



CHAPTER ccix.

An Act to authorise the transfer of the Site of the Coldbath Fields Prison, in the county of Middlesex, to Her Majesty's Postmaster General, and for other purposes.

A.D. 1889.

[30th August 1889.]

WHEREAS in order to provide adequate accommodation for the service of the Post Office in London, the site of the dis-used prison, known as the Coldbath Fields Prison, in the county of Middlesex, and the buildings thereon have recently been placed at the disposal of Her Majesty's Postmaster General (in this Act called "the Postmaster General") by the Lords Commissioners of Her Majesty's Treasury, and Her Majesty's Principal Secretary of State for the Home Department (in this Act called "the Secretary of State"), for the purposes of the Post Office, and it is desirable that the said site and buildings and certain lands and buildings adjacent thereto bought for the purposes of the prison (all which said site, lands, and buildings are described in the First Schedule to this Act, and are in this Act included in the term "the Coldbath Fields Prison") be transferred to and vested in the Postmaster General in trust for Her Majesty :

And whereas by virtue of the Prison Act, 1877, the legal estate in the Coldbath Fields Prison is vested in the Prison Commissioners appointed under that Act (in this Act called "the Prison Commissioners") :

40 & 41 Vict.
c. 21.

And whereas by section thirty-four of the Prison Act, 1877, it is provided that when a prison to which that Act applies is discontinued, the Secretary of State shall offer to re-convey the same to the prison authority to which the prison originally belonged, in the manner and on the terms by that section prescribed; and that if the prison authority decline to accept such offer, or fail to comply with the terms thereof, the prison shall be sold by the Secretary of State, and the overplus (if any) of the proceeds of the sale, after the expenses of the sale have been paid, and the

A.D. 1889. amount prescribed by the said section has been paid into the Exchequer, shall be rendered to the prison authority to which the prison originally belonged :

And whereas on the discontinuance of the Coldbath Fields Prison the Secretary of State offered to re-convey the prison to Her Majesty's justices of the peace for the county of Middlesex in quarter sessions assembled, being the prison authority to which the prison originally belonged, on payment by those justices into the Exchequer of the sum prescribed by the said Act, as the sum payable by those justices for the re-conveyance to them of the prison, and those justices as such prison authority declined to accept the offer :

And whereas no sale of the Coldbath Fields Prison has been made by the Secretary of State, but the prison has recently been valued, and arrangements have been made for the sale to the London County Council of a small portion of the prison, for the purpose of improving the adjoining streets, at a price proportionate to the value of the whole, and for the transfer of the residue of the prison to the Postmaster General :

And whereas doubts have arisen as to the validity of such sale and transfer as aforesaid without a sale of the whole of the prison being first made by the Secretary of State ; and it is expedient that the prison be vested in the Postmaster General, and that such provision as in this Act contained be made with respect to the matters aforesaid :

And whereas a plan of the Coldbath Fields Prison has been prepared for the purposes of this Act, and is signed in duplicate by William Woodall, Esquire, the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred, and will be deposited for public inspection as herein-after provided :

And whereas there now exists as an easement to the disused burial ground of Saint Leonard, Foster Lane, in the parish of Saint Botolph Without Aldersgate, in the city of London, a right of way leading to the same from Aldersgate Street in the said parish, passing through or over certain premises the property of the Postmaster General, known as the money order office, in the said parish, the eastern side of which office abuts on Aldersgate Street aforesaid :

And whereas the said disused burial ground of Saint Leonard was discontinued as a burial ground on and from the sixth day of December one thousand eight hundred and fifty-three by an Order of Her Majesty in Council, and has since been laid out and now

forms part of a garden, other part of which consists of the disused burial ground of Saint Botolph Without Aldersgate aforesaid: A.D. 1889.

And whereas the Postmaster General is about to pull down the money order office and to erect other buildings for the service of the Post Office on the site thereof, and he is desirous of extinguishing the said right of way, and with that and other objects the arrangements contained in the agreement set forth in the Second Schedule to this Act have been entered into:

And whereas doubts have arisen as to the power of the parties to the said agreement, or some of them, to enter into the arrangements contained therein, and it is expedient that such agreement be confirmed, and that the parties thereto be empowered to carry the same into effect, and that the Postmaster General be confirmed in the enjoyment of the money order office freed and discharged from the said easement and all claims in relation thereto:

Be it therefore 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:

1. This Act may be cited as the Post Office (Sites) Act, 1889. Short title.

2. The Coldbath Fields Prison is by this Act, and as from the passing thereof, vested in the Postmaster General in trust for Her Majesty for all the estate and interest therein which immediately before the passing of this Act were vested in or belonged to the Prison Commissioners and the Secretary of State, or either of them, and freed and discharged from all claims, interests, rights, and demands, if any, of or on behalf of the justices of the peace for the county of Middlesex or for the county of London, or for or on behalf of the London County Council or the County Council of Middlesex, or any other person or body corporate whatsoever. Vesting of Coldbath Fields Prison in Postmaster General.

3.—(1.) The Postmaster General shall within one month after the passing of this Act deposit with the clerk of the County Council of London one of the duplicate plans prepared as aforesaid, and shall retain the other of those plans. Deposit of plan.

(2.) Any Act relating to documents deposited in pursuance of the standing orders of either House of Parliament shall apply to the plan deposited in pursuance of this Act.

(3.) The plan retained by the Postmaster General shall be admissible and be received in evidence for all purposes of this Act on production by any officer of the Post Office.

4. The Postmaster General shall, at the request in writing of the Secretary of State, convey to the London County Council such Transfer to London Council of

A.D. 1889.
portion of
site.

portion of the Coldbath Fields Prison as is specified in that behalf in the second part of the First Schedule to this Act, and is distinguished by the colour blue on the plan in this Act referred to.

Postmaster
General may
convey to
County
Council
portion of
site.

5. If the London County Council shall at any time within six months after the passing of this Act give notice in writing to the Postmaster General that they desire to purchase for the purpose of an open space that portion of the Coldbath Fields Prison which is coloured green on the plan in this Act referred to, the Postmaster General shall sell for the purpose aforesaid such portion of the said prison to the London County Council at a price bearing the same proportion to one hundred thousand pounds as the portion coloured green bears to the whole of the said prison, or the Postmaster General may in his discretion in lieu of selling such portion as aforesaid pay to the London County Council the sum of ten thousand pounds to be expended by the said Council in providing open spaces.

Indemnity
against claim
by Middlesex
and London
justices.

6. From and after the passing of this Act no claim or demand shall be made by or on behalf of the justices for the county of Middlesex or for the county of London, or by or on behalf of the London County Council or the County Council of Middlesex, or any other person or body corporate whatsoever, for or on account of any right or interest of those justices as the prison authority to which the Coldbath Fields Prison formerly belonged in or to that prison or in or to any such overplus as in the Prison Act, 1877, specified of the proceeds of any sale of that prison by the Secretary of State.

Confirmation
of scheduled
agreement.

7. The agreement set forth in the Second Schedule to this Act (herein-after referred to as the scheduled agreement) is hereby confirmed, and all acts and things already done or suffered in relation to the scheduled agreement, or for the purposes thereof, are hereby also confirmed, and all the parties to the scheduled agreement are hereby empowered and required to do all such acts and things and to assume all such obligations as may be necessary or expedient to carry the same into effect.

Provision as
to right of
way.

8.—(1.) Within one month after the passing of this Act the Postmaster General shall, if he shall not have already paid the same, pay or tender to the Ecclesiastical Commissioners for England, and to the vicar and churchwardens of the parish of Saint Botolph Without Aldersgate, the respective sums of one hundred and fifty pounds and one hundred pounds in the scheduled agreement mentioned.

(2.) From and after the payment or tender of such sums the Postmaster General shall hold in trust for Her Majesty the site of the money order office and all buildings at any time erected thereon.

freed and discharged from all rights of way or other easements in favour of the dean and chapter of the collegiate church of Saint Peter, Westminster, or any other person or body corporate. A.D. 1889.

9. No action, claim, or demand shall be brought or made against any of the parties to the scheduled agreement for or on account of any act, matter, or thing already done or suffered or hereafter to be done or suffered in relation to this Act, or to the scheduled agreement or for the purposes of the said Act or agreement. Indemnity against claims, &c.

10.—(1.) The Postmaster General may from time to time pull down all or any buildings forming part of the Coldbath Fields Prison or standing on the site of the Money Order Office, and may from time to time erect and maintain on any land forming part of the Coldbath Fields Prison and on the site of the Money Order Office any buildings and any works incident thereto for the purpose of the Post Office. Power to build on sites of prison and Money Order Office.

(2.) If any person is injuriously affected by reason of any buildings erected or works executed by the Postmaster General, he may recover from the Postmaster General such compensation (if any) as he may be entitled to under the provisions of the Lands Clauses Acts, the amount of such compensation to be determined in manner provided by those Acts.

(3.) For the purposes of this section the Lands Clauses Consolidation Acts, 1845, 1860, 1869, and 1883 (in this Act called the Lands Clauses Acts) are, with the exception of the provisions of the Lands Clauses Consolidation Act, 1845, for affording access to the special Act, incorporated with and form part of this Act, and in the construction of this Act and the Lands Clauses Acts this Act shall be deemed to be the special Act, and the Postmaster General shall be deemed to be the promoter of the undertaking.

11. All costs, charges, and expenses incurred by the Postmaster General in or in connexion with the carrying into effect of the provisions of this Act and of the scheduled agreement, shall be paid out of money provided by Parliament. Expenses.

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SCHEDULES.

FIRST SCHEDULE.

FIRST PART.

DESCRIPTION OF COLDBATH FIELDS PRISON.

All that piece or parcel of land situate in the parishes of St. Pancras and Saint James, Clerkenwell in the County of Middlesex, and bounded on the north-east by Farringdon Road, on the north-west by Lower Calthorpe Street on the west and south-west by Phoenix Place, and on the south-east by Baynes Row and Mount Pleasant, together with all the buildings erected on part of the said piece or parcel of land and lately forming the House of Correction of the Justices of Middlesex, and together with all those messuages tenements, and buildings erected on other part of the said piece or parcel of land, and known as Oldham Place and Oldham Gardens (subject as to the last-mentioned messuages, tenements, and buildings to the several leases subsisting in respect thereof), and which said piece or parcel of land contains by admeasurement 9a., 1r., 17p., or thereabouts, and is distinguished by the colours pink, green, and blue on the plan in this Act referred to.

SECOND PART.

DESCRIPTION of portion of COLDBATH FIELDS PRISON to be conveyed to the LONDON COUNTY COUNCIL.

A portion of the piece or parcel of land described in the first part of this Schedule at the south-eastern corner thereof, which portion contains in area 18 perches or thereabouts, and is bounded on the west side thereof by a line drawn from the eastern corner of the Governor's House of the late prison to the passage leading to Oldham Gardens, and which portion is staked out on the ground and is shown by the colour blue on the plan in this Act referred to.

SECOND SCHEDULE.

A.D. 1889.

AGREEMENT AS TO RIGHT OF WAY.

Articles of Agreement made this thirtieth day of May One thousand eight hundred and eighty-nine between the Reverend George Granville Bradley D.D. Dean of the Collegiate Church of Saint Peter Westminster and the Chapter of the same Church (herein-after called the said Dean and Chapter) of the first part the Ecclesiastical Commissioners for England (herein-after called the said Ecclesiastical Commissioners) of the second part the Right Honourable Henry Cecil Raikes Her Majesty's Postmaster General for the time being (herein-after called the said Postmaster General) of the third part the Reverend Samuel Flood Jones Vicar of the Vicarage and Parish of Saint Botolph without Aldersgate in the City of London and Thomas Henry Ellis of Aldersgate Street in the City of London gentleman and Robert Samuel Brock of Aldersgate Street aforesaid the present Churchwardens of the said Parish of Saint Botolph Without Aldersgate (the said Vicar and Churchwardens and the Vicar and Churchwardens for the time being respectively of the said Parish of Saint Botolph Without Aldersgate being herein-after referred to as the Vicar and Churchwardens of Saint Botolph) of the fourth part and the Commissioners of Sewers of the City of London (herein-after called the said Sewers Commissioners) by Henry Blake their Principal Clerk of the fifth part Whereas by Indenture made the Twenty-seventh day of February One thousand eight hundred and seventeen between the Mayor and Commonalty and Citizens of the City of London of the first part the said Dean and Chapter of the second part Joseph Bushman Esq. Comptroller of the Chamber of the said City of the third part and George Giles Vincent Esq. Chapter Clerk of the said Church of St. Peter Westminster of the fourth part It was recited that by an Act of Parliament passed in the fifty-fifth year of the reign of His Majesty King George III. and intituled "An Act for enlarging and improving the west end of Cheapside in the City of London also St. Martin's-le-Grand Aldersgate Street St. Ann's Lane and Foster Lane and for providing a site for a new Post Office between St. Martin's-le-Grand and Foster Lane aforesaid" it was (amongst other things) enacted that for the purposes of the said Act the Lord Mayor Aldermen and Common Council should take the then existing burial ground of St. Leonard Foster Lane and should provide another convenient piece of ground equal in quantity to and within the distance of a quarter of a mile from the said burial ground of St. Leonard Foster Lane to be appropriated and used as and for a burial ground for the parishioners of the parish of St. Leonard Foster Lane and under certain terms and conditions as in the said Act stated and that such new

A.D. 1889. burial ground and the soil thereof and the freehold and inheritance of the same in fee simple should be vested in the same manner and should be subject to the same peculiar jurisdictions and visitations as the then present burial ground of St. Leonard Foster Lane And the now reciting Indenture witnessed that the said Mayor and Commonalty and Citizens for the considerations therein mentioned had granted enfeoffed and confirmed unto the said Dean and Chapter their successors and assigns for ever all that piece or parcel of ground situate and being at the west end of Magpie Court near Aldersgate Street in the parish of St. Botolph Aldersgate London on which said piece or parcel of ground lately stood four tenements and part of a carpenter's shop and which said ground contained from north to south at the east end next Magpie Court sixty-one feet nine inches or thereabouts and from east to west on the south side by an irregular line fifty-three feet six inches or thereabouts and from south to north at the west end abutting on the burial ground of the parish of St. Botolph Aldersgate sixty-two feet nine inches or thereabouts and from west to east on the north side fifty-two feet six inches or thereabouts as the said piece or parcel of ground was more particularly described by the plan drawn in the margin of that Indenture and all ways easements and advantages whatsoever to the said piece or parcel of ground belonging or in anywise appertaining To hold the same and every part and parcel of the same with the appurtenances unto the said Dean and Chapter their successors and assigns for ever To the use of the said Dean and Chapter their successors or assigns for ever Nevertheless upon trust to be appropriated and used as and for a burial ground for the parishioners of the said parish of St. Leonard Foster Lane from time to time and at all times for ever And whereas the said burial ground so conveyed to the said Dean and Chapter by the said recited Indenture and herein-after referred to as "the said burial ground" was duly consecrated and interments took place therein up to the sixth day of December one thousand eight hundred and fifty-three when the said burial ground was closed by an order of Her Majesty's Council And whereas the said burial ground is by the colour green shown upon the modern plan attached to these presents And whereas the vicarage of St. Leonard Foster Lane is united with or annexed to the vicarage of Christchurch Newgate Street in the city of London And whereas the said Dean and Chapter are the Patrons of the said vicarage of St. Botolph Without Aldersgate And whereas there now exists as an easement to the said burial ground a right of way leading to the same from Aldersgate Street and passing through certain premises known as the Money Order Office the property of the said Postmaster General such right of way being shown by the colour blue on the said plan attached to these presents And whereas the said Postmaster General is about to pull down the said Money Order Office and to erect other buildings on the site thereof and is desirous of extinguishing such right of way and of procuring the grant of a substituted right of way in lieu thereof And whereas the said burial ground adjoins the churchyard of the said parish of St. Botolph Without Aldersgate which is now laid out as a public garden and the said Vicar and Churchwardens of St. Botolph have added or are desirous of adding the said burial ground to the said public garden and have laid out or are desirous of laying

out or completing the laying out of the said burial ground as a portion of the said public garden and have taken or are desirous of taking over the management of the said burial ground And whereas the said Sewers Commissioners are willing to remit certain rates now payable in respect of the said burial ground Now these presents witness that it is hereby mutually agreed by and between the said parties hereto of the first four parts as follows :—

1. The said dean and chapter with the approval of the said Ecclesiastical Commissioners in consideration of the sum of one hundred and fifty pounds before the execution of the deed next herein-after mentioned to be paid by the said Postmaster General to the account of the said Ecclesiastical Commissioners at the Bank of England to be held by the said Ecclesiastical Commissioners under the provisions of the Ecclesiastical Leasing Acts In trust for the said Vicarage of Christ Church Newgate Street with St. Leonard Foster Lane and also in consideration of the grant of the substituted right of way next herein-after mentioned shall by deed convey and release unto and to the use of the said Postmaster General his successors and assigns in fee-simple All their rights and claims whatsoever in and to the way or passage now or lately existing from the said burial ground to Aldersgate Street through the said money order office such way or passage being shown by the colour blue on the said plan attached to these presents And also in and to any other way or passage (if any) through the said money order office or over the site thereof And also in and to any other easement (if any) over the soil of the said Postmaster General in connexion with or as an access or approach to the said burial ground To the intent that all such rights of way or passage and easements may be extinguished and that the said Postmaster General his successors and assigns may thenceforth hold and enjoy the said premises known as the Money Order Office and the site thereof freed and discharged from the said rights and easements.
2. In consideration of the payment of the sum of one hundred pounds by the said Postmaster General to the said Vicar and Churchwardens of St. Botolph and of the transfer of the management of the said burial ground to the said Vicar and Churchwardens of St. Botolph in manner herein-after respectively mentioned The said Vicar and Churchwardens of St. Botolph with the approval of the said Ecclesiastical Commissioners and with the consent of the said Dean and Chapter as such patrons of the said Vicarage of St. Botolph Without Aldersgate shall by Deed convey unto the said Dean and Chapter and their successors a free and uninterrupted right of way over and along the pathway through the said churchyard of the said parish of St. Botolph Without Aldersgate from and to the said burial ground to and from Aldersgate Street such pathway being coloured pink on the said plan attached to these presents To hold unto and to the use of the said Dean and Chapter their successors and assigns in fee simple upon trust to be appropriated and used as an access or approach to and from the said burial ground for the parishioners of the said parish of St. Leonard

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Foster Lane To the intent that such right of way so coloured pink shall be in lieu of and in substitution for the said right of way so coloured blue on the said plan And these presents also witness that it is hereby mutually agreed by and between the said parties hereto (other than the said Ecclesiastical Commissioners) as follows:—

- A. The said vicar and churchwardens of St. Botolph shall be at liberty to unite and throw together the said burial ground coloured green on the said plan and the said churchyard or public garden of St. Botolph Without Aldersgate in such manner as they may think may be desirable and for that purpose to remove the wall and iron railing or any part or parts thereof now or late separating the said burial ground from the said churchyard or public garden.
- B. The said burial ground shall hereafter be under the care and management of the said vicar and churchwardens of St. Botolph who shall and their vestry undertake to hereafter appropriate keep and maintain the said burial ground in good and decent order as and for a public garden and the said Dean and Chapter in consideration of such appropriation and maintenance hereby relinquish the entire control and management of the said burial ground to the said vicar and churchwardens of St. Botolph.
- C. The said vicar and churchwardens of St. Botolph shall construct (if not already done) proper pathways or passages for pedestrians through the said burial ground which shall be kept open for the use of the public every day from the hours of nine a.m. to eight p.m. from the twenty-eighth day of May to the thirty-first day of July and ten a.m. to sunset from the thirty-first of July to the twenty-eighth May in each year but shall be kept closed on Bank Holidays and on Sundays Good Friday and Christmas Day except during the hours of Divine Service in the church of St. Botolph Without Aldersgate and the said vicar and churchwardens of St. Botolph Aldersgate shall and they hereby undertake to hereafter maintain and preserve the said pathways or passages in good order and condition.
- D. In consideration of the grant of such substituted right of way to the said burial ground and of other the premises the said Postmaster General will pay to the said vicar and churchwardens of St. Botolph on the execution of the deed conveying such substituted right of way the sum of 100*l.* towards the cost of and incident to the joining of the said burial ground to the said churchyard or public garden including the cost of removal of brickwork and iron railings the raising of the soil and the erection of necessary boundary posts or pedestals but the Postmaster General shall not be required to contribute towards the cost of maintenance of the said burial ground when forming part of the said public garden.

E. In consideration of the said public garden and the said burial ground when so united as aforesaid being preserved and maintained as one public garden and recreation ground and kept open to the public and maintained as aforesaid the said Sewers Commissioners hereby agree to remit the amount of rates payable in respect of the said burial ground coloured green on the said plan attached to these presents.

F. The provisions and stipulations herein-before contained and lettered A. B. C. D. and E. are not intended and shall not be construed or deemed to transfer any rights of ownership in the soil of the said burial ground.

And these presents lastly witness that it is hereby mutually agreed by and between all the said parties hereto as follows :—

(1.) The said Postmaster-General is promoting a Bill now pending in Parliament intituled a Bill “to authorise the “ transfer of the site of Coldbath Fields Prison in the “ County of Middlesex to Her Majesty’s Postmaster- “ General and for other purposes” and a clause or clauses shall if Parliament approve be inserted by the Postmaster-General in the said Bill confirming or giving effect to this Agreement and (if and so far as may be necessary) authorising and empowering the several parties hereto to give effect to the provisions in this Agreement contained.

(2.) The said Postmaster General may at any time withdraw the said Bill or the portion thereof relating to the subject matter of this Agreement or deal with the said Bill or any portion of the same in such manner as he may think fit but not so as to vary the terms of this Agreement if the clause or clauses of the said Bill relating to the subject matter of this Agreement are retained in such Bill In case such Bill or any other Bill afterwards promoted by the said Postmaster General or the portion thereof relating to the subject matter of this Agreement shall not be passed into law during any session of Parliament held in the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety this Agreement shall be void.

(3.) The said Postmaster General shall out of money provided by Parliament bear and pay the expense of all parties to this Agreement of and incident to this Agreement and of and incident to all deeds executed pursuant to or for effectuating this Agreement.

In witness whereof the parties hereto of the first and second parts have hereunto set their respective corporate seals and the Postmaster General the party hereto of the third part has hereunto set his hand and corporate seal and

A.D. 1889. the parties hereto of the fourth and fifth parts have hereunto set their hands and seals the day and year first above written.

The corporate seal of the above-named
Dean and Chapter was hereunto
affixed in the presence of

(Signed) CHAS. ST. C. BEDFORD
Chapter Clerk
The Sanctuary Westminster.

Let this be sealed
(Sd.) G. G. BRADLEY
Dean.

L.S.
Dean and
Chapter.

Sealed by the Ecclesiastical Commis-
sioners for England in the presence
of

(Signed) CHAS. JOSEPH ELLIS
10 Whitehall Place
Westminster
Gentleman.

L.S.
Ecclesiastical
Commissioners.

Signed sealed and delivered by the
above-named Samuel Flood Jones in
the presence of

(Signed) D W. DRUMMOND
Clerk to Messrs. M. Webb and Sons
Solicitors
Barbican Chambers
Aldersgate E.C.

(Sd.) S. FLOOD JONES

L.S.

Signed sealed and delivered by the
above-named Thomas Henry Ellis
in the presence of

(Signed) D. W. DRUMMOND
Clerk to Messrs. M. Webb and Sons
Solicitors
Barbican Chambers
Aldersgate E.C.

(Sd.) THOMAS HENRY
ELLIS

L.S.

Signed sealed and delivered by the
above-named Robert Samuel Brock
in the presence of

(Signed) W. C. BODDINGTON
Clerk to Messrs. M. Webb and Sons
Solicitors
Barbican Chambers
Aldersgate E.C.

(Sd.) R. S. BROCK

L.S.

A.D. 1889.

Signed sealed and delivered by the
above-named Henry Blake in the
presence of

(Signed) W. P. BICKNELL
Sewers Office
Guildhall.

(Sd.) HENRY BLAKE

L.S.

Signed sealed and delivered by
Stevenson Arthur Blackwood K.C.B.
Secretary to the Post Office for and
in the name and as the act and deed
of Her Majesty's Postmaster General
by virtue of the power in that behalf
conferred by the Post Office (Pro-
tection) Act 1884 in the presence
of

(Signed) G. W. SMYTH
Principal Clerk
General Post Office.

(Sd.) H. C. RAIKES
by
S. A. BLACKWOOD

L.S.
P.M.G.

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