

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

CAP. CXXIV.

An Act to amend an Act of the last Session, for varying the Priorities of the Charges made on "The *London Bridge* Approaches Fund," and to facilitate the Completion of certain Improvements in the City of *Westminster*.

[4th *September* 1848.]

WHEREAS by an Act of Parliament passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods to make a new Street from* Coventry Street, Piccadilly, *to* Long Acre, *and for other Improvements in the Metropolis*, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings (herein-after designated "The Commissioners of Her Majesty's Woods") were empowered, with the Consent and Approbation of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, as the said Commissioners should think proper, to apply out of a certain Sum of Two hundred and fourteen thousand Pounds which the said Commissioners of Her Majesty's Woods were thereby authorized to charge on certain Funds therein specified (commonly and herein-after called The *London Bridge* Approaches Fund), in case they, the said 4 & 5 Vict. c. 12.

said last-mentioned Commissioners, should be empowered by any Act of Parliament to form a Communication between the Neighbourhood of the Houses of Parliament and that of *Buckingham Palace*, or in case any Trustees or Persons should by any such Act or Acts as aforesaid be authorized to form such Communication, then to advance and pay to such Trustees or Persons, any Sum or Sums, not exceeding Thirty-nine thousand Pounds, towards the Expense of forming such Communication: And whereas by an Act of Parliament passed in the Session held in the Fifth and Sixth Years of Her present Majesty, intituled *An Act for regulating the Priorities of Monies authorized to be charged on a Fund called The* London Bridge *Approaches Fund*, the said Sum of Two hundred and fourteen thousand Pounds, which the said Commissioners of Her Majesty's Woods were so as aforesaid authorized to charge, was reduced to the Sum of One hundred and Eighty-nine thousand Pounds, out of which last-mentioned Sum the aforesaid Sum of Thirty-nine thousand Pounds continued payable: And whereas the said last-mentioned Commissioners have, in pursuance of Directions in that Behalf in the last-recited Act contained, by an Instrument in Writing under their Common Seal, dated the Thirtieth Day of *July* One thousand eight hundred and forty-four, charged the aforesaid Funds, commonly called The *London Bridge* Approaches Fund, with the Payment to them of the Three annual Sums of Two hundred thousand Pounds, One hundred thousand Pounds, and One hundred and eighty-nine thousand Pounds, with Interest thereon at the Rate of Five *per Centum per Annum* from the Days therein respectively mentioned: And whereas by the *Westminster* Improvement Act, 1845, certain Persons thereby incorporated, under the Name and Style of The *Westminster* Improvement Commissioners, were authorized, as therein mentioned, to make and complete a new Street and Communication between the Neighbourhood of the Houses of Parliament and that of *Buckingham Palace* (being with certain Modifications the Street now in course of Formation, and intended to be called *Victoria Street*); and it was by the Act now in recital enacted, that the aforesaid Sum of Thirty-nine thousand Pounds, which by the said first-recited Act the said Commissioners of Her Majesty's Woods, with such Consent as aforesaid, were empowered to appropriate and apply towards the Expenses of forming a Communication between the Neighbourhood of the Houses of Parliament and *Buckingham Palace*, should be appropriated and applied towards the Expenses of making, forming, and completing the new Street and Communication by the Act now in recital authorized to be made, provided such new Street and Communication were made and fully completed according to the Plan modified and approved by Her Majesty's Commissioners of Metropolitan Improvements within Five Years after the passing of the Act now in recital; and that it should be lawful for the said Commissioners of Her Majesty's Woods, and they were thereby empowered, with the Consent of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, to pay to the Commissioners acting under the Act now in recital the said Sum of Thirty-nine thousand Pounds, or the proportionate Part thereof, from Time to Time, with Interest thereon at Five Pounds *per Centum per Annum* from the said Tenth Day of *May* One thousand

5 & 6 Vict. c. 64.

8 & 9 Vict. c. clxxviii.

sand eight hundred and forty-one, by and out of the before-mentioned Sum of One hundred and eighty-nine thousand Pounds, and the Interest thereof so charged by them, the said Commissioners of Her Majesty's Woods, pursuant to the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign as aforesaid, as and when the said Commissioners should receive the said Sum of One hundred and eighty-nine thousand Pounds, and the Interest thereof or any Part thereof, or by and out of any Monies which might be from Time to Time borrowed or raised by them, the said last-mentioned Commissioners, in anticipation and on the Credit of the said Sum of One hundred and eighty-nine thousand Pounds, and the Interest thereof or any Part thereof: Provided always, that the Monies to be paid to the Commissioners under the Act now in recital in respect of the said Sum of Thirty-nine thousand Pounds and Interest should not exceed in the whole the Sum of Fifty thousand Pounds, with Interest at the Rate aforesaid upon the Sum of Fifty thousand Pounds, or on so much thereof as should from Time to Time remain unpaid, to be calculated from the Time of the Completion of the new Street and Communication thereby authorized to be made (such Completion to be certified as therein-after mentioned) to the Time when the said Sum of Fifty thousand Pounds should be fully paid: Provided also, that the said Sum of Thirty-nine thousand Pounds, and the Interest thereof, should not be raised and paid in priority to any other Sums authorized to be appropriated and applied out of the said Sum of One hundred and eighty-nine thousand Pounds, and the Interest thereof, but all the Sums authorized to be appropriated and applied out of the said Sum of One hundred and eighty-nine thousand Pounds, and the Interest thereof, should be raised and paid in equal Degree and in rateable Proportions: Provided also, that no Part of the said Sum of Thirty-nine thousand Pounds, or the Interest thereof, should be paid to the Commissioners under the Act now in recital until the new Street and Communication thereby authorized to be made should have been actually made and completed to the Satisfaction of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, to be certified by Warrant under their Hands, or the Hands of any Three of them: And whereas by the *Westminster* Improvement Act, 1847, certain Alterations and Modifications were made in the Plans of the said intended new Street as by the said *Westminster* Improvement Act, 1845, authorized to be made; and it was also by the Act now in recital enacted, that the Proviso in the said last-recited Act contained, that no Part of the said Sum of Thirty-nine thousand Pounds, or the Interest thereof, should be paid to the Commissioners under the said Act until the new Street and Communication thereby authorized to be made should have been actually made and completed to the Satisfaction of the Lord High Treasurer or the Commissioners for the Time being of Her Majesty's Treasury, should be repealed: Provided always, that no Part of the said Sum of Thirty-nine thousand Pounds, or the Interest thereof, should be paid to the said last-mentioned Commissioners before and until they should have expended the full Sum of Seventy-five thousand Pounds solely and exclusively in making and forming the new Street intended to be called *Victoria Street*, and in purchasing the Lands and Hereditaments within

10 & 11 Vict. c. cxxxi.

within the Area of the Line of the said Street (and as little beyond such Area as the Boundaries of the respective Properties would allow) necessary or convenient for that Purpose, and in Payment of Expenses strictly and exclusively contingent upon such Purchases, not exceeding Twelve Pounds *per Centum* on the Sums expended, and should have produced Evidence of the due Expenditure of the said Sum of Seventy-five thousand Pounds to the Satisfaction of the Commissioners of Her Majesty's Woods, to be certified in Writing under the Hands of any Two of them, and should have also deposited and left with the said last-mentioned Commissioners the Deeds of Conveyance and Muniments of Title relating to the Lands and Hereditaments purchased with the said Sum of Seventy-five thousand Pounds or any Part thereof, such Deeds and Muniments of Title to be held and retained by the said last-mentioned Commissioners until the said Street intended to be called *Victoria Street* should have been wholly completed and opened to the Public to the Satisfaction of Her Majesty's said Commissioners in the Manner mentioned or provided in and by the said *Westminster* Improvement Act, 1845, of and concerning the Street thereby authorized to be made: And whereas by an Act of Parliament passed in the Session held in the Tenth and Eleventh Years of Her present Majesty, intituled *An Act to vary the Priorities of the Charges made on the* London Bridge *Approaches Fund*, it was amongst other things enacted, that the Commissioners of Her Majesty's Woods should, by and out of any Monies which should be raised by them on the Credit of all or any of the Charges so made by them as aforesaid on the said Fund, commonly called The *London Bridge* Approaches Fund, or out of any Monies which should from Time to Time be received by them out of or in respect of the same Fund, pay to the *Westminster* Improvement Commissioners the said Sum of Thirty-nine thousand Pounds and Interest, not exceeding in the whole the Sum of Fifty thousand Pounds, and in preference to any other Objects to which such Monies were applicable under the Provisions of the Acts authorizing such Charges, and other Acts therein referred to, and notwithstanding anything in the same Acts or any of them contained; provided nevertheless, that it should not be lawful for the said Commissioners of Her Majesty's Woods to make any such Payment unless and until they should be satisfied, by the Production of such Vouchers, or otherwise as they should require, that the *Westminster* Improvement Commissioners had expended the Sum of Seventy-five thousand Pounds at the least towards the opening of the new Thoroughfare, to be called *Victoria Street*, and so as such Expenditure were shown to have been made in respect of the procuring the Land for the Area of the Street, or as near thereto as in the Opinion of the said Commissioners of Her Majesty's Woods the Boundaries of the Properties to be purchased would allow, and of the Payment of Expenses relating to such Purchases, not exceeding Twelve Pounds *per Centum* on the Amount of the Purchase Monies, and so as such Expenditure were shown to have been made out of Monies belonging to the said *Westminster* Improvement Commissioners, or Monies raised by a Charge on the surplus Profits to arise on the Completion of the said Undertaking, or otherwise on the Credit of the Bonds or Debentures of the said last-named Commissioners,

10 & 11 Vict. c. 115.

sioners, and so as no Part thereof should consist of Monies raised by means of any Charge on the said Sum of Thirty-nine thousand Pounds and Interest so to be advanced to the said *Westminster* Improvement Commissioners as aforesaid, or on the Monies by the said *Westminster* Improvement Act, 1847, authorized to be paid to the said Improvement Commissioners out of or in respect of certain increased Rates therein mentioned; and it was by the Act now in recital further enacted, that before any Part of the said Sum of Fifty thousand Pounds should be paid to the *Westminster* Improvement Commissioners the said *Westminster* Improvement Commissioners should deposit with the Commissioners of Her Majesty's Woods for the Time being the Conveyances of all the Lands and Hereditaments which should have been purchased by the said *Westminster* Improvement Commissioners, under the Provisions of the said Acts, with the before-mentioned Sum of Seventy-five thousand Pounds, and all the Title Deeds relating thereto which should be in their Possession, and also should be bound from Time to Time, until the said Street should have been formed and paved or macadamized throughout, and opened as a public Thoroughfare, and the necessary Vaults and Sewers completed to the Satisfaction of Her Majesty's said Commissioners, to deposit in like Manner the Conveyances of any other Lands or Hereditaments which should be acquired by them under the Powers or in the Execution of the said *Westminster* Improvement Act, 1845, and the *Westminster* Improvement Act, 1847, and all the Title Deeds relating thereto which should be in their Possession, such Deeds to remain with the said Commissioners of Her Majesty's Woods for the Time being until the said Street, Vaults, and Sewers should have been completed and opened as aforesaid, and as a Security for the Completion and opening thereof within Four Years from the passing of the Act now in recital; and that on the Completion and opening of the said Street, and Completion of the Vaults and Sewers within such Period as aforesaid, the same should be delivered up to the said *Westminster* Improvement Commissioners, freed and discharged from such Security; but in case the said Street, Vaults, and Sewers should not have been so opened and completed as aforesaid within such Time as aforesaid, then it was thereby enacted, that it should be lawful for the said Commissioners of Her Majesty's Woods for the Time being, at any Time thereafter, at their sole Discretion, to levy and raise the Sum of Fifty thousand Pounds, or so much thereof as should have been advanced by them as aforesaid to the *Westminster* Improvement Commissioners, together with Interest on the Amount of the Monies advanced, after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing the same, by Sale or Mortgage of all or any Part of the Lands and Hereditaments which should have been purchased by the said *Westminster* Improvement Commissioners, and the Conveyances whereof should have been so deposited as aforesaid; and that for the Purpose of such Security the said Commissioners of Her Majesty's Woods for the Time being should be taken to have the first Charge on the Lands and Hereditaments so conveyed to the *Westminster* Improvement Commissioners, and the Title Deeds relating to which should have been deposited as aforesaid, and should hold the same freed from all Estate or Interest or Claim of the *Westminster*

Improvement Commissioners, and all Persons claiming under them; and that, subject to the making and paying the said Monies so advanced as aforesaid, and such Interest as aforesaid, and to the Payment of the Costs and Expenses relating to raising the same, the said Lands and Hereditaments, or the unsold Part thereof, should (subject nevertheless to any Mortgage which might have been made under the aforesaid Power) be freed and discharged from such Charge or Lien as aforesaid in all respects as if such Deposit had not been made; and any Surplus to arise on any Sale, after answering the Purposes aforesaid, should be paid to the said *Westminster* Improvement Commissioners; and it was by the Act now in recital further enacted, that if and when the Commissioners of Her Majesty's Woods should have been satisfied that the full Sum of Seventy-five thousand Pounds had been expended as aforesaid, towards purchasing the Area of and forming the said Street and Works, the said last-named Commissioners should not have at their Disposal Monies sufficient to pay to the said *Westminster* Improvement Commissioners the said Sum of Fifty thousand Pounds so by the Act now in recital authorized to be paid to them as aforesaid, then and thenceforth Interest, after the Rate of Five Pounds *per Centum per Annum*, should be paid by the said Commissioners of Her Majesty's Woods to the *Westminster* Improvement Commissioners on the said Sum of Fifty thousand Pounds, or on so much as should remain unpaid, from the Time at which the said Commissioners of Her Majesty's Woods should be satisfied that the said Sum of Seventy-five thousand Pounds had been expended as aforesaid up to the Time at which the said Sum of Fifty thousand Pounds, or the unpaid Part thereof, should be paid, and that such Interest should be raised and paid in all respects as the said Sum of Fifty thousand Pounds was authorized to be raised and paid by the Act now in recital; but in case the said *Westminster* Improvement Commissioners should borrow the Sum of Fifty thousand Pounds, or any Part thereof, on the Security or Credit of the said Sum of Fifty thousand Pounds thereby directed to be paid to them, and should pay for the Monies borrowed a Rate of Interest lower than the Rate of Five Pounds *per Centum per Annum*, then only the Rate of Interest which should be paid by the *Westminster* Improvement Commissioners in respect of the Principal Monies so borrowed should be paid by the Commissioners of Her Majesty's Woods in respect of the said Sum of Fifty thousand Pounds, or so much thereof as should remain unpaid: And whereas previously to the passing of the said *Westminster* Improvement Act, 1847, the said Commissioners of Her Majesty's Woods caused an Estimate to be made of the probable Expense of purchasing the Area of and of opening the said Street, to be called *Victoria Street*, and it was then estimated that the Purchase Money for the whole Area would amount to the Sum of One hundred and twenty thousand Pounds, the Expenses of the Purchase to the Sum of Fifteen thousand Pounds, and the Cost of opening the Street as a public Thoroughfare to the Sum of Twelve thousand Pounds: And whereas since the Time when the said Estimate was made the *Westminster* Improvement Commissioners have either actually purchased, or entered into Agreements for the Purchase of, more than Half the Property required for the aforesaid Area, and have deposited

deposited at the Office of the said Commissioners of Her Majesty's Woods a Plan and detailed Description of all the Properties lying within the Area of the said proposed Street, and the Purchase of which is necessary for the opening of the same Street or public Thoroughfare (and which Properties formed the Basis of the aforesaid Estimate), and also a Statement of the Prices paid or payable, or now estimated to be payable, in respect of the whole of such Properties, from which it appears that the total Purchase Money required for the same will probably be about One hundred and ten thousand Pounds: And whereas, in order to facilitate the Completion of the said new Street, to be called *Victoria Street*, as a public Thoroughfare, it is expedient that such further Provisions and Enactments should be made as are herein-after contained: 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 when and so soon as the *Westminster* Improvement Commissioners shall have satisfied the Commissioners for the Time being of Her Majesty's Woods that they the said *Westminster* Improvement Commissioners have actually expended the Sum of Seventy-five thousand Pounds towards the opening of the said new Thoroughfare, to be called *Victoria Street*, and so as such Expenditure be shown to have been made in respect of the procuring the Land for the Area of the Street, and as little beyond such Area as the Boundaries of the respective Proprietors will allow, as shown in the said Plan and Description so deposited as aforesaid, and at Prices not exceeding those mentioned in the aforesaid Statement, so also deposited as aforesaid, and of the Payment of Expenses relating to such Purchases, not exceeding Twelve Pounds *per Centum* on the Amount of the Purchase Monies, and so as such Expenditure be shown to have been made out of Monies belonging to the said *Westminster* Improvement Commissioners, or Monies raised by a Charge on the surplus Profits to arise on the Completion of the said Undertaking, or otherwise on the Credit of the Bonds or Debentures of the said last-named Commissioners, and so as no Part thereof shall consist of Monies raised by means of any Charge on the said Sum of Thirty-nine thousand Pounds, and Interest, so to be advanced to the said *Westminster* Improvement Commissioners as aforesaid, or on the Monies by the said *Westminster* Improvement Act, 1847, authorized to be paid to the said Improvement Commissioners out of or in respect of the increased Rates therein mentioned; and when the said *Westminster* Improvement Commissioners shall have deposited at the Office of the Commissioners of Her Majesty's Woods all the Conveyances of and Title Deeds, Agreements, and other Documents in their Possession relating to the Property and Hereditaments purchased with the said Sum of Seventy-five thousand Pounds, then and thereupon the Commissioners for the Time being of Her Majesty's Woods shall and they are hereby required to pay to the *Westminster* Improvement Commissioners, or their Assigns, out of the First Monies which shall come to their Hands by virtue of any Charge or Charges made or to be made by them on the said *London Bridge* Approaches Fund, or upon the several Funds, Duties, annual Sums, and

Commissioners of Woods to pay to the Westminster Improvement Commissioners 50,000*l.* out of the first Monies they receive from the London Bridge Approaches Fund, when 75,000*l.* shall have been expended in purchasing Area of new Street.

and Revenues constituting the same, and which by the said or any other Acts they were authorized to charge as aforesaid, the full Sum of Fifty thousand Pounds, in satisfaction of the said Sum of Thirty-nine thousand Pounds, and Interest, so authorized to be paid to them by the said Commissioners of Her Majesty's Woods, together with Interest on the said Sum of Fifty thousand Pounds, after the Rate of Five Pounds *per Centum per Annum*, to be calculated from the Day on which the Expenditure of the said Sum of Seventy-five thousand Pounds shall have been proved to the Satisfaction of the said Commissioners of Her Majesty's Woods, and certified by them or any Two of them, anything in the said recited Acts or any of them, or in any other Act or Acts of Parliament, to the contrary in anywise notwithstanding; and further, that from and after such Sum of Fifty thousand Pounds shall have become payable under the Provisions lastly herein-before contained, if the said Commissioners of Her Majesty's Woods shall not have Monies in their Hands applicable to the Payment of the said Sum of Fifty thousand Pounds, and Interest, then the said Commissioners last aforesaid shall and they are hereby required to give to the said *Westminster* Improvement Commissioners a Certificate under their Hands, or the Hands of any Two of them, certifying that they have been satisfied of the due Expenditure of the said Sum of Seventy-five thousand Pounds, and that such Deeds and Documents have been deposited as aforesaid, and thereupon the said *Westminster* Improvement Commissioners, or their Assigns, shall become absolutely entitled to the said Sum of Fifty thousand Pounds, and Interest, and to be paid when and as there shall be any Monies applicable to the Payment thereof, and in the meanwhile to raise Money by the Assignment or upon the Credit thereof: Provided nevertheless, that unless the said Sum of Seventy-five thousand Pounds shall have been so expended within Six Calendar Months from the passing of this Act, then and thereupon the Provisions in this Act contained shall not take effect, and then and in that Case nothing herein contained shall alter or vary any of the Provisions in the said recited Acts or any other Act or Acts contained.

5 & 6 Vict. c. ci.

II. And whereas by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further extending the Approaches to* London Bridge *and the Avenues adjoining to the* Royal Exchange *in the City of* London, *and for amending the Acts relating thereto respectively; and for raising a Sum of Money towards 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, the Charges upon the Estates and Revenues of the Mayor and Commonalty and Citizens of the City of *London* were continued until the Charges on the *London Bridge* Approaches Fund, then made or authorized to be made, were fully paid and satisfied: And whereas the said Mayor and Commonalty and Citizens, with the View of affording Facilities for the Completion of the *Westminster* Improvements, have consented to the varying of the Priorities as authorized by this Act: Be it enacted, That if at the Time when such Completion of such Expenditure of the said Sum of Seventy-five thousand Pounds shall have been certified as aforesaid the Commissioners of Her

How Interest on 50,000*l.* shall be paid if Commis-

Her Majesty's Woods shall not have Monies in their Hands applicable or sufficient for Payment of Interest on the said Sum of Fifty thousand Pounds, then out of the Fund commonly called "The *London Bridge* Approaches Fund," but subject to the Payment of any Interest or Annuities payable in respect of any Principal Sums charged on the said Fund under any Act or Acts of Parliament now in force prior to any Sums charged or to be charged on the said Fund by or in favour of the Commissioners of Her Majesty's Woods, Interest after the Rate aforesaid on the said Sum of Fifty thousand Pounds, or on so much thereof as shall from Time to Time remain unpaid, shall be paid from Time to Time to the said *Westminster* Improvement Commissioners, their Successors and Assigns, by Two even and equal half-yearly Payments in every Year, before any Part of the surplus Monies arising from or in respect of the said Fund shall be applied in redemption of any Annuities or Payment of any Principal Monies already charged on the said Fund; and a proportionate Part of One of such half-yearly Payments shall be paid up to the Fifth Day of *April* or to the Tenth Day of *October* which shall next ensue after the Day on which such Expenditure of the said Sum of Seventy-five thousand Pounds shall have been so certified to have been completed as aforesaid, and the subsequent half-yearly Payments on every succeeding Fifth Day of *April* and Tenth Day of *October* until the whole of the said Principal Sum of Fifty thousand Pounds shall have been fully paid and satisfied; and, subject as aforesaid, the Residue of such surplus Monies as last aforesaid shall from Time to Time be applied in such Manner and for such Purposes in all respects as the same would have been applicable in or for if this present Provision for securing Payment of Interest on the said Sum of Fifty thousand Pounds had not been in this Act contained: Provided also, that the Interest as aforesaid shall be paid at the Chamber of *London*, and that the Receipt or Receipts in Writing of the said *Westminster* Improvement Commissioners, sealed with their Common Seal, or of their Assigns, shall be a sufficient Discharge or sufficient Discharges to the Chamber of *London* for Payment of the same.

sioners of Woods have no Monies in hand after Expenditure of the 75,000*l.*

III. Provided also, and be it enacted, That in case the said *Westminster* Improvement Commissioners shall borrow the Sum of Fifty thousand Pounds, or any Part thereof, on the Security or Credit of the said Sum of Fifty thousand Pounds, and Interest, hereby directed to be paid to them, and shall pay for the Monies borrowed a Rate of Interest lower than the Rate of Five Pounds *per Centum per Annum*, then only the Rate of Interest which shall be paid by the *Westminster* Improvement Commissioners in respect of the Principal Monies so borrowed shall be paid in respect of the said Sum of Fifty thousand Pounds, or so much thereof as shall remain unpaid.

Interest on the 50,000*l.* to be paid at the same Rate (not exceeding 5*l.* per Cent.) at which Monies may be borrowed on the Credit thereof.

IV. And be it enacted, That, as between the Commissioners of Her Majesty's Woods and all Persons or Parties whomsoever other than the said *Westminster* Improvement Commissioners themselves, such Certificate shall be sufficient and conclusive Evidence that all the Conditions by this Act prescribed have been complied with, and that the said Commissioners of Her Majesty's Woods are satisfied on the Points

Certificate of Commissioners of Woods to be Evidence of Compliance with Conditions, and

Receipts of Westminster Improvement Commissioners to be good Discharges.

Points on which their Satisfaction is hereby required; and that the Receipt or Receipts in Writing of the said *Westminster* Improvement Commissioners, sealed with their Common Seal, or signed by their Clerk, with the Privity of Her Majesty's Commissioners of Woods, or any Two of them, testified in Writing under their Hands, shall be full and sufficient Discharges to all Persons or Bodies Corporate whomsoever advancing or paying any Monies to the said *Westminster* Improvement Commissioners on the Security or for the Purchase of, or otherwise in respect of, the said Sum of Fifty thousand Pounds, and Interest, or any Part thereof, for the Monies therein expressed to be received, and that no such Person or Body Corporate shall be in anywise required to see to the Application of the Monies so advanced or paid by them.

The 50,000*l.*, or Monies borrowed on the Credit thereof, to be invested in the Names of Trustees for completing the Purchase of the Area of the new Street, and opening the same as a public Thoroughfare.

V. Provided always, and be it enacted, That, as between the said *Westminster* Improvement Commissioners and the Commissioners of Her Majesty's Woods, all the Monies which shall be borrowed or raised by the said *Westminster* Improvement Commissioners on the Security of or by the Sale of the said Sum of Fifty thousand Pounds, and Interest, or any Part thereof, or the said Sum of Fifty thousand Pounds, and Interest, when payable, (subject to any Sale or Mortgage or other Disposition thereof, and to the Payment thereout of all Monies raised or borrowed on the Security of an Assignment thereof,) or such Part of the said Monies as the said Commissioners of Her Majesty's Woods shall think fit, shall be deposited or invested by the said *Westminster* Improvement Commissioners in the Names of Three Trustees, to be approved of by the Commissioners for the Time being of Her Majesty's Woods, and such Trustees shall hold such Monies in trust to lay out the same in or towards procuring for the said *Westminster* Improvement Commissioners the Residue not previously purchased of the Land for the Area of the said Street, and as little beyond such Area as the Boundaries of the respective Properties will allow, as shown in the said Plan or Description so deposited as aforesaid, at Prices not exceeding those mentioned in the said Description, and in Payment of Expenses relating to such Purchases, not exceeding the Rate of Twelve *per Centum* on the Amount of the Purchase Money, and in Payment of the Costs of building and making Vaults and Sewers and paving or otherwise preparing the said Street for a public Thoroughfare; and, subject as aforesaid, the said Monies so deposited shall be in trust for the *Westminster* Improvement Commissioners; but the Interest from Time to Time arising from such Monies so to be deposited as aforesaid, or the Securities on which the same may be invested, shall be paid to the said *Westminster* Improvement Commissioners, to be by them applied towards the Completion and opening of the said Thoroughfare.

As to Appointment of new Trustees in case of Death, &c.

VI. Provided always, and be it enacted, That if any Trustee or Trustees to be approved by the said Commissioners of Her Majesty's Woods, as by this Act is provided, shall die, or refuse or become incapable to act in the Trust hereby created, before the same shall be fully performed, it shall be lawful for the *Westminster* Improve-

ment Commissioners from Time to Time, by any Writing sealed with their Common Seal, to nominate and appoint any other Person or Persons (to be approved by the Commissioners of Her Majesty's Woods) to be a Trustee or Trustees of the said Monies in the Place of such Trustee or Trustees so dying, or refusing or becoming incapable to act, as aforesaid, and thereupon the said Monies, or such Part thereof as shall remain unapplied, shall be transferred into the Names of the surviving or continuing Trustee or Trustees and of the said new Trustee or Trustees, to be held by them upon the Trusts before mentioned respecting the same.

Trustees not to be liable for involuntary Losses.

VII. Provided always, and be it enacted, That the said Trustees shall not nor shall any or either of them be responsible for the Failure of any Banker in whose Hands such Monies shall be deposited for safe Custody or placed at Interest, nor for any Loss whatsoever, unless the same shall arise from their or his gross or wilful Neglect or Default.

Area, when purchased, to be devoted to the Public, free from all Charges.

VIII. And be it enacted, That as regards so much of the Area of the said intended Street as has been already purchased, the same shall be and be taken to be Part of the Area as shown in the aforesaid Plan of the said intended Street, and for ever hereafter devoted as a public Thoroughfare, when and as the same shall have been completed and opened; and when and as any other Part of the said Area shall after the passing of this Act have been purchased the same shall be and be taken to be Part of the Area of the said intended Street, and shall not be subject to any Charges, Estates, Debts, or Incumbrances made or to be made by the said *Westminster* Improvement Commissioners; and after the said Commissioners of Her Majesty's Woods shall have caused a Notice to be inserted in the *London Gazette* that the said new Street is open as a public Thoroughfare, the said Area shall become and be and for ever thereafter remain a public Thoroughfare to all Intents and Purposes whatsoever.

Improvement Commissioners may enclose Areas to Houses, and construct Vaults appurtenant to the same.

IX. Provided always, and be it enacted, That it shall be lawful for the said *Westminster* Improvement Commissioners, their Successors and Assigns, to set apart, appropriate, and enclose such Portion of the said Area as is marked out in the said Plan for Areas to the Houses fronting upon the said Street, and to make Vaults to or for such Houses within the Limits also marked out on the said Plan, and such Areas and Vaults as lastly aforesaid shall for ever thereafter be appurtenant to, and held, used, and enjoyed with such Houses respectively; and also that it shall be lawful for the said last-mentioned Commissioners, their Successors and Assigns, while any House or Houses fronting on the said Street shall be in the course of Erection or Completion, from Time to Time, at their Discretion, but in the usual and proper Manner, and for a reasonable Period only, to enclose and keep enclosed a Portion or Portions of the said Street fronting such House or Houses, and not exceeding Twenty Feet in Depth, and use the Space so enclosed in erecting and completing such

such House or Houses, and carrying on the necessary Works for that Purpose.

Plan to remain at Office of Woods, &c., and to be open to Inspection.

X. And be it enacted, That the said Plan so deposited as aforesaid shall remain at the Office of the Commissioners of Her Majesty's Woods, and all Persons shall be at liberty, at seasonable Times, to inspect the same, at their Will and Pleasure, on paying the Sum of One Shilling for every such Inspection.

Noncompletion of Street within prescribed Period not to affect Rights of Mortgagees.

XI. Provided always, and be it enacted, That the Noncompletion of the said new Street within the Period prescribed by the said Act of the Tenth and Eleventh Years of the Reign of Her Majesty shall not in anywise prejudice or affect the Right or Title of any Mortgagee or Assignee of the said *Westminster* Improvement Commissioners to receive the whole or any Part of the aforesaid Sum of Fifty thousand Pounds, and Interest.

Title Deeds to be delivered up to the Improvement Commissioners when they have expended 75,000*l.* towards Purchase of Area, and have invested the 50,000*l.* in Names of Trustees.

XII. Provided always, and be it enacted, That when and so soon as the said *Westminster* Improvement Commissioners shall have applied the Sum of Seventy-five thousand Pounds towards the Purchase of such Area as aforesaid, and shall have deposited or invested in such Names as aforesaid the said Sum of Fifty thousand Pounds, or so much thereof as Her Majesty's Commissioners of Woods shall require for the Purpose of being applied in the purchasing the said Area and the Completion of the said Street as aforesaid, then, and notwithstanding anything in this Act or the said recited Acts, or any of them, or any Act of Parliament contained, the said Commissioners of Her Majesty's Woods shall and they are hereby required to deliver up to the said *Westminster* Improvement Commissioners all the Conveyances, Title Deeds, and Documents which shall have been so deposited with them as aforesaid, freed and discharged from all Lien or Charge, Powers, Estates, or Interests of the said Commissioners of Her Majesty's Woods, under any of the Provisions of the said recited Acts, or any of them, or any other Act whatsoever; and thenceforwards it shall not be incumbent on the said Trustees or either of them, or the said *Westminster* Improvement Commissioners, to cause any Conveyances, Title Deeds, or Documents of or relating to any Land paid or to be paid for by such Trustees or Commissioners as aforesaid to be deposited with the Commissioners of Her Majesty's Woods, but the same shall be given up to the said *Westminster* Improvement Commissioners, their Successors or Assigns.

Improvement Commissioners to have Access to Documents deposited at Office of Woods.

XIII. Provided always, and be it enacted, That during such Time as any of the Conveyances, Title Deeds, and Documents deposited or so to be deposited as aforesaid shall remain in the Custody of the Commissioners of Her Majesty's Woods, the said Improvement Commissioners and their Appointees shall, at all reasonable Hours in the Daytime, have free Access to and be at liberty to inspect, examine, and make Extracts from or Abstracts and Copies of such Conveyances, Title Deeds, and Documents, or any of them.

XIV. Pro-

Bond to the Treasury to remain in force.

XIV. Provided always, and be it enacted, That nothing herein contained shall invalidate or in any Manner prejudice or bar the Enforcement of a certain Bond or Obligation in Writing bearing Date the Thirtieth Day of *January* One thousand eight hundred and forty-six, taken by Direction of the Commissioners of Her Majesty's Treasury, under the Provisions of the *Westminster* Improvement Act, 1845, by way of Security for the Formation and Completion of the new Street, by the same Act authorized to be made, and by the *Westminster* Improvement Act, 1847, continued in force, and extended to the Formation and Completion of the new Street to be called *Victoria Street*, by the last-mentioned Act authorized to be made, but such Bond or Obligation shall remain in full Force, and the Condition thereof shall not be deemed to have been performed until the Roadway or Communication described in and laid down on the Plan in the last-mentioned Act referred to shall have been constructed and fully completed to the Satisfaction of the Commissioners of Her Majesty's Woods (such Satisfaction to be expressed by a Certificate under the Hands of any Two of the last-mentioned Commissioners), and the said Roadway or Communication shall be opened to and fit to be used by the Public, or until the Obligees in the said Bond named shall have paid within the Time therein limited the full Sum which they have thereby bound themselves to pay in case of Default.

Commissioners of Woods to continue incorporated.

XV. And be it enacted, That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall continue incorporated for the Purposes of this Act, in such Manner as by the said first-recited Act or any other Act is provided for the Purposes of such Acts.

Repeal of Provision in Westminster Improvement Acts as to Conveyances by way of Sale or Exchange.

XVI. And whereas in and by the *Westminster* Improvement Act, 1845, it was amongst other things enacted, that as and when Conveyances by way of Sale or Exchange or Leases should be executed pursuant to such last-mentioned Act, the respective Persons and Corporations to whom the Lands described in such Conveyances and Leases respectively should be conveyed or leased should be entitled to hold the same discharged from all Mortgages or other Charges previously made by the said Improvement Commissioners, without the Mortgagees or Persons entitled to such Charges concurring in the Conveyance or Lease: And whereas the said lastly recited Enactment has by the *Westminster* Improvement Act, 1847, been extended to the Property comprised in and authorized to be purchased by such last-mentioned Act: And whereas it is expedient that such Enactment should be modified or altered in manner herein-after mentioned: Now be it enacted, That, notwithstanding anything in the said *Westminster* Improvement Acts or either of them contained, no Lands or Hereditaments to be comprised in any Conveyance by way of Sale or Exchange, or any Lease to be made by the said Improvement Commissioners, shall be held so discharged as aforesaid from any Mortgage or Charge affecting the same, without the Mortgagee or Mortgagees or other Person or Persons entitled to such Mortgage or Charge concurring in such Conveyance or Lease, in any Case where

in the Deed or Deeds creating such Mortgage or Charge it shall have been expressly agreed that the Lands and Hereditaments therein comprised shall not be discharged from such Mortgage or Charge without the Concurrence of the Person or Persons entitled thereto.

Public Act.

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

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