CHAPTER ii.

An Act for enabling the Ecclesiastical Commissioners for England to convey and the Mayor and Commonalty and Citizens of the City of London to acquire and hold as open spaces certain lands at Highgate and Kilburn in the County of Middlesex and for other purposes. A.D. 1886.

[31st March 1886.]

WHEREAS the Ecclesiastical Commissioners for England (herein-after called "the Commissioners") are desirous to provide for the use by the public of certain lands situate at Highgate in the parish of Hornsey and certain other lands situate at Kilburn in the parish of Willesden all in the county of Middlesex forming part of the estates belonging or reputed to belong to the Commissioners and for such purpose to transfer all their estate and interest in the same by way of gift to the mayor and commonalty and citizens of the city of London (herein-after called "the Corporation") and so that such lands may be held by the Corporation as public parks or open spaces for the perpetual use thereof by the public for exercise and recreation and the Corporation are willing to accept such gift and to hold the said lands for the purposes aforesaid:

And whereas the conversion of such lands into public parks or open spaces will be of advantage to the Commissioners as owners of adjoining and neighbouring lands and will be of great public benefit and it is expedient that the provisions in this Act contained should be made with reference thereto:

And whereas by the Metage on Grain (Port of London) Act 1872 the Corporation were empowered to demand and receive in respect of all grain brought into the port of London for sale a certain fixed duty therein particularly specified and to be called the City of London Grain Duty and it was enacted that such duty should subject to the provisions of that Act be held by the Corporation for the preservation of open spaces in the neighbourhood

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of London not within the metropolis as defined by the Metropolis Management Act 1855 and it was thereby enacted that for the purpose of the preservation of any such open space the Corporation might from time to time borrow at interest on the credit of the net proceeds of the City of London Grain Duty and of their estates and revenues any money not exceeding in the whole ninety-nine thousand pounds:

And whereas by the City of London (Various Powers) Act 1877 it was enacted that for the purpose of the preservation of any open spaces in the neighbourhood of London within the meaning of the Metage on Grain (Port of London) Act 1872 the Corporation might from time to time borrow in addition to the said sum of ninety-nine thousand pounds such moneys not exceeding the sum of fifty thousand pounds as they might require and upon the same security and subject to the same terms and conditions as though the same were moneys authorised to be borrowed by the last-mentioned Act for a like purpose:

And whereas by the Corporation of London (Open Spaces) Act 1878 further powers of acquiring and holding open spaces and commons and common rights were conferred upon the Corporation and it was enacted that the Corporation might borrow at interest on the credit of the net proceeds of the City of London Grain Duty and of their estates and revenues beyond the sums which they were authorised to borrow on such credit by the Metage on Grain (Port of London) Act 1872 and the City of London (Various Powers) Act 1877 any sum or sums of money not exceeding in the whole fifty thousand pounds and might apply the said duty and the moneys borrowed under the authority of the said Acts as therein provided:

And whereas it is desirable that the Corporation should be authorised to raise further moneys if necessary for the purposes of this Act on the credit of the City of London Grain Duty as herein-after provided and also to apply to those purposes such other moneys as are herein-after referred to:

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

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

Short title.

1. This Act may be cited as the Highgate and Kilburn Open Spaces Act 1886.

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Transfer of lands at Highgate and Kilburn to Corporation.

2. From and after the passing of this Act all the estate and interest of the Commissioners in the lands at Highgate and Kilburn respectively described in the First and Second Parts of the schedule to this Act and delineated and coloured green on the plans of the said lands signed in triplicate by Leonard Henry Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred shall by virtue of this Act be transferred to the Corporation by way of gift and the same shall become vested in the Corporation and be held by them and their successors for ever subject to the provisions of this Act in mortmain in perpetuity any statute or rule of law to the contrary notwithstanding and the Corporation shall hold the said lands and every part of the same (as and when they obtain actual possession of the same respectively) and from time to time inclose lay out plan and improve the same and make and maintain roads and footpaths and build lodges therein and maintain and preserve the said lands as public parks or open spaces for the perpetual use thereof by the public for exercise and recreation and as regards the said lands at Highgate the Corporation shall at all times as far as possible preserve the natural aspect thereof and as regards all the said lands shall take all necessary steps for protecting the timber and other trees pollards shrubs underwood heather gorse turf and herbage now or at any time hereafter growing thereon and for preventing the felling cutting lopping or injuring thereof and the digging of the gravel and clay loam and soil therein except so far as may be necessary for the purposes of this Act. The plans signed in triplicate as aforesaid shall within one month after the passing of this Act be deposited as to one copy thereof in the Private Bill Office of the House of Commons and as to another copy thereof with the town clerk of the city of London and as to the third copy thereof in the office of the Commissioners.

As to roads and approaches.

3. The Commissioners shall before the first day of January one thousand eight hundred and eighty-eight construct and shall (until the same are taken over by the local authority of the district in which they are situate) maintain the two approach roads to the said lands at Kilburn which roads are shown by a brown colour on the said plans and permit the same to be used by the Corporation and all persons coming to or leaving the said last-mentioned lands and the Commissioners may in making the said two approach roads and the other intended roads adjoining the said lands at Kilburn construct on such last-mentioned lands any banks or slopes necessary for carrying the said roads at such levels as the Commissioners may deem requisite proper and convenient and the Commissioners may divert and remove the existing bank and road leading to the bridge

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over the Hampstead Junction Railway so far as they are situate on the said lands at Kilburn The Commissioners shall also bear any expense of sewering levelling paving flagging metalling channelling making good or lighting any and every part of the said roads for which under section 150 of the Public Health Act 1875 any such owners or occupiers as are in that section mentioned of the said lands at Kilburn or any part thereof are or might be liable.

As to drains &c.

4. The Corporation may cause any sewer or drain from the said lands at Kilburn to communicate with any sewer or drain on the adjoining lands of the Commissioners on giving such notice as may be required by the Commissioners of their intention so to do and on condition of their complying with the regulations of the Commissioners as to the mode in which such communications are to be made and so that the same shall be subject to the control of any person who may be appointed by the Commissioners to superintend the making of such communications.

Corporation empowered to borrow moneys for purposes of Act;

5. For any of the purposes authorised by this Act the Corporation may borrow at interest on the credit of the net proceeds of the City of London Grain Duty and of their estates and revenues beyond the sums which they are authorised to borrow on such credit by the Metage on Grain (Port of London) Act 1872 and the City of London (Various Powers) Act 1877 and the Corporation of London (Open Spaces) Act 1878 any sum or sums of money not exceeding in the whole fifteen thousand pounds and may apply the said duty and the moneys borrowed under the authority of this Act and of the said Acts and any other moneys for the time being belonging to them or under their control (except moneys held by them upon trust for other purposes) for any of the purposes authorised by this Act Provided always that the sum to be borrowed under the authority of this Act shall be charged on the said net proceeds as a collateral security for the payment of the principal and interest of the same if such net proceeds shall prove sufficient for that purpose and that the power of borrowing on the credit of the said net proceeds conferred by this Act shall not be deemed to authorise an application to Parliament for the further extension of the said duty.

And to apply moneys provided by Parliament.

6. The Corporation may apply to the purposes of this Act any moneys provided by Parliament for those purposes.

Powers of Corporation as to all lands.

7. As regards all the lands to be acquired or managed by the Corporation as open spaces under the powers of this Act the Corporation shall have and may exercise so far as the same are applicable the powers conferred upon them by section 10 of the Corporation of London (Open Spaces) Act 1878.

Corporation may make and alter byelaws.

8. The powers conferred upon the Corporation by sections 11 12 13 14 and 15 of the Corporation of London (Open Spaces) Act 1878 with respect to the making allowing and publication of byelaws relating to all or any of the lands referred to in that Act shall extend and apply and may be exercised with reference to the lands described in the schedule to this Act or any of them.

Certain sections of Open Spaces Act 1878 incorporated.

9. The provisions contained in sections 16 17 18 19 20 and 21 of the Corporation of London (Open Spaces) Act 1878 shall be and are incorporated with this Act and the said sections shall form part of this Act as fully and effectually as if they had been expressly enacted herein.

Expenses of Act.

10. 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 the moneys to be raised under the authority of this Act or out of any other moneys belonging to them.

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SCHEDULE referred to in the foregoing Act.

FIRST PART.

HIGHGATE LANDS.

All those pieces of land in the parish of Hornsey in the county of Middlesex containing together sixty-nine acres or thereabouts bounded on all sides except the east by the Great Northern Railway Company's Edgware Highgate and London Line and the Alexandra Park Branch thereof and bounded on the east partly by the road leading from Highgate to Muswell Hill and now or late known as Southwood Lane and partly by ground and premises belonging to persons other than the Commissioners and lying between the said road and the said pieces of land.

SECOND PART.

KILBURN LANDS.

All that piece of ground in the parish of Willesden in the county of Middlesex containing thirty acres or thereabouts lying within and forming part of a larger area of land belonging to the Commissioners such larger area being bounded on the north-west by the Hampstead Junction Railway on the north-east by Salusbury Road on the south-east by the London and North-western Railway and on the south-west by Chamberlayne Wood Road.

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