient that provision should be made with respect to the use and working of the railways and the tramway by this Act authorised :

And whereas plans and sections showing the lines and levels of the railways tramway and other works by this Act authorised and plans showing the lands required or which may be taken for the purposes of the market extension or of the said railways or tramway or under the powers of this Act and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the administrative county of London and so far as they respectively relate to the parishes of Saint Paul and Saint Nicholas Deptford were duly deposited with the clerk of the Greenwich District Board of Works and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively :

And whereas the tramway by this Act authorised is intended to facilitate the communication between the said market at Deptford and the Deptford Wharf Branch of the London Brighton and South Coast Railway and it is expedient that the other provisions contained in this Act should be made :

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

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

Short title. 1. This Act may be cited as the Foreign Cattle Market Deptford Act 1898.

Incorporation of Acts. 2. The following Acts and parts of Acts so far as the same are applicable for the purposes of and not varied by or inconsistent

with this Act are hereby incorporated with and form part of this Act (that is to say) :— A.D. 1898.

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to the construction of a railway) of the Railways Clauses Acts 1863 :

Section 3 (Interpretation of terms) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870.

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

“The Corporation” means the mayor and commonalty and citizens of the city of London acting by the mayor aldermen and commons of that city in common council assembled ;

“The county council” means the county council for the administrative county of London ;

“The district board” means the Board of Works for the Greenwich District ;

“The foreign cattle market” means the wharves stations lairs sheds and other places for the landing reception keeping sale slaughter or disposal of foreign or other animals carcasses fodder litter dung and other things provided by the Corporation at Deptford for the purposes of the provisions of the Diseases of Animals Act 1894 relating to foreign animals and defined as a foreign animals wharf by Order of the Privy Council ;

“The railways” means the railways and works connected therewith by this Act authorised ;

“The tramway” means the tramway by this Act authorised and any part thereof ;

“Street” has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same ;

“Undertaking” means either collectively or separately as the case may require the railways and the tramway and works connected therewith by this Act authorised :

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to or inconsistent with such

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construction Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in any of the incorporated Acts shall where necessary be construed to mean the Corporation.

Power to take lands for enlargement of market.

4. Subject to the provisions of this Act the Corporation may take and use for the purpose of enlarging the foreign cattle market such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto and referred to in the First Schedule hereto as may be required for the enlargement of such market Provided that nothing in this section shall prejudice or affect the operation or effect of the Diseases of Animals Acts 1894 and 1896 or authorise the said lands or any of them to be used for such purpose as aforesaid unless and until the same be defined as part of a foreign animals wharf by an Order of the Board of Agriculture under the said Acts Provided always that the Corporation shall not without the previous consent of the School Board for London in writing under their seal and of William John Evelyn his heirs or assigns in writing acquire or stop up the public road or street known as Barnes Terrace numbered 20 on the deposited plans and described in the deposited books of reference.

Barnes Terrace not to be closed without consent of School Board and of Mr. John Evelyn.

Lands acquired to form part of market.

5. From and after the enlargement of and the inclusion within the foreign cattle market of the lands or any portion thereof comprised and set out in the First Schedule hereto such lands shall for all purposes form part of such market and shall be subject to all the rights tolls powers remedies exemptions and liabilities respectively vested in or imposed upon the Corporation in respect of the foreign cattle market and to the byelaws and orders in force within or relating to the market as if such lands had been originally included within the foreign cattle market and so that the foreign cattle market as extended by this Act shall for the purposes of section 32 of the Diseases of Animals Act 1894 be deemed to have been provided under that section.

Power to make railways.

6. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may for that purpose enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for that purpose The railways herein-before referred to and authorised by this Act are—

Railway No. 1 1 furlong 0.45 chains in length situate in the parishes of Saint Nicholas and Saint Paul Deptford in the administrative

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county of London commencing in the parish of Saint Nicholas Deptford in the market at a point 2·4 chains or thereabouts measured in a north-westerly direction from the west corner of the lairs (block B) in the said market and terminating in the parish of Saint Paul Deptford at or near a point on the north side of Grove Street opposite the north-east end of Junction Road :

Railway No. 2 6·5 chains in length commencing at or near the front of the house numbered 105 in Windmill Lane and terminating at or near the north-east extremity of the premises of the Whiting and Asphalte Works in Sayes Street :

Railway No. 3 5·2 chains in length commencing by a junction with the aforesaid intended Railway No. 2 at a point 1·5 chains or thereabouts measured in a north-easterly direction from the north-east extremity of the aforesaid premises of the Whiting and Asphalte Works and terminating at a point 1·2 chains or thereabouts measured in a northerly direction from the north-east corner of the Evelyn Arms public-house situate in Grove Street :

Railway No. 4 2·9 chains in length commencing by a junction with the aforesaid Railway No. 3 at a point 0·40 chains or thereabouts measured in a north-easterly direction from the north-eastern angle of Sayes Street and terminating by a junction with the London Brighton and South Coast Railway on the Deptford wharf branch at or near a point 4·6 chains or thereabouts measured in a north-easterly direction from the centre of the bridge carrying the railway company's aforesaid branch over the Surrey Canal.

The intended Railways Nos. 2 3 and 4 will be wholly situated in the said parish of Saint Paul Deptford.

7. For the purpose of obtaining improved access and accommodation to and from Her Majesty's Victualling Yard at Deptford the Corporation shall when required by the Admiralty—

Use of
undertaking
by the
Admiralty.

(1) connect such victualling yard with the Railway No. 1 by this Act authorised by means of such junction at the southern boundary of such victualling yard as may be approved by the Admiralty and the Admiralty shall be entitled to use the undertaking upon such terms and conditions and at such times as shall be agreed between the Admiralty and the Corporation or in default of agreement shall be determined by an arbitrator to be appointed by the Board of Trade ;

(2) put in and maintain in working order all necessary points crossings and lines of rail upon the premises of the Corporation

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and up to the boundary thereof at a point to be approved by the Admiralty to enable the Admiralty to connect the victualling yard with the Railway No. 2 by this Act authorised. When the Admiralty shall have connected the victualling yard with the said Railway No. 2 the Admiralty shall be entitled to such use of the undertaking as is provided with reference to Railway No. 1.

Lands for
extra-
ordinary
purposes.

8. The Corporation may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding one half of an acre in extent.

Period for
completion
of railways.

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

For protec-
tion of
London
Brighton and
South Coast
Railway
Company.

10. For the protection of the London Brighton and South Coast Railway Company (herein-after called "the Brighton Company") the following provisions shall have effect:—

(A) The junction with the railway of the Brighton Company by this Act authorised shall be made at such points within the limits of deviation or on the lands of the Brighton Company as the principal engineer of that company shall designate or as in the event of dispute shall be settled by arbitration as herein-after provided and all works necessary to be executed upon the lands of the Brighton Company for the purposes of effecting such junction shall be executed by the Brighton Company at the request and expense of the Corporation:

(B) The Brighton Company may erect maintain and alter such signals and other works and conveniences as may reasonably be found necessary in consequence of the construction of the said junction and may appoint and remove such watchmen pointsmen switchmen or other persons as may reasonably be necessary for the prevention of danger or detention to or interference with traffic at or near the said junction between the railways hereby authorised and the railway of the Brighton Company by the construction of the intended railways and the working of such signals works and conveniences and the control and direction of such watchmen pointsmen switchmen and other persons shall belong exclusively to the Brighton Company and all the costs and expenses of erecting and maintaining such signals works and conveniences and the wages of such watchmen pointsmen switchmen and other

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persons shall at the end of every half-year be repaid by the Corporation to the Brighton Company on demand and in default of such repayment the amount of such costs expenses and wages may be recovered from the Corporation by the Brighton Company in any court of competent jurisdiction :

(c) The Corporation shall not without in every case obtaining the previous consent of the Brighton Company under their common seal purchase or take any of the lands or property from time to time belonging to or in the possession or under the power of that company but they may purchase and take and the Brighton Company may and shall sell and grant accordingly an easement or right of using such part or parts of such lands and property as shall be necessary for the purposes of the junction by this Act authorised :

(d) If any question or difference shall at any time arise between the Corporation and the Brighton Company with respect to any of the matters and things provided for or referred to in this section the same shall be settled by arbitration by an engineer to be agreed upon between the Corporation and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of either party.

11. Subject to the provisions of this Act the Corporation and the London Brighton and South Coast Railway Company may enter into and carry into effect contracts agreements and arrangements for or with respect to the point at which the mode in which and the terms and conditions upon which any junction or junctions between the railways of the Corporation and of the said company shall be made the construction use management and maintenance of stations sidings platforms works and conveniences upon the railways of the Corporation and of the said company or either of them and all incidental matters.

Agreements
as to junctions &c.

12. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Corporation may make form lay down work use and maintain in the parish of Saint Paul Deptford the tramway herein-after described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates works and conveniences connected therewith and may for that purpose enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for that purpose :

Power to
make
tramway.

A.D. 1898. The tramway herein-before referred to and authorised by this Act is—

A tramway (single line) about two furlongs and two chains in length wholly in the said parish of Saint Paul Deptford for the purpose of connecting Railways 1 and 2 commencing by a junction with the said intended Railway No. 1 at the termination thereof and passing along Grove Street crossing Windmill Lane and terminating by a junction with Railway No. 2 at its commencement as above described.

Gauge of tramway.

13. The tramway shall be constructed on a gauge of four feet eight inches and half an inch and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road.

As to working of tramway.

14. The tramway shall be worked by animal power and shall only be worked for public traffic at or between such hours as may be agreed upon between the Corporation the county council and the district board and the Corporation may provide such stables buildings carriages trucks harness horses and other plant appliances and conveniences and may employ such persons as may be requisite or expedient for the convenient working or user of the tramway :

Provided also that the carriages used on the tramway may be moved by mechanical power subject to the following provisions (that is to say) :—

- (1) Mechanical power shall include every motive power not being steam electric or animal power :
- (2) Mechanical power shall not be used except with the consent of the county council and of the Board of Trade and according to a system approved by and subject to orders regulations and byelaws made by the Board of Trade :
- (3) The Board of Trade shall make regulations for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramway :
- (4) The Corporation or any other company or person using any mechanical power on the tramway 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 :
- (5) The Board of Trade if they are of opinion—
 - (A) That the Corporation or such other company or person 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 direct the Corporation or such other company or person 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 or such other company or person 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 :

Provided always that nothing herein contained shall authorise the working of the tramway in any manner or at any time prohibited by the Board of Agriculture :

And provided also that no shunting operations shall be carried on in the public streets within a distance of one hundred yards of the main entrance of the victualling yard.

15. The rails of the tramway shall be such as the Board of Trade may approve.

As to rails of tramway.

16. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of the tramway is laid or authorised to be laid the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramway to be kept on level of surface of road.

17. The Corporation and the district board may enter into and carry into effect contracts agreements and arrangements for or with reference to the construction of the tramway and the breaking up renetalling repairing and maintenance of any road or street along or upon which the tramway may be made and maintained and for the protection of any sewers drains or other works belonging to or under the jurisdiction or control of the district board.

Agreements with Board of Works for Greenwich District.

18. Subject to the provisions of this Act the Corporation shall have the exclusive use of the tramway for carriages and trucks with flanged wheels or other wheels suitable only to run on rails and any person except by leave of or licence from the Corporation using the tramway with such carriages and trucks shall for every such offence be liable to a penalty not exceeding twenty pounds.

As to user of tramway.

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Further provision as to construction of tramway.

19. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing the tramway lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing the tramway and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of the tramway until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

Penalty for not maintaining rails and roads.

20. The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure upon which the same rests and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act.

In case it is represented in writing to the Board of Trade by the county council or by the road authority of any district in which the tramway is situate or by twenty inhabitant ratepayers of such district that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Sanitary authority to have access to sewers.

21. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith

without the consent or concurrence of the Corporation and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

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22. If and whenever in the opinion of the London County Council it shall be necessary or expedient for the purpose of constructing altering or repairing any sewer or drain to interfere with any part of the tramway or the roadway in which the same shall be made the said council may without any consent or concurrence on the part of the Corporation enter upon and interfere with the tramway or roadway after having given (except in case of emergency) at least one month's previous notice in writing to the Corporation of their intention so to do and the Corporation shall during the execution of any such works either suspend the traffic upon such tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the engineer of the said council so as not to interfere with any such work and shall have no claim for compensation against the said council.

Traffic to be suspended during works of drainage.

23. If and whenever the London County Council shall require to alter or widen any part of the street in which the tramway is laid the said council may if they think fit (having given at least one month's previous notice in writing to the Corporation of their intention so to do) require the Corporation to alter any portion of the tramway or to remove the same to such position as the said council may require and the Corporation shall with all reasonable despatch proceed to alter or remove such portion of the tramway either temporarily or permanently accordingly at their own expense and without any claim for compensation against the said council in respect of such removal or alteration for any loss of traffic or otherwise consequent thereon Provided always that in making any permanent alteration or removal under this section no rail shall be so laid that a less space than nine feet six inches will intervene between it and the outside of the footpath on either side of the road.

As to altering and widening part of street in which tramway is laid if required.

24. The Corporation shall not affix or exhibit or permit to be affixed or exhibited within view of any public street upon any part of the undertaking whether during or after the construction of the same any placards or advertisements except such as relate to the business management and conduct of the foreign cattle market and the undertaking.

Exhibition of placards.

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Inspection
by Board
of Trade.

25. The tramway shall not be opened for traffic until it has been inspected and certified by the Board of Trade.

Power to
make addi-
tional cross-
ings.

26. The Corporation may subject to the provisions of this Act with the consent of the county council and of the district board make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramway or for providing access to any stables houses or premises of the Corporation situate in the said parish of Saint Paul Deptford Provided that in the construction of any such works no rail shall be so laid that a less space than ten feet six inches shall intervene between it and the outside of the footpath on either side of the road if the district board shall by writing under the hand of their clerk addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

For protec-
tion of
Board of
Works for
Greenwich
District.

27. For the protection of the district board the following provisions shall have effect with respect to the tramway :—

(1) The whole width of the roadway of that part of Grove Street in which the tramway is to be laid shall be paved by the Corporation to the satisfaction of the district board with granite setts to be approved of by the district board and shall at all times be maintained and kept in good repair by the Corporation :

(2) If at any time after the opening of the tramway Grove Street is not maintained in an efficient state of repair as hereinbefore provided it shall be lawful for the district board without prejudice to any other remedy to maintain the said street in an efficient state of repair to the satisfaction of the district board and the Corporation shall pay on demand to the district board the amount of any expenses it may incur in so doing :

(3) The district board may at the sole expense of the Corporation remove any manhole ventilator or other communication with any sewer which is situate under that part of Grove Street which the Corporation are hereby required to maintain and repair and may reconstruct and relay any such manhole ventilator and other communication respectively in other parts of the said street :

(4) The district board may whenever it is necessary or proper to take up or remove any part of the tramway or paving for the purpose of laying or constructing any new sewer or

drain or repairing or inspecting any old sewer or drain give notice to the Corporation and the district board shall thereupon be entitled to take up and remove the said tramway and paving at the sole expense of the Corporation :

- (5) The district board may cleanse the part of Grove Street in which the tramway is laid without reference to the tramway but whatever cleansing owing to snow filth or other matters impeding the traffic is requisite for the proper working of the tramway shall be executed by and at the risk of the Corporation who shall remove the snow filth or other matter from off the road forthwith and not place it on any other part of the road :
- (6) Any paving metalling or material excavated by the Corporation in the construction of the said tramway or paving may be applied by the Corporation so far as may be necessary in making the foundation for the tramway and the said granite setts and the surplus paving metalling or material so excavated or not so used or approved as aforesaid shall be delivered to the surveyor for the time being to the said district board or to such person or persons as he may appoint to receive the same Provided that if within seven days after the excavation of any such paving metalling or material and notice duly given the same is not removed by such surveyor or by some other person or persons named by him for that purpose such paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit :
- (7) The Corporation shall within one month after demand pay to the district board all costs charges and expenses properly incurred by the district board in relation to the proposed tramway and shall also pay from time to time on demand to the district board all reasonable and proper costs charges and expenses which the district board may from time to time incur for superintendence of the works during the construction or any alteration of the said tramway or by or in consequence of the exercise of any of the powers or duties conferred upon the district board by this Act :
- (8) Nothing in this Act contained shall extend or be construed to extend or alter or take away any of the rights powers and privileges conferred upon the district board by the Metropolis Management Act 1855 or the Acts amending the same or any other Act relating to that board.

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For protec-
tion of
W. J. Evelyn
Esq.

28. Whereas William John Evelyn of Wotton in the county of Surrey is or claims to be the owner in fee of certain properties shown upon the deposited plans which properties may be compulsorily acquired for the purposes of this Act and of other adjoining property including Sayes Court Hall and grounds the following provisions shall take effect for the protection of the said William John Evelyn his heirs and assigns:—

(A) If and when the Corporation shall acquire the whole or any part of the houses and lands in or adjoining to Barnes Terrace numbered 8 and 9 and 11 to 19 inclusive on the deposited plans under the powers of this Act they shall not erect any building upon the land so acquired at a less distance than forty feet from the northern boundary walls in Barnes Terrace of the Grove Street Board School and Sayes Court Hall and shall when required by the said William John Evelyn his heirs or assigns throw into or add to the roadway so much of the said lands so left unbuilt upon as aforesaid:

(B) If any property be acquired by the Corporation under the powers of this Act from the said William John Evelyn his heirs or assigns and the same shall not be required for any of the purposes of this Act then and in every such case the Corporation before dealing therewith under this Act as surplus lands shall previously offer such property for repurchase by the said William John Evelyn his heirs or assigns before offering the same to any other person at the same or any less price.

As to pur-
chase of
tramway
by local
authority.

29. The power of the local authority to purchase the tramway under the Tramways Act 1870 shall not be exercised otherwise than by agreement so long as the Corporation shall be the local authority in and for the county of London for the purposes of the provisions relating to foreign animals in the Diseases of Animals Act 1894 or any Act superseding or amending the same and shall as such local authority maintain the foreign cattle market.

Any agreement under this Act between the Corporation and the London Brighton and South Coast Railway Company shall be subject to determination by the local authority on six months' notice at any time after the local authority shall have acquired the tramway under the provisions of the Tramways Act 1870 and this Act.

Differences
between
district
board and

30. In the event of any difference arising between the Corporation and the district board the difference shall be referred to and settled by arbitration in the manner provided by the Arbitration Act 1889

and any such failure to agree shall be deemed to be a submission under the provisions of the said Act.

Corporation
to be settled
by arbitra-
tion.

31. Unless the county council otherwise agree the following provisions for the protection of the sewers of the county council shall have effect (namely):—

For protec-
tion of
sewers of
council.

- (1) The Corporation shall not commence any of the works by this Act authorised which shall or may pass over under or by the side of or so as to interfere with the sewers of the county council until they shall have given to the county council one month's previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the county council with plans and sections thereof as herein-after defined and until the county council shall have signified their approval of the same unless the county council do not signify their approval disapproval or other directions within twenty-one days after service of the said plans and sections as aforesaid and the Corporation shall comply with and conform to all reasonable orders directions and regulations of the county council in the execution of the said works and shall provide by new altered or substituted works in such manner as the county council shall reasonably require for the proper protection of and for preventing injury or impediment to the said sewers by reason of the intended works or any part thereof and shall save harmless the county council against all expenses to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer of the county council at the costs charges and expenses in all respects of the Corporation And all costs charges and expenses which the county council may be put to by reason of such works of the Corporation whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the county council by the Corporation on demand And when any new altered or substituted works as aforesaid or any works of defence connected therewith shall be completed by or at the costs charges or expenses of the Corporation under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the county council as any sewers or works now or hereafter may be And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the county council but all such rights powers and authorities

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shall be as valid and effectual as if this Act had not been passed :

- (2) The approval by the county council of any plans or superintendence by the county council of any work under the provisions of this section shall not exonerate the Corporation from any liability or affect any claim for damages under this section or otherwise.

For protec-
tion of
Company of
Proprietors
of Kent
Waterworks.

32. Before executing any of the works by this Act authorised over under or within five feet of any of the mains pipes or other works of the Company of Proprietors of the Kent Waterworks (herein-after called the water company) or of the special main for supplying water for the extinguishment of fire in the Royal Victualling Yard Deptford the Corporation shall give to the water company seven days' notice in writing of the intended works to be carried out by them and the works to which such notice applies shall be carried out according to a plan to be submitted with such notice and to be reasonably approved by the engineer of the water company before any such works shall be begun and if sanctioned shall be done under the superintendence and to the reasonable satisfaction of such engineer who may appoint and employ such necessary inspectors and watchmen as he may think proper to superintend the execution of the work and to secure the safety of such mains pipes and other works of the water company and the cost of all such works as well as the superintendence thereof shall be borne and defrayed by the Corporation and all such works shall be carried out so as not to cause any injury to any such mains pipes or other works of the water company or any interruption of the supply of water to its consumers and if any injury owing to or by reason of the construction or repair of any of the said works by this Act authorised shall arise to any such main pipe or other works of the water company or to the said special fire main or interruption of any such supply of water the Corporation shall make full compensation in respect thereof to the said water company Provided always that the water company shall express their approval or disapproval of the plans submitted within seven days of their submission and if no such approval or disapproval be expressed the Corporation may execute the works in accordance with the plans submitted Provided also that if in the construction of any of the works by this Act authorised it be intended to place any portion of the said works over or near any of the mains pipes or other works of the water company or the said special fire main the Corporation shall give to the water company seven days' notice in writing of such intended works and the water company may

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thereupon if they think fit so to do cause such main pipe or other work or special fire main to be removed to some other position in the roadway to be approved by their engineer before any such intended work shall be begun and if such removal be necessitated by the carrying out of the works by this Act authorised then the costs and expenses of the water company in and about and incidental to the removal of such main pipes or other works or special fire main shall be paid by the Corporation to the water company and nothing in this Act shall abridge lessen or annul any right power or privilege of the Company of Proprietors of the Kent Waterworks upon in or under any portion of any public road street or place within upon or over which the Corporation may be empowered to construct any of the works by this Act authorised and the provisions of this section shall apply in addition to and not in substitution for the provisions of sections 6 to 24 of the Railways Clauses Consolidation Act 1845 relating to the construction of the railway.

Any difference arising between the Corporation and the water company respecting any of the matters referred to in this section and any disagreement within section 19 of the Railways Clauses Consolidation Act 1845 shall be referred to and settled at the request of either party by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

33. 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 after giving ten days' notice to the owners lessees or occupiers of the lands in question may apply to a metropolitan police magistrate for the correction thereof and if it shall appear to such magistrate that such omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of London and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or 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.

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

34. The powers of the Corporation for the compulsory purchase of lands houses and property for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period
for the
compulsory
purchase
of lands.

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Period for
completion
of tramway.

35. If the tramway be not completed within two years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the tramway or otherwise in relation thereto shall cease except as to so much thereof as is then respectively completed.

Rates for
goods &c.

36. The Corporation may demand and take in respect of any goods articles and things mentioned in the Second Schedule conveyed by them on the undertaking including the charges for the use of the railways and tramway and of wagons or trucks and for motive power and every other expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection and any other service incidental to the business of a carrier where such service is performed by the Corporation) any rates or charges not exceeding the rates and charges specified in the Second Schedule to this Act.

Limitation
of public
traffic on
undertaking.

37. The Corporation shall not nor shall any licensee of the Corporation carry as public traffic on the undertaking any person or animal or any goods articles and things except those specified in the Second Schedule to this Act.

Agreements
with
Admiralty
and London
Brighton and
South Coast
Railway
Company.

38. Subject to the provisions of this Act and subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 and the Railway and Canal Traffic Act 1888 the Corporation the Admiralty and the London Brighton and South Coast Railway Company may respectively enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

The conveyance to and from the foreign cattle market or the victualling yard as the case may be and the London Brighton and South Coast Railway of goods articles and things for the purposes of the market or of the victualling yard or for any Government purpose ;

The supply and haulage of any wagons or vans necessary for the purposes of such traffic ;

The payments to be made and the conditions to be performed with respect to the matters aforesaid ;

The interchange accommodation conveyance and delivery of such traffic as aforesaid ;

The division between the Corporation and the said Company of the receipts arising from such traffic ;

The payments allowances rebates and drawbacks to be paid made or allowed by the Corporation or the said company to the

other of them for or on account of any of the matters to which the respective agreement relates. A.D. 1898.

39. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and from time to time to alter such telegraphic lines and to enter upon the lands and works comprised in the undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the railways or any part thereof are or is worked by the London Brighton and South Coast Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement. Saving for
Postmaster
General.

40. Where under the provisions of this Act or any Act wholly or partially incorporated therewith any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration. Provisions
as to arbi-
tration.

41.—(1) The Corporation shall not under the powers of this Act purchase or acquire in any parish twenty 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— Restrictions
on displacing
persons of
labouring
class.

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

(B) They shall have given security to the satisfaction of the Secretary of State for the carrying out of the scheme.

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

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

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

(5) If the Corporation acquire or appropriate any house or houses for the purposes 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 any such house which penalty shall be recoverable by the Secretary of State by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

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

(7) The Corporation may subject to such approval as aforesaid on any lands belonging to them or purchased or acquired under 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.

(8) All lands on which any buildings have been erected or provided by the Corporation 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 that the Secretary of State may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he may see fit.

(9) All buildings erected or provided by the Corporation for the purpose of any scheme under this section shall be subject to the provisions of the Metropolis Management Act 1855 and the London Building Act 1894 (local) and any Acts amending those respective Acts.

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

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

(12) For the purposes of this section the expression "labouring class" means and includes mechanics artizans 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.

42. The Corporation may enter into and carry into effect agreements and arrangements with the owners lessees or occupiers of any lands adjoining or near to lands by this Act authorised to be taken with reference to the construction and maintenance of the undertaking or any part thereof.

Agreements with adjoining owners.

43. 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 any easement right or privilege (not being an easement right or privilege of water in which other than the grantors have an interest) required for the purposes of this Act in or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to certain persons to grant easements &c. by agreement.

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Power to
take lease of
lands.

44. In lieu of purchasing any lands which the Corporation is by this Act authorised to purchase the Corporation may by agreement with any persons competent to grant leases of such lands accept and take a lease of such lands.

Corporation
may let ex-
change or
sell surplus
lands.

45. Subject to the Lands Clauses Acts the Corporation may from time to time let for a term or from year to year or for a less period at such rent as they may determine or exchange or sell and otherwise dispose of any buildings or lands or any part thereof acquired by them under the powers of this Act and not required for any of the purposes by this Act authorised and such sale may be for such price or prices as the Corporation shall think reasonable and the Corporation may execute and do any deed act or thing proper for effectuating any such lease exchange sale or other disposition.

Receipts of
chamberlain
to be effec-
tual dis-
charges.

46. The receipt of the Chamberlain of the city of London or of any person duly authorised by the Corporation for any rent or purchase-money payable to the Corporation by virtue of this Act shall be a sufficient and effectual discharge for the rent or purchase money in such receipt expressed or acknowledged to be received and the person to whom such receipt shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Annual
receipts and
expenditure
of railways
and tram-
way.

47. The Corporation shall cause accounts to be kept of their receipts and expenditure in connexion with the working of the undertaking to which all receipts arising from the railways and the tramway shall be carried and out of which all payments in respect thereof shall be made and if and so far as such revenue shall be insufficient to cover the expenses of maintenance and management the deficiency shall from time to time be defrayed out of any profits arising from the foreign cattle market and any balance of railway and tramway revenue in excess of expenditure shall at such times as the Corporation direct be carried and placed to the credit of the foreign cattle market.

Recovery
of penalties.

48. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered under the provisions of the Summary Jurisdiction Acts.

Orders &c.
of the Board
of Trade.

49. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade.

50. All costs and expenses of the Corporation in the execution of or in anywise relating to this Act so far as not otherwise provided for and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of any moneys received by them in respect of the foreign cattle market or under the authority of this Act.

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Costs of
Act.

SCHEDULES herein-before referred to.

FIRST SCHEDULE.

PARTICULARS OF LANDS TO BE TAKEN FOR EXTENSION
OF FOREIGN CATTLE MARKET.

Certain lands houses and property situate in Grove Street and Barnes Terrace in the parishes of St. Paul Deptford and St. Nicholas Deptford in the county of London and bounded on the north-west by the Grove Street entrance to the foreign cattle market on the south-west by Grove Street on the south by the boundary wall of the Grove Street board school and on the east and north-east by the wall of the said market.

Certain lands houses and property situate in Prince Street and Watergate Street in the said parish of St. Nicholas Deptford bounded on the south by Prince Street on the east by Watergate Street on the north and west by the wall of the said market.

SECOND SCHEDULE.

RATES AND CHARGES FOR EXPORTS FROM AND IMPORTS
INTO THE FOREIGN CATTLE MARKET.

MEAT &c.

For meat offal hide skins wool blood intestines dung compost manure s. d.
and other products of a like description 1s. 9d. per ton with a
minimum charge of - - - - - 1 0

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FOR GOODS AND MATERIALS FOR THE PURPOSES OF THE
FOREIGN CATTLE MARKET.

For all coals coke iron and steel and ironwork and steelwork of every description timber bricks clay stone slates chalk lime sand cinders and all other building and paving materials and all undressed materials for repairs	- - - - -	- per ton	1	0
For all ice salt sugar grain corn and flour	- - - - -	- per ton	1	0
For moss litter hay straw and provender of every description	- - - - -	- per ton	1	0
For drugs and manufactured goods and all other wares articles matters or things	- - - - -	- per ton	1	0
For every carriage of whatever description	- - - - -	- each	1	0

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Corporation may think fit not exceeding two shillings per ton.

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the Corporation may think fit.

REGULATIONS AS TO RATES.

For a fraction of a ton the Corporation may demand and take tolls and charges according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

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