


ANNO TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

***************************************************

## *Cap.* vii.

**An Act to enable the Metropolitan Board of Works to make Improvements in the Parish of *Saint Marylebone* in the County of *Middlesex* by forming a new Street in lieu of *Stingo Lane* from the *Marylebone Road* to *Upper York Street.***

[29th *May* 1868.]

WHEREAS it would be of great public Utility if a new Street were made commencing in the *Marylebone Road* at or near the Point where *Stingo Lane* unites with that Road, and terminating at or in *Upper York Street* at or near the Place where *Stingo Lane* unites with *Upper York Street:* And whereas by "The Metropolitan Management Act, 1855," the Metropolitan Board of Works, in this Act called "the Board," are empowered to make, widen, or improve any Streets, Roads, or Ways for facilitating the Passage and Traffic between various Parts of the Metropolis, or to contribute and join with any Persons in any such Improvements as aforesaid, and to take by Agreement or Gift any Land, Right in Land, or Property for the Purposes aforesaid, or otherwise for the Improvement of the Metropolis: And whereas it is expedient that the Vestry of the Parish of *Saint Marylebone* in which the new Street will be situated should contribute a Portion of the

18 & 19 Vict. c. 122.

Expense of the Improvement: And whereas the Board have caused to be deposited with the Clerk of the Peace for the County of *Middlesex* Plans describing the new Street and Improvements and the Lands on the Site of which the same are intended to be made, and Books of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands proposed to be taken for the Purposes of such new Street and Improvements, and Sections showing the Level of such intended new Street, and such Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Book of Reference: And whereas the Metropolitan Board of Works are unable to carry into effect the said Improvements without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

**1.** In citing this Act for any Purpose it shall be sufficient to use the Expression "*Marylebone* (*Stingo Lane*) Improvement Act, 1868."

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

**2.** "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," (except Section 133 of the first-mentioned Act, and also such of the Provisions of such Acts as are expressly varied by or excepted from this Act,) are incorporated with and form Part of this Act; and the Expression "the Promoters of the Undertaking" in such Acts means for the Purposes of this Act the Metropolitan Board of Works.

Interpretation of Terms.

**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,)

The Word "Justice" shall mean Justice of the Peace acting for the County, Borough, Liberty, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter:

When any Matter shall require to be done before Justices the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together in Petty Sessions:

The Word "Streets" shall include Squares, Streets, Courts, or Alleys, Highways, Roads, Thoroughfares, or public Passages or Places:

The

The Expression "the Board" shall mean the Metropolitan Board of Works:

The Expression "*Marylebone* Vestry" means the Vestry of the Parish of *Saint Marylebone*:

The Word "Lessee" shall include any Person holding a Sub-lease:

And the several Words and Expressions to which by the Acts incorporated herewith Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Metropolitan Board of Works to execute Act.

**4.** The Metropolitan Board of Works shall be and they are hereby empowered to carry this Act into execution.

Power to Board to appoint a Committee to carry the Act into execution.

**5.** It shall be lawful for the Board from Time to Time to appoint a Committee to manage and transact all or any of the Matters or Purposes which the Board are hereby empowered to do, execute, or perform, which Committee shall have so much or so many of the Powers, Authorities, and Discretion by this Act given to and reposed in the Board as from Time to Time the Board shall think fit or proper to delegate to such Committee.

Persons interested not eligible for such Committee.

**6.** If any Person being a Member of the said Committee shall be directly or indirectly interested or concerned in any Contract which shall be made or entered into by or on behalf of such Committee for or concerning any of the Works to be performed or done in pursuance of this Act, or for or concerning any Materials to be used or employed therein, every such Contract shall be void, and the Person who, being a Member of such Committee, shall be so interested or concerned, shall for every such Offence be liable to a Penalty of One hundred Pounds, and such Penalty may be recovered by any Person, with full Costs of Suit, in any of the Superior Courts.

Power to make new Street.

**7.** It shall be lawful for the Board to make the new Street following; that is to say,

A new Street commencing in the *Marylebone Road* at or near the Point where *Stingo Lane* unites with that Road, and terminating at or in *Upper York Street* at or near the Place where *Stingo Lane* unites with *Upper York Street*.

Street to be made according to deposited Plans.

**8.** Subject to the Provisions of this Act, the new Street Improvement and other Works by this Act authorized may be made in or upon the Lands delineated on the deposited Plans and described in

in the deposited Book of Reference, and according to the Levels defined on the said Sections, and it shall be lawful for the Board to enter upon, take, use, and hold such of the said Lands as they may deem necessary for all or any of such Purposes, and for providing Space for the Erection of Houses and Buildings adjoining and near such new Street and Improvement: Provided always, that it shall be lawful for the Board in carrying the Works shown on the Sections into execution to deviate to any Extent not exceeding Three Feet from the Levels defined on such Sections.

The Board empowered to lay out Footways, &c.

**9.** It shall be lawful for the Board to cause such Part of the new Street to be laid out for Carriageway, and such Part thereof for Foot Passengers, as they shall think proper, and to construct, erect, and provide such Vaults, Cellars, Arches, Sewers, Drains, and other Works and Conveniences as they may think proper.

Power to alter and stop up Streets and Ways.

**10.** The Board may stop up and appropriate for the Purposes of the Improvement the Streets, Courts, Passages, and Places, or any Part thereof, respectively comprised within the Limits of Deviation shown on the deposited Plans, called *Stingo Lane*, *Walmer Street*, *Walmer Place*, *Virgil Place*, *Paradise Buildings*, and *Little Harcourt Street*, or any of them, and it shall be lawful for the Board also to alter, divert, or stop up all such other Streets shown on the said Plans as intended to be altered, diverted, or stopped up, and to inclose all such void Ground shown on such Plans, or such Parts thereof as the Board shall deem necessary to alter, divert, stop up, or inclose for the Purposes of this Act, and the Ground and Soil of such Streets and void Ground, or Parts thereof respectively, as shall be stopped up and inclosed, and the Fee Simple and Inheritance thereof, shall be and are hereby vested in the Board for the Purposes of this Act.

Power to stop up Ways during the Execution of the Act.

**11.** It shall be lawful for the Board, during the making, widening, and improving of the said Streets, to stop up or cause to be stopped up all or any Part of the Carriage or Foot Ways of Streets which they shall think necessary for the Purposes of this Act, and for that Purpose to put up or cause to be put up sufficient Palisadoes, Bars, Posts, and other Erections, and to make such Order for regulating the Passage of Carts, Carriages, and Horses, as to them shall seem proper.

Streets may be raised or lowered.

**12.** Subject to the Provisions of this Act, and to the Powers of Deviation conferred by this Act, it shall be lawful for the Board to alter the Lines or Levels of any of the Streets described on the deposited

deposited Plans and Sections as intended to be diverted, raised, or lowered in such Manner as may be so described on such Plans and Sections.

Certain Provisions of 29 & 30 Vict. c. cl. incorporated.

**13.** The following Sections of "The *Kensington* Improvement Act, 1866," shall extend and apply to the Works and Objects by this Act authorized, and shall have Effect with reference to the Purposes of this Act as fully as if they were re-enacted in this Act (the Number and Marginal Notes of such Sections in the Queen's Printer's Copy of the Act being as follows); that is to say,

Section 13. Directing how the Pavement shall be laid and made:
Section 14. Sewers or Drains to be arched over or filled up:
Section 15. Power to alter Steps, Areas, Pipes, &c.:
Section 16. Ground laid into the Streets to form Part thereof:
Section 22. Where Part of an Estate is taken, the Remainder to be valued:
Section 23. Verdict of Value and Damages to be ascertained separately:
Section 24. Provision for Deficiencies in Land Tax:
Section 25. Power to lease surplus Lands:
Section 26. Board to sell the Ground Rents and Reservations to be comprised in such Leases:
Section 27. Board may sell Land in the first instance without having previously granted a Lease thereof:
Section 28. Board shall sell any Land which may not be wanted:
Section 29. Receipts of Board to be effectual Discharges.

Errors and Omissions in Plans, &c. to be corrected by Justices who shall certify the same.

**14.** If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, on the said Plans or in the Books of Reference thereto, it shall be lawful for the Board, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous 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 shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the County in which the Lands affected thereby shall be situate, and such Certificate shall be kept by such Clerk of the Peace along with the other Documents to which they relate, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Board to take the Lands in accordance with such Certificate.

Certificate to be deposited.

Power to sell Materials.

**15.** It shall be lawful for the Board to sell the Materials of the Houses and Buildings which have been purchased or taken by them by virtue of this Act.

Power to the Board, their Surveyors, &c. to enter upon Houses, &c.

**16.** It shall be lawful for the Board, and for their Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Day, upon giving in Writing for the First Time Twenty-four Hours and afterwards from Time to Time Twelve Hours previous Notice, to enter into and upon the Lands authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying and valuing the said Premises, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part of the said Lands.

Board empowered to treat for the Purchase of Houses, &c.

**17.** It shall be lawful for the Board and they are hereby empowered to treat and agree for the Purchase of any Lands authorized to be taken and used by them as aforesaid, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein, and Charges thereon, or such of them, or such Part thereof, as the Board shall think proper.

Powers for compulsory Purchases limited.

**18.** The Powers of the Board for the compulsory Purchase or taking of the Lands authorized to be taken by this Act shall not be exercised after the Expiration of Three Years to be computed from the passing of this Act.

The Board to raise Money for the Purposes of this Act.

**19.** For the Purpose of defraying the Expenses of carrying this Act into execution it shall be lawful for the Board from Time to Time to borrow and take up at Interest any Sums of Money which the Board may require for the Purposes of this Act; and for securing the Repayment of the Monies so to be borrowed, with Interest, the Board may issue Bonds under their Corporate Seal, or may mortgage and assign over the Monies or Rates which may be charged, raised, or assessed by them by virtue of "The Metropolis Management Act, 1855," "The Metropolis Management Amendment Act, 1856," and "The Metropolis Amendment Act, 1862," or any Act passed or to be passed in the present Session relating to Powers of Loan and rating, or any Part thereof respectively, to the Person who shall lend and advance such Money, or his Trustees, as a Security for the Repayment of the Money so to be borrowed, together with Interest for the same; and the Securities may be made in such Form as by the said Acts or any of them are authorized, or as the Board may from Time to Time direct and require.

**20.** The

Part of 18 & 19 Vict. c. 120. as to Mortgages incorporated.

**20.** The Sections of "The Metropolis Management Act, 1855," numbered respectively 184 to 191, both inclusive, are incorporated with this Act, and shall be applicable to the Mortgages and Bonds by this Act authorized to be granted and issued.

Bonds and Mortgages to be without Preference.

**21.** All Persons to whom such Bonds or Mortgages shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Monies raiseable under "The Metropolis Management Act, 1855," equally one with another, without any Preference in respect to the Priority of advancing such Monies, or of the Dates of such Bonds or Mortgages respectively.

Power to raise Money on Annuities.

**22.** In case the Board shall think it advisable or more advantageous to raise all or any Part of the Money to be borrowed under this Act by granting Annuities for Life or for Terms of Years instead of raising the same by Bonds or on Mortgage, it shall be lawful for the Board by Deed under their Corporate Seal to grant an Annuity to any Person who shall contribute and pay to the Treasurer of the Board such Sum of Money as the Board shall deem right and proper for the absolute Purchase of an Annuity to be paid and payable during the Life of every such Contributor, or the Life of such Person as shall be nominated by such Contributor at the Time of Payment of his Contribution or Purchase Money, or for any Term of Years which may be agreed upon, and such Grant may be according to the Form in the Schedule annexed to "The *Kensington* Improvement Act, 1866," or to the like Effect.

Register, Transfer, and Register of Transfer of Annuities.

**23.** The Provisions in "The Metropolis Management Act, 1855," with respect to the Register, Transfer, and Register of Transfers of Mortgages shall be respectively applicable to the Register, Transfer, and Register of Transfer of Annuities granted by virtue of the Provisions herein-before contained.

Mortgages, &c. to be charged on the Rates.

**24.** All Monies raised by Mortgage or Bond, and all Sums of Money payable by way of Annuity, by virtue of this Act, shall be charged upon and payable out of the Monies or Rates which the Board are authorized to raise or assess by virtue of "The Metropolis Management Act, 1855," and "The Metropolis Management Amendment Act, 1862," and all Remedies given by such Acts shall be applicable to any Sums of Money to be raised by virtue of this Act, but such Monies shall not, unless the same be expressly declared in the Mortgage Deed or other Security, be charged upon the Land which may become vested in the Board for the Purposes of this Act.

**25.** The

Form of Transfer.

**25.** The Form of Transfer of Mortgages contained in Schedule (F.) to "The Metropolis Management Act, 1855," shall be applicable, so far as may be practicable or convenient, to the Transfer of Annuities and Bonds granted or issued under the Authority of this Act.

Expenses of Mortgages and Annuities.

**26.** The Expenses of every Bond, Mortgage, and Grant of Annuity shall from Time to Time be defrayed by the Board out of the Money raised by the same.

Separate Accounts.

**27.** The Board shall keep separate Accounts of all Monies borrowed by them, and of all Lands, Tenements, and Hereditaments purchased by them, and of the Monies invested in such Purchases, and of all their Receipts, Credits, Payments, and Liabilities with respect to the Execution of this Act, and in order the better to show the State of the Affairs of the Board those Accounts shall be kept separate and distinct from all their other Accounts.

Application of Monies to be borrowed.

**28.** All the Money which shall be raised under the Authority of this Act shall be applied in the first place in paying the Expenses incurred by the Board of applying for, obtaining, and passing this Act, and preparatory or incident thereto, and afterwards in purchasing Lands and making the new Street and Improvements hereby authorized, and as the Board shall direct to be made, and in carrying the Purposes of this Act into execution with reference thereto.

Application of Monies arising from Sales, &c.

**29.** All Monies which shall be received by the Board by the way of Fine for the granting of any Lease, and the Purchase Money arising from the Sale by the Board of any Lands or from the Sale of the Ground Rents reserved or agreed to be reserved under the Powers of this Act, shall be applied in carrying out the Improvements and Purposes by this Act authorized, or in augmentation of the Sinking Fund to be provided by the Board in pursuance of the 190th Section of "The Metropolis Management Act, 1855," for the Discharge of the Principal Monies borrowed under the Authority of this Act, and after discharging all the Purposes of this Act any Surplus shall be applicable to the Purposes to which the general Funds authorized to be raised by the Board are by "The Metropolis Management Act, 1855," directed to be applied.

Contribution by Marylebone Vestry.

**30.** It shall be lawful for the *Marylebone* Vestry and they are hereby required from Time to Time to contribute towards the Expenses of the new Street and Improvements by this Act authorized, and

and of carrying into effect the Purposes of this Act in relation thereto, such Proportion of such Expenses as the Board may from Time to Time require, to the Extent of but not exceeding One Half of such Expenses, and the Board may at any Time and from Time to Time issue Precepts to the *Marylebone* Vestry for any such Sums, and such Sums shall be raised by the *Marylebone* Vestry by means of and be included in the General Rate levied by such Vestry; and the *Marylebone* Vestry for the Purposes of such Contribution may exercise all such Powers of borrowing Money, and of mortgaging, charging, and applying the General Rate and otherwise, as are contained in and given to Vestries by "The Metropolis Management Act, 1855," "The Metropolis Management Amendment Act, 1862," or any other Act relating to the local Management of the Metropolis, and may mortgage, charge, and apply the General Rate accordingly; and the *Marylebone* Vestry may include the Amount of any such Precept of the Board made or to be made, or the Interest or Principal of any Money borrowed by them for the Purposes of this Act, in the General Rate, and Section 10 of "The Metropolis Management Amendment Act, 1862," shall, for the Purposes of this Act and the Precepts of the Board before mentioned, extend and apply to the General Rate, and the Board shall have all the like Powers of enforcing any Precepts under this Act as are applicable by Law to the ordinary Precepts of the Board.

Credit to be given to Marylebone Vestry for Sale of Lands, &c.

**31.** The *Marylebone* Vestry shall have Credit for One Half of all Sums of Money which may be paid to the Board under the Provisions of this Act, whether arising from the Sale of Materials, the Sale or letting of Lands, or any other Sums which, being carried to the Credit of the separate Account to be kept for the Purposes of this Act, recoup the Board a Part of the Expenses incurred by them in carrying this Act into execution, and the Board shall from Time to Time furnish a Copy of such Account to the *Marylebone* Vestry.

Notice to be given of taking Houses of Labouring Classes.

**32.** The Board shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses, and the Board shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Board have made known their Intention to take the same in manner herein-before required.

Powers of Metropolis Management Acts extended to this Act.

**33.** The Board shall have and may exercise for and in the Execution of this Act all such Powers, Privileges, and Authorities as are conferred on the Board by the Acts constituting and regulating the Board, and as far as may be the Provisions of those Acts shall apply for the Purposes and in the Execution of this Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.