

C A P. LXXXIII.

An Act to provide for the Acquisition of a Site for the Enlargement of the National Gallery.

[6th August 1866.]

‘ **W**HEREAS it is expedient that the National Gallery in *Trafalgar Square* in the City of
‘ *Westminster* should be enlarged and improved, and that for the Purpose of such Enlargement
‘ and Improvement the additional Lands described and shown in the Plans herein-after mentioned
‘ should be acquired and appropriated in manner herein-after mentioned, but such Acquisition and
‘ Appropriation cannot be effected without the Authority of Parliament: And whereas duplicate Plans
‘ describing

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‘ describing the Situation of the said Lands (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 : And whereas Parts of the prescribed
 ‘ Lands are now the Site of the Workhouse for the Parish of *Saint Martin-in-the-Fields*, and other
 ‘ Parts thereof are now the Site of the Parochial Schools of the said Parish, and other Parts thereof
 ‘ are now the Site of the School founded by Archbishop *Tenison*, and other Parts thereof belong to
 ‘ and are now vested in Her Majesty as Part of the Hereditary Land Revenues of the Crown, subject
 ‘ only to the existing Leases and Tenancies thereof, which Leases and Tenancies are specified in the
 ‘ Second Schedule to this Act annexed : And whereas a Provisional Agreement, a Copy whereof is
 ‘ contained in the First Schedule to this Act annexed, has, with the Consent of the Lords Commis-
 ‘ sioners of Her Majesty’s Treasury, been entered into by the First Commissioner of Her Majesty’s
 ‘ Works and Public Buildings with the Guardians of the Poor of the said Parish : And whereas it is
 ‘ expedient that the said Agreement should be confirmed, and that the Arrangements thereby contem-
 ‘ plated should be carried into effect by means of the Provisions contained in this Act : And whereas it
 ‘ is supposed that under and by virtue of an Act of the First Year of Queen *Anne*, intituled *An Act for*
 ‘ *the better improving a certain Piece of Ground in the Parish of Saint Martin-in-the-Fields for the*
 ‘ *Use of the Poor, and for other the Purposes therein mentioned*, and an Act of the Tenth Year of
 ‘ King *George* the Third, intituled *An Act for building a Workhouse in the Parish of Saint Martin-in-*
 ‘ *the-Fields within the Liberty of Westminster in the County of Middlesex*, the former of which Acts
 ‘ contains Recitals of Letters Patent of King *James* the First and King *Charles* the First, the legal
 ‘ Estate in such of the prescribed Lands as are comprised in the said Agreement, or some Part thereof,
 ‘ was and is vested in the Vicar and Churchwardens of the said Parish as incorporated by the former
 ‘ of the said Two Acts, but only in trust for the said Parish : And whereas it appears from the said
 ‘ Acts and the said Letters Patent that the prescribed Lands, or Parts thereof, form Part of a Piece of
 ‘ Ground formerly granted by King *James* the First for a Churchyard for the said Parish, but no Part
 ‘ of the prescribed Lands has within the Memory of living Man been used as a Churchyard, and it is
 ‘ expedient that any Doubt as to the Uses to which the said Land is subject should be removed by
 ‘ express Enactment :’ 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 :

1 Ann. c. 21.
(Private.)

10 G. 3. c. 75.

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.

Purposes of the
Act.

2. The said Agreement set forth in the First Schedule to this Act is hereby confirmed, subject to the
 Modifications thereof in this Act contained.

Confirmation
of Agreement.

3. 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 or shall become or remain vested in 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 Pur-
 poses 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.

Commissioners
of Her Ma-
jesty’s Works as
incorporated to
carry this Act
into effect.

4. It is hereby declared, That no Part of the prescribed Lands is or shall be a Churchyard ; never-
 theless, if the Commissioners shall, in the Execution of the Works authorized by this Act, discover any
 Human Remains, Monuments, or Tombstones, they shall decently remove and dispose of the same in
 such Manner as the Bishop of *London* for the Time being shall direct.

No Part of
prescribed
Lands to be a
Churchyard.

5. The Value of the Estate and Interest of Her Majesty in such of the prescribed Lands as are now
 vested in Her Majesty as Part of the Hereditary Land Revenues of the Crown as aforesaid, together
 with the Amount of the Damage which will be caused to the Property of Her Majesty adjoining the
 prescribed Lands on the West Side thereof by the stopping up of the Streets and Passages by this Act
 authorized to be stopped up, shall forthwith be ascertained by a Surveyor to be appointed by the Lords
 Commissioners of Her Majesty’s Treasury for that Purpose, and the Sum awarded by such Surveyor
 shall be paid by the Commissioners out of any Monies which have been or may be placed at their Dis-
 posal by Parliament for that Object to the Commissioners of Her Majesty’s Woods, Forests, and Land
 Revenues, to be by them applied to the same Purposes as Monies arising from the Sale of Estates
 belonging to the Crown are directed to be applied by the Act of the Tenth Year of King *George* the
 Fourth, Chapter Fifty, and from and after such Payment such of the prescribed Lands as are now

Value of the
Crown Pro-
perty to be
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a Surveyor
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by the Trea-
sury, and the
Amount to be
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missioners of
Woods.

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vested in Her Majesty as aforesaid shall cease to be Part of the Hereditary Land Revenues of the Crown, but shall remain vested in Her Majesty, Her Heirs and Successors, for the Purposes in this Act mentioned.

Payment and Apportionment of Rents of Crown Property.

6. The Rents in arrear at the passing of this Act, and the Rents which shall accrue due down to and inclusive of the First quarterly or half-yearly Day of Payment which shall happen after the Payment to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues of the Sum to be awarded as herein-before mentioned in respect of all those Parts of the prescribed Lands which now belong to Her Majesty as aforesaid, shall be received by the last-mentioned Commissioners, who shall pay to the said Commissioners of Her Majesty's Works and Public Buildings an apportioned Part of such Rents, when received, in respect of the Time between the Payment of the aforesaid Sum and the next quarterly or half-yearly Day of Payment; and after such quarterly or half-yearly Day of Payment as shall happen next after the Payment of the Sum aforesaid the said Rents shall be received by the said Commissioners of Her Majesty's Works and Public Buildings.

Payments to Guardians of the Poor, at the Times, &c. mentioned in First Schedule.

7. The Commissioners shall, out of any Monies which have been or may be placed at their Disposal by Parliament for that Object, pay to the Guardians of the Poor of the said Parish the several Sums mentioned in the said Agreement contained in the said First Schedule hereto at the Times and in manner in the same Agreement mentioned.

On Payment of First Instalment mentioned in the said Agreement, Lands to vest in Her Majesty for the Purposes of the Act.

8. On Payment by the Commissioners, out of such Monies as aforesaid, of the First Instalment or Sum of Twenty-two thousand three hundred and thirty-three Pounds Six Shillings and Eightpence mentioned in the said Agreement, all the Buildings, Land, and Hereditaments in the same Agreement mentioned shall become and remain vested in Her Majesty, Her Heirs and Successors, for the Purposes in this Act mentioned, for all the Estate and Interest therein of the Guardians of the Poor of the said Parish, or of the Vicar and Churchwardens of the said Parish, subject nevertheless to such Lien and to such Right of Occupation as in the same Agreement are mentioned; and it is hereby declared that such Right of Occupation shall absolutely cease at the Expiration of the Time fixed or to be fixed by or according to the said Agreement, whether there shall then be a new Workhouse duly provided for the said Parish or not.

Monies payable to Guardians of Poor to be paid into the Bank.

9. All Monies payable under this Act to the Guardians of the Poor of the said Parish shall be paid into the Bank of *England* to the Account of "The Guardians of the Poor of the Parish of *Saint Martin-in-the-Fields* in the County of *Middlesex*."

As to Purchase of Remainder of prescribed Lands.

10. The Commissioners may, out of any Monies which have been or may be placed at their Disposal by Parliament for that Object, purchase, acquire, take, and use for the Purposes of this Act all or any Part of the Remainder of the prescribed Lands, or any Estate or Interest in any of the prescribed Lands.

Certain Schools not to be taken without Consent.

11. Notwithstanding anything in this Act or in the Acts incorporated herewith contained, it shall not be lawful for the Commissioners to take or use for the Purposes of this Act any Lands belonging to the Parochial Schools of the said Parish, or to the School founded by Archbishop *Tenison* as aforesaid, otherwise than by Agreement.

Commissioners may enter to survey or value.

12. 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 prescribed Lands, other than the Lands belonging to the Parochial Schools of the said Parish, or to the School founded by Archbishop *Tenison* as aforesaid, for the Purposes of surveying or valuing the same.

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

13. 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 16 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 85 of the Act of 1845 shall be under the Common Seal of the Commissioners, and shall be sufficient without the Addition of the Sureties in the said Section mentioned.
4. The Term "Sheriff" used in the Provisions of the Act of 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.

Extinction of Rights of Way and other Easements.

14. Upon the Purchase or Acquisition for the Purposes of this Act of the prescribed Lands or any Part thereof (save as herein-after 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

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perty of which they may be deprived in pursuance of this Section, the Amount of such Compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845; and for the Purposes of this Section *Duke's Court* and the Passage through the East Wing of the National Gallery shall be deemed to be acquired or be vested for the Purposes of this Act at the same Time as the Workhouse and Hereditaments comprised in the said Agreement.

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

16. The Commissioners may, for the Purpose of enlarging or improving the National Gallery, acquire by Purchase or otherwise any Lands, or Interest in Lands or Easements, and for the Purposes of such Acquisition the said Lands Clauses Consolidation Acts shall be deemed to apply, with the Exception of so much thereof as relates to the Purchase of Lands otherwise than by Agreement.

17. 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.

18. 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.

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

20. 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 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.

21. 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.

22. 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 hereby incorporated as aforesaid shall be valid, and shall be binding on the Commissioners as if the same had been under their Corporate Seal.

23. 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 Deputy 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. This Act may be cited for all Purposes as "The National Gallery Enlargement Act, 1866."

Compulsory Purchases.

As to Acquisition of Lands by Agreement.

Commissioners may execute Works.

As to Rights of Board of Works.

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

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

Authentication of Notices.

Contracts made by First Commissioner of Works to be valid.

Monies payable to the Commissioners to be paid to Her Majesty's Paymaster General.

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

Penalty for obstructing Commissioners.

Deeds not liable to Stamp Duty.

Deeds to be enrolled in Court of Exchequer.

Plan to be deposited in the Office of Works, &c.

Short Title.

The