ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. xlvii.

An Act to alter and amend the Provisions of the Act for opening a Street to *Clerkenwell Green* in the County of *Middlesex*. [18th *June* 1842.]

WHEREAS 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 it is expedient that some of the Powers and Provisions of the recited Act should be altered, amended, and enlarged; but the same cannot be effected without the Aid and 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, 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 Act, as fully and effectually, to all Intents and Purposes, as if the same Provisions, Matters, and Things had been

3 & 4 Vict. c. 112.

Powers of former Act extended to this Act.

been enacted in the recited Act with reference to the Objects and Purposes thereof.

Repealing Provisions as to Signatures of Commissioners.

II. And whereas it is by the recited Act enacted, that the Signatures of the Commissioners present at any Meeting, or of the major Part of them, and all the Acts, Orders, and Proceedings of the Commissioners, or of such major Part of them, should have the same Force and Effect as if the same were signed by or made and done by all the Commissioners for the Time being; and it is in the said Act also provided, that all Acts, Orders, and Proceedings of the Commissioners made or had at such Meetings should be entered in a Book of Proceedings, and all Entries in such Book, being signed as aforesaid, should be deemed Originals, and admitted as Evidence in all Courts, and by all Judges, Justices, and others: And whereas such Provisions have been found inconvenient in Practice, and it is expedient that the same should be altered; be it therefore enacted, That the same shall be and are hereby repealed.

Proceedings to be entered in a Book.

III. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed.

For what Contracts may be made.

IV. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by the recited Act to be done by the Commissioners, and for furnishing any Materials for the same or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done and the Materials to be furnished, and a Copy thereof shall be entered in a Book to be kept by the Clerk of the Commissioners for that Purpose.

How to be signed.

V. And be it enacted, That every such Contract shall be signed by any Three of the Commissioners and the other Parties thereto; and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the Commissioners or the other Parties failing in the Execution thereof.

Materials for Works contracted for

VI. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and

and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury, by Indictment, as herein-after mentioned, be held to be the Property of such Commissioners. to be considered the Property of the Commissioners.

VII. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, deface or injure, any Property, Article, or Thing belonging to the Commissioners; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Commissioners for executing this and the recited Act, without naming the Commissioners. Indictments how to be preferred.

VIII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this or the recited Act, be it enacted, That if before Action brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this and the recited Act, or by virtue of any Power or Authority thereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court. Tender of Amends.

IX. And whereas it is by the recited Act required, that if the Sheriff or his Under Sheriff should be One of the Commissioners, or enjoy any Office of Trust or Profit under them, or should be in anywise interested in the Matter in question, the Warrant of the Commissioners for summoning a Jury to assess the Amount of Purchase Money or Compensation as therein mentioned should be issued to any of the Coroners of the County not interested as aforesaid, or if all the Coroners should be so interested, then to some Person then living in the said County, and free from personal Disability, who should have filled the Office of Sheriff or Coroner in the said County, and not be interested as aforesaid, a Person having more recently served either Office being always preferred: And whereas the acting Deputies or Clerks of the said Sheriff or Under Sheriff may be interested as aforesaid, and it is therefore expedient that further Provision should be made; be it therefore enacted, That if any acting Deputy or Clerk of the Sheriff or Under Sheriff shall be so interested as aforesaid, the Warrant of the Commissioners shall be issued to any of the Coroners of the County, or to such other Person as in the said Act mentioned, in the Manner and Order thereby directed. When acting Deputy of Under Sheriff interested, Warrants for Jury to be directed to Coroner.

X. And

Repeal of Provisions in former Act as to Tenants at Will.

X. And whereas it was by the recited Act enacted, that all Persons in possession of any Tenements which should be required or be intended to be taken or used for the Purposes of that Act, and who should have no greater Interest than as Tenants at Will or Lessees for a Year, or as Tenants from Year to Year, should respectively deliver up Possession of such Property to the Commissioners appointed by such Act, or to such Person as the Commissioners should appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect should have been given by the Commissioners to or left at the Place of Abode of such respective Tenants or Lessees in possession, or left upon the said Premises, whether such Notice should be given with reference to the Time of the Commencement of such Tenant's Holding or not, and whether such Notice should be given before or after the said Premises should be purchased by the Commissioners, or at such other Time after the Expiration of Six Calendar Months as in any such Notice they should be respectively required; and in case any such Tenant or Lessee or Person so in possession as aforesaid should refuse to give up such Possession as aforesaid, it should be lawful for the Commissioners to issue their Precept, under the Hands and Seals of any Three of the Commissioners, to the Sheriff of the County in which the Premises should be situate, to deliver Possession of the said Premises to such Person as should in such Precept be nominated to receive the same; and the said Sheriff was thereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as should accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to give Possession, by Distress and Sale of his Goods and Chattels; and it was also provided and enacted, that where any such Tenant or Lessee who should be required to deliver up Possession of his Term or Interest therein should, within Three Calendar Months after Demand in Writing made by the said Commissioners, setting forth that Provision, which Demand the Commissioners were thereby required to make at the Time of giving such Notice as aforesaid, give the Commissioners previous Notice in Writing thereof, stating the Period of such unexpired Term or Interest, the Commissioners should and they were thereby required to pay or tender to such Tenant or Lessee, before they should issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Compensation for the Value of his unexpired Term or Interest in the said Premises, which Compensation, in case of Difference, should be asertained and determined in the same Manner as any other Compensation for any Lands taken or used by the Commissioners is by that Act directed to be made or determined: And whereas it is expedient that the said Enactment should be repealed, and other Provisions made in lieu thereof; be it enacted, That the said Enactments shall be and the same are hereby repealed.

Tenants at Will, &c. to cede Possession on Six Months Notice.

XI. And with respect to any such Tenements, the Whole or Part whereof shall be required for the Purposes of the recited Act, which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will, or Lessee for a Year, or from Year to

Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the Commissioners, or at any other Time when required after the Expiration of such Period, all such Persons shall respectively deliver up to the Commissioners, or to the Person appointed by them to take possession thereof, any such Tenements in their Possession required for the Purposes of the recited Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's Holding or not, and whether such Notice shall be given before or after the Purchase of such Tenements by the Commissioners.

Compensation to such Tenants.

XII. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Tenements so occupied by him before the Expiration of his legal Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Tenements; or if a Part only of any Tenement be required and taken, then Compensation for the Damage done to him in his Tenancy by the Severance of the Part of the Tenement required from that not required.

Two Justices may determine Differences respectng Compensation.

XIII. And be it enacted, That the Amount of such Compensation payable as last aforesaid shall, in case the Parties differ about the same, be determined by any Two Justices of the Peace for the County of *Middlesex*, not being Commissioners acting in the Execution of the recited Act.

Justices may appoint a Surveyor to ascertain Compensation.

XIV. And be it enacted, That in all Cases in which, under the Provisions aforesaid, the Amount of Compensation is to be settled by Two Justices of the Peace, it shall be lawful for such Justices, if they see fit, or if required by either Party, to appoint an impartial Surveyor, who shall report to them his Opinion as to the Amount of Compensation payable by the Commissioners; and the reasonable Costs and Expences of such Surveyor shall be borne by the Commissioners, unless the said Justices shall award a less Sum than shall have been previously offered by the Commissioners, in which Case one Moiety of such Costs and Expences shall be borne by the Commissioners, and the other Moiety by the Person claiming the Compensation as aforesaid.

On Refusal, Sheriff to give Possession.

XV. And be it enacted, That in the Cases in which, by the recited Act or this Act, the Commissioners are entitled to enter into Possession of any Tenements, and the Owner, Lessee, or Occupier refuse to give up such Possession, it shall be lawful for the Commissioners, after making Payment or Tender of such Compensation as hereinbefore mentioned, but not otherwise, to issue their Precept, under the Hands and Seals of Three or more of them, to the Sheriff of the County of *Middlesex*, to deliver up Possession of such Tenements to the Person in such Precept nominated to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of such Tenements in obedience thereto; and the Party so refusing to

give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff; and if, on Demand, he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Production of Leases.

XVI. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Tenements, the Commissioners may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power; and if, after Demand made in Writing by the Commissioners, such Lease or Grant, or the best Evidence thereof, be not produced within Twenty-eight Days, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Extending Time for Purchase of certain Land from the Improvement Commissioners by the Saint Sepulchre Paving Commissioners.

XVII. And whereas it is by the recited Act enacted, that it should be lawful for the Commissioners for the Time being acting under and by virtue of the Act of Parliament for paving, lighting, and regulating the Streets of the Parish of *Saint Sepulchre*, *Middlesex*, or for any Commissioners to be appointed under or by virtue of any Act of Parliament for making or improving the Communications between the Street by that Act authorized to be formed and *Saint John Street* and *Charter House Square*, at any Time within Three Years next after the passing of that Act, to purchase of and from the Commissioners for executing the said first-recited Act for making the said new Street to *Clerkenwell Green* a certain Portion of Ground therein described: And whereas the Formation of the said Street has been unavoidably delayed, and it is therefore expedient that the Period for the Purchase of the said Ground should be extended; be it therefore enacted, That the same shall be enlarged for the Space of One Year, to be computed from the Expiration of the Period by the said Act granted.

Empowering Commissioners to borrow Money on Mortgage.

XVIII. And be it enacted, That it shall be lawful for the Commissioners to raise any Monies which they may require for the Purposes of this and the recited Act, either in such Manner and upon such Security as in the recited Act is provided, or by Mortgage of all or any of the Tenements or Hereditaments to be purchased by them for the Purposes of this and the recited Act, as they may think proper, and either before or after the same Tenements or Hereditaments shall have been acquired; and the Monies so to be raised, and the Interest thereof, may be paid off at such Times and in such Manner as the Commissioners shall agree on; and every Security or Mortgage granted or made by the Commissioners may be made in such Form as the Commissioners may direct, and shall have such Preference or Priority as the Commissioners and the Party advancing such Money may agree upon, and as shall be specified in such Security or Mortgage: Provided that every such Security or Mortgage shall be by Deed duly stamped, in which the Consideration shall be duly stated.

XIX. And

XIX. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act shall be paid out of the Funds of the said Commissioners. For paying Expences of Act.

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1842.