

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XLI.

An Act to make further Provision for the Enlargement of the National Gallery.

[15th *July* 1867.]

WHEREAS under the Provisions of the Act of the Twenty-ninth and Thirtieth Years of Her Majesty, Chapter Eighty-three, (called "The National Gallery Enlargement Act, 1866,") the Commissioners of Her Majesty's Works and Public Buildings have acquired or are empowered to acquire certain Lands for the Enlargement and Improvement of the National Gallery: 29 & 30 Vict. c. 83.

And whereas the Lands described and shown in the Plans herein-after particularly mentioned are Part of the Lands to which the said Act relates, but the said Commissioners have no Power to acquire the same under the Authority of that Act otherwise than by Agreement:

And whereas no Agreement has been made with the Owners or reputed Owners of the said Lands for the Purchase thereof, and such Owners or reputed Owners are of themselves incapacitated from entering into any valid Agreement for that Purpose, and the said Lands being required and necessary for the Enlargement and Improvement of the National Gallery contemplated by the said Act, it is expedient that the said Commissioners should have such further Powers of acquiring and appropriating the said Lands as are herein-after contained:

And

Deposit of Plans and Book of Reference descriptive of Site.

And whereas duplicate Plans describing the Situation of the said Lands to which this Act relates (herein-after referred to as the prescribed Lands), with a Book of Reference thereto containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers thereof, have been deposited with the Clerk of the Peace for the County of *Middlesex* at his Office at the Sessions House, *Clerkenwell*, in the said County, and with the Vestry Clerk of the Parish of *Saint Martin in the Fields* at his Office:

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:

Purposes of the Act.

1. The Purposes of this Act are the Acquisition and Appropriation of additional Lands for the Enlargement and Improvement of the National Gallery aforesaid, and the constructing and doing such Works and Things as are conducive to the Attainment of the above Purposes, or any of them, or incidental thereto.

Commissioners of Her Majesty's Works as incorporated by 15 & 16 Vict. c. 28. to carry this Act into effect.

2. The Commissioners of Her Majesty's Works and Public Buildings as incorporated by the Act of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Twenty-eight, and who are herein-after referred to as the Commissioners, shall have the Charge of carrying this Act into effect; but all the prescribed Lands as and when they shall be acquired for or become appropriated to the Purposes of this Act shall be conveyed to Her Majesty, Her Heirs or Successors, for the Purposes of this Act, or for such other Purposes of public Utility as may be sanctioned by Parliament; nevertheless any Parts of the prescribed Lands which may not be required for the Purposes of this Act may be sold and disposed of by the Commissioners in manner by the said Act of the Fifteenth and Sixteenth Years of Her Majesty authorized and prescribed, and the Commissioners in such Case shall have Power to convey all the Estate and Interest of Her Majesty, Her Heirs or Successors, in the Land so sold or disposed of.

Power to Commissioners to purchase Lands.

3. The Commissioners may, out of any Monies which have been or may be placed at their Disposal by Parliament for that Object, purchase, take, and use the whole or any Part of the prescribed Lands.

Commissioners may enter Lands to survey or value.

4. The Commissioners, their Surveyors, Officers, and Workmen, may at all reasonable Times in the Daytime, upon giving Twenty-four Hours previous Notice in Writing, enter into and upon any of the

the prescribed Lands for the Purposes of surveying or valuing the same.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106., with certain Exceptions, incorporated.

5. The Lands Clauses Consolidation Acts of 1845 and 1860 shall be incorporated with this Act, with the Exceptions and subject to the Provisions herein-before contained, and also with the Exceptions and Additions and subject to the Provisions herein-after contained; that is to say,

1. There shall not be incorporated with this Act the Provisions in Section Sixteen of the Act of 1845, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force, or the Provisions relating to affording Access to the Special Act:
2. In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the Special Act, and the Commissioners shall be deemed to be "the Promoters of the Undertaking:"
3. The Bond required by Section Eighty-five of the Act of 1845 shall be under the Common Seal of the Commissioners, and shall be sufficient without the Addition of Sureties in the said Section mentioned.

Compensation for Lands belonging to Parochial Schools of St. Martin's taken for Purposes of this Act.

6. Notwithstanding anything in this Act or in the Acts incorporated herewith contained, the Amount of Compensation to be paid by the Commissioners for the Lands belonging to the Parochial Schools of the Parish of *St. Martin-in-the-Fields* in the County of *Middlesex*, or to the School in the said Parish founded by Archbishop *Tenison*, which may be compulsorily taken for the Purposes of this Act, shall be estimated and adjudged for the Cost of the Reinstatement of Archbishop *Tenison*'s School within or in proximity to the Parish of *St. Martin-in-the-Fields*, and of the Reinstatement of the Parochial Schools within the said Parish.

Extinction of Rights of Way and other Easements.

7. Upon the Purchase or Acquisition for the Purposes of this Act of the prescribed Lands or any Part thereof (save as hereinafter provided), all Rights of Way, Rights of laying down or of continuing any Pipes, Sewers, or Drains on, through, or under such Lands or Part thereof, and all other Rights or Easements in or relating to such Land or Part thereof, shall be extinguished, and all the Soil of such Ways, and the Property in the Pipes, Sewers, or Drains, shall vest or continue vested in Her Majesty, subject to this Provision, that all Persons and Bodies of Persons, corporate or unincorporate, may recover from the Commissioners such Compensation (if any) as they may be entitled to for any Rights or Property of which they may be deprived in pursuance of this Section, the Amount

Amount of such Compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

As to Claims for Compensation by yearly Tenants.

8. All Claims for Compensation made upon the Commissioners under the Provisions of this Act or any Act incorporated herewith shall, if the Person claiming to be entitled to Compensation has no greater Interest than as Tenant for a Year or from Year to Year in the Lands in respect of which the Compensation is claimed, be determined in manner provided by the One hundred and twenty-first Section of "The Lands Clauses Consolidation Act, 1845."

Limit for compulsory Purchases.

9. The Limit for the compulsory Purchase of Lands under this Act shall be Five Years.

Powers to Commissioners to execute Works.

10. The Commissioners may pull down and remove any Buildings on the prescribed Lands, and may construct thereon such Buildings and Works and do all such other Things as may in their Opinion be necessary or expedient in order to carry into effect the Purposes of this Act, or any of them.

As to Rights of Metropolitan Board of Works.

11. Nothing in this Act shall extend to take away or impair any Rights or Jurisdiction of the Metropolitan Board of Works in relation to any Sewers, Drains, or Watercourses.

Buildings exempt from 18 & 19 Vict. c. 122.

12. All Buildings erected on the prescribed Lands shall be exempt from the Operation of the First Part of "The Metropolitan Buildings Act, 1855."

No Purchase to be made without the Authority of the Treasury.

13. No Purchase shall be made by the Commissioners for the Purposes of this Act without the Consent in Writing of the Commissioners of Her Majesty's Treasury; but it shall not be necessary for any Vendor or for any Purchaser from the Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent; and any such Assent may be given either generally or for any particular Purchase or Purchases, as to the said Commissioners of the Treasury may seem meet.

Authentication of Notices.

14. Every Notice, Summons, Writ, or other Document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the Solicitor or Secretary for the Time being of the Commissioners, and need not be under the Common Seal of the Commissioners.

15. All

Contracts made by First Commissioner of Works to be valid.

15. All Contracts in Writing made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners incorporated as aforesaid shall be valid, and shall be binding on the Commissioners as if the same had been under their Corporate Seal.

Monies payable to the Commissioners for Sale of Materials or otherwise to be paid to Her Majesty's Paymaster General.

16. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General or the Assistant Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt, unstamped, shall be a sufficient Discharge for the same to the Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners shall so direct.

Orders concerning Money paid into Court may be made at Chambers.

17. All Orders which under this Act the Court of Chancery is empowered to make on Motion or Petition in relation to any Money paid into the Bank of *England* with the Privity of the Accountant General of the Court of Chancery under this Act, or the Securities in or upon which the same may be invested, or the Dividends or Interest on such Money and Securities, or the Costs of any Application, may be made by any Judge of the said Court, upon Application to him while sitting at Chambers, upon Summons, in like Manner as in other Cases in which Proceedings may be so had; subject nevertheless to any General Orders which may hereafter be made concerning the Practice, Proceedings, or Business of the said Court on any such Applications.

Penalty for obstructing Commissioners.

18. If any Person wilfully obstruct any Person acting under the Authority of the Commissioners in the lawful Exercise of the Power vested in them under this Act, he shall forfeit a Sum not exceeding Five Pounds for every such Offence, to be recovered in a summary Manner.

Deeds not liable to Stamp Duty.

19. No Deed, Bond, or other Instrument made by, to, or with the Commissioners for any of the Purposes of this Act shall be subject to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments are specially charged therewith in such future Act.

Deeds to be enrolled in Court of Exchequer.

20. Every Conveyance, Assignment, or other Deed or Instrument whereby any Land by this Act authorized to be purchased is conveyed or assigned to Her Majesty, Her Heirs and Successors, for

the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be good and available in Law, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Plan to be deposited in Office of Works, and open to Inspection.

21. A Copy of the Plan of the prescribed Lands shall be deposited at the Office of the Commissioners, and shall remain at the said Office to the end that all Persons may at all seasonable Times, on Payment of a Fee of One Shilling, have Liberty to inspect the same.

Short Title.

22. This Act may be cited for all Purposes as "The National Gallery Enlargement Act, 1867."

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