



ANNO UNDECIMO & DUODECIMO

# VICTORIÆ REGINÆ.

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## *Cap. clxii.*

An Act for granting further Powers to the *Clerkenwell* Improvement Commissioners, for the Purpose of enabling them to complete the new Street and the Improvements connected therewith. [31st August 1848.]

**W**HEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for opening a Street to Clerkenwell Green in the County of Middlesex, in continuation of the new Street from Farringdon Street in the City of London*: And whereas another Act was passed in the Fifth Year of the Reign of Her said Majesty, intituled *An Act to alter and amend the Provisions of the Act for opening a Street to Clerkenwell Green in the County of Middlesex*: And whereas another Act was passed in the Ninth Year of the Reign of Her said Majesty, intituled *An Act for amending the Acts relating to the Street leading to Clerkenwell Green; and for extending such Street, and making new Streets out of the same*: And whereas the Commissioners appointed by virtue of the said Acts have proceeded in the Execution thereof, and have spent the Sum of Twenty-five thousand Pounds which was paid to them by the Lords Commissioners of Her Majesty's Treasury, and have

[Local.] 24 R also

3 & 4 Vict. c. 112.  
5 & 6 Vict. c. 47.  
8 & 9 Vict. c. 17.

also borrowed the further Sum of Twenty-seven thousand Pounds or thereabouts by Mortgage of the Property purchased by them, and have expended the same: And whereas by virtue of the first-recited Act the Commissioners are empowered to enter into such Security and Assurance as the said Lords Commissioners might require for the Completion of the Improvements, and also into any Contract or Agreement with any Person or Persons willing to give the same, upon such Terms and Conditions with respect to the leasing, purchasing, or selling the whole or any Part of the Land authorized to be taken by virtue of that Act, as they might think desirable: And whereas Difficulties have arisen in raising sufficient Money for the Completion of the said Street, the Security which can be offered for the Advance of such Money being deemed inadequate for that Purpose; and it is expedient that Provision should be made for enabling the Commissioners to accept Subscriptions from Persons willing to advance Money for the Completion of the said Street, and for the Erection of Houses to front the same, upon such Terms as may be mutually agreed on, and for such Purpose to enable the said Commissioners to hold the same Lands and Houses, and to receive the Rents and Profits to arise therefrom, for such Time, and upon such Trusts, as may be mutually agreed upon: And whereas it is expedient to extend the Time for the Purchase of certain Property: And whereas it is also expedient to enable the Commissioners to transfer their Powers to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or to the Mayor, Aldermen, and Commonalty of the City of *London*, in case Powers should be granted by Parliament to the said last-mentioned Commissioners or Corporation to accept the same; and also to enable the *Clerkenwell* Improvement Commissioners to make any Agreement or Arrangement required in case any Sum of the public Money should be set apart for them on Loan or otherwise in order to enable them to complete the said Street: And whereas it is expedient that some of the Powers and Provisions of the recited Acts should be altered, amended, and enlarged, and further Powers be granted to the Commissioners; but the Purposes aforesaid cannot be effected 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 the present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in this Act shall extend to operate upon and be in force in respect to the Objects and Purposes of the recited Acts, as fully and effectually to all Intents and Purposes as if the same Provisions, Matters, and Things had been enacted in the recited Acts with reference to the Objects and Purposes thereof.

Provisions of this Act to be applicable to Objects of the recited Acts.

Certain Provisions of recited Acts as to leasing and Sale repealed.

Commissioners may agree with

II. And be it enacted, That the Provisions contained in the recited Acts relating to the leasing and Sale of the Property acquired by the Commissioners which are inconsistent with the Provisions in this Act contained shall be and are hereby repealed.

III. And be it enacted, That it shall be lawful for the Commissioners to enter into any Contract or Agreement with any Person or Persons



Persons for the Advance of a sufficient Sum of Money for the Completion of the said Street, and the Purchase of the Property by the recited Acts authorized to be taken; and the Commissioners may (subject to the Repayment of the existing Mortgages and the Interest thereof) agree to sell in consideration of such Advance any Property already purchased or hereafter to be purchased by the Commissioners, and remaining unappropriated after laying out the said Street and the Foot Pavements thereof, and providing for the several Matters required to be done by the recited Acts.

any Person for an Advance of Money to complete the Street.

IV. And be it enacted, That the Lands purchased and taken by the Commissioners shall (subject to the Provision herein-after made in the event of Money being raised by Subscription) be held by the Commissioners until the Completion of the said Street, and the Erection of Houses or Buildings upon the Sides thereof; and upon the Completion of the said Street the same Lands shall be conveyed by the Commissioners to the Person or Persons who shall advance the Sums of Money before mentioned, or as he or they shall direct.

Commissioners to hold the Lands until the Completion of the Street.

V. And be it enacted, That it shall also be lawful for the said Commissioners to raise by Subscription, in such Sums and upon such Terms as may be arranged between the said Commissioners and the several Persons who may be willing to subscribe towards the same, all such Monies, not exceeding the Sum of Two hundred thousand Pounds, as may be necessary to enable the said Commissioners to pay off all or any of the existing Debts, Incumbrances, or Mortgages chargeable upon the Commissioners, or upon or affecting the Lands already and which may hereafter be purchased and held by them to complete the said Street, and also to erect upon the Ground adjoining to and fronting the same, or which may be purchased by the Commissioners contiguous thereto, so many and such Houses as the said Commissioners may think expedient, or as may be arranged between them and the said Subscribers.

Commissioners may raise Money by Subscription.

VI. And be it enacted, That in the event of such Subscription the Lands purchased and taken by the said Commissioners, and the Houses erected by them, shall be held by the Commissioners for such Period, upon such Trusts, and for such Purposes as shall have been settled or included in the Arrangement between the Commissioners and the Subscribers.

Commissioners to hold the Lands.

VII. And be it enacted, That, subject to the Provision herein made for the Claim of *Henry Charles Englefield* Esquire, the Commissioners shall, in the first place, out of the Money advanced by such Person or Persons, pay off and discharge any Money already raised upon Mortgage under the Authority of the recited Acts, or any of them, with any Interest due thereon, and shall apply the Remainder of such Money in the Purchase of the Property remaining to be purchased, and the Surplus shall be applied in such Manner as the Person or Persons advancing such Money shall direct, or in the Erection of the Houses under the Trusts arranged between the Commissioners and the Subscribers, as the Case may be.

Application of Money advanced.

VIII. And



Nothing to prevent Commissioners from advancing Money.

VIII. And be it enacted, That nothing in the recited Acts or this Act contained shall prevent any Person acting as a Commissioner from advancing or joining in the Advance of any Money towards the Completion of the said Street, or from subscribing any Monies which may be raised by the Commissioners under the Provisions herein-before given to them for that Purpose, or from entering into any Contract or Agreement in respect thereof, nor shall any Commissioner, by reason of such Advance or Contract or Agreement or Subscription, be incapacitated from acting as a Commissioner, or be liable to any Penalty on account thereof.

Period for compulsory Purchase of Property extended.

IX. And be it enacted, That the Periods limited by the recited Acts for the compulsory Purchase of Property which by the recited Acts the Commissioners are authorized to take, shall, in respect of the Property not yet purchased or taken by the Commissioners, be extended for the further Term of Three Years, to be computed from the passing of this Act.

If Commissioners of Woods, &c. or the City of London execute Improvements, Powers, &c. to be transferred to them.

X. And be it enacted, That in the event of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the Mayor, Aldermen, and Commonalty of the City of London, or either of them, being empowered to take upon themselves the Execution of the said Improvement, it shall be lawful for the *Clerkenwell* Improvement Commissioners to transfer all the Powers, Rights, and Privileges, and also all the Lands and Property acquired by them under and by virtue of the said recited Acts, to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or to the Mayor, Aldermen, and Commonalty of the City of London, or to both or either of such Bodies, according to any Powers conferred for such Purposes.

As to Advance of Money.

XI. And be it enacted, That if any Sum of Money shall be authorized to be advanced to the *Clerkenwell* Improvement Commissioners by the Lords Commissioners of Her Majesty's Treasury, or by the Mayor, Aldermen, and Commonalty of the City of London, or either of them, it shall be lawful for the *Clerkenwell* Improvement Commissioners to enter into any Agreement for the Fulfilment of the Conditions upon which such Money shall be advanced, or to secure the Repayment of the same, or any Part thereof, in such Manner as shall be required and as they may think necessary: Provided always, that every such Agreement shall be made subject to the Priority of the Mortgages granted by the Commissioners previous to such Agreement.

Provision for Payment of Claim of Henry Charles Englefield, Esq.

XII. And whereas the said Commissioners some Time ago contracted with *George Silvertop* Esquire, the then Trustee of *Henry Charles Englefield* Esquire, for the Purchase, at a Price to be ascertained by an Award, of certain Property authorized by the said recited Acts to be purchased, and which Price has since been duly fixed by such Award, and such Sum so fixed, and the Costs, Charges, and Expenses of the said Award, and otherwise relating to the said Purchase, are now due from and payable by the said Commissioners, and amount to the Sum of Eleven thousand Pounds, and it is expedient



dient that Provision should be made for Payment of the Sum so fixed in such Award, and the Costs, Charges, and Expenses aforesaid, and *William Burchell, George Alexander Kilgour, and John Parson*, as Mortgagees for Five thousand Pounds, and Interest, of the present and future Property of the said Commissioners, have consented that such Payment should have Priority over their said Mortgage: Be it therefore enacted, That the said Commissioners shall and they are hereby required to pay, in manner required by the said recited Acts with respect to Property of such Title as the said Property to be taken under the said Award, out of the Monies to be raised or received by them or on their Behalf, under or by virtue of the Powers by this Act conferred, or any or either of such Powers, or under or by virtue of the Powers in the said recited Acts or any or either of them contained, the full Sum of Eleven thousand Pounds in discharge of the Sum fixed in the said Award, and of the Costs, Charges, and Expenses aforesaid, in preference to all other Claims and Demands whatsoever which may arise after the passing of this Act, and in preference to all such Claims and Demands, if any, as the said Mortgagees for Five thousand Pounds might otherwise have upon the Money so to be raised or received, but not in preference or priority to the Claims of any other Persons having any prior Security.

XIII. And be it enacted, That all the Monies to be at any Time after the passing of this Act raised or received by or on behalf of the said Commissioners under or by virtue of the Powers contained in this Act, or in the said recited Acts, or any or either of them, or under or by virtue of any or either of such Powers, shall be considered as charged and chargeable with the Payment of the said Sum of Eleven thousand Pounds in preference and priority to all other Claims and Demands whatsoever, other than the Claims and Demands of any other Persons having any prior Security upon the Money so to be raised or received (except the Claim or Demand of the said *William Burchell, George Alexander Kilgour, and John Parson* as such Mortgagees as aforesaid): Provided always, that nothing herein contained shall authorize the said Commissioners to enter upon or take possession of the Property of the said *Henry Charles Englefield*, so contracted to be purchased as aforesaid, or any Part thereof, until Payment, in manner required by the said recited Acts with respect to Property held by such Title as his, of the full Sum of Eleven thousand Pounds.

Monies received by Commissioners to be charged with the Payment of the Sum due to Mr. Englefield.

XIV. And be it enacted, That in any Case where the intended Works to be done under this Act would pass over or under or by the Side of, or in any way whatever interfere with, any Sewer, Drain, or Watercourse under the Management or Control of the Metropolis Commissioners of Sewers, or of the Commissioners of Sewers for any District or Place through which any Works hereby authorized or any Part thereof shall pass, the said Improvement Commissioners shall not proceed therein until they shall have given to the said Commissioners of Sewers Twenty-one Days previous Notice in Writing of their Desire, and a full Particular and Plan of the Works as affecting any Sewers, Drains, or Watercourses, and until the said Commis-

As to Interference with Sewers.

sioners of Sewers shall have sanctioned and approved the Mode of crossing or passing by such Sewer, Drain, or Watercourse; and the said Improvement Commissioners shall and they are hereby required to comply with all such Orders and Regulations as the said Commissioners of Sewers may make with reference to the Improvement Commissioners providing by new, altered, or substituted Works for the proper Drainage of and the preventing Injury to the Sewage of the District, and for guarding against any Obstruction or Impediment to the Drainage of the District, and also for saving harmless the said Commissioners of Sewers against Expense; and all such Works as shall be so required shall be done under the Direction and Control of the Surveyor or other Officer of the said Commissioners of Sewers to be appointed for that Purpose; and when any new, altered, or substituted Sewers as aforesaid, or any other Works connected with Sewage, shall be completed by the said Improvement Commissioners, the same shall be thereafter as fully and completely under the Direction, Control, and Management of the said Commissioners of Sewers as any other Sewers, Drains, and Watercourses are or may be, and all the Rights, Powers, Privileges, and Authority of the said Commissioners of Sewers shall remain in full force and virtue with reference to all such Sewers, Drains, and Watercourses for all Purposes, and shall not be prejudiced or affected by this Act.

Expenses of Act.

XV. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act shall be defrayed out of the Funds of the said Commissioners.

Short Title.

XVI. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe it as "The *Clerkenwell* Improvement Act, 1848."

Public Act.

XVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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