



ANNO QUINQUAGESIMO SEPTIMO

# GEORGI III. REGIS.

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## Cap. xlviii.

An Act for shutting up and discontinuing a certain Way or Passage called *Old Paris Garden Lane*, situate in the Parish of *Christ Church* in the County of *Surrey*, and for selling and disposing of the Ground and Soil thereof. [16th June 1817.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for making a new Street from Saint George's Road, in the Parish of Christ Church in the County of Surrey, through Holland's Leagure, into and across the Green Walk, and from thence into Gravel Lane in the said Parish, and for discontinuing as a public Highway Part of a Street called the Upper Ground Street, in the said Parish*: And whereas it is in the Preamble to the said Act stated (amongst other Things), that most of the Houses and Buildings situate in that Part of the *Upper Ground Street* which laid on the East Side of *Saint George's Road* aforesaid, and extended from thence Eastward to the Corner of the *Green Walk* aforesaid, were in a ruinous State, and fit only to be pulled down, and that the then Passage through such Part of the said Street was incommodious and dangerous: And whereas it is also stated in the Preamble of the said Act, that when such new Street should be made, the Passage through such Part of the said

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*Upper Ground Street* would become useless; and as the said Part of the said *Upper Ground Street* lay on or near the Bank of the River *Thames*, it would tend much to the Advantage of the several Persons who were Owners of the Houses, Wharfs, and Estates there, and would be of no Inconvenience to the Public, if that Part of the said Street was shut up, and the same was discontinued as a public Highway, and the Ground and Soil thereof laid into and annexed to the said Wharfs and Estates, as soon as such new Street should be formed, laid out, and completed: And it was in and by the said Act (amongst other Things) accordingly enacted, that when the said new Street should be laid out and made fit and commodious for the Use of the Public, in the Opinion and to the Satisfaction of the Commissioners therein nominated and appointed, then it should be lawful for the said Commissioners, and they were thereby empowered and required, to shut up such Part of the said *Upper Ground Street* as aforesaid, and that the same should from thenceforth be discontinued as a public Highway, and the Owners and Proprietors of the Houses, Wharfs, and Estates there, should and might lay and annex so much of the Ground and Soil of the said Street or Highway as laid in the Front of their respective Estates and Premises into and to the same: And whereas the said new Street was accordingly made and completed under the Powers and Provisions of the said recited Act: And whereas the said Commissioners, at a Meeting held on the Thirtieth Day of *July* One thousand seven hundred and ninety-five, by certain Minutes or Resolutions duly entered and signed in the Book kept by them for that Purpose pursuant to the Directions of the said recited Act, after stating that they the said Commissioners had proceeded to view the said Street, and were of Opinion that the same had been laid out and made fit and commodious for the Use of the Public, did therefore resolve that the Surveyor be directed to remove the Bar at the West End of the said new Street, and cause the said Street to be opened for the Use and Benefit of the Public, on *Friday* then next, the Seventh Day of *August*, and did resolve, that as the said Street was laid out, and made fit and commodious for the Use of the Public, in the Opinion and to the Satisfaction of the said Commissioners, that such Part of the *Upper Ground Street* as lay on the East Side of *Saint George's Road*, in the Parish of *Christ Church* in the County of *Surrey*, should be, on the said Seventh Day of *August* then next, shut up, and that the same should be from thenceforth discontinued as a public Highway, and that the Surveyor should be directed to shut up the same accordingly: And whereas at another Meeting of the said Commissioners, held by Adjournment on the said Seventh Day of *August*, certain other Minutes of the Proceedings of the said Commissioners were also made and signed as aforesaid, wherein it is stated that the said Commissioners having met, and proceeded to view the said Street, and found that the said Surveyor had removed the Bar at the West End thereof, and opened the said Street for the Use of the Public, pursuant to the Resolutions of the Commissioners made at the last Meeting for that Purpose; and it is also stated in the said Minutes, that the said Commissioners also proceeded to view such Part of the said *Upper Ground Street* as lay on the East Side of *Saint George's Road*, and found that the Surveyor had shut up the same, pursuant to the Resolution of the Commissioners made at the last Meeting: And whereas Doubts have arisen whether the Powers and Provisions of the said recited Act, so far as regards the shutting up and discontinuing the said Part of the said *Upper Ground Street*

*Street* as aforesaid, as a public Highway, and vesting the Ground and Soil thereof in the Owners of Estates there, were meant and intended to apply to a certain narrow Lane called *Paris Garden Lane*, running out of the said Part of the said Street so by the said Act directed to be shut up as aforesaid: And whereas, since the passing of the said recited Act, the several old Houses and Buildings mentioned in the said Act (some of which were standing and being in the said Lane called *Paris Garden Lane*) have been pulled down; by reason whereof, and of the shutting up and discontinuing the said Part of the said Street called *Upper Ground Street* as aforesaid, as a public Highway, the said Lane called *Paris Garden Lane* is not only become useless, there now being no Houses or Buildings thereon, and no Entrance or Access thereto, except from the River *Thames*, without passing through and over Ground and Premises the Property of and now vested in certain Persons under or by virtue of the Provisions of the said recited Act, but the said Lane is and will more and more unavoidably become a public Nuisance, as a Receptacle for Filth and a Harbour for Thieves and dissolute Persons: To obviate such Doubts, and prevent Disputes about the same, may it please Your Majesty that it may be enacted; and be it enacted by the King'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, That the Commissioners named in or appointed under and by virtue of the said Act, together with *Joseph Quincey, John Rennie, Apsey Pellatt, Apsey Pellatt the younger, Thomas Horne, and John Strong*, being Persons qualified in Manner in the said Act mentioned, shall be and are hereby appointed Commissioners for putting the said recited Act and this Act into Execution; and all and every the Powers, Authorities, Directions, Matters, and Things, by the said recited Act or this Act given and directed to be done and executed by or before the said Commissioners, shall and may be exercised, had, and done by or before any Three or more of them; and all Acts, Matters, and Things, when so done, shall be of as full Force and Effect as if done or executed by or before all the said Commissioners; and the said Commissioners shall be vested with the same Powers and Authorities, and shall be subject to the same Rules and Regulations, for the Purposes of this Act, as are respectively provided and enacted by the said recited Act, so far as the same can be made applicable and are not hereby altered.

Commissioners.

II. And be it further enacted, That the said Commissioners shall meet at the House called or known by the Name of the *Museum Tavern*, situate in the said Parish of *Christ Church*, upon the First *Thursday* next after the Day of the passing of this Act, or as soon thereafter as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon of the same Day, and proceed to the Execution of this Act, and shall adjourn and meet again in such and the same Manner as in the said recited Act is enacted, for the Purposes therein mentioned.

First Meeting of the Commissioners.

III. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, at a Meeting to be held pursuant to the Directions herein and in the said recited Act contained, and they are hereby authorized and required, within the Space of Two Calendar Months next after the passing of this Act, or as soon after as conveniently

Power to shut up Old Paris Garden Lane, and to sell the Ground and Soil thereof.

conveniently may be, to shut up the said Lane called *Paris Garden Lane*, and to sell and dispose of, or cause to be sold and disposed of, the Ground and Soil thereof, in such Manner as is directed in and by the said recited Act in respect to overplus Ground; and the Money to arise by such Sale shall be applied for the Purposes of the said recited Act, and to or for no other Use or Purpose whatsoever.

The said Lane not to be shut up, until the Purchase Money shall have been paid.

IV. Provided always, and be it further enacted, That nothing in the said recited Act or this Act contained, shall authorize, permit, or suffer the said Commissioners for putting the said recited Act and this Act into Execution, to shut up the said Lane, called *Paris Garden Lane*, until the Ground and Soil thereof shall have been sold, and the Purchase Money for the same ascertained and settled in Manner herein-after mentioned.

Commissioners to offer the said Lane to Persons having Premises on both Sides of the same.

V. Provided always, and be it further enacted, That the said Commissioners, before they shall sell or dispose of the Ground and Soil of the said Lane as herein-before mentioned, shall first offer to sell the same to the Person or Persons who shall be the Owner or Owners of the Wharfs, Lands, and Hereditaments lying on both Sides of the said Lane; and in case the Owner or Owners of the said Wharfs, Lands, and Hereditaments on both Sides of the said Lane shall refuse to purchase the same, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County, who is hereby required to take such Affidavit, by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom it was made (as the Case may be).

In case of Disagreement as to the Price, a Jury to be summoned to settle the Price of the said Lane.

VI. And be it further enacted, That in case the Person or Persons who shall agree to purchase the Ground or Soil of such Lane shall differ and not agree with the said Commissioners in respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury, to be impannelled, summoned, and returned in Manner by the said Act directed, and be subject to such Regulations and Provisions in respect thereof as in the said recited Act mentioned in regard to Premises to be purchased by the said Commissioners, so far as the same is or can be made applicable, and the Ground, Soil, and Inheritance of the said Lane shall, upon Payment of the Purchase Money by the Purchaser or Purchasers thereof, in Manner mentioned in the said Act respecting Purchases made by the said Commissioners, become vested in the Purchaser or Purchasers thereof, in Manner in the said recited Act mentioned in respect of Lands so purchased by the said Commissioners by virtue thereof; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Expences of Jury how and by whom to be paid.

VII. And be it further enacted, That in case any Verdict shall be given for the same or a greater Sum or Recompence than shall have been required by or on Behalf of the said Commissioners, before the summoning

ing of any such Jury, for or in respect of such Ground and Soil, then all the Expences of such Jury, and the Witnesses attending in consequence thereof, and of taking such Inquest, to be ascertained and settled in Manner by the said recited Act directed, shall be paid by the Purchaser or Purchasers of such Ground or Soil, in addition to the Monies to be assessed and ascertained by such Verdict, and shall and may be recovered in such Manner as in the said recited Act mentioned; and if any Verdict shall be given for a less Sum than shall have been required by or on Behalf of the said Commissioners, then such Expences, to be ascertained and settled as aforesaid, shall be paid by the said Commissioners, and shall and may be deducted by such Purchaser or Purchasers out of his, her, or their Purchase Money.

VIII. Provided always, and be it further enacted, That the said Commissioners, or any Inhabitant of the Parish in which the said Lane is situate, shall not, in any Cause, Hearing, Examination, or other Proceeding whatsoever relating to the Execution of this Act, be deemed an incompetent Witness or Witnesses by reason of his, her, or their being such Commissioner or Inhabitant as aforesaid. Commissioners and Inhabitants not incompetent Witnesses.

IX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Judgment, or Determination of the said Commissioners, or by any Matter or Thing done under or in pursuance thereof, then and in every such Case he, she, or they may appeal to the next General Quarter Sessions of the Peace which shall be holden for the said County of *Surrey*, which shall happen next after the Expiration of Twenty-one Days after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Ten Days Notice at the least of such Appeal, and of the Matter thereof, to the Party or Parties appealed against, and within Four Days next after such Notice entering into a Recognizance in the Sum of Fifty Pounds before some Justice of the Peace for the said County, conditioned for prosecuting such Appeal, and to abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices assembled at such Sessions, upon due Proof of such Notice having been given, and of entering into such Recognizance, shall hear and determine the Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they the said Justices shall think proper, and also order and award such Satisfaction to be made to the Party injured as they shall think just and reasonable. Appeal.

X. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, alter, or vary the said recited Act, or any of the Powers or Provisions thereof, but that the same and every Part thereof shall remain in as full Force and Effect as before the passing of this Act; and that no Part of the Expences of obtaining and passing this Act shall be borne by the Commissioners for putting the said recited Act and this Act into Execution, or be a Charge, Lien, or Incumbrance on the Rates or Assessments by the said recited Act authorized to be made and raised. This Act not to repeal the Provisions of the former Act.

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XI. And

Public Act.

XI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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