CHAP. cxxxiv.

An Act to enable the Metropolitan Board of Works to widen Hamilton Place, and to extend the same into and improve Park Lane, in the parish of Saint George, Hanover Square, in the county of Middlesex; and for other purposes. A.D. 1869.

[26th July 1869.]

WHEREAS the widening of Hamilton Place, in the parish of St. George, Hanover Square, in the county of Middlesex, on the east side thereof, and extending the same into Park Lane, will be of great public advantage:

And whereas the Commissioners of Her Majesty's Works and Public Buildings have set back the eastern boundary fence of Hyde Park and widened a portion of Park Lane from its junction with Oxford Street to or towards the termination of the improvement by this Act authorized, and the Metropolitan Board of Works (in this Act called the Board) are about to construct such works as may be necessary to form and adapt for public traffic the widened portion aforesaid (in this Act called the northern widening), and it is expedient that the expense incurred by the Board in reference thereto, except the sum of one thousand nine hundred and eighty-four pounds, which the vestry of the parish of St. George, Hanover Square, have by agreement undertaken to pay towards the expense of such northern widening, should be deemed part of the expenses of executing this Act, and defrayed accordingly, and that the northern widening should thenceforth be maintained by the vestry of the parish of Saint George, Hanover Square, in which the northern widening is situated:

And whereas by the London Coal and Wine Duties Continuance Act, 1861, a fund called the Thames Embankment and Metropolis Improvement Fund (in this Act referred to as the improvement fund) was established out of the proceeds of certain coal and wine duties thereby to be continued until the fifth day of July one

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thousand eight hundred and seventy-two, which duties were further continued by the London Coal and Wine Duties Continuance Act, 1863, to the fifth day of July one thousand eight hundred and eighty-two, and continued by the London Coal and Wine Duties Continuance Act, 1868, until the fifth day of July 1889:

And whereas under the Thames Embankment Act, 1862, the Metropolis Improvement Act, 1863, the Thames Embankment Act, 1863, the Thames Embankment Amendment Act, 1864, the Thames Embankment (North and South) Act, 1868, and the Thames Embankment (Chelsea) Act, 1868, provision is made for charging the improvement fund with the expenses of the undertakings authorized by those Acts respectively, and by those Acts the Board is empowered to borrow, as therein mentioned, the sum of four millions three hundred and thirty-five thousand pounds, and by the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, and the Thames Embankment and Metropolis Improvement (Loans) Act, 1868, provision was made for better enabling the Board to obtain loans on the security of the improvement fund:

And whereas it is expedient that the Board should be authorized to undertake the improvement by this Act authorized, and also to borrow further sums of money upon the credit of the improvement fund:

And whereas the Board have caused to be deposited with the clerk of the peace for the county of Middlesex plans and sections describing the line and levels of the intended widening and extension of Hamilton Place, and the lands on the site of which the same will be made, or which may be taken under the powers of this Act, and books of reference containing the names of the owners, lessees, and occupiers of those lands, and describing the same lands, and such plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects aforesaid 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; (that is to say,)

Short title.

1. In citing this Act for any purpose it shall be sufficient to use the expression "The Park Lane Improvement Act, 1869."

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 the 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. With respect to the interpretation of terms in and for the purposes of this Act the following provisions shall have effect; namely,—

Terms to which meanings are assigned in the Acts incorporated wholly or in part with this Act, or which have therein special meanings, have in this Act the same respective meanings:

In this Act, and for the purposes of this Act in any Act incorporated wholly or in part with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term "superior courts" shall include courts of competent jurisdiction within the meaning of this Act:

In this Act the term "improvement" means the widening and extension of Hamilton Place and other works by this Act authorized, and for the purpose of defraying the expenses of the northern widening (except as aforesaid) includes the northern widening:

In this Act the term "street" includes any square, street, highway, road, lane, mews, footway, thoroughfare, or public place, court, alley, or passage, whether a thoroughfare or not, and a part of any such square, street, highway, road, lane, mews, footway, thoroughfare, or public place, court, alley, or passage:

The expression "the northern widening" means the widening of the northern part of Park Lane executed or in course of execution by the Commissioners of Her Majesty's Works and Public Buildings as before referred to:

The expression "the parish" means the parish of Saint George, Hanover Square, in the county of Middlesex:

The term "sheriff" used in the provisions of the Lands Clauses Consolidation Act, 1845, relating to the reference to a jury, shall be deemed to apply to the high bailiff of the city and liberty of Westminster or his deputy.

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

5. The Board may from time to time appoint a committee to manage and transact all or any of the matters or purposes which

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committee to carry the Act into execution.

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 herein, 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 widen and extend Hamilton Place and improve Park Lane.

7. Subject to the provisions of this Act and the Acts incorporated wholly or in part with this Act, the Board may and shall, within the period limited in that behalf by this Act, in the lines and situations and according to the levels described in the deposited plans and sections, and in or upon the lands delineated on the deposited plans and described in the deposited book of reference, widen Hamilton Place and extend it into Park Lane in the said parish of Saint George, Hanover Square, and the Board may enter upon, take, use, and hold all such of the said lands as they may in their discretion deem necessary for all or any of such purposes, and for the better providing building frontages and otherwise: Provided always, that the Board in carrying the works shown on the sections into execution may deviate, except in Hamilton Place, to any extent not exceeding three feet from the levels defined on the deposited sections, and the Board may, subject to the provisions of this Act, deviate laterally from the line of the proposed widening and extension, provided such deviations do not extend beyond the limits of deviation shown upon the deposited plan, nor into any lands not described in the book of reference: Provided always, that nothing in this Act contained shall authorize the Board to take for the purposes of this Act such of the stables on the east side of Hamilton Mews as are numbered respectively upon the deposited plans 4, 6, 8, and 10.

No building to be erected in a certain part of the improvement.

8. No erection or building whatever, except an open iron fence on a stone base, which base shall not exceed three feet in height from the surface of the road, shall be erected on the said lands between Hyde Park and the row of houses commencing with Holdernesse House and extending to Stanhope Gate.

Streets may be altered.

9. The Board may alter the line or level of any street described on the deposited plans and sections as intended to be altered in such manner as may be so described on the deposited plans and sections, or as, subject to the powers and provisions of this Act, the Board may deem expedient.

Directing how the pavements shall be laid and made.

10. The Board shall well and effectually pave or metal the portion of Hamilton Place to be widened, and the new street or road to be made in extension thereof, as by this Act authorized, and shall relay and repave any street which they shall disturb or alter in the execution of the powers of this Act; but nothing herein contained shall extend or be construed to extend to charge the Board with the liability or expense of repairing or making good such pavement in future; but when the same shall have been in the first instance so paved, metalled, relaid, and repaired as aforesaid, the same shall for ever thereafter be kept in repair by the vestry of the parish, and the right and property of all pavements, arches, stones, and bricks so to be laid as aforesaid shall belong to and be the property of the vestry of the parish in the same manner as things of a like description in other parts of the parish are now vested by law.

Sewers or drains to be arched over or filled up.

11. The Board may cause to be arched over or filled up all such sewers and drains or parts thereof which shall lie and be in or near the works by this Act authorized as shall appear necessary for completing the purposes of this Act, so as that no public sewer or drain whatsoever (unless the same become unnecessary by reason of the purchase of the property entitled to the use thereof) shall be in anywise disturbed, injured, or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient: Provided always, that at the time of filling up any sewer or drain or part thereof as aforesaid the Board shall cause to be made and built other good and sufficient sewers and drains of the same or greater size or capacity, and upon the same or lower levels than the sewers or drains which shall be filled up, and when made and completed the said sewers and drains shall be under the same jurisdiction, care, management, and direction as the existing sewers or drains.

Power to alter steps, areas, pipes, &c.

12. The Board may raise, sink, or otherwise alter or cause to be altered the position of any of the steps, areas, cellars, windows, and watercourses, pipes, or spouts belonging to any house or building, and also the mains and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by any of the com-

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panies or societies who furnish the inhabitants with water or gas, and to remove all other obstructions, so as the same be done with as little delay and inconvenience to the said companies, societies, and inhabitants as the circumstances of the case will admit, and the Board shall make reasonable compensation to any corporation or persons who suffers damage by any such alteration.

Ground laid into the streets to form part thereof.

13. When the improvement shall be completed all the land which shall be laid open into the street and paved or metalled as aforesaid shall form part of the street, and shall be used by the public accordingly, and the same and the sole power and authority of paving, repairing, cleansing, and lighting thereof shall be under the care, management, control, and jurisdiction of the vestry of the parish.

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 deposited plans or in the deposited book of reference, the Board, after giving ten days notice to the owners of the lands affected by such proposed correction, may 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 for Middlesex, and such certificate shall be kept by such clerk of the peace along with the other documents to which they relate, and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate, and the Board may take the lands in accordance with such certificate.

Certificate to be deposited.

Power to sell materials.

15. The Board may sell the materials of the houses and buildings which have been purchased or taken by them under the powers of this Act.

Power to the Board, their surveyors, &c., to enter upon houses, &c.

16. The Board, and their surveyors, officers, and workmen, may 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, 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 lands, &c.

17. The Board may 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 think proper.

Limitation of time for purchase of lands and construction of works.

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 two years to be computed from the passing of this Act, and the works shall be completed within four years from the passing of this Act.

Ways to stables not taken to be made.

19. Such ways and openings shall be made and paved by the Board as shall be necessary to provide convenient access for carriages and foot passengers from Hamilton Place to the stables and coach houses on the east side thereof which may not be taken for the purpose of the works by this Act authorized, and to the backs of the houses Nos. 138, 139, and 140, Piccadilly, and the said ways and openings shall be formed, made, and paved to the satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, and Her Majesty and Her lessees and tenants shall at all times have the use and enjoyment of such ways and openings either with horses and carriages or without.

Land tax.

20. And whereas by reason of the exercise of the powers by this Act granted there may be deficiencies in the assessment for land tax in the parish, the Board therefore, in case they shall become possessed by virtue of this Act of any premises charged with the land tax, shall from time to time, until the works hereby authorized shall be completed and assessed to such land tax, be liable to make good the deficiency arising within the parish by reason of any lands having been taken or used for the purposes of this Act, and such deficiency shall be computed according to the rental at which such lands, with any buildings thereon, were valued or rated at the time of the passing of this Act, and the Board shall pay all deficiencies, on demand thereof, to the collector of the said assessments; nevertheless if at any time the Board think fit to redeem such land tax, they may do so in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

Board may sell land.

21. The Board may sell and dispose of or grant leases for any terms they may think fit of all or any lands whatever which they may have purchased and acquired for the purposes of this Act, and shall not be laid out and form part of the widening and extension hereby authorized, and convey and assure the said lands unto the purchaser or respective purchasers thereof, for any sum or sums of

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money, and upon, under, and subject to such terms and conditions, and with, under, and subject to such covenants and agreements on the part of the person or persons purchasing or agreeing to purchase the same with respect to the size or class of the houses, erections, and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto, as the Board shall think fit and impose.

Board shall sell any land which may not be wanted.

22. The Board shall within ten years after the completion of the improvement sell and dispose of to any person or persons and grant and convey any lands which they may have purchased under the authority of this Act, which shall not be wanted for the purposes of this Act.

Receipts of Board to be effectual discharges.

23. The receipt of the Board for any purchase monies, rents, or profits, or other money payable to the Board by virtue of this Act, shall be a sufficient and effectual discharge for the money in such receipts expressed or acknowledged to be received, and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or nonapplication of the money in such receipt expressed or acknowledged to be received.

As to expenses of northern widening.

24. Any expenses incurred by the Board in and about the forming and adapting for public traffic of the northern widening shall be deemed part of the expenses of executing this Act, and may be raised and defrayed by the Board accordingly, and the expense of repairing and maintaining the northern widening shall be borne and paid by the vestry of the parish in the same manner as other streets are by law now repairable by that parish.

Power for Board to borrow for purposes of this Act.

25. In the manner and subject to the provisions and on the security in and subject to and on which the Board are authorized to borrow money by the Thames Embankment Act, 1862, but subject to the charges created or authorized by that Act, the Metropolis Improvement Act, 1863, the Thames Embankment Act, 1863, the Thames Embankment Amendment Act, 1864, the Thames Embankment (North and South) Act, 1868, and the Thames Embankment (Chelsea) Act, 1868, (which said six Acts are in this Act referred to as the six former Acts,) the Board may borrow money to the extent of one hundred and thirty-five thousand pounds, and also to such further extent as may be the actual cost to the Board of the northern widening, and such sums shall be in addition to any money which they are independently of

this Act authorized to borrow, and the Board shall apply all money borrowed in pursuance of this Act for the purposes of the improvement, and of the cost to them of the said northern widening.

Priority of former charges over money borrowed under this Act.

26. All money raised or to be raised on the security of the improvement fund under the six former Acts, or any of them, shall have priority over any money raised thereon under this Act.

Property under this Act may be given as security.

27. Any lands or property acquired by the Board under this Act may be made security for any money borrowed in pursuance of this Act, either together with the improvement fund or separately, as may be agreed on between the Board and any person or body lending money in pursuance of this Act.

Appropriation of residue of improvement fund.

28. Subject to the provisions of the six former Acts, all money becoming part of the improvement fund after the passing of this Act shall be paid by the Commissioners of Her Majesty's Treasury to the Board, as the Board from time to time by writing under their seal require, and shall, after paying off the charges on that fund created or to be created under the six former Acts, be applied by the Board as follows:

First. In satisfying all charges on the improvement fund created under this Act:

Secondly. In paying the expenses from time to time incurred in respect of the improvement authorized by this Act:

Lastly. In the improvement of the metropolis in such manner as may hereafter be determined by Parliament.

Powers of Metropolis Management Acts extended to this Act.

29. 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 so far as may be the provisions of those Acts shall apply for the purposes and in the execution of this Act.

Saving rights of the Crown.

30. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Board to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, without the consent in writing of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any

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of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors.

Saving rights of the Crown under the charge of the Commissioners of Her Majesty's Works, &c.

31. Nothing contained in this Act or in any of the Acts incorporated herewith or herein referred to shall authorize the Board to take, use, enter upon, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Her Majesty's Works and Public Buildings, without the consent in writing of the Queen's most Excellent Majesty, to be signified under Her royal sign manual, and upon such terms and subject to such conditions as the Commissioners or First Commissioner for the time being of Her Majesty's Works and Public Buildings may in writing prescribe.

Expenses of Act.

32. All the costs, charges, and expenses of and incidental and preliminary to the obtaining of this Act, or incurred by the Board in relation thereto, shall, notwithstanding anything in this or any other Act, be payable out of the improvement fund in priority to all other charges thereon (except in respect of the cost, charges, and expenses provided for in the Thames Embankment (North and South) Act, 1868, and the Thames Embankment (Chelsea) Act, 1868, respectively); and the Commissioners of Her Majesty's Treasury shall, if required by the Board by writing under their common seal, apply the money necessary for that purpose accordingly; but if the Board shall think fit, the same shall be paid out of the rates raiseable under the Metropolis Local Management Act, 1855, either temporarily or permanently.

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