CHAPTER 4.

A.D. 1875.

An Act for extending the powers exerciseable by virtue of "The Paddington Estate Act, 1871," and the therein-recited Acts by the Lessees of the Estate, with the consent of the Ecclesiastical Commissioners for England, of granting Building or Repairing Leases, and of accepting surrenders of existing Leases of four hundred acres, part of the Estate (and of granting new Leases in lieu of the surrendered Leases), by enabling Agreements to be made with the Commissioners for leasing or otherwise dealing with the excess of acreage over the four hundred acres.

[2nd August 1875.]

Acts of Parliament relating to the Paddington estate, viz., 35 G. 3. c. 83. (*Priv.*)

WHEREAS a Private Act of Parliament was passed in the thirty-fifth year of the reign of His Majesty King George the Third, chapter eighty-three, intituled "An Act for enabling the Lord "Bishop of London to grant a lease, with powers of renewal, of "lands in the parish of Paddington in the county of Middlesex, "for the purpose of building upon," by which Act Beilby then Lord Bishop of London, and his successors for the time being were authorised and directed, by indenture under the episcopal seal of the said Lord Bishop and his successors, to demise and lease unto the therein-named trustees, or the trustees or trustee for the time being of certain settlements therein mentioned, all the messuages, lands, hereditaments, and premises at Paddington in the county of Middlesex, which then constituted the estate since and now known as the Paddington Estate, for the term of ninety-nine years, to commence from the day next before the day of the date of such lease, on the terms and subject to the restrictions, conditions, provisoes, rents, reservations, and covenants therein-after mentioned, and also to renew the same lease at the end of the first fifty years of the said term of ninety-nine years, on payment or tender of a fine of twenty shillings for a further term of ninety-nine years, to commence and be computed from the end of the first fifty years, and so to continue

A.D. 1875.

to renew the lease for the time being so to be granted for a further term of ninety-nine years at the end of the first fifty years next after the commencement of every such respective lease so thereby meant and intended to be thereafter continued to be granted by way of renewal at the end of every said first fifty years on payment or tender of such fine as aforesaid; provided that there should be reserved in such lease and renewed leases a chief rent for the benefit of the Lord Bishop of London and his successors for the time being of forty-three pounds six shillings and eightpence, and also one third part of the rents, issues, ground rents, and other profits reserved and to be reserved, due and payable or arising out of or from or which the same hereditaments and every part thereof should be let for immediately before the passing of the said Act, and which the same should from time to time be let for under the leases to be granted as therein-after was mentioned or otherwise, after deducting the said rent of forty-three pounds six shillings and eightpence and certain other annual sums therein specified; and the said Act directed that there should be inserted in such lease (amongst other covenants and provisions) a covenant that the said Lord Bishop of London and his successors for the time being should renew such lease at the end of the first fifty years of the said term for a further term of ninety-nine years, so as the same rents, and such covenant for renewal, and other covenants by the same Act directed to be reserved and contained in such first lease were inserted and made payable in every such renewed lease, provided that there be a covenant inserted in such lease and leases so to be granted and renewed as aforesaid, that they the said trustees should not lease or demise any part of the said hereditaments and premises to be comprised in the leases so to be granted to them as aforesaid, except in the manner therein-after mentioned; and in the said lease and renewed leases was to be contained a power authorising the said trustees or trustee for the time being to grant building or repairing leases of any part of the said hereditaments comprised in the said lease and renewed leases, not exceeding two hundred acres thereof, without application to Parliament for further powers, for any term not exceeding ninety-eight years (provided that the said Lord Bishop of London for the time being should be a party to all such underleases), at the best and most improved rent, without fine, premium, or foregift, so that one third part of the rent to be reserved upon such underleases respectively should be reserved to the said Lord Bishop and his successors for the time being, and the remaining two third parts thereof to the said trustees or trustee for the time being, which power was afterwards repealed by the Act of the forty-eighth year of the reign of King George the Third herein-after mentioned; and in the said Act is also contained a power for

A.D. 1875.

the said trustees or the trustees or trustee for the time being to be appointed as therein mentioned, their or his executors, administrators, or assigns, at any time or times after the passing of the said Act, with the privity and consent of the Lord Bishop of London for the time being, to be signified by writing under his hand and seal, to grant any number of leases for any term or number of years, not exceeding twenty-one years in possession, of any part of the said hereditaments and premises so to be leased to them as aforesaid in the nature of farm leases at rackrent, reserving in like manner the best and most improved rent to be had or gotten for the same, and payable in like manner as was therein-before mentioned as to building leases, and with the usual covenants and clauses reserved therein for giving up the same for the purpose of building upon at any time after six months notice to be given to the lessee or lessees thereof for that purpose, and with all other usual and common covenants inserted in leases of that kind:

And whereas the herein-before mentioned Act was amended by the following Private Acts, (that is to say,) an Act of the forty-fourth year of His Majesty King George the Third, chapter sixty-three, intituled "An Act for altering and amending an Act of "Parliament passed in the thirty-fifth year of the reign of His "present Majesty, intituled 'An Act for enabling the Lord Bishop "'of London to grant a lease, with powers of renewal, of lands in "'the parish of Paddington in the county of Middlesex, for the "'purpose of building upon,' and for granting further powers the "better to carry into execution the purposes of the said Act;" an Act of the forty-fifth year of the reign of His Majesty King George the Third, chapter one hundred and thirteen, intituled "An Act for "enlarging the powers of an Act passed in the thirty-fifth year of "the reign of His present Majesty, intituled 'An Act for enabling "'the Lord Bishop of London to grant a lease, with powers of "'renewal, of lands in the parish of Paddington in the county "'of Middlesex, for the purpose of building upon;'" an Act of the forty-eighth year of the reign of His Majesty King George the Third, chapter one hundred and forty-two, intituled "An Act for "altering and enlarging the powers of several Acts passed in the "thirty-fifth, forty-fourth, and forty-fifth years of the reign of His "present Majesty, for enabling the Lord Bishop of London to grant "a lease, with powers of renewal, of lands in the parish of Pad-"dington in the county of Middlesex, for the purpose of building "upon;" and an Act of the sixth year of His Majesty King George the Fourth, chapter forty-five, intituled "An Act to enlarge the "powers of several Acts passed in the thirty-fifth, forty-fourth, "forty-fifth, and forty-eighth years of the reign of His late Majesty "King George the Third, for enabling the Lord Bishop of London

35 G. 3. c. 83. (*Priv.*) amended by 44 G. 3. c. 63. (*Priv.*)

45 G. 3. c. 113. (*Loc. & Per.*)

48 G. 3. c. 142. (*Loc. & Per.*)

6 G. 4. c. 45. (*Priv.*)

A.D. 1875.

" to grant a lease, with powers of renewal, of lands in the parish " of Paddington in the county of Middlesex, for the purpose of " building upon, and to appoint new trustees, and for other pur- " poses relating thereto :"

Alterations made by 48 G. 3. c. 142. (*Loc. & Per.*)

And whereas by the said Act of the forty-eighth year of the reign of His Majesty King George the Third, the power of granting building and repairing leases directed to be inserted in the said original and every renewed lease of the said estate as aforesaid was repealed, and in lieu thereof building or repairing leases were by the same Act authorised to be granted by the said trustees or trustee for the time being, with the consent of the Lord Bishop of London for the time being, of any part of the said estate not exceeding two hundred acres, without application to Parliament for further powers, one third part in amount of the rent to be reserved by each lease thereby authorised to be granted by the said trustees or trustee for the time being under the said Act being directed to be reserved and made payable to the Lord Bishop of London for the time being, and his successors and assigns, and the remaining two third parts in amount of the same rent to the then (therein-named) trustees of the said estate, or the lessee or lessees for the time being under any such renewed lease granted by the said Lord Bishop as therein mentioned :

Power thereby given to grant building or repairing leases of any part of the estate not exceeding 200 acres.

Power of leasing extended over 400 acres by Act of 6 G. 4. c. 45. (*Priv.*)

And whereas by the said Act of the sixth year of the reign of His Majesty King George the Fourth, chapter forty-five, after reciting (amongst other things) that the disposition of the public to make improvements by building and other improvements on the said estate comprised in or then subject or which might become subject to the then subsisting lease of the twenty-second day of May one thousand seven hundred and ninety-five, and to build thereon houses of a superior class, would tend to the improvement of the metropolis, and that it would be of great advantage to the Lord Bishop of London and his successors in the See of London, and to the persons beneficially interested under the said last-mentioned lease, that the power of leasing and granting contracts for leases to persons who might be willing to build or rebuild upon the said estate, or substantially repair buildings thereon, should be extended to four hundred acres, part of the lands comprised in, or which had become, or which might under the Act now in recital or under any former Act become subject to the same lease, it was by the said Act now in recital (amongst other things) enacted, that it should be lawful for the then lessees and the lessee or lessees for the time being under or by virtue of any renewed lease to be from time to time granted by the Lord Bishop of London for the time being (who are herein-after called the trustees of the said estate) and to and

for his or their executors, administrators, and assigns, to demise, lease, or grant any part of the messuages, lands, hereditaments, and premises mentioned and described in the first schedule to the same Act annexed, which were then and should from time to time be subject to the then subsisting and any renewed lease for the time being, and not exceeding (together with and including the lands and grounds then already leased or demised, or contracted and agreed to be leased and demised to any person or persons, body or bodies politic, other than and except the Grand Junction Canal Company, under the authority or by virtue of the provisions of the several therein-before recited Acts of Parliament or any of them,) four hundred acres of ground, part of the said estate:

Act 34 & 35 Vict. c. 5. (*Priv.*) "The Paddington Estate Act, 1871."

And whereas another Act [Private] was passed in the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter five, intituled "An Act for enabling the Lessees of an "estate at Paddington in the county of Middlesex, with the "consent of the Ecclesiastical Commissioners for England, to "accept surrenders of existing leases of parts of the estate, and "to grant new leases in lieu thereof, and for other purposes "relating to the said estate," the short title of which last-mentioned Act is "The Paddington Estate Act, 1871:"

Grant of leases over nearly the whole of the 400 acres (if sites of roads, squares, and ornamental gardens included).

And whereas under the powers to grant building leases contained in the existing Acts relating to the said estate, leases have been granted, or contracts for leases have been entered into, which (if the sites of the several roads, squares, and ornamental gardens which have been respectively formed and made on the said estate are to be considered as included in the four hundred acres of which leases are authorised to be granted by the said Acts) would comprise the whole or nearly the whole of the four hundred acres by the said Act of the reign of His Majesty King George the Fourth authorised to be demised, leaving a portion of the said estate, containing one hundred and twenty acres or thereabouts, available for building purposes over and above such four hundred acres:

1873, June 21. Order of the Court of Chancery. Appointment of Sir William Vernon Harcourt, Knt., as a trustee in the place of Christopher Hodgson, Esq.

And whereas by an order of the Court of Chancery made on the twenty-first day of June one thousand eight hundred and seventy-three, in pursuance of the provisions of the said Act of the sixth year of the reign of His Majesty King George the Fourth, chapter forty-five, Sir William Vernon Harcourt, of Number Fourteen, Stratford Place in the county of Middlesex, Knight, then William Vernon Harcourt, Esquire, was appointed a trustee of the said estate in the place of Christopher Hodgson, who at the time of the passing of "The Paddington Estate Act, 1871," was one of the trustees of the said estate (Thomas Somers Cocks and James Peter

A.D. 1875.

1873, July 3. Indenture of assignment to the trustees.

Bathurst, respectively named in the said last-mentioned Act, being the other trustees); and by an indenture dated the third day of July one thousand eight hundred and seventy-three, and made between the said Christopher Hodgson, Thomas Somers Cocks, and James Peter Bathurst of the first part, the said Sir William Vernon Harcourt, then William Vernon Harcourt, Esquire, of the second part, and the said Thomas Somers Cocks, James Peter Bathurst, and Sir William Vernon Harcourt, of the third part, the hereditaments then vested in the said Christopher Hodgson, Thomas Somers Cocks, and James Peter Bathurst (being the hereditaments then and now constituting the said estate) were duly vested in the said Thomas Somers Cocks, James Peter Bathurst, and Sir William Vernon Harcourt, for all the estate and interest of the said Christopher Hodgson, Thomas Somers Cocks, and James Peter Bathurst therein: And the said Thomas Somers Cocks, James Peter Bathurst, and Sir William Vernon Harcourt, are the present trustees of the said estate:

Present trustees.

Alterations of rights and interests of the beneficiaries since the passing of "The Paddington Estate Act, 1871."

And whereas since the passing of "The Paddington Estate Act, 1871," no alteration has taken place in the rights and interests of the persons beneficially entitled to the therein-recited lease of the second day of June one thousand eight hundred and forty-five, except as follows:

As to the parts or shares which at the time of the passing of the said Act of the sixth year of the reign of King George the Fourth were vested in Thomas Thistlethwayte the elder and Elizabeth Thistlethwayte respectively:

Majority of Alexander Edward Thistlethwayte, the son of Thomas, the son of Thomas the elder, on 2nd March 1875.

1. Alexander Edward Thistlethwayte, the eldest son of Thomas Thistlethwayte, the son of the said Thomas Thistlethwayte the elder, attained the age of twenty-one years on the second day of March one thousand eight hundred and seventy-five:

Death of Elizabeth Custance, the daughter of Thomas Thistlethwayte the elder, on 14th September 1872 without having had issue.

Her will, dated 28th July 1871.

Proved 10th October 1872.

2. Elizabeth Custance, the daughter of the said Thomas Thistlethwayte the elder, died on the fourteenth day of September one thousand eight hundred and seventy-two without having had any issue, and having by her will, dated the twenty-eighth day of July one thousand eight hundred and seventy-one, after giving several pecuniary legacies, bequeathed all the rest and residue of her estate and effects, together with all estates vested in her as a trustee or mortgagee, unto her brother the said Thomas Thistlethwayte, the son, whom she also appointed her sole executor, and who proved the same will on the tenth day of October one thousand eight hundred and seventy-two in the Winchester District Registry of the Court of Probate:

As to one of the parts or shares which, at the time of the passing of the said Act of the sixth year of the reign of King George the Fourth, were vested in Henry Frederick Thistlethwayte the younger:

Henry William Poyntz and Henrietta Emily Stainton his wife have had issue since the passing of "The Paddington Estate Act, 1871," three children, viz., one son named Henry William, and two daughters, respectively named Henrietta Maria and Katherine Margaret, all now living:

Issue of Henry William Poyntz and Henrietta Emily Stainton his wife since passing of Act of 1871.

As to the part or share vested, at the time of the passing the said Act of the sixth year of the reign of His Majesty King George the Fourth, in Elizabeth Hughs, therein named:

1. Louisa Centurion Still died on or about the thirtieth day of August one thousand eight hundred and seventy-four, an infant and unmarried:

Death of Louisa Centurion Still on 30th Aug. 1874, an infant, and unmarried.

2. By indenture dated the sixth day of July one thousand eight hundred and seventy-four, indorsed on the settlement of the eighteenth day of January one thousand eight hundred and fifty-eight, in "The Paddington Estate Act, 1871," mentioned, and made between Agnes Frances Marten of the first part, Francis Marten of the second part, Solomon Cæsar Malan of the third part, Stafford Francis Still of Number Five, New Square, Lincoln's Inn, of the fourth part, and William Adair Bruce, Keith Henry Barnes, Charles Bridges Mount, and the said Stafford Francis Still of the fifth part, the said Stafford Francis Still was appointed a trustee of the same settlement in the place of the said Solomon Cæsar Malan; and by another indenture of the same date, also indorsed on another indenture of settlement, of the eighteenth day of January one thousand eight hundred and fifty-eight, and made between the said William Adair Bruce, Keith Henry Barnes, Charles Bridges Mount, and Solomon Cæsar Malan of the first part, the said Stafford Francis Still of the second part, and the said William Adair Bruce, Keith Henry Barnes, Charles Bridges Mount, and Stafford Francis Still of the third part, the trust premises comprised in the therein within-written indenture of settlement were assigned to and became vested in the said William Adair Bruce, Keith Henry Barnes, Charles Bridges Mount, and Stafford Francis Still, upon the trusts of the said settlement:

1874, July 6. Indenture indorsed on settlement of 18th Jan. 1858.

Appointment of Stafford Francis Still as a trustee in the place of Solomon Cæsar Malan. (Same date). Indenture also indorsed.

Assignment to the trustees.

3. Robert Still died on the tenth day of March one thousand eight hundred and seventy-five:

A.D. 1875.

Rev. James Moorhouse still curate of Paddington.

William Urquhart and James Flood churchwardens of the parish.

By reason of the interests of the beneficiaries being subject to the wills and settlements recited in "The Paddington Estate Act, 1871," they are unable to concur in granting leases.

And whereas the Reverend James Moorhouse who at the time of the passing of "The Paddington Estate Act, 1871," was the curate of the parish of Paddington, is still the curate of the said parish:

And whereas William Urquhart and James Flood are the present churchwardens of the said parish:

And whereas by reason of the interest formerly vested in Archibald Campbell late Lord Bishop of London, in right of his See in the said estate, having, as appears by "The Paddington Estate Act, 1871," become upon the avoidance of the See of London by the translation of the said Archibald Campbell late Lord Bishop of London to the See of Canterbury, vested in the Ecclesiastical Commissioners for England, (herein called "the Commissioners,") the Commissioners so far as regards the interest so vested in them in the said estate might, without applying to Parliament for further powers, concur with the trustees of the said estate, and with the parties entitled to the beneficial interest therein not vested in the Commissioners; and if all such last-mentioned beneficiaries had (under the several wills and settlements under which they derive their title) acquired an absolute and indefeasible right to their several beneficial interests therein, they might together with the trustees of the said estate, and without applying to Parliament for further powers, concur with the Commissioners in granting building or other leases of all or any of those portions of the estate to which the existing powers of granting building or repairing leases conferred by the said Acts do not extend, but by reason of the interests of such last-mentioned beneficiaries being at present subject to the several wills and settlements in the last-mentioned Act recited affecting the same, they are unable at present so to concur without the aid and authority of Parliament; and it is desirable that such provisions should be made as are herein-after contained:

Desirable that further provision should be made.

But inasmuch as such purpose cannot be accomplished without the authority of Parliament: Therefore Your Majesty's dutiful and loyal subjects, Thomas Somers Cocks, James Peter Bathurst, and Sir William Vernon Harcourt, 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:

Short title.

1. In citing this Act for any purpose it shall be sufficient to use the expression "The Paddington Estate Act, 1875."

Interpretation of terms.

2. Section 2 of "The Paddington Estate Act, 1871" (Interpretation clause,) shall be applicable to this Act, and in this Act the

expression "the estate" shall mean "the Paddington Estate," as defined by that section. The term "cestuisque trust" in this Act shall not apply to or include the Commissioners.

Power for trustees, with consent of cestuisque trust in possession, to make agreements with the Commissioners for dealing with the estate, and provision as to consent of parties under disability.

3. Notwithstanding anything contained in the Acts in the preamble mentioned, or in any existing lease, the trustees, with the consent of the persons for the time being beneficially entitled to the receipt of the rents and profits of the estate which are not payable to the Commissioners, may enter into any agreement with the Commissioners defining and settling the mode in which, and the terms (whether as to apportionment of rents and profits between the trustees and the cestuisque trust on the one part, and the Commissioners on the other part, or otherwise,) upon which the remainder of the estate beyond the four hundred acres over which the existing power of granting building leases extends may be hereafter demised and leased or otherwise dealt with by the trustees and Commissioners respectively, and for the purpose of entering into any such agreement, the trustees shall, subject to such consent as aforesaid, have the powers of absolute owners at law and in equity over the estates and interests vested in them as such trustees, and with such consent as aforesaid, any such original agreement may in like manner be varied or amended from time to time, or at any time by any supplemental agreement, and every such supplemental agreement shall have the same force and effect as if it had been an original agreement. If any person for the time being beneficially entitled to the receipt of a share of the rents and profits of the estate which are not payable to the Commissioners, shall be an infant, a lunatic, or absent beyond sea, the consent to such agreement or supplemental agreement of the guardian or committee of the estate of such infant or lunatic, or of the attorney of such absent person (as the case may be) shall be a sufficient consent on behalf of such infant, lunatic, or absent person, and the consent of any married woman whose consent shall be requisite may be given by her as if she were a feme sole, and notwithstanding any restraint on anticipation by her; and every act, deed, lease, agreement, matter, and thing to be done, executed, made, or performed by the trustees in pursuance of such agreement or supplemental agreement, and for carrying the same respectively into effect, shall and may be done, executed, made, and performed by the trustees alone, without any further consent or concurrence by or on the part of their several cestuisque trust or any of them, or of any other person claiming any equitable right or interest in the estate or interest for the time being vested in the trustees, and not belonging to the Commissioners, and shall be binding on such several cestuisque trust and other persons, and every of them in

A.D. 1875.

the same manner as if they had been under no disability, and had concurred therein.

Agreement may provide for partition of all or any part of the estate.

4. Any agreement between the Commissioners and the trustees made with such consent as aforesaid, may provide for the partition between the Commissioners and the trustees in such shares and proportions, and upon such terms as may be agreed upon, of all or any portions of the estate, so as to vest in the Commissioners in severalty in fee, discharged from all rights, titles, and trusts affecting the estate or interest of the trustees, any portion of the estate, and so as to vest in the trustees in severalty in fee any other portion of the estate, discharged from all rights, titles, and trusts affecting the estate or interest of the Commissioners.

Power to trustees and Commissioners to agree upon forms of leases.

5. Subject to any special provisions contained in any agreement under section 3, any leases and agreements for leases to be granted or entered into in pursuance of such agreement may, whether as regards the parties to whom the rents or proportions of rents thereby reserved or agreed to be reserved, are to be made payable or otherwise, be in such form, and may contain such covenants, clauses, and provisions as the trustees and Commissioners shall from time to time agree upon.

Provision for case of portions of estate being vested in severalty in the trustees.

6. If any portion of the estate shall in pursuance of any such agreement be vested in severalty in the trustees, the same shall be held by them upon the same trusts upon which the several estates and interests not belonging to the Commissioners in the estate would have been held in case such agreement had never been made, and such portion shall (until the parties beneficially entitled shall have become competent to elect, and shall have elected to take the same as real estate), be deemed in equity to be of leasehold and not of freehold tenure, and shall be subject to such powers of granting building, repairing, and other leases, and all such other powers and provisions as shall be prescribed by a scheme to be agreed upon by the trustees, and by the persons for the time being beneficially entitled to the receipt of the rents and profits receivable in respect of such last-mentioned estates and interests, and to be submitted to and approved by the Court of Chancery upon an application to be made by the trustees, with the consent of the persons so for the time being entitled as last aforesaid, by petition in a summary manner, (of which petition, unless the court shall otherwise direct, it shall not be necessary to give notice to any other persons,) for which purpose the trustees, with such consent and approval as last aforesaid, shall have the powers of absolute owners at law and in equity over the estates and interests vested in them as such trustees; and upon any like application of the trustees made with the like consent, such original scheme may in

like manner be from time to time varied or amended by any supplemental scheme, and every such supplemental scheme shall have the same force and effect as if it had been an original scheme. If any person for the time being beneficially entitled to the receipt of a share of the rents and profits of any such portion of the estate as shall be so vested in severalty in the trustees shall be an infant, a lunatic, or absent beyond sea, the consent to such scheme or supplemental scheme of the guardian or committee of the estate of such infant or lunatic, or of the attorney of such absent person (as the case may be) shall be a sufficient consent on behalf of such infant, lunatic, or absent person, and the consent of any married woman whose consent shall be requisite may be given by her as if she were a feme sole, and notwithstanding any restraint on anticipation by her.

Trustees to be deemed to have reversion as to their estate in any land leased in pursuance of the agreement whilst the reversion is in the Commissioners, and the Commissioners to be deemed to have reversion as to their estate when the reversion is in the trustees.

7. If the term to be granted by any lease in pursuance of any agreement under section 3 shall exceed in point of time the term for the time being vested in the trustees under their renewable lease, so that the reversion immediately expectant on the determination of the term granted in pursuance of the agreement shall be vested in the Commissioners, then the trustees shall, as regards the rent or proportion of rent made payable to them, and the estates and interests in respect of which such rent or proportion of rent shall be made payable, be considered as having a reversion, and shall have and be entitled to the same rights and remedies by distress, re-entry, and action of debt and covenant for enforcing the payment of rent and the benefit of covenants and conditions, as if they had the reversion expectant on the determination of the term granted by such lease (in such last-mentioned estates and interests), and when by reason of any renewal of the existing renewable lease to the trustees the reversion immediately expectant on the determination of the term granted by any lease made in pursuance of such agreement shall become vested in the trustees (or if the term granted by any lease in pursuance of the agreement shall not exceed in point of time the term for the time being vested in the trustees), then the Commissioners shall, as regards the rent or proportion of rent made payable to them, and the estates and interests in respect of which such rent or proportion of rent shall be made payable, be considered as having a reversion, and shall have and be entitled to the same rights and remedies by distress, re-entry, and action of debt, and covenant for enforcing the payment of rent and the benefit of covenants and conditions, as if they had the reversion immediately expectant on the determination of such term.

A.D. 1875.

Rights of the Ecclesiastical Commissioners not to be affected.

8. Provided nevertheless, that nothing in this Act contained shall give to or take from the Commissioners any rights, powers, estate, or interest which they might have exercised, or would have had or been entitled to respectively in case this Act had not been passed, except as may be provided by any agreement made in pursuance of this Act, and save as last aforesaid the respective estates, rights, and interests of the Commissioners and of the trustees shall remain the same as if this Act had not been passed.

Power to Court of Chancery to make orders for taxing and raising costs of this Act.

9. It shall be lawful for the Court of Chancery from time to time to make such order as the said court shall think fit for taxing and settling the costs, charges, and expenses of the trustees of and incidental to the obtaining of this Act (including all preliminary costs and expenses), or relating to the applications to be made to the said court and incidental thereto, and it shall be lawful for the trustees or trustee for the time being of the said estate in the manner herein-after mentioned, and without the concurrence of their cestuisque trusts for the time being, or any of them, to raise the amount of such costs, charges, and expenses, together with the costs of raising the same (and to secure interest on the amount to be so raised at any rate not exceeding five pounds per centum per annum), by a charge to be made by deed in writing under the hands and seals of the trustees or trustee for the time being upon the several estates and interests not vested in or belonging to the Commissioners in the said estate, and the sum to be so charged and the interest thereof shall thereupon be charged upon and payable out of the rents, issues, and annual produce from time to time payable in respect of the estates and interests to be so charged, rateably and in proportion to the amount or value of such estates and interests, but so nevertheless, that as between the several persons entitled to such estates and interests in possession and the several persons entitled thereto in remainder or expectancy, the principal sum to be so charged shall be payable out of the corpus of such estates and interests, and such charge shall be subject and without prejudice to any annual rent or other charge affecting the entirety of the Paddington Estate or otherwise subsisting, affecting the estates and interests to be so charged as aforesaid, and the powers of granting leases and other powers conferred on or made exerciseable by the trustees or trustee for the time being by this Act and by "The Paddington Estate Act, 1871," and the several Acts therein recited, or any of the said Acts, shall be exerciseable by the trustees or trustee of the said estate in the same way as if no part of the said estate or of the beneficial estates or interests therein had been charged under this present power, and without any consent or

concurrence of the parties to or in favour of whom such charge shall be made, their, his, or her executors, administrators, or assigns, or any person claiming under them.

Incorporation of saving clause in "The Paddington Estate Act, 1871," with certain substitution of names.

10. The saving clause in "The Paddington Estate Act, 1871," and the exception out of the same, shall respectively apply to this Act in the same manner as if such saving clause and exception were inserted at length in this Act and were made expressly applicable thereto, the name of the said Sir William Vernon Harcourt being substituted in the exception for that of the said Christopher Hodgson, and the names of Arthur Henry Thistlethwayte occurring in the fourth paragraph of the said exception in such saving clause, and the whole of the subsequent part of such fourth paragraph, and the whole of the fifth, sixth, and seventh paragraphs of the same clause being respectively omitted from such clause, and the names "Thomas Thistlethwayte, the son" being substituted in the ninth paragraph of the same clause for the name "Matilda Orred," the Ecclesiastical Commissioners for England, their successors and assigns, and the names of the said Henry William Poyntz, Henrietta Maria Poyntz, and Katherine Margaret Poyntz being added to the same exception, and the names of the said Elizabeth Custance, Louisa Centurion Still, and Robert Still being omitted therefrom, and the name of the said Stafford Francis Still being substituted for that of the said Solomon Cæsar Malan, and the names of the said William Urquhart and James Flood, the present churchwardens of the said parish of Paddington, being substituted for the names of the then churchwardens.

Act as printed by Queen's Printers to be evidence.

11. This Act shall not be a Public Act, but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1875.