ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 149.

An Act for enabling the Miniſter and Churchwardens of the Pariſh of *Allhallows Barking*, in the City of *London*, to grant a Leaſe of certain Eſtates belonging to the ſame Pariſh, purſuant to an Agreement entered into for that Purpoſe. [3d *June* 1809.]

Recital of Agreement 30th March 1809.

WHEREAS by an Agreement, bearing Date on or about the Thirtieth Day of *March*, One thouſand eight hundred and nine, and made between the Reverend *Samuel Johnes*, Vicar of the Pariſh of *Allhallows Barking*, in the City of *London*, *William Garrett* Oilman, and *Charles Bunyon* Brandy Merchant, both of *Tower Street* in the ſaid City, the Miniſter and Churchwardens of the ſaid Pariſh of *Allhallows Barking*, of the firſt Part, the ſeveral other Perſons whoſe Names are thereunto ſubſcribed, being Truſtees of the Tower Ward Charity School in the ſaid City of *London*, on Behalf of themſelves and the reſt of the Truſtees of the ſaid School, and the ſurviving Leſſees in the Indenture of Leaſe hereinafter mentioned of the Second part; and *Thomas Burton* Eſquire, the Secretary to the Honourable the Commiſſioners of His Majeſty's Revenue of Exciſe, of the Third part: After reciting, That *Andrew Berry*, Citizen and Leatherſeller of *London*, in and by his laſt Will and Teſtament in Writing, bearing date the Twenty-eighth Day of *February*, in the Year of Our Lord One thouſand five hundred and fifty ſeven, gave and bequeathed unto *Catherine* his then Wife, all thoſe his three Houſes and Tenements with their Appurtenances, lying and being in the Pariſh of *Allhallows Barking* in *London*, whereof the One was called the *Aqua Vitæ* Houſe, another was then late in the holding of *Edward Modye*, and the Third was then in the Tenure of *John Hancock*, to hold the ſame with their Appurtenances unto his ſaid Wife and her Aſſigns, from his Deceaſe during her natural Life, and after her Deceaſe he willed and bequeathed, that the ſaid Tenement called the *Aqua Vitæ* Houſe ſhould remain unto *Richard Brand*, the ſaid Teſtator's Siſter's Son, and to the Heirs of his body lawfully begotten, and that the ſaid Tenement

late in the holding of the ſaid *Edward Modye*, ſhould likewiſe immediately after the Deceaſe of his ſaid Wife remain unto *Thomas Brand*, Brother to the ſaid *Richard Brand*, and to the Heirs of the Body of the ſaid *Richard* lawfully begotten, and that the other Tenement then in the Occupation of the ſaid *John Hancock*, ſhould likewiſe after the Deceaſe of his ſaid Wife remain to *Jane Brand*, Siſter to the ſaid *Richard* and *Thomas*, and to the Heirs of the Body of the ſaid *Jane* lawfully begotten; and the ſaid Teſtator directed, that in caſe any of his ſaid Siſter's Children ſhould die before his ſaid Wife without Iſſue of his or her Body lawfully begotten, then he gave and deviſed the Tenement or Tenements to him or her, as was aforeſaid bequeathed, after the Deceaſe of his ſaid Wife, unto the Parſon and Churchwardens of the ſaid Pariſh Church of *Barking*, to hold to them and their Succeſſors for ever, for and towards the Relief of the Poor Pariſhioners, Houſeholders of the ſame for the Time being: And reciting, That the ſaid Teſtator departed this Life ſome Time after the making his ſaid Will, and under the Deviſes therein, and Events that afterwards happened, that the Tenements thereby deviſed or ſome Part thereof became veſted in the Miniſter and Churchwardens of the Pariſh of *All-hallows Barking* for the Time being, and had ſince been converted into a School Houſe for the Ward of *Tower*, within which the ſaid Premiſes are ſituate: And reciting, That the Truſtees of the ſaid School being entitled to the ſame for a Term of Seventeen Years yet to come, and unexpired, at the yearly Rent of Thirty Pounds, by virtue of ſome Leaſe or equitable Agreement from the Miniſter and Churchwardens of the ſaid Pariſh; and that the ſaid *Thomas Burton*, on Behalf of the ſaid Commiſſioners of Exciſe, had agreed with the Truſtees of the ſaid School for the Time being, to purchaſe the Remainder of their Term therein, and that the ſame ſhould be ſurrendered at or for the Price or Sum of One thouſand two hundred and fifty Pounds: And reciting, That His Majeſty's Commiſſioners of Exciſe being deſirous of pulling down the ſaid School Houſe, and of erecting certain Buildings on the Scite thereof for the Uſe of His Majeſty's Revenue of Exciſe, that the ſaid *Thomas Burton* had applied to and requeſted the Miniſter and Churchwardens of the ſaid Pariſh for the Time being, to grant him, in Truſt for the ſaid Commiſſioners, a Leaſe of the ſaid Premiſes for the Term of Ninety-nine Years, from *Lady-Day* then and now laſt paſt, which the ſaid Miniſter and Churchwardens hath agreed to do as far as they lawfully could or might, upon a Surrender of the ſaid Term ſo veſted in ſuch Truſtees as aforeſaid, and upon the Sum of Two hundred and fifty Pounds, Part of the ſaid Sum of One thouſand two hundred and fifty Pounds, being paid them for the Benefit of the Poor of the ſaid Pariſh, and a reſerved Rent of Thirty Pounds being paid to them for the ſaid Premiſes for the firſt Seventeen Years of the ſaid Term, and a reſerved Rent of One hundred Pounds a-Year for the remaining Eighty-two Years of the ſaid Term; which Propoſal appearing to be very much for the Benefit of the Poor of the ſaid Pariſh, that the ſaid Miniſter and Churchwardens had agreed to grant ſuch Leaſe of the ſame Premiſes to the ſaid *Thomas Burton*, on Behalf of the Honourable the Commiſſioners of His Majeſty's Revenue of Exciſe, upon the Terms and Conditions therein-before and after mentioned: And reciting, That Doubts having been entertained whether the ſaid Miniſter and Churchwardens had Power under the Will of the ſaid Teſtator, to grant a Leaſe for ſo long a Term as Ninety-nine Years without the Authority of Parliament, it hath been agreed that the ſaid *Thomas Burton* ſhould, in his own Name, or in the

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Name of His Majeſty's Commiſſioners of Exciſe, or in the Name or Names of the Miniſter and Churchwardens of the ſaid Pariſh (Parties thereto), or for the Time being, as he ſhould be adviſed, (but at the proper Coſts and Charges of His Majeſty's Commiſſioners of Exciſe for the Time being,) take the proper and neceſſary Meaſures for obtaining an Act of Parliament to enable the Miniſter and Churchwardens of the ſaid Pariſh for the Time being, to grant ſuch Leaſe for the Term of Ninety-nine Years as aforeſaid: It was thereby agreed, by and between the ſaid Parties, that in Conſideration of the Sum of One thouſand Pounds, to be paid to the Truſtees for the Time being of the ſaid Charity School, by the ſaid *Thomas Burton*, on Behalf of the ſaid Commiſſioners of Exciſe, being in full for the Surrender of ſuch Term of Seventeen Years, being the whole of their Intereſt of and in the ſaid Premiſes, they the ſaid Truſtees ſhould and would ſurrender and yield up unto the ſaid Miniſter and Churchwardens, all their Term of Years, Eſtate, and Intereſt of and in the ſaid Leaſe, and which from *Lady-Day* laſt was to come, and unexpired therein: And the ſaid Miniſter and Churchwardens, in Conſideration of the Sum of Two hundred and fifty Pounds, to be paid to them by the ſaid Thomas Burton, and of the reſerved Rent of Thirty Pounds a-Year, to be paid to them by the ſaid *Thomas Burton*, his Executors, Adminiſtrators, or Aſſigns, for the firſt Seventeen Years of the ſaid Term, and of the reſerved Rent of One hundred Pounds a-Year, to be paid or cauſed to be paid to them by the ſaid *Thomas Burton*, his Executors, Adminiſtrators, or Aſſigns, for the remaining Eighty-two Years of the ſaid Term of Ninety-nine Years, that they the ſaid Miniſter and Churchwardens, or their Succeſſors for the Time being, ſhould and would make and execute unto the ſaid *Thomas Burton*, in truſt for the ſaid Commiſſioners, a Leaſe of all that Piece or Parcel of Ground, with the Meſſuage or Tenement ſtanding and being thereon, ſituate in *Tower Street*, in the Pariſh of *Allhallows Barking* aforeſaid, and lately uſed as a School Houſe for the Ward of *Tower*, with the Appurtenances thereunto belonging, with Liberty to pull down the ſame, and to erect ſuch other Building or Buildings thereon, and occupy the ſame as they might think fit; to hold the ſame unto the ſaid *Thomas Burton*, his Executors, Adminiſtrators, and Aſſigns, for the Term of Ninety-nine Years, from the Twenty-fifth Day of *March* then inſtant, and now laſt paſt, at and under the Yearly Rent of Thirty Pounds for the Firſt Seventeen Years of the ſaid Term, and One Hundred Pounds for the remaining Eighty-two Years thereof, free from all Taxes and Deductions whatever, charged upon the Occupier of the ſaid Premiſes, (except the Landlord's Property Tax,) and ſuch Rents to be paid Quarterly, on the uſual Days of Payment of Rent; and the ſaid *Thomas Burton*, for and on the behalf of the Honourable the Commiſſioners of Exciſe, did thereby agree to take the ſaid Premiſes, and to pay the ſaid reſpective Rents, in manner and form aforeſaid, free from all Taxes and Deductions whatſoever, charged upon the Occupiers of the ſaid Premiſes, (except the Landlord's Property Tax) ſuch Rents to be paid Quarterly, on the uſual Days of Payment of Rent; and it was thereby agreed, that a Leaſe and Counterpart ſhould be prepared, as ſoon as an Act of Parliament could be obtained for that Purpoſe, which Leaſe it was thereby agreed ſhould contain the Purport of the ſaid Agreement, and all uſual and cuſtomary Covenants between Landlord and Tenant, uſually contained in Leaſes of the like Nature; and the ſaid *Thomas Burton* did thereby,

by, on behalf of the ſaid Commiſſioners, agree that he would take the beſt and moſt effectual Meaſures, to obtain an Act of Parliament for enabling the ſaid Miniſter and Churchwardens, and their Succeſſors for the Time being, to grant ſuch Leaſe, and for carrying the ſaid Agreement into Effect, according to the true Intent and Meaning thereof; and it was thereby further agreed, that when, and ſo ſoon as ſuch Act of Parliament ſhould be paſſed, all proper and neceſſary Parties ſhould and would join in granting and duly executing ſuch Leaſe, and that the ſaid *Thomas Burton* ſhould and would execute a Counterpart thereof, ſuch Leaſe and Counterpart to be prepared at the Expence of the ſaid Commiſſioners: And whereas it would be of great Benefit and Advantage to the ſaid Pariſh, if the ſaid recited Contract or Agreement was carried into Execution; but inaſmuch as the ſame cannot be carried into Effect without the Aid and Authority of Parliament. Therefore Your Majeſty's moſt dutiful and loyal Subjects, the ſaid *Samuel Johnes*, *William Garrett*, and *Charles Bunyon*, for and on behalf of the ſaid Pariſh of *Allhallows Barking* aforeſaid, as alſo the ſaid *Thomas Burton*, do moſt humbly beſeech Your Majeſty, That it may be enacted, and be it enacted by the KING'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 from and immediately after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid *Samuel Johnes*, *William Garrett*, and *Charles Bunyon*, and their Succeſſors, as Miniſter and Churchwardens of the ſaid Pariſh of *Allhallows Barking*, aforeſaid, and they are hereby fully authorized and empowered by Indenture duly executed under their Hands and Seals, to grant a Leaſe unto the ſaid *Thomas Burton*, his Executors, Adminiſtrators, and Aſſigns, in Truſt for His Majeſty's Commiſſioners of Exciſe for the Time being, of all and ſingular the ſaid Piece or Parcel of Ground, with the Meſſuage, or Tenement, ſtanding and being thereon ſituate in *Tower-Street*, in the Pariſh of *Allhallows Barking* aforeſaid, and lately uſed as a Schoolhouſe for the Ward of *Tower*, and comprized in the Schedule to this Act annexed, and ſo agreed to be demiſed or leaſed unto the ſaid *Thomas Burton* in Truſt as aforeſaid, by the ſaid recited Contract or Agreement; and alſo of all Ways, Watercourſes, Rights, Eaſements, Liberties, Privileges, Profits, Commodities, Advantages, and Appurtenances whatſoever thereto belonging, for the Term of Ninety-nine Years; to take effect, or be computed from the Period or Time mentioned and ſpecified in the ſaid recited Contract or Agreement, at and under the yearly Rents, and under and ſubject to the Covenants, Conditions, and Agreements mentioned, expreſſed, or referred to in the ſame Contract or Agreement according to the true Intent and Meaning thereof, and of this Act.

Miniſter and Churchwardens of Allhallows Barking, may leaſe certain Premiſes to the Commiſſioners of Exciſe.

General ſaving.

II. Saving always to the King's Moſt Excellent Majeſty, his Heirs and Succeſſors, and to all and every Perſon and Perſons, Bodies Politic and Corporate, his and their Heirs, Succeſſors, Executors, and Adminiſtrators, (other than the ſaid Miniſter and Churchwardens, and their Succeſſors and Aſſigns, as aforeſaid), all ſuch Eſtate, Right, Title, Intereſt, Claim, and Demand whatſoever, in, to, or out of the ſaid Piece, or Parcel of Ground and Hereditaments, comprized in the ſaid recited Agreement, and in the ſaid Schedule to this Act annexed, as they or any of them had

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or were entitled to, at or before the paſſing of this Act; or could or might have had in caſe this Act had not been made.

III. And be it further enacted, That this Act ſhall be printed by the Printer to the King's Moſt Excellent Majeſty; and a Copy thereof ſo printed ſhall be taken as Evidence thereof by all Judges, Juſtices, and others. Act to be Printed by the King's Printer.

The SCHEDULE to which this Act refers.

A Piece or Parcel of Ground with the Old Meſſuage or Tenement ſtanding and being thereon, and lately uſed as a School Houſe for the Ward of *Tower*, and ſituate on the South Side of a certain Street called *Tower-Street* in the Pariſh of *Allhallows Barking* in the City of *London*, abutting North on *Tower-Street* aforeſaid, and containing in Breadth from Eaſt to Weſt in Front thereof next *Tower-Strect* aforeſaid, Fourteen Feet Four Inches of Aſſize, and abutting Eaſt on a Meſſuage or Tenement lately purchaſed by *Thomas Burton* Eſquire, of *James Keates* Baker, and extending in a ſtraight Line from North to South on the Eaſt Side thereof Fourteen Feet Ten Inches, and then projecting further Eaſtward in a Line from Weſt to Eaſt Three Feet Nine Inches, and again extending in a Straight Line from North to South Twelve Feet Ten Inches, and then again projecting towards the Eaſt Seven Feet Two Inches, and then running in an oblique Line inclining Weſtward from North to South Twenty-one Feet One Inch, and abutting Eaſt partly on the aforeſaid Premiſes lately purchaſed of the ſaid *James Keates*, and partly on other Premiſes now held in Truſt for the ſaid Commiſſioners of Exciſe, and then running Weſtward in a ſtraight Line from Eaſt to Weſt Eleven Feet Nine Inches, and then extending again Southward in a ſtraight Line from North to South Thirty-five Feet Four Inches, and then projecting towards the Eaſt One Foot Eight Inches, and then running in an oblique Line, inclining Weſtward Five Feet Six Inches, and which Premiſes then determine at the South End thereof, and then return Weſtward Two Feet Three Inches, and then break Inwards or towards the North One Foot Five Inches, and then extend in a ſtraight Line from Eaſt to Weſt, Fifteen Feet Five Inches, and then abutting Weſtward, running from South to North in a ſtraight Line Twenty-three Feet Four Inches, and then breaking Inwards towards the Eaſt Two Feet Three Inches, and then again running Northward towards *Tower-Street*, in a direct Line from South to North Twenty Feet Nine Inches, and then projecting in an oblique Line inclining Weſtward Three Feet, and then extending in a direct Line from Eaſt to Weſt Five Feet Nine Inches, and then again running Northward in a direct Line from South to North Twenty-ſix Feet Four Inches, and again breaking inwards towards the Eaſt in a direct Line from Weſt to Eaſt Six Feet Six Inches, and then again continuing in a ſtraight Line from South to North Fifteen Feet Ten Inches to the North Front in *Tower-Street*, which ſaid laſt mentioned Lines of Twenty-ſix Feet Four Inches,

Inches, and Fifteen Feet Ten Inches abut Weſtward, on Premiſes now uſed or occupied as a Public Houſe, being the Corner Houſe, towards a certain Alley or Paſſage, called *Prieſt's Alley*, in *Tower-Street* aforeſaid.

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