ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. 2.

An Act to amend "*Fleming*'s Estate Act, 1852."

[10th *July* 1854.]

15 & 16 Vict. c. 19. "Fleming's Estate Act, 1852."

WHEREAS by "*Fleming*'s Estate Act, 1852," Parts of the Settled Estates of *John Brown Willis Fleming*, therein particularly mentioned, were vested in *John Henry Hearn* and *Joseph Alfred Hardcastle* for a Term of One thousand two hundred Years from the Tenth Day of *February* One thousand eight hundred and thirty-seven for the Purposes by the said Act declared with respect to that Term: And whereas in and by the Tenth Section of the said Act as printed by the Queen's Printers it is enacted, "that the Trustees (mean-" ing thereby the said *John Henry Hearn* and *Joseph Alfred Hardcastle*) " may, as soon after the passing of this Act as they think advantageous " for the Purposes only by this Act in that Behalf provided, borrow at " Interest on the Security of the Building Lands, and the Lands specified " in the Second and Seventh Schedules to this Act annexed, or any Part " thereof, any Sum not exceeding One hundred and ten thousand Pounds, " and may secure the Repayment thereof, with Interest, by an Assign-" ment for that Term of One thousand two hundred Years of the Building " Lands and the Lands specified in the Second and Seventh Schedules " to this Act annexed, or any Part thereof, by way of Mortgage thereof, " with or without Power of Sale, and such other Powers and Provisions

" as the Trustees think reasonable:" And whereas by the Twenty-fifth Section of that Act it is provided and enacted, "that the Term of One " thousand two hundred Years, and the Security thereby effected, shall be " subject and without Prejudice to the several Powers of leasing, selling, " exchanging, and partitioning to be exercised under this Act, and the " Estates, Rights, and Interests from Time to Time created by the " Exercise of or under those Powers respectively:" And whereas the said *John Henry Hearn* and *Joseph Alfred Hardcastle* have lately agreed with *Charles Shapland Whitmore* and *Charles Alexander Wood* for an Advance to them the said *John Henry Hearn* and *Joseph Alfred Hardcastle* of the Sum of Ninety-five thousand Pounds, upon the Security of a Part of the Building Lands and other Lands and Hereditaments comprised in the said Term; but the Counsel of the said *Charles Shapland Whitmore* and *Charles Alexander Wood* has advised that no sufficient Security can be given by an Assignment for the said Term of One thousand two hundred Years of the said Lands and Hereditaments, by reason that the said Twenty-fifth Section of the said Act makes such Assignment subject to the Powers of leasing, selling, and exchanging by the said Act vested in the said *John Henry Hearn* and *Joseph Alfred Hardcastle*, and by reason of such Difficulty and Doubt the Power of raising and borrowing Money, by the said Act given to the said *John Henry Hearn* and *Joseph Alfred Hardcastle*, may become and hitherto has been inoperative: And whereas it would be for the Benefit of the Persons interested in the said Settled Estates if the said Difficulty, Doubt, and Objection were removed, and the said *John Henry Hearn* and *Joseph Alfred Hardcastle* were empowered to exercise the Power vested in them, by and in the Manner and to the Extent defined in the said Tenth Section of the said Act, freed from the Liability to the said Powers of leasing, selling, exchanging, and partitioning; but the same cannot be effected without the Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, *John Brown Willis Fleming*, *John Henry Hearn*, and *Joseph Alfred Hardcastle*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Sect. 25. of recited Act repealed.

I. The Twenty-fifth Section of "*Fleming*'s Estate Act, 1852," is hereby repealed.

Until Assignment of Lands for a Term of 1,200 Years, that Term to be subject to Powers of

II. Until the Assignment of the Building Lands, and the said Lands and Hereditaments comprised in the said Term of One thousand two hundred Years, such Term shall be subject and without Prejudice to the several Powers of leasing, selling, exchanging, and partitioning which have been already exercised or which may be hereafter exercised under the said recited Act, and the Estates, Rights, and Interests now existing

and

and from Time to Time to be created by the Exercise of or under such several Powers respectively. leasing, &c. under the said Act.

III. From and immediately after the Assignment of any Lands or other Hereditaments for that Term of One thousand two hundred Years, the several Powers of leasing, selling, exchanging, and partitioning to be exercised under the said recited Act shall, as to the Lands or other Hereditaments so assigned, be exercised only with the Consent and Concurrence in Writing of the Assignee or Assignees of that Term. After Assignment of Lands for that Term, such Powers to be exercised only with Consent of Assignees of Term.

IV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to every other Person and Body Public and Corporate, and their respective Heirs, Successors, Executors, and Administrators, other than and except the several Persons particularly mentioned and specified in the Ninety-third Section of "*Fleming*'s Estate Act, 1852," except as in such Section is excepted, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the several Lands respectively specified in the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Schedules to the recited Act annexed respectively, or any Part thereof, as they or any of them had before the passing of this Act, or would, could, or might have or enjoy if this Act had not passed. General Saving.

V. In citing this Act for any Purpose it shall be sufficient to use the Expression "*Fleming*'s Estate Act, 1854." Short Title.

VI. That this Act shall not be a Public Act, but shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others. Act as printed by Queen's Printers to be Evidence.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.