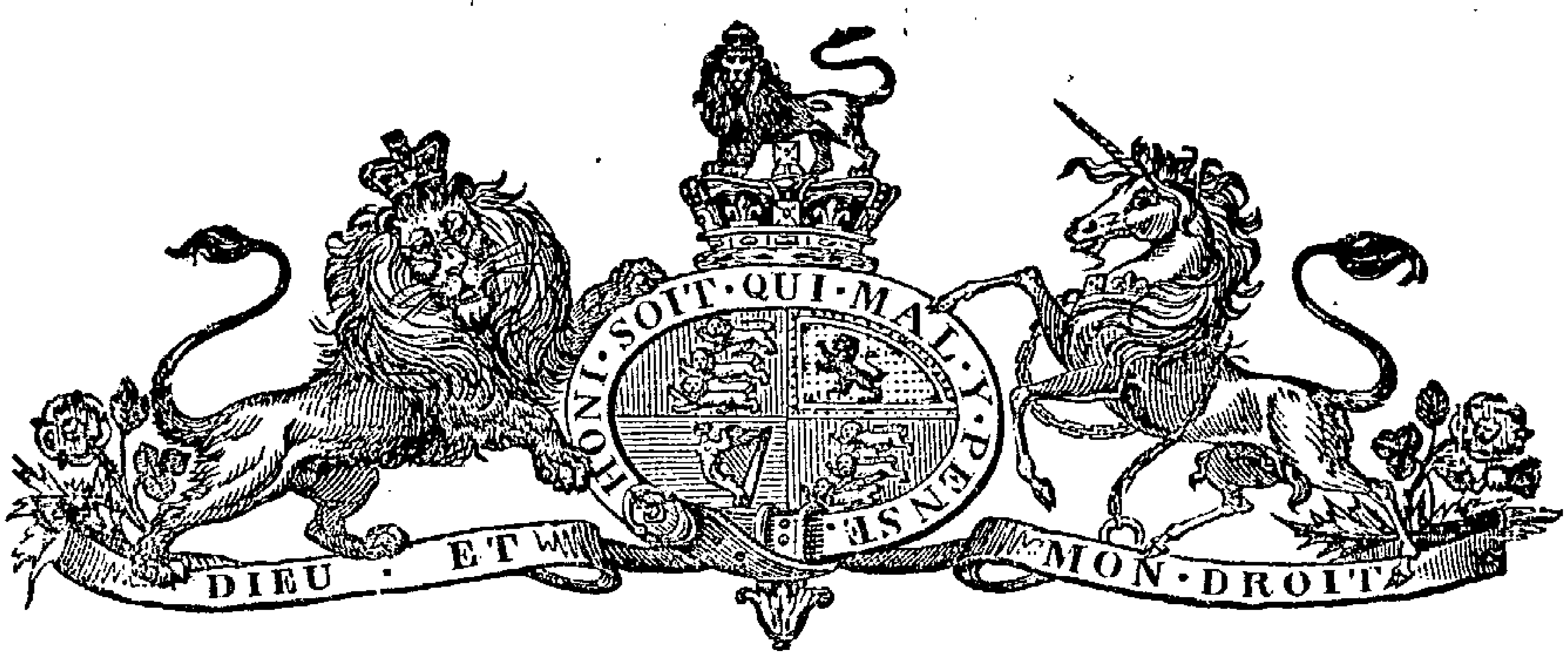


ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. ccxxv.

An Act to enable the *Saint Clement Danes* Improvement Company to make certain Improvements in the Parish of *Saint Clement Danes* in the County of *Middlesex*; and for other Purposes.

[5th *July* 1865.]

WHEREAS Portions of the *Strand* and *Wych Street*, both in the Parish of *Saint Clement Danes*, are inconveniently narrow, whereby the Traffic (along those Streets) is greatly impeded, and it would be to the public Advantage that the same should respectively be widened and improved, and that other Improvements should be carried out upon and in connexion with the Property lying between the last-mentioned Streets respectively, and that to effect such Widenings and Improvements certain Houses and Buildings now standing on the North Side of the *Strand* and the South Side of *Wych Street* should be pulled down, as well as those in *Holywell Street* in the same Parish, and other and more convenient Buildings erected in lieu thereof: And whereas for carrying out such Improvements the *Saint Clement Danes* Improvement Company (Limited) was on the 24th of *December* 1864 incorporated by a Memorandum of Association under the Provisions of "The Companies Act, 1862:" And whereas Plans and Sections showing the Lands and

Houses which the Company are by this Act empowered to acquire for the Purposes thereof, and Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands and Houses respectively, have been deposited with the Clerk of the Peace for the County of *Middlesex*: And whereas the Objects aforesaid cannot be attained without the Sanction 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:

Short Title.

1. This Act may be cited for all Purposes as "The *Saint Clement Danes* Improvement Act, 1865."

8 & 9 Vict. cc. 16. & 18., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 118. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to the Cancellation and Surrender of Shares) of "The Companies Clauses Act, 1863," shall be incorporated with and form Part of this Act, except in so far as any of the Clauses and Provisions of those Acts may be expressly varied by or be inconsistent with this Act.

Same Meanings to Words in this and incorporated Acts.

3. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something inconsistent with such Construction.

Construction of Terms.

4. In construing the incorporated Acts respectively in connexion with this Act, and also in construing this Act, the Expression the "Company" shall mean the Company incorporated by this Act; the Expression the "old Company" shall mean the said Company constituted prior to the passing of this Act; the Expression "Sheriff" in the "Lands Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Acts Amendment Act, 1860," shall with respect to this Act, so far as the same affects the Works authorized by this Act which shall be within the City and Liberty of *Westminster*, mean the High Bailiff of *Westminster* in all Cases where the High Bailiff discharges the Duties and Offices usually discharged by the Sheriff; and the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act or the Acts incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

5. From

Incorporation of Company, and Dissolution of old Company.

5. From and after the passing of this Act "the old Company" shall be dissolved and cease to exist, and the Members of or Shareholders in that Company, and all other Persons who have subscribed or agreed to subscribe or shall hereafter subscribe to the Undertaking, or take Shares in the Capital of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are by this Act united and incorporated into a Company for the Purpose of the Undertaking by this Act authorized by the Name of "The *Saint Clement Danes* Improvement Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, sell, and otherwise dispose of, or let on Lease or otherwise, Lands and other Property for the Purposes of this Act, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Present Property vested in Company incorporated by this Act.

6. Subject to the Provisions of this Act, all Monies, Securities, Credits, Effects, and other Property, Rights, and Interests whatsoever which immediately before the passing of this Act belonged to the old Company, or to any Trustees on their Behalf, for the Purposes of such Company, shall be and the same are hereby vested in the Company.

Contracts, &c. before passing of Act valid.

7. All Purchases, Conveyances, Grants, Assurances, Deeds, Contracts, and Agreements entered into or made before the passing of this Act by, to, or with the old Company, or any Trustees or Persons acting on behalf of such Company, or by or with any other Person to whose Rights and Liabilities they have succeeded as Assigns, and now in force, shall be as binding and of as full Force and Effect in every respect against or in favour of the Company, and may be enforced as fully and effectually, as if, instead of the old Company or the Trustees or Persons acting on behalf of the old Company, the Company had been a Party thereto.

Saving previous Rights and Liabilities.

8. Notwithstanding the Incorporation of the Company, and except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old Company, or the Shareholders therein in that Capacity, shall be as valid as if the Company had not been incorporated by this Act; and such Incorporation, and this Act respectively, and Dissolution of the old Company, shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the Company were not incorporated and this Act were not passed would be incident to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company shall, to all Intents and Purposes, represent

represent the old Company and the Shareholders therein in their Capacity of Shareholders; and provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

Actions, &c. not to abate.

9. Nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which was pending by or against the old Company or any Member thereof in relation to the Affairs of the old Company, or to which the old Company or any Member thereof in relation to such Affairs were Parties immediately before the passing of this Act, but any such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the Case may be) in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the old Company or any Member thereof if the Act had not been passed, the Company being in reference to the Matters aforesaid in all respects substituted for the old Company.

As to Payment of Moneyowing before passing of this Act.

10. All Persons who immediately before the passing of this Act owed any Money to the old Company, or to any Person on their Behalf, shall pay the same to the Company; and all Debts and Monies which immediately before the passing of this Act were due or owing or recoverable from the old Company, or for the Payment of which the old Company were or but for this Act would be liable, shall be paid, with Interest (if any) due or payable or accruing upon the same, by or be recoverable from the Company.

First Ordinary Meeting of the Company.

11. The First Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*, or such other Months as the Directors shall from Time to Time appoint.

Newspapers for Advertisements.

12. The Newspapers for Advertisements shall be any Newspapers published and circulated in the County of *Middlesex*.

Number and Qualification of Directors.

13. The Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of not less than Fifty Shares in the Undertaking.

Quorum of Directors.

14. The Quorum of a Meeting of Directors shall be Three.

First Directors.

15. Sir *John Mark Frederick Smith*, M.P., *William Lawrence Banks*, *Charles Miller Layton*, *George Eugene Magnus*, and *John Sunley*

Sunley shall be Five of the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting of the Company after the passing of this Act.

Election of Directors at First Ordinary Meeting.

16. At the First Ordinary Meeting of the Company the Shareholders present personally or by proxy may continue in Office the First Directors, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the First Directors appointed as aforesaid being eligible to be elected as Members of such new Body.

Subsequent Election of Directors.

17. At the First Ordinary Meeting to be held every Year after the Year in which the First General Meeting shall be held the Shareholders present personally or by proxy shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provision in the "Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in the Manner provided by the "Companies Clauses Consolidation Act, 1845."

Capital.

18. The Capital of the Company shall be Two hundred and fifty thousand Pounds in Twenty-five thousand Shares of Ten Pounds each.

Appropriation of existing Shares.

19. The existing Shares shall remain vested in the respective Shareholders upon the same Terms, and subject to the same Powers, Provisions, Declarations, Agreements, Rights, Charges, Liens, and Incumbrances, as immediately before the passing of this Act affected such Shares respectively, and so as to give Effect to and not revoke any Testamentary or other Disposition of or affecting such Shares.

Shares not to issue until One Fifth paid up.

20. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Calls.

21. Two Pounds a Share shall be the greatest Amount of any One Call, and Three Months at least shall be the Interval between successive Calls, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls in any One Year on any Share.

Power to borrow on Mortgage.

22. When the whole of the Capital of Two hundred and fifty thousand Pounds has been subscribed, and One Half thereof paid up, the Company may borrow on Mortgage any further Sum or Sums of Money not exceeding in the whole Sixty-two thousand five hundred

Pounds, but no Part of such last-mentioned Sum of Sixty-two thousand five hundred Pounds shall be borrowed until the whole of the said Capital of Two hundred and fifty thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify, under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said Capital of Two hundred and fifty thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that One Half of the Amount of the Capital has been paid up, and that such Shares are held by the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Arrears may be enforced by Appointment of a Receiver.

23. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Six thousand Pounds.

Application of Money.

24. All and every Part of the Monies by this Act authorized to be raised by the Company by Shares and by borrowing respectively shall be applied only to the Purposes of this Act.

Power to take Lands.

25. Subject to the Provisions of this Act and the Acts incorporated therewith, the Company may enter upon, take, and use all or any of the Lands and Houses shown upon the deposited Plans and described in the deposited Books of Reference as the Company may from Time to Time think expedient for their Undertaking, and may stop up, alter, and discontinue all Alleys, Ways, and Paths over such Lands between the *Strand* and *Holywell Street*: Provided always, that nothing herein contained shall authorize the Company to take the Lands and Buildings belonging to the *Strand* Hotel Company, Limited.

Powers for compulsory Purchases limited.

26. The Powers of the Company for the compulsory Purchase of Lands and Houses shall not be exercised after the Expiration of Two Years from the passing of this Act.

Power to widen the Strand and Wych Street.

27. The Company from Time to Time may improve, alter, and widen the *Strand* and *Wych Street* respectively in the Lines and in accordance with the Plans and Levels respectively shown on the deposited Plans and Sections; provided that at the Eastern End of the Improvements the *Strand* shall be widened Two Feet more than

is

is shown on the said Plans, such Widening to be continued in a direct Line vanishing at Point B.

Construction of Passage in lieu of Holywell Street.

28. It shall be lawful for the Company to discontinue *Holywell Street* as a Thoroughfare for Vehicles and Carriages of all Descriptions, but in lieu and on the present Site thereof they shall and are hereby required to construct a Thoroughfare, open to the Sky, of the Width of Twenty Feet throughout, for Foot Passengers only.

Period for Completion of Works.

29. The Improvement, Alteration, and Widening by this Act authorized shall be completed within Four Years after the passing of this Act.

Guarantee for Completion of Works.

30. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Twenty, the Sum of Eight thousand nine hundred and eighty-eight Pounds Fifteen Shillings and Fourpence New Three Pounds *per Cent.* Annuities, equal in Value to Eight thousand Pounds, being Four *per Cent.* upon the Sum of Two hundred thousand Pounds, the Amount of the Estimate in respect of the Works by this Act authorized, has been transferred into the Name of the Accountant General of the Court of Chancery in *England* with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act contained, the said Sum of Three Pounds *per Cent.* Annuities so transferred, or the Interest or Dividends thereof, shall not be transferred or paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order lodged in pursuance of that Act, or the Survivors or Survivor of them, unless the Company, before the Expiration of the Period limited for the Completion of the Works, prove to the Satisfaction of the Board of Trade that the Company have completed the widening of the *Strand* and *Wych Street* as required by this Act; and if that Period expire before the Company give the aforesaid Proof to the Satisfaction of the Board of Trade, the Sum so transferred, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom: Provided always, that if the Company give the required Proof, and obtain a Certificate thereof under the Hand of One of the Secretaries of the Board of Trade, the Person or Persons or the Majority of the Persons mentioned in the said Warrant or Order, or the Survivor or Survivors of them, shall have the said Stock so transferred as aforesaid, and all Dividends and

Interest

Interest due thereon, transferred and paid to them or him; and all the Provisions of the recited Act with respect to the Repayment of Monies deposited thereunder shall be applicable to the Retransfer and Payment of such Stock, Dividends, and Interest.

Compensation for Deficiency in Paving Rates.

31. After the Occupier or Occupiers of any of the Houses and Buildings in the said Parish to be taken down under the Powers of this Act shall have quitted the Possession thereof in pursuance of any Notice or Notices of the Company, and until the whole of the Houses and Buildings intended to be built upon the Ground to be acquired by the Company under this Act shall be completed, the Company shall pay and make good all such Sum and Sums of Money as shall from Time to Time be deficient in respect of the Produce of the now existing Assessments for the Rates for the Relief of the Poor, for the Police and County Rates, for the Paving, Cleansing, Lighting, Main Drainage, and Sewer Rates, and for all other District or Parochial Rates, Charges, Impositions, and Payments whatsoever, by reason of the pulling down of any House by the Company, to be computed according to the Produce of such several Rates and Assessments, or as near as the Nature of the Case will admit, and the same shall be accordingly paid to the several Collectors of the said Rates; and such Sum and Sums of Money to be paid and made good as aforesaid shall vary or diminish or be extinguished in proportion to the Value of the Houses and Buildings which from Time to Time shall be erected and occupied.

Errors and Omissions in Plans or Books of Reference may be corrected by Justices, who shall certify same.

32. If any Omission, Mis-statement, or wrong Description shall have been made of any Lands or the Buildings thereon, or of the Owners, Lessees, or Occupiers thereof, described on the said Plans or in the said Book of Reference, the Company, after giving Ten Days Notice to the Owners, Lessees, and Occupiers affected by such proposed Correction, may apply to any Justice sitting in One of the Metropolitan Police Courts for the Correction thereof; and if it appear to the Justice that such Omission, Mis-statement, or wrong Description arose from Accident or Mistake he shall certify the same accordingly, and he shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate, with the other Documents to which it relates, shall be deposited with the Clerk of the Peace for the County of *Middlesex*, and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and the Company may purchase, take, and use for the Purposes of their Undertaking any Lands or Buildings in accordance with such Certificate as if such Omission, Mis-statement, or wrong Description had not been made.

Certificate to be deposited.

33. Where

For Protection of Sewers of Metropolitan and other Boards.

33. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as to interfere with, any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the Metropolitan Board of Works, or of any Vestry or District Board constituted under the "Metropolis Local Management Act, 1855," or any Act or Acts amending the same or extending the Powers thereof, or with any Sewers or Works to be made or executed by the said Boards or Vestry, or either of them, or shall or may in any way affect the Sewerage or Drainage of the Districts under their or either of their Control, the Company shall not commence such Work until they shall have given to the said Metropolitan Board, or to the District Board or Vestry, as the Case may be, Fourteen Days previous Notice in Writing of their Intention to commence the same, by leaving such Notice at the principal Office of such Board or Vestry, as the Case may be, for the Time being, with a Plan and Section showing the Course and Inclination thereof and other necessary Particulars relating thereto, and until such Board or Vestry respectively shall have signified their Approval of the same, unless such Board or Vestry, as the Case may be, do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plans, Sections, and Particulars as aforesaid; and the Company shall comply with and conform to all Orders, Directions, and Regulations of the said Metropolitan Board, and of the respective Boards or Vestries, in the Execution of the said Works, and shall provide, by new, altered, or substituted Works, in such Manner as such Boards or Vestries respectively may deem necessary, for the proper Protection of and for preventing Injury or Impediment to the Sewers and Works herein-before referred to by or by reason of the said intended Works or any Part thereof, and shall save harmless the said Metropolitan Board, District Board, and Vestry respectively against all and every the Expense to be occasioned thereby; and all such Works shall be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan Board, District Board, or Vestry, as the Case may be, at the Costs, Charges, and Expenses in all respects of the Company; and all Costs, Charges, and Expenses which the said Metropolitan Board, or any District Board or Vestry, may be put to by reason of the Works of the Company, whether in the Execution of Works, the Preparation or Examination of Plans or Designs, Superintendence, or otherwise, shall be paid to such Boards or Vestry by the Company, on Demand; and when any new, altered, or substituted Works as aforesaid, or any Works or Defence connected therewith, shall be completed, by or at the Costs, Charges, or Expenses of the Company, under the Provisions of this Act, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control

of the said Metropolitan Board, District Boards, and Vestry respectively, as the Case may be, as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Metropolitan Board, District Boards, and Vestries, or any or either of them, or of their Successors, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed.

Saving Rights of the Crown and the Duchy of Lancaster.

34. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Expenses of Act.

35. All the Expenses, Costs, and Charges of obtaining and passing of this Act, and incidental and preparatory thereto, shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.