

**COMPTROLLER & CITY SOLICITOR'S DEPARTMENT
RESEARCH SECTION**

RESEARCH REPORT 788



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This report is for historical information only and is not to be treated as formal legal advice.

**THE CITY OF LONDON CORPORATION'S
HIGHWAY OWNERSHIP INTERESTS IN
LAND IN FINSBURY AVENUE, EC2**

1. INTRODUCTION

The City of London Corporation *does not* appear to have a freehold interest in land in Finsbury Avenue, including land in the former Queen's Square, EC2.

The attached copy of plan 4-C-42601-1 identifies the land parcels mentioned in this report.

2. FINSBURY AVENUE & THE CITY BOUNDARY

2.1. THE HISTORICAL BOUNDARY

Until the late twentieth century Finsbury Avenue lay outside the City boundary, as shown on the 1916 Ordnance Survey, where it is shown by a dashed line running down the middle of South Place and Eldon Street (*illustration 1*; the area subject to this report has additionally been circled *red*).

2.1. 1993 BOUNDARIES ORDER

In consequence of the City and London Borough Boundaries Order 1993, Area D on the eastern side of Wilson Street between Sun Street and South Place/Eldon Street, was transferred from Hackney Borough Council to the City of London (for an extract from one of the relevant order maps, see *illustration 2*; the area subject to this report has additionally been circled *orange*).

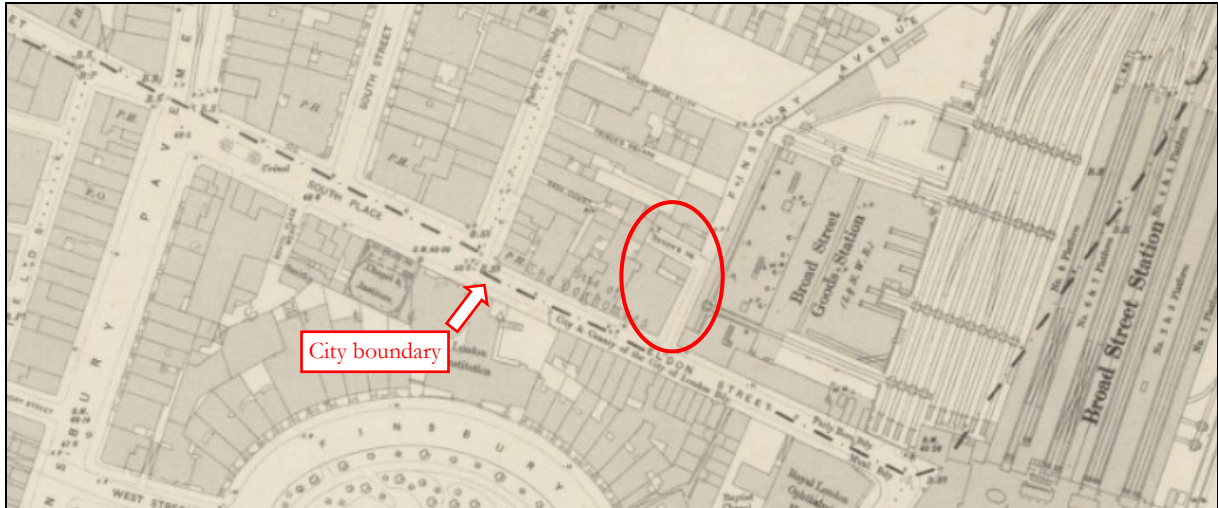


illustration 1

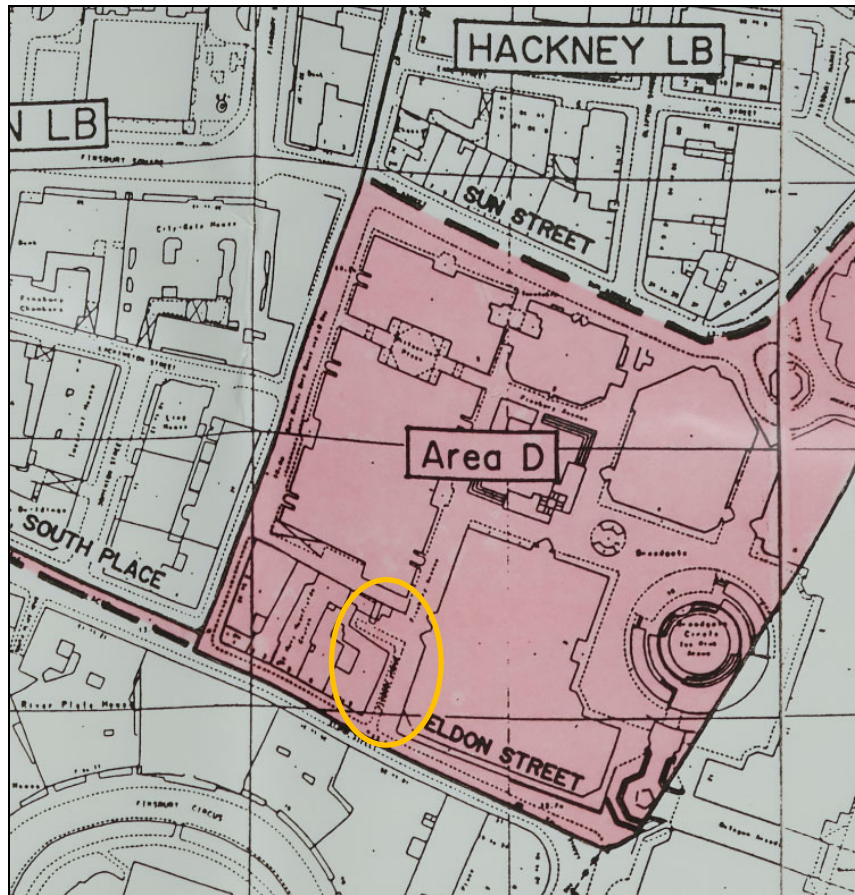


illustration 2

The City of London Corporation's CIS, CityMaps, intranet site shows current City boundary in red and the highway maintainable at the public expense in blue (*illustration 3*). The area subject to this report has been indicated additionally by a red arrow.



illustration 3

3. EARLY MAPPING TO 1799

The area of the present-day Finsbury Avenue is first shown on the so-called Copperplate map of c.1558 (*illustration 4*).

The area subject to this report is first shown in considerable detail on Ogilby and Morgan's 1676 map of the City. The court marked 'd.25', at least part of which appears to lie in the present-day Finsbury Avenue at its junction with Eldon Street, is identified by the key as 'Sun Dial Court' (*illustration 5*).

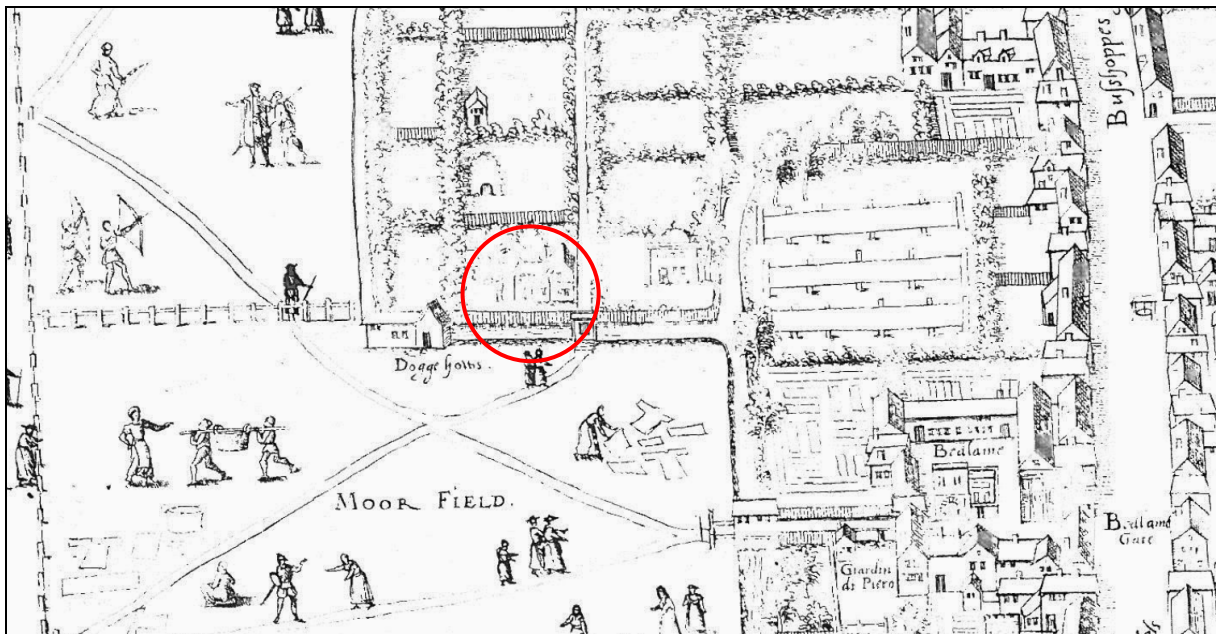


illustration 4

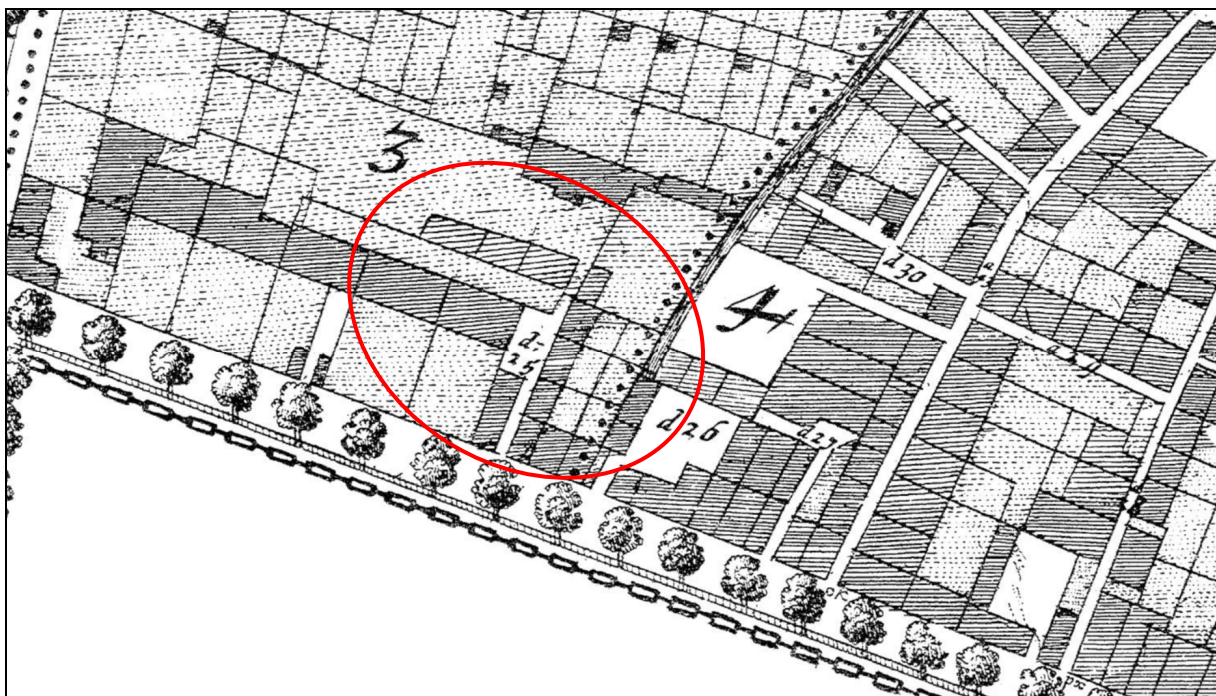


illustration 5

On John Roque's 1746 map of the City that court, which now extends further west, is shown as 'Maximus Court' (*illustration 6*), while on Richard Horwood's 1799 map it is shown as 'Queen Square' (*illustration 7*), the name by which (or the variant 'Queen's Square') it was known thereafter.

It has *not* been possible to establish the historical ownership of this area, despite an extensive search of the catalogue of the Metropolitan London Archives, Hackney Archives, and other online catalogues.

No antiquarian prints or drawings showing Queen's Square (or Sun Dial Court/Maximus Court) have been located, but a photograph dated 1919 show 5 Queen's Square, the "premises of W.H. Brooks, Chimney sweeper and carpet beater" (**Hackney Archives: P14075**; *illustration 8*).

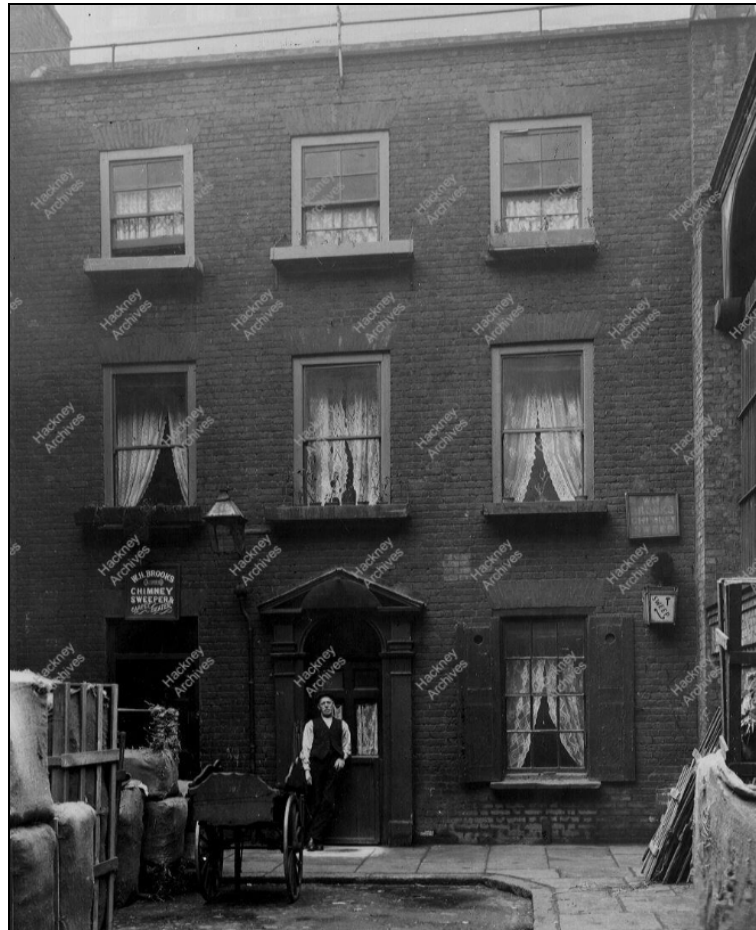


illustration 8

4. CONSTRUCTION OF FINSBURY AVENUE

Broad Street Good Station opened in 1865, having been constructed under section 6 of the North London Railway [City Branch] Act 1861 (for the deposited plans and books of reference, see **LMA: CLA/047/LC/04/103**; also **MR/U/P/0569**) [*this Act could not be consulted, due to pandemic access restrictions*].

The North London Railway Act 1867 provided for widening of the City Branch, but does not appear to have had a bearing on Broad Street Station (for the deposited plans and books of reference, see **LMA: MBW/2622/10 & MR/U/P/0843**) [*this Act could not be consulted, due to pandemic access restrictions*]. The case of *Richmond v. NLR* (1868) concerned the compulsory purchase of a public house in Shoreditch under the 1861 and 1867 Acts.

In 1872 the Metropolitan Board of Works (MBW), at the request of the Shoreditch Vestry, had opposed a Bill promoted by the London and North-Western Railway Company of the enlargement of the Broad Street Good Station. It was reported at the time that the MBW were “taking steps to obtain a proper return from the company of public property for widening Worship Street, and for making a new thoroughfare from Sun Street to Eldon Street” (*The Architect & Building News*, 25 May 1872).

According to Alan Jackson’s *London’s Termini* (1984), p.98, a fourth approach line to Broad Street Station was added in 1874, a further (eighth) platform in 1891.

What is not yet clear from any of the records consulted, is under what powers the new thoroughfare of Finsbury Avenue was constructed. Given that the construction of Broad Street Station stopped up Long Alley, the new street was clearly intended as a replacement for Long Alley, and the onus for its construction is hence likely to have been placed on the North London Railway Company.

The line of the new street can be seen by comparing the 1849 skeleton Ordnance Survey map (*illustration 9*) with the City’s copy of the 1875 Ordnance Survey, which shows the line of earlier streets (*illustration 10*). For ease of interpretation, the line of Finsbury Avenue as shown on the 1879 Ordnance Survey has been indicated on the 1849 Ordnance Survey by dashed *red* lines.

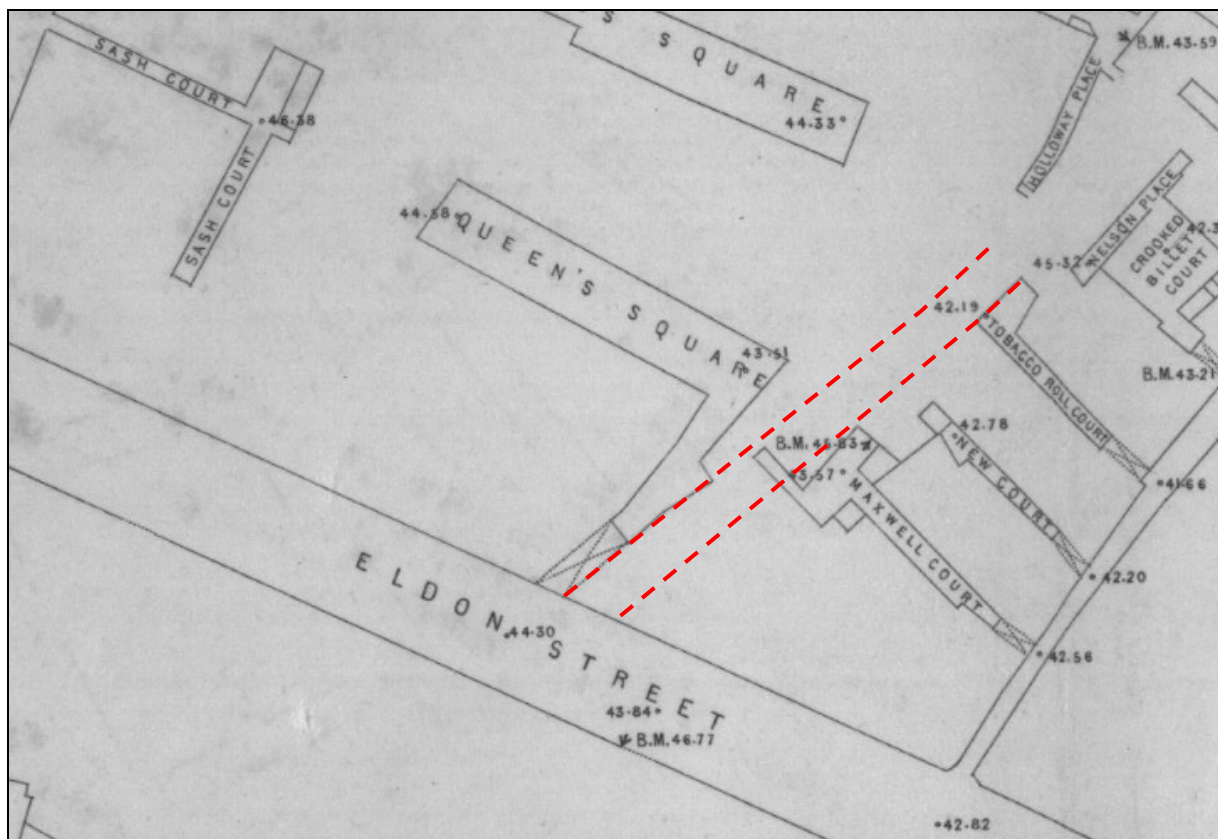


illustration 9

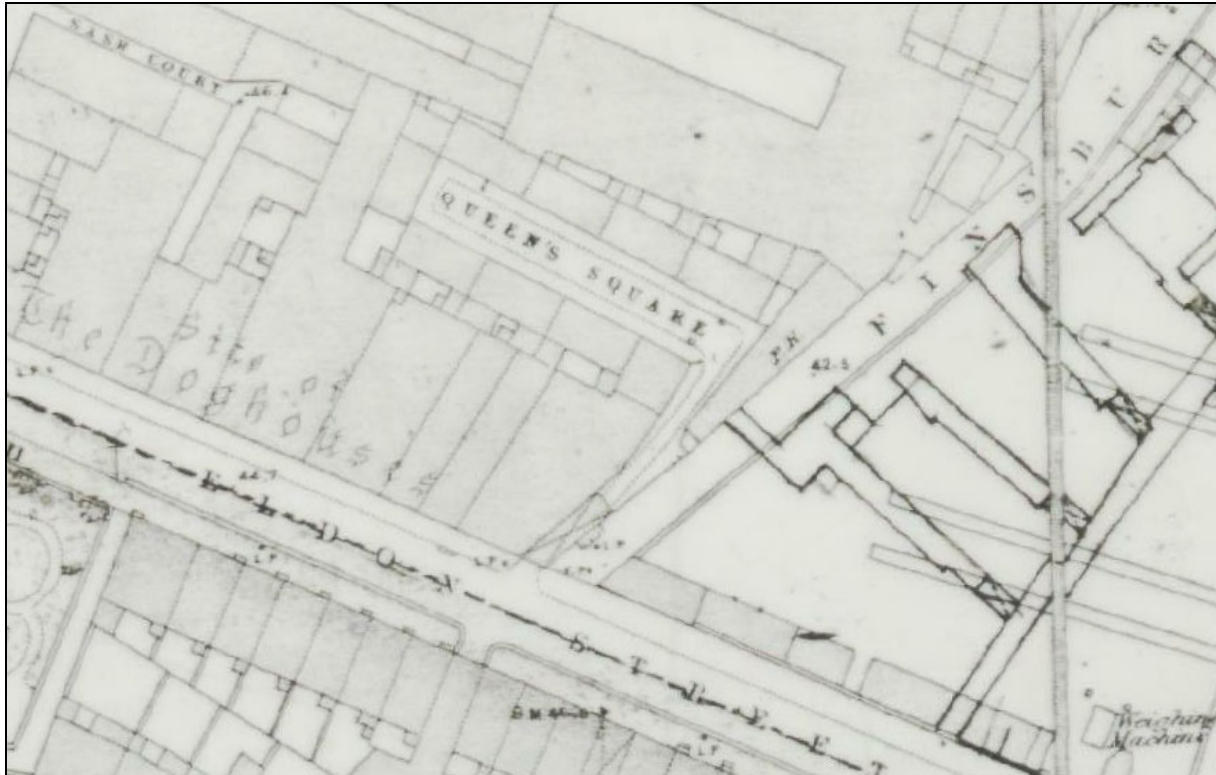


illustration 10

No records pertaining to that new street have been located, despite an extensive search of the catalogue of the Metropolitan London Archives, Hackney Archives, and other online catalogues.

While the history of the construction of Finsbury Avenue is important with a view to understanding later developments in this area, the ownership of land acquired for the construction of that street is of no consequence to the land subject to this report, as the relevant portion of the new street now lies under Broad Street Goods Station.

5. FINSBURY AVENUE REALIGNMENT & QUEEN'S SQUARE

5.1. FINSBURY AVENUE

Within less than twenty years of its construction, Finsbury Avenue was realigned by orienting it on a more northerly axis, which resulted Queen's Square street being intersected by the realigned Finsbury Avenue, as shown by a comparison of the 1875 Ordnance Survey (*illustration 11*) with the 1893-95 Ordnance Survey (*illustration 12*). For ease of interpretation, the line of the realigned Finsbury Avenue as shown on the 1893-95 Ordnance Survey has been indicated on the 1875 Ordnance Survey by dashed *red* lines.

Only the western half of Queen's Square survived and remains in existence today, while the remainder eastern half of the square, and its north-south stretch, were incorporated into the site of the expanded Broad Street Goods Station. A central portion of the former Queen's Square now lies in Finsbury Avenue proper.



illustration 11



illustration 12

5.2. QUEEN'S SQUARE

Properties fronting onto the Queen's Square would have had to be acquired in order to effect the realignment of Finsbury Avenue, which would have included the title these properties had to land in the square itself (under the *ad medium filum* presumption).

In consequence, land formerly part of the historical Queen's Square, but now laid into Finsbury Avenue, is today also likely to be vested in the adjoining owners under the *ad medium filum* presumption, unless that land had been *acquired* by the Metropolitan Board of Works and been *retained* by them (see below, section 6).

The plotting of the historical extent of Queen's Square is based on the 1875 Ordnance Survey, as the frontages shown on the 1849 Ordnance Survey are difficult to reconcile with later frontages, even if the discrepancies are minor.

5.3. LACK OF RECORDS

No records pertaining to the acquisition of the land required for the realignment of Finsbury Avenue have been located, despite an extensive search of the catalogue of the Metropolitan London Archives, Hackney Archives, and other online catalogues.

In particular, *no* deeds for property in 'Queen's Street', without which this scheme could not have been carried out, have been located in the deeds index of the MBW and its successors, the LCC, GLC and LRB. Given that absence, it is extremely unlikely that the MBW had acquired property for the purposes of this improvement.

5.4. POSSIBLE TRANSFER OF FREEHOLD INTERESTS TO THE CITY

In the unlikely event that the land required to construct Finsbury Avenue had been acquired by the Metropolitan Board of Works, *for which there is no evidence*, it *may* be the case that the City of London acquired the freehold interest of the MBW laid into Finsbury Avenue and to which title is still unregistered. This would most likely due to the boundary change under the City and London Borough Boundaries Order 1993 (see above, section 2.2), which involved provisions applied by the London Government Area Changes Regulations 1976. Legal advice would need to be sought on whether this is the case, and if so, under which powers that land would have come to be vested in the City.

6. 20TH CENTURY IMPROVEMENTS

Finsbury Avenue was widened on its east side in the 1980s, after Broad Street Goods Station had been demolished and the Broadgate Centre built. Property to the north of the former Queen's Square (indicated by an arrow) was also demolished, as is evident from a comparison of the 1944-69 Ordnance Survey (illustration 13) and the current Ordnance Survey, as shown on CityMaps (illustration 14).

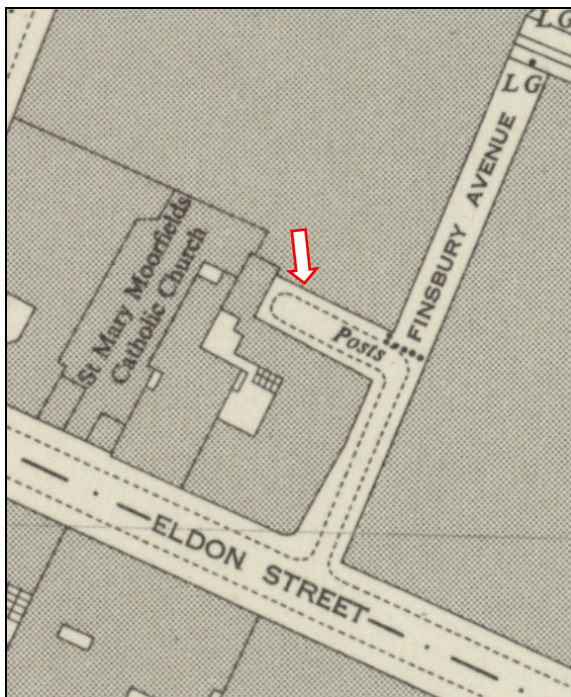


illustration 13

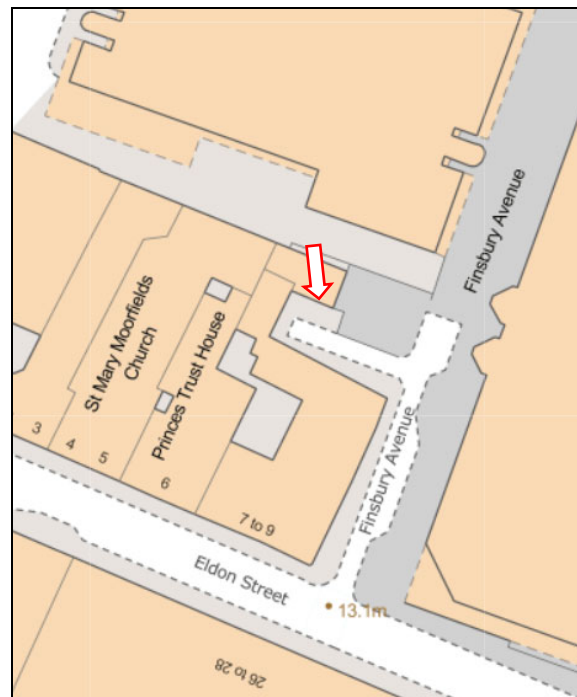


illustration 14

7. CAUTION TITLE NGL810848

A large parcel of land in Finsbury Avenue being part of the former Queen's Square is subject to a caution against the first registration of the freehold, which is registered under Land Registry title number NGL810848. This caution is in favour of "B.L.C.T. (17810) Limited and B.L.C.T. (17839) Limited"; the

land subject to the caution is described as "land at the back of 7 to 9 Eldon Street" (*illustration 15* shows an extract from the caution plan).

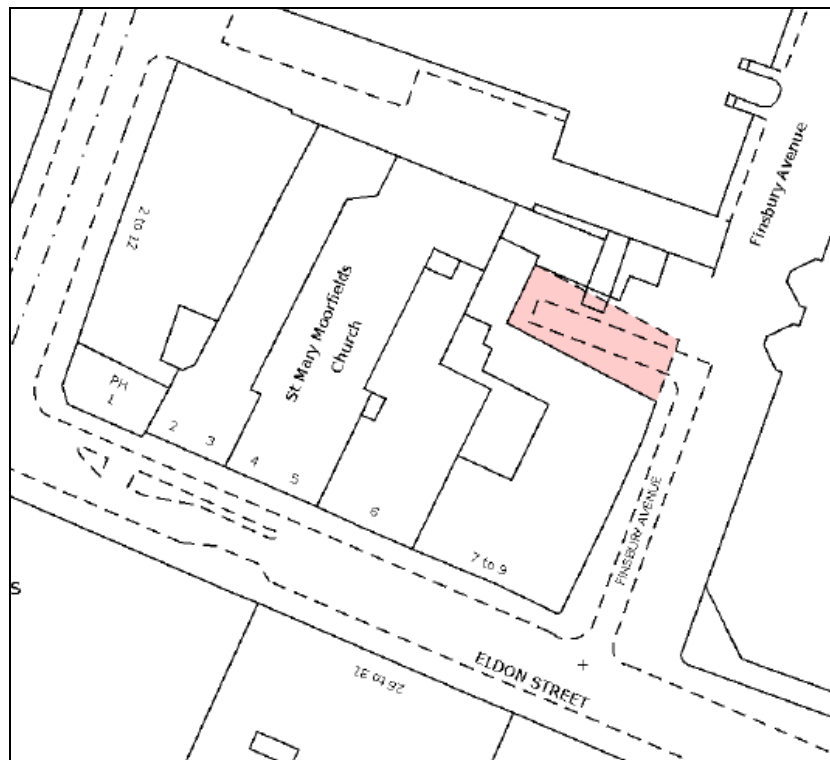


illustration 15

The statutory declaration accompanying the cautions sets out the cautioners' interests as follows:

"The first named cautioner B.L.C.T. (17810) Limited ("First Cautioner"), is registered proprietor of the freehold interest in the land known as 1A Finsbury Avenue, London EC2 which is registered at Land Registry with title absolute under title number NGL17003 and which is the land immediately abutting the northern boundary of the property described in panel 2 above as being affected by the caution ("Cautioned Property"). B.L.C.T. Limited ("Second Cautioner") is the registered proprietor of the freehold interest in the land known as Broadgate House 7-9 Eldon Street, London EC2 which is registered at Land Registry with title absolute under title number 247757 and which is the land immediately abutting the southern boundary of the Cautioned Property.

It is believed that the Cautioned Property was once an adopted highway maintainable at the public expense in which case the First Cautioner and the Second Cautioner are entitled to be registered as registered proprietors of the freehold interests in the appropriate parts of the Cautioned Property.

Alternatively if the Cautioned Property has never been adopted highway the First Cautioner is entitled to be registered as registered proprietor of the freehold interest in the Cautioned Property by adverse possession of the Cautioned Property by itself and its predecessors in title for at least 12 years.

The First Cautioner and the Second Cautioner are members of the same group of companies."

As the land in question has been and still is adopted highway (see above, section 2.2), the cautioners' alternative claim of title by adverse possession fails by their own reasoning, as it depends on the assumption that the land "has never been adopted highway".

Their principal claim, however, that the cautioners have title because the land in question *was once* adopted highway (in fact, it still is), appears to be a poorly worded *ad medium filum* claim, as it doesn't use that term. Given the research presented in this report, that claim appears to be valid provided none of the land in question was acquired by the MBW (see above, sections 5.2 and 6).

However, the plotting of the land subject to the caution appears to cover an excessive amount of land (if that caution is indeed based on an *ad medium filum* claim), as it affects the whole of the former roadway of Queen's Square, not merely to the centre line of the historical roadway (that is, to half the historical roadway abutting the cautioners' land, registered under title 247757).

Instead, an *ad medium filum* claim by the cautioners' should extend only to the land shown in *solid yellow* and as land parcel **AA** on the attached copy of plan 4-C-42601-1.

8. CONCLUSIONS

The forgoing discussion presents an overall complex picture of landownership in the area under investigation.

That complexity is made less complex when one plots the various land parcels at issue, as has been done on the attached copy of plan 4-C-42601-1, which must be read with the key below:

<i>ref. on plan 4-C-42601-1</i>	<i>likely freeholder</i>	<i>comment</i>
AA	proprietor of title 247757	<i>ad medium filum</i> claim to land formerly in Queen's Square, based on the paper title to the former 2 & 3 Queen's Square*, now part of 7-9 Eldon Street
BB	proprietor of title NGL17003	<i>ad medium filum</i> claim to land formerly in Queen's Square, based on the paper title to the former 7 & 8 Queen's Square
CC	proprietor of title EGL158030	<i>ad medium filum</i> claim to land formerly in Queen's Square, based on the paper title to the former 1 Queen's Square
DD	proprietor of title EGL158030	land formerly occupied by 1 Queen's Square, which must have been acquired to construct Finsbury Avenue
EE	proprietor of title EGL158030	land formerly occupied by 9 Eldon Street, which must have been acquired to construct Finsbury Avenue
FF	proprietor of title EGL158030	land formerly occupied by 10 Eldon Street, which must have been acquired to construct Finsbury Avenue

* This and all following house numbers in Queen's Square are based on conjecture.

For an extract from the title plan for EGL158030, see *illustration 16* (the land tinted brown is referred to in section 3 of the property register).



illustration 16

Illustration 17 shows the parcels, as per plan 4-C-42601-1, superimposed onto the 1875 Ordnance Survey.

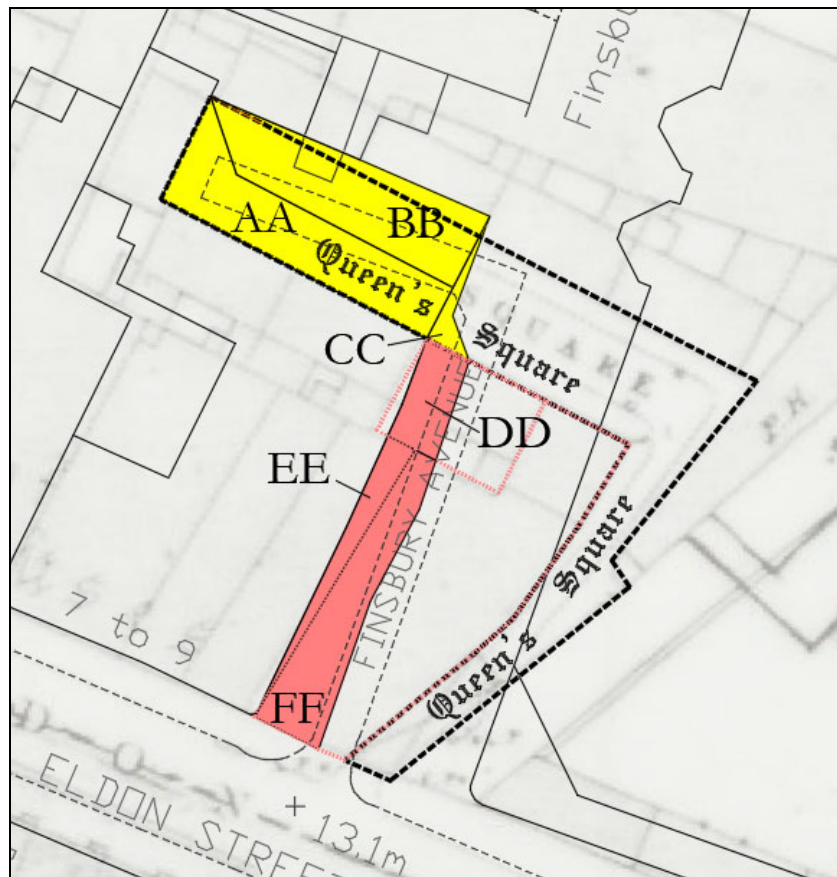
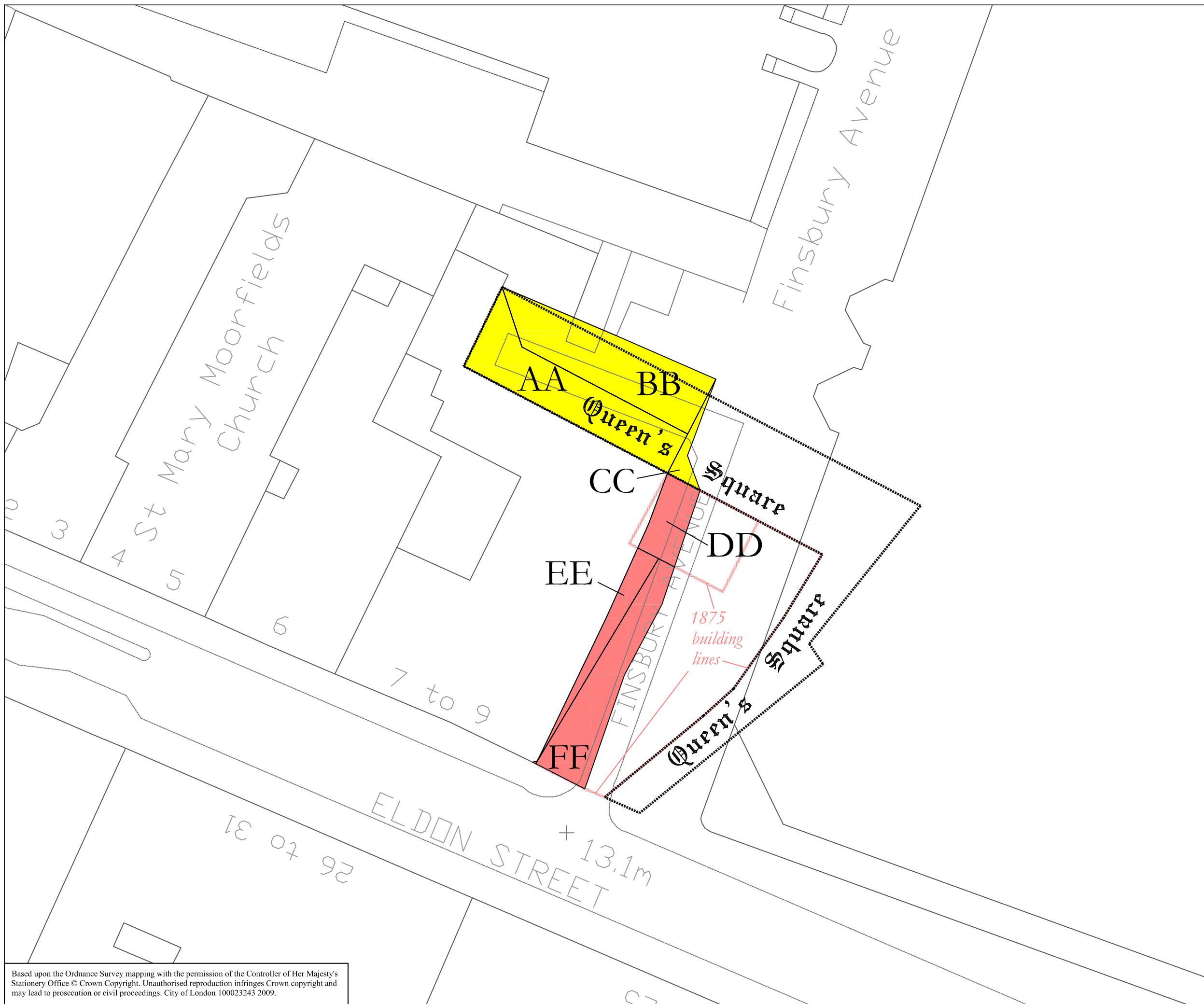


illustration 17

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Rev		Drawn	Date
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P.G.Wilkinson, BSc MSc MRICS
City Surveyor

CITY SURVEYOR'S DEPARTMENT
Corporate Property Group

Address :
land in Finsbury Avenue, London
Title :
ownership (RR 788)

Print scale :	1:300 @ A3	Drawn by :	AHS
Date :	Oct. 2020	Pro code	UPRN
Drawing No :	4-C-42601-1		
Revision			

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