



CHAP. xii.

An Act for making better provision for the Repair and Improvement of Great Tower Hill ; and for other purposes.

A.D. 1869.

[13th May 1869.]

WHEREAS an Act was passed in the thirty-seventh year of the reign of King George the Third (chapter eighty-seven), intituled “ An Act for paving, lighting, watching, cleansing, watering, improving, and keeping in repair Great Tower Hill, and for removing and preventing nuisances and annoyances within the same ” (in this Act referred to as the Act of 1797) :

37 G. 3.

c. lxxxvii.

And whereas by the Act of 1797 it was recited (among other things) that Great Tower Hill, lying partly within the county of Middlesex and partly within the city of London, was and for some time past had been in a neglected state, and the roads and ways over the same were very inconvenient and in bad condition, and it would be to the benefit and advantage of the owners, lessees, and occupiers of the houses and buildings in or near the said hill, and to all persons having occasion to resort to His Majesty’s Tower and Ordnance, and all persons resident in the Tower, and to the public in general, if the said hill were properly paved, lighted, watched, cleansed, watered, improved, and kept in repair, and all nuisances and annoyances within the same removed and prevented :

And whereas by the Act of 1797 it was further recited (among other things) to the effect that many of the owners, lessees, and occupiers of houses and buildings in and near the said hill, and other persons, had already voluntarily agreed to contribute money towards the then intended improvements therein described or referred to, but the same could not properly be done without further provisions for defraying the expense of making the improvements, and keeping the same when made, and the walls, railing, grass-plot, walks, and other things belonging thereto, in good repair and condition, and that the same could not be effected without the authority of Parliament :

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And whereas by the Act of 1797 (section one) a body of trustees was constituted for putting that Act into execution, some of the members of that body being such ex officio, and others being occupiers of houses or other premises liable to be assessed to the rates authorized by that Act to a certain amount, and provision was made for the continuance of the body of trustees (which trustees for the time being are in this Act referred to as the trustees):

And whereas it was by the Act of 1797 (among other things) further enacted (section seven) to the effect that the sole power of forming, improving, and laying out Great Tower Hill within the limits therein described (which limits are set forth in the first schedule to this Act), and also of maintaining and keeping the said hill within those limits, with the railing and fencing and other things thereto belonging, in proper repair and condition should be and was thereby vested in the trustees, and the trustees were thereby empowered and required to cause the said hill within the limits aforesaid to be laid out and improved according to a plan therein referred to, and to cause the hill as aforesaid, or such part or parts thereof as should be necessary and proper, to be paved or laid with stone, gravel, or other materials, as they might from time to time think proper, with power to them to cause the carriageways to be raised, lowered, levelled, or altered as they should think fit, and with the sole power of lighting and watching the hill within the limits aforesaid:

And whereas by the Act of 1797 it was (among other things) further enacted (section eighteen) to the effect that in order to defray the expenses of carrying that Act into execution, and to enable the trustees to raise and pay such annual or other sums of money as should be necessary, one or more rate or rates, assessment or assessments, should be made, laid, and assessed by the trustees once in every year, or oftener if they should judge necessary, on all the occupiers of houses and premises then already built or thereafter to be built encompassing or abutting on Great Tower Hill, and also of all houses or premises then already built or thereafter to be built in the angles or corners of any street or place which should front or abut in part or in whole on the said hill, so as such rate or rates, assessment or assessments, did not in the whole exceed in any one year the sum of two shillings and sixpence in the pound on the yearly rent or value of such several houses and premises, as the same should be ascertained by the assessment thereof to the poors rate:

And whereas by the Act of 1797 it was among other things provided and declared (section nineteen) to the effect that nothing therein should extend to the foot pavements in front of the houses on Great Tower Hill, or the lamps for lighting the same, or affect

any parliamentary or parochial taxes, rates, or assessments taxed, rated, charged, or assessed on all or any of the houses and premises encompassing or abutting on the hill, but that the same should remain liable to the payment thereof, and particularly to the rates or taxes for paving, lighting, watching, and cleansing the city of London and liberties thereof, and also for making, cleansing, and repairing sewers within the same :

And whereas by the Act of 1797 it was (among other things) further enacted (section twenty-two) to the effect that the occupiers of houses and premises encompassing and abutting on the hill assessed to and paying the rates, and also the trustees, should have the use of the inclosure intended to be made in the centre of the hill, and (section twenty-three) that the trustees might give licence to other persons to have the like use on pecuniary terms therein mentioned :

And whereas by the Act of 1797 it was (among other things) further enacted (section thirty-one) to the effect that the trustees might from time to time borrow money at interest, and mortgage the rates leviabie under that Act as a security for repayment thereof with interest :

And whereas the trustees under the Act of 1797 proceeded to put the same into execution, and borrowed money on mortgage of the rates leviabie under that Act :

And whereas by The Metropolis Management Act, 1855, it was (among other things) enacted to the effect (section thirty-one) that for the purposes of that Act the several parishes mentioned in the second column of schedule (B.) to that Act should be united and form the respective districts mentioned in conjunction therewith, and named in the first column of the same schedule, and there should be a board of works for each such district composed of the members elected as after in that Act mentioned for the parishes forming such district, and (section thirty-two) that the vestry constituted by that Act in every parish in any such district should on the twenty-eighth day of November in the year one thousand eight hundred and fifty-five elect the number of persons mentioned in the third column of the said schedule (B.) in conjunction with such parish to be a member or members of the board of works for such district :

18 & 19 Vict.
c. 120.

And whereas a copy of so much of schedule (B.) to The Metropolis Management Act, 1855, as is material for the purposes of this Act is set forth in the second schedule to this Act :

And whereas by The Metropolis Management Act, 1855, it was (among other things) further enacted (section ninety) to the effect that all the duties, powers, and authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any parish

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And whereas it was by The Metropolis Management Act, 1855, (among other things,) further enacted (section two hundred and forty-two) to the effect that nothing in that Act should divest the Commissioners of Sewers of the city of London of any power or property vested in them in relation to such parts of any of the parishes mentioned in schedule (B.) to that Act as are within the city of London, nor should such parts be subject to be rated or assessed by any district board, but should be subject to all the powers of the Metropolitan Board of Works as other places in the city of London :

And whereas it was by The Metropolis Management Act, 1855, (among other things,) further enacted (section two hundred and forty-seven) to the effect that all Acts of Parliament in force in any parish or place to which that Act extended, or in any part of such parish or place, should, as far as the same were inconsistent with the provisions of that Act, be repealed as regards such parish or place, or such part thereof, notwithstanding any provisions of that Act transferring to district boards any duties, powers, or authorities then vested in vestries, commissioners, or other bodies :

And whereas by The Metropolis Management Act, 1855, it was (among other things) further enacted (section two hundred and fifty) to the effect that in the construction of that Act the word "parish" should include any place or combination of places mentioned in schedule (B.) to that Act for which one or more member or members was or were to be elected to any district board :

And whereas after the passing of The Metropolis Management Act, 1855, doubts arose with respect to the meaning of the expression "Tower, district of," used in schedule (B.) to that Act as the designation of a parish or place, inasmuch as there is not any place with a known and defined boundary bearing the name of the district of the Tower :

And whereas a considerable sum of money borrowed by the trustees under the Act of 1797 on mortgage of the rates leviable under that Act remained at the passing of The Metropolis Management Act, 1855, and still remains, undischarged, with an arrear of interest thereon :

And whereas in the year one thousand eight hundred and sixty-four the roadway of Great Tower Hill having become out of repair, the trustees under the Act of 1797, in order to raise money for the repair of the roadway and for discharge of the mortgage debt charged on the rates leviable under that Act, made a rate thereunder :

And whereas on appeal to the Court of Queen's Bench the rate so made by the trustees under the Act of 1797 was held bad on the ground that the intention of The Metropolis Management Act, 1855, in the use of the expression "Tower, district of," was to include Great Tower Hill, and to make the same part of the district of the board of works for the Whitechapel district (in this Act called the Whitechapel District Board), and that consequently the rating and other powers vested in the trustees by the Act of 1797 are no longer vested in them :

And whereas, in consequence of the decision aforesaid, the Whitechapel District Board proceeded to repair the roadway of Great Tower Hill, and expended in so doing a considerable sum of money out of money coming to them as such district board by virtue of The Metropolis Management Act, 1855 :

And whereas doubts are entertained whether the rating powers under the Act of 1797 have been transferred to the Whitechapel District Board, or whether the board have any, and, if any, what powers, under The Metropolis Management Act, 1855, of reimbursing themselves the expenses incurred by them in the repair of the roadway of Great Tower Hill, or any part of those expenses, by means of rates to be levied on the property rateable under the Act of 1797 or otherwise, for the following (among other reasons), namely, that by The Metropolis Management Act, 1855, it is enacted to the effect (section one hundred and fifty-eight) that every district board shall from time to time by order under their seal require the overseers of the several parishes in their district to levy and to pay over to the treasurer of such board or into a bank, and within the time or times thereby limited, the sums which such

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board require for defraying the expenses of the execution of that Act, and that such orders may be made wholly or in part in respect of expenses already incurred, or of expenses to be thereafter incurred, and (section one hundred and fifty-nine) that where it appears to any district board that all or any part of the expenses for defraying which any sum is by such board ordered to be levied have or has been incurred for the special benefit of any particular part of their district, or otherwise have or has not been incurred for the equal benefit of the whole of their district, such board may by any such order direct the sum or sums necessary for defraying such expenses or any part thereof to be levied in such part, or exempt any part of such district from the levy, or require a less rate to be levied thereon, as the circumstances of the case may require, and (section one hundred and sixty-one) that the overseers of the poor of every parish to whom any such order is issued shall levy the amount mentioned therein according to the exigency thereof, and shall for that purpose make equal pound rates upon their parish, or the part thereof on which any sum specified in such order is required to be levied, of such amount in the pound on the annual value of the property rateable as will in their judgment, having regard to all circumstances, be sufficient to raise the sums specified in such order, and that such rates shall be levied on the persons and in respect of the property by law rated to the relief of the poor in the respective parishes, and shall be assessed upon the net annual value of such property ascertained by the rate for the time being for the relief of the poor, and that such overseers shall pay to the treasurer of the board or as in the order directed the amount therein mentioned within the time or respective times specified; but in fact the area of Great Tower Hill is extra-parochial, and consequently there are no overseers to whom any such order of the Whitechapel District Board can be directed:

And whereas it is expedient that definite and effective provision be made for the expenses of the execution by the Whitechapel District Board of the duties cast on them by The Metropolis Management Act, 1855:

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. This Act may be cited as *The Great Tower Hill Act, 1869.*

2. It is hereby declared that the expression "Tower, district of," used in schedule (B.) to The Metropolis Management Act, 1855, as the designation of a parish or place, includes with the parish or precinct of Old Tower Without Great Tower Hill (the limits whereof for the purposes of this Act shall be those set forth in the first schedule to this Act), as if the parish or precinct of Old Tower Without and Great Tower Hill had been specifically named in the said schedule (B.) instead of "Tower, district of," and Great Tower Hill shall be and shall be deemed to have always since the passing of The Metropolis Management Act, 1855, been part of the district of the Whitechapel District Board accordingly, and part of the parish or precinct of Old Tower Without.

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Interpretation of "Tower, district of," &c.

3. The mortgage debt of the trustees under the Act of 1797 existing at the passing of this Act, with all interest due and to accrue due thereon, shall be and is hereby transferred as a charge to the Whitechapel District Board, and the amount thereof shall be deemed to be expenses of the execution by that board of The Metropolis Management Act, 1855, in relation to Great Tower Hill incurred before the passing of this Act.

Provision for mortgage debt under Act of 1797.

4. The expenses of the execution by the Whitechapel District Board of The Metropolis Management Act, 1855, in relation to Great Tower Hill incurred before the passing of this Act shall be deemed to have been incurred for the special benefit of that part of their district which is comprised in Great Tower Hill, and that board may accordingly make such order with reference thereto as they might have made if all the property rateable under the Act of 1797 formed part of Great Tower Hill, and so were within their district.

Expenditure to be deemed for special benefit of Great Tower Hill.

5. In order to defray the expenses of the execution by the Whitechapel District Board of The Metropolis Management Act, 1855, in relation to Great Tower Hill incurred before the passing of this Act, and to be from time to time thereafter incurred, that board shall from time to time by order under their seal require the overseers of the several parishes in which the houses and premises rateable under the Act of 1797 are situate to levy and pay the sums which the board require, and those overseers shall obey every such order; and the provisions of The Metropolis Management Act, 1855, relative to the raising of money for payment of the expenses of district boards shall apply to every such order, and to the proceedings thereon and consequences thereof, in like manner in all respects as if those houses and premises formed with Great Tower Hill, or parts thereof, a parish or parishes, and such parish or parishes was or were wholly comprised within the district of the Whitechapel District Board.

Order of district board to overseers of parishes in which rateable property situate.

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Limitation
of rates.

6. Provided always, that rates levied under this Act on the property rateable under the Act of 1797 shall not in the whole exceed in any year the sum of two shillings and sixpence in the pound on the yearly rent or value of those several houses and premises, as the same is ascertained by the assessment thereof to the poor rate, but nothing in this Act contained shall take away or abridge any rights or powers of the Metropolitan Board of Works as to rating or otherwise.

Provision
as to Corpo-
ration of
London and
Commission-
ers of
Sewers.

7. Except as by this Act expressly provided, nothing in this Act shall take away or abridge any right or liability of the Mayor and Commonalty and Citizens of the city of London, or of the Commissioners of Sewers for the city of London and the liberties thereof, in relation to Great Tower Hill.

Saving
rights of the
Crown.

8. Nothing contained in this Act shall extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors.

Expenses of
Act.

9. 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 Whitechapel District Board.

The SCHEDULES to which the foregoing Act refers.

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THE FIRST SCHEDULE.

LIMITS OF GREAT TOWER HILL.

From the west end of Postern Row by the outside of the foot pavement northward to the south end of Cooper's Row, and from thence by the outside of the foot pavement made before the inclosure in the front of the Trinity House to the entrance into Muscovey Court, and from thence by the outside of the foot pavement running southward by the end of Barking Alley to the north-east end of Tower Street, and from thence eastward to Tower Ditch, and from thence by the side of the said ditch to the west end of Postern Row aforesaid.

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THE SECOND SCHEDULE.

Extract from Schedule (B.) to Metropolis Management Act, 1855.

SCHEDULE (B.)

PARISHES UNITED INTO DISTRICTS FOR THE PURPOSES
OF THE ACT.

PART I.

DISTRICTS each electing One Member of the METROPOLITAN BOARD
OF WORKS.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Whitechapel district -	Saint Mary, Whitechapel - -	27
	Christchurch, Spitalfields - -	12
	Saint Botolph Without, Aldgate, in the county of Middlesex - - -	6
	Holy Trinity, Minories - - -	1
	Saint Katherine, precinct of - -	1
	Mile End New Town, hamlet of - -	6
	Liberty of Norton Folgate - - -	3
	Old Artillery Ground - - -	1
	Tower, district of - - -	1
	Total - - -	58

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