ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 183.

An Act for effecting an Exchange between the Truſtees of *Henry Smith* Eſquire, deceaſed, and *Henry Woodgate*, Eſquire, of Eſtates in the County of *Kent*.

[9th *June* 1810.]

Indentures of Leaſe and Releaſe of the 16th and 17th January 1799.

WHEREAS by Indentures of Leaſe and Releaſe, bearing Date reſpectively the Sixteenth and Seventeenth Days of *January*, in the Year One thouſand ſeven hundred and ninety-nine, the Releaſe made between the Right Honourable *John* Earl of *Aſhburnham*, the Right Honourable *George* Earl of *Onſlow*, by his then Title of Baron *Onſlow and Cranley*, the Right Honourable *Thomas* late Earl of *Chicheſter*, by his then Title of *Thomas* Lord *Pelham*, the Right Honourable *Thomas* late Lord Viſcount *Sydney*, and ſeveral other Perſons therein named, (being the then ſurviving Truſtees of the Manors, Lands, Tenements, and Hereditaments given and ſettled by the ſaid *Henry Smith* deceaſed to Charitable Uſes, or otherwiſe purchaſed and ſettled by his Truſtees ſince his Deceaſe to ſuch Uſes,) of the one Part, and the moſt Noble *Charles* Duke of *Norfolk*, and ſeveral other Perſons therein named, as Truſtees of the other Part; all thoſe the Manors, Lordſhips, Meſſuages, Mills, Lands, Tenements, Tythes, and Hereditaments then veſted in them the ſaid ſurviving Feoffees in Truſt as therein mentioned, and all other the Manors, Meſſuages, Lands, Tenements, Tythes, and Hereditaments whatſoever, then veſted in them on the Truſts therein referred to, with their and every of their Rights, Members, and Appurtenances, compriſing, by Reference in ſuch Deſcription, the Farm and Lands then called *Cowlards*, and now called *Lord's Land*, deſcribed in the Second Schedule to this Act, were duly conveyed to the Uſe of the ſaid *John* Earl of *Aſhburnham*, *George* Earl of *Onſlow*, *Thomas* late Earl of *Chicheſter*, and *Thomas* late Viſcount *Sydney*, and alſo unto the Right Honourable *William* Lord *Grantley*, the Right Honourable

George Lord Viſcount *Midleton*, Baron *Brodrick* of *Pepperharrow*, in the County of *Surrey*, the Right Honourable *Thomas* now Earl of *Chicheſter*, the Honourable *Thomas Onſlow*, commonly called Lord Viſcount *Cranley*, Sir *Robert Clayton* Baronet, Sir *Frederick Evelyn* Baronet, *Samuel Blunt* Eſquire, *John Smith Budgen* Eſquire, the Right Honourable *Peter* Lord *Gwydir*, *James Fox* Eſquire, *William Man Godſchall* Eſquire, Sir *Richard Onſlow* Baronet, *James Scawen* Eſquire, *Henry Dormer Vincent* Eſquire, the ſaid *Charles* Duke of *Norfolk*, the Right Honourable *Charles* Earl of *Romney*, the Right Honourable *Peter* Lord *King*, the Right Honourable *John Thomas* Lord Viſcount *Sydney*, the Honourable and Right Reverend *George* Lord Biſhop of *Exeter*, the Honourable General *Chapple Norton*, Sir *John Frederick* Baronet, *Henry Boulton* Eſquire, *Thomas Budgen* Eſquire, *William Currie* Eſquire, the Reverend *Samuel Man Godſchall*, the Reverend *Arthur Onſlow*, Dean of *Worceſter*, the Honourable *Arthur George Onſlow*, the Reverend *George Walton Onſlow*, *Thomas Page* Eſquire, Sir *Thomas Sutton* Baronet, *Charles Townſhend* Eſquire, *John Kemys Tynte* Eſquire, and *John Webbe Weſton* Eſquire, their Heirs and Aſſigns, to the End and Intent, and upon ſpecial Truſt and Confidence, that the ſaid Premiſes, and the Rents, Iſſues, and Profits thereof, ſhould and might be employed and diſpoſed of according to the true Intent and Meaning of the Deeds, Decree, Declaration, and laſt Will and Teſtament of the ſaid *Henry Smith*, in the ſaid Indenture of Releaſe mentioned, the Intent and Meaning being, that the Churchwardens and Overſeers of the Poor of certain Pariſhes therein mentioned ſhould give and diſtribute ſuch Rents, Iſſues, and Profits to charitable Uſes, to and for the Relief of aged, poor, or infirm People, married Perſons having more Children born in lawful Wedlock than their Labour could maintain, poor Orphans, ſuch poor People as ſhould keep themſelves and Families to Labour, and put forth their Children Apprentices at the Ages of Fifteen: And whereas the ſaid Decree recited or mentioned in the ſaid Indenture of Releaſe of the Seventeenth Day of *January* One thouſand ſeven hundred and ninety-nine, bears Date the Twentieth Day of *June*, in the Second Year of the Reign of King *Charles* the Firſt, and is made in a Cauſe wherein the ſaid *Henry Smith* was Plaintiff, and *Robert* Earl of *Eſſex* and others were Defendants, and thereby it was ordered that the Truſtees, or Seven of them at the leaſt, ſhould employ, beſtow, and diſpoſe of the Rents, Iſſues, and Profits of the intruſted Manors and Lands to and for the Charitable Uſes therein provided for: And whereas the ſaid *Charles* Duke of *Norfolk*, *William* Lord *Grantley*, *George* Lord Biſhop of *Exeter*, Sir *Frederick Evelyn*, *Chapple Norton*, Sir *John Frederick*, and *Samuel Man Godſchall*, Seven of the Truſtees, are now acting in the Execution of the Truſts of the ſaid Indenture of Releaſe of the Seventeenth Day of *January* One thouſand ſeven hundred and ninety-nine: And whereas Part of the ſaid Eſtates compriſed in the ſaid Indentures of Leaſe and Releaſe conſiſt of a Farm and Lands ſometime called *Cowlards*, but now called *Lord's Land*, ſituate in the Pariſh of *Seal*, in the County of *Kent*, more particularly deſcribed in the ſaid Second Schedule to this Act annexed: And whereas the ſaid *Henry Woodgate* is now ſeiſed in Fee Simple in Poſſeſſion of and in a Meſſuage, Farm, and Lands ſituate in the Pariſhes of *Sevenoaks*, *Chiddingſtone*, *Leigh*, and *Penſhurſt*, in the ſaid County of *Kent*, more particularly deſcribed in the Firſt Schedule to this Act annexed: And whereas it would be highly advantageous and beneficial to the ſaid Charity, if the ſaid *Charles* Duke of *Norfolk*, *William* Lord *Grantley*, *George* Lord Biſhop of *Exeter*, Sir *Frederick*

derick Evelyn, Chapple Norton, Sir *John Frederick*, and *Samuel Man Godschall*, as such Trustees as aforesaid, were enabled to exchange the said Farm and Lands called *Cowlards* or *Lord's Land*, and the Fee Simple and Inheritance thereof, for the said Messuage, Farm, and Lands, whereof or whereto the said *Henry Woodgate* is so seised in Fee Simple as aforesaid, and which said last mentioned Farm and Lands are of equal or greater Value than the Farm and Lands to be given in Exchange by the said Trustees as aforesaid, exclusive of the Timber on such last-mentioned Farm: And whereas a Valuation of the Timber on each Farm hath lately been made, and the Timber on the Farm whereof the said Trustees are so seised in Fee Simple as aforesaid, exceeds in Value that on the said Farm of the said *Henry Woodgate* to be given in Exchange to the said Trustees as aforesaid, by the Amount of Two hundred and forty-eight Pounds Twelve Shillings, and which Sum it is proposed should be paid by the said *Henry Woodgate* for Equality of Exchange in Manner herein-after mentioned: And whereas, notwithstanding such Exchange will be a manifest Advantage to the said Charity, yet by reason of the Trusts declared of the Estates of the said *Henry Smith* deceased, by the said recited Indenture of Release of the Seventeenth Day of *January* One thousand seven hundred and ninety-nine, or otherwise, in respect of the same Estates, the same cannot be effected without the Aid and Authority of Parliament; wherefore Your Majesty's most dutiful and loyal Subjects the said *Charles* Duke of *Norfolk*, *William* Lord *Grantley*, *George* Lord Bishop of *Exeter*, Sir *Frederick Evelyn*, *Chapple Norton*, Sir *John Frederick*, and *Samuel Man Godschall*, and the said *Henry Woodgate*, 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 when and as soon as the said *Henry Woodgate*, his Heirs, Executors or Administrators, shall have paid the said Sum of Two hundred and Forty-eight Pounds Twelve Shillings into the Bank of *England*, and shall have obtained such Certificate and Receipt as herein-after mentioned, then and immediately thereupon all that Messuage, Farm, Lands, and Hereditaments, with the Appurtenances called *Briggers*, otherwise *Bridgers*, otherwise *Hale Oak*, situate, lying, and being in the several Parishes of *Sevenoaks*, *Chiddingstone*, *Leigh*, and *Penshurst*, and all the Timber on the same Farm and Lands more particularly described in the First Schedule to this Act annexed, with their and every of the Rights, Members, and Appurtenances, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits thereof, shall be vested in and settled upon, and the same are hereby from thenceforth vested in and settled upon the said *Charles* Duke of *Norfolk*, *William* Lord *Grantley*, *George* Lord Bishop of *Exeter*, Sir *Frederick Evelyn*, *Chapple Norton*, Sir *John Frederick*, and *Samuel Man Godschall*, and the Trustees for the Time being for the Charitable Uses aforesaid, their Heirs and Assigns for ever, freed and absolutely discharged of and from all the Estate, Right, Title, Interest, Claim, and Demand of the said *Henry Woodgate* and his Heirs, but nevertheless to and for the End and Intent, and upon special Trust and Confidence, that the said Messuage, Farm, Lands, and Hereditaments, with all and every the Appurtenances thereto belonging, and the Rents, Issues, and Profits thereof, shall and may be employed and disposed of according to the true Intent and Meaning of the said recited Indenture of Release of the Seventeeth Day of *January* One thousand seven hundred and ninety-nine, and of the Deeds, Decree, Declaration,

Lands described in the First Schedule vested in the Trustees of Henry Smith Esquire.

To be vested in the Seven Trustees before mentioned, by Name, and the Trustees for the Time being.

claration, and laſt Will and Teſtament of the ſaid *Henry Smith* therein mentioned and taken Notice of, in lieu of and in Exchange for the Farm, Lands, and Hereditaments hereby veſted in the ſaid *Henry Woodgate*, his Heirs and Aſſigns, and compriſed in the ſaid Second Schedule to this Act annexed.

Lands deſcribed in the Second Schedule veſted in Mr. Woodgate.

II. And be it further enacted, That when and as ſoon as the ſaid *Henry Woodgate*, his Heirs, Executors, or Adminiſtrators, ſhall have paid the ſaid Sum of Two hundred and forty-eight Pounds Twelve Shillings into the Bank of *England*, and ſhall have obtained ſuch Certificate and Receipt as herein-after mentioned, then and immediately thereupon all that the ſaid Farm, Lands, and Hereditaments, called *Cowlards*, or *Lord's Land*, ſituate, lying, and being in the ſaid Pariſh of *Seal*, in the ſaid County of *Kent*, and all Timber on the ſame Farm and Lands, more particularly deſcribed in the ſaid Second Schedule to this Act annexed, with their and every of their Rights, Members, and Appurtenances, and the Reverſion and Reverſions, Remainder and Remainders, Rents, Iſſues, and Profits thereof, ſhall be veſted in and ſettled upon, and the ſame are hereby from thenceforth veſted in and ſettled upon the ſaid *Henry Woodgate*, his Heirs and Aſſigns for ever, freed and abſolutely diſcharged and exonerated of and from all and every the Eſtates, Charitable Uſes, Truſts, Powers, Proviſoes, Declarations, and Agreements mentioned, or expreſſed in the ſaid recited Indenture of Releaſe of the Seventeenth Day of *January* One thouſand ſeven hundred and ninety-nine, or in and by all or any of the Deeds, Decree, Declarations, or the laſt Will and Teſtament of the ſaid *Henry Smith* in the ſaid Indenture of Releaſe recited or taken Notice of, and alſo of and from all and ſingular other Eſtates, Charitable Uſes, Truſts, and Purpoſes thereof, or of any Part thereof, limited and appointed by the ſaid *Henry Smith* or his Truſtees, or any of them, in lieu of and exchange for the ſaid Farm, Lands, and Hereditaments compriſed in the ſaid Firſt Schedule to this Act annexed.

Timber Money to be paid into the Bank in the Name of the Accountant General.

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *Henry Woodgate*, his Heirs, Executors, or Adminiſtrators, at any Time after the paſſing of this Act, to pay the ſaid Sum of Two hundred and forty-eight Pounds Twelve Shillings into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to the Account there "The Truſtees of *Henry Smith* Eſquire, deceaſed," purſuant to the Method preſcribed by the Act of the Twelfth Year of the Reign of King *George* the Firſt, Chapter Thirty-two, and the General Orders of the ſaid Court, and without Fee or Reward, according to the Act of of the Twelfth Year of His late Majeſty King *George* the Second, Chapter Twenty-four; and the Monies ſo paid into the Bank ſhall, upon Petition to the High Court of Chancery, in a ſummary Way, by ſuch Truſtees for the Time being, or any Seven or more of them, be laid out under the Direction of the ſaid Court in the Purchaſe or Redemption of the Land Tax, affecting any Lands, Tenements, or Hereditaments ſtanding ſettled to the ſame or the like Uſes, Intents, or Purpoſes as the ſaid Farm and Hereditaments hereby veſted in or given in Exchange to the ſaid *Henry Woodgate*, his Heirs and Aſſigns as aforeſaid, ſtood ſettled or limited previouſly to the paſſing of this Act, or where ſuch Monies ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the

ſaid

ſaid Court, in the Purchaſe of Freehold Lands and Hereditaments to be ſituate in *England* or *Wales*, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the ſaid Farm and Hereditaments hereby veſted in or given in Exchange to the ſaid *Henry Woodgate*, his Heirs and Aſſigns, ſtood ſettled or limited to previous to the paſſing of this Act, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, be laid out in the Purchaſe of Bank Three *per Centum* Conſolidated Annuities, in the Name and with the Privity of the ſaid Accountant General, to be placed to his Account there, "The Truſtees of *Henry Smith* Eſquire, deceaſed;" and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or annual Produce of the ſaid Conſolidated Bank Annuities ſhall, from Time to Time, be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to receive the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed in caſe ſuch Purchaſe or Settlement were made.

Certificate of the Accountant General, and Receipt of a Caſhier of the Bank, good Diſcharge.

IV. And be it further enacted, That the Certificate of the ſaid Accountant General, together with the Receipt of one of the Caſhiers of the Bank thereto annexed, and therewith filed in the proper Office of the ſaid Court of Chancery, of the Payment into the Bank of *England* by the ſaid *Henry Woodgate*, his Heirs, Executors, or Adminiſtrators, ſhall be a good and effectual Diſcharge to the ſaid *Henry Woodgate*, his Heirs, Executors, Adminiſtrators, and Aſſigns, for the ſaid Sum of Two hundred and forty-eight Pounds Twelve Shillings; and after filing ſuch Certificate and Receipt, as aforeſaid, the ſaid *Henry Woodgate*, his Heirs, Executors, Adminiſtrators, and Aſſigns, ſhall be abſolutely acquitted and diſcharged of and from the Payment of the ſaid Sum, and ſhall not be anſwerable or accountable for any Loſs, Miſapplication or Non-application thereof.

Rents, until Exchanges, to be received by Perſons entitled to the ſame.

V. And be it further enacted, That in the mean Time, and until ſuch Exchange ſhall be made and completed as aforeſaid, the Rents and Profits of the ſame Hereditaments reſpectively ſhall be had, received, and taken by the ſeveral Perſons who would be entitled to the ſame in caſe this Act had not been made.

In caſe of Eviction, the original Poſſeſſor of exchanged Lands to reenter into Poſſeſſion.

VI. And be it further enacted, That if any of the ſaid Lands, Tenements, or Hereditaments reſpectively herein-before veſted and taken in Exchange as aforeſaid, ſhall at any Time or Times hereafter, after ſuch Exchanges as aforeſaid ſhall be completed, be lawfully evicted or taken out of the Poſſeſſion of the Perſon or Perſons, his or their reſpective Heirs or Aſſigns, in or upon whom, or to whoſe Uſe the ſame Premiſes are by this Act reſpectively veſted, ſettled, and limited by any Right or Title precedent to the paſſing of this Act, and completing ſuch Exchanges as aforeſaid, then and from thenceforth it ſhall and may be lawful to and for all and every the Perſon and Perſons, and his or their Heirs and Aſſigns, out of whoſe Poſſeſſion ſuch Premiſes ſhall be ſo lawfully evicted and taken away, immediately after ſuch Eviction or taking away of the Poſſeſſion of

the ſaid Premiſes reſpectively, or any Part thereof, as aforeſaid, to enter into and upon the ſeveral Lands, Tenements, and Hereditaments reſpectively hereby veſted and ſettled in lieu of and in Exchange for the ſaid Lands, Tenements, and Hereditaments which ſhall be ſo lawfully taken away, and the ſame to have, hold, and enjoy again, as in his or their firſt and former Eſtate, any Thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Saving Claule.

VII. Saving always to the King's moſt Excellent Majeſty, and to all and every other Perſon and Perſons, Bodies Politic, Corporate and Collegiate, his, her, and their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, (other than and except the ſaid Truſtees of the ſaid *Henry Smith*, of and for the ſaid Charity, their Heirs and Aſſigns, and alſo ſave and except the ſaid *Henry Woodgate*, his Heirs and Aſſigns, and all and every other Perſon and Perſons whomſoever, having or lawfully claiming, or who ſhall hereafter have or claim any Eſtate, Right, Title, or Intereſt in the Hereditaments hereby veſted and ſettled to the Uſes and in the Manner herein-before mentioned, or in any Part thereof, under the ſaid *Henry Smith*, or under or by virtue of the ſaid recited Indenture of Releaſe, or of the Will of the ſaid *Henry Smith*, deceaſed, or of any Deed, Decree, or Declaration in the ſame Indenture mentioned or referred to,) all ſuch Eſtate, Right, Title, Intereſt, Claim, and Demand of, in, to, or out of the ſaid Farm, Lands, and Hereditaments hereby reſpectively veſted and ſettled to the Uſes and in the Manner herein-before mentioned, as they, every, or any of them had before the paſſing of this Act, or could or might have had, held, or enjoyed in caſe this Act had not been made.

Act to be printed by the King's Printer.

VIII. 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 admitted as Evidence thereof by all Judges, Juſtices, and others.

The

The First Schedule to which the foregoing Act refers.

A Meſſuage, Farm, and Lands, called Briggers, otherwiſe Bridgers, otherwiſe Hale Oak, ſituate in the ſeveral Pariſhes of Sevenoaks, Chiddingſtone, Leigh, and Penſhurſt, in the County of Kent, in the Occupation of Richard Sanders, Tenant from Year to Year, at the Rent of Eighty-nine Pounds, the Land Tax whereof has been redeemed, conſiſting of the following Particulars:

			Preſent Rent.	Actual Value to let.
	A.	R. P.	£. s. d.	£. s. d.
Site of Buildings, Yards, Garden, &c.	2	0 0		
Foreſtall - -	0	1 34		
Young Orchard - - P.	1	1 34		
Back Mead - - M.	2	2 34		
Ditto Shaw - - -	1	1 0		
Little Retherſden - A.	2	2 4		
The Five Acres - - F.	5	1 15		
Ditto Shaw - -	3	0 33		
Beech Field - A.	5	3 0		
Ditto Shaw - - -	1	3 12		
Little Spurs - A.	1	3 15		
Grit Field - A.	9	1 28		
Great Cow Lees - A.	6	2 20		
Little Cow Lees - A.	3	3 30		
Meadow - M.	6	1 17		
Little King's Field P.	5	3 34		
Great King's Field - A.	7	1 30		
Hopgarden - -	8	0 7		
Ridgy Field A.	2	2 37		
Ditto Shaw - -	1	0 15		
Hale Field - A.	6	3 32		
Pit Field A.	6	3 5		
Kettles Field A.	5	1 10		
Place Mead - M.	6	3 6		
Loamy Field - P.	4	3 38		
Ditto Shaw - -	0	2 20		
Towers Orchard - A.	3	1 0		
Great Daiſey Field A.	7	2 7		
Little Daiſey Field - A.	3	0 26		
Coppings - A.	9	0 0		
Ditto Shaw - -	1	3 0		
Land -	136	0 32		
Part Highways -	1	0 36		
Total -	137	1 28	89 0 0	100 0 0

The above Farm is ſubject to a Quit Rent of Two Shillings and Four Pence to the Manor of Knowle.

The Second Schedule to which the foregoing Act refers.

Several Closes of Land in the Parish of Seal, in the County of Kent, in the Occupation of William Austin, his Undertenants or Assigns, Tenant from Year to Year, at the Rent of Forty-two Pounds, subject to Land Tax, consisting of the following Particulars:

		Present Rent.	Actual Value to let.
	A. R. P.	£ s. d.	£. s. d.
Beggar's Croft	4 3 3		
Absalom's Shaw	1 0 21		
Moor Shaw	1 0 30		
Absalom's Close	4 3 12		
Board Field	6 0 11		
Great Comb	4 3 38		
Little Comb	1 3 38		
Willow Shaw	1 1 9		
Spring Wood	5 3 19		
Quarry Field	4 3 12		
Baker's Croft	2 0 9		
The Stilts	2 3 5		
Tomlin's Croft	6 2 18		
Birch Field	6 1 4		
Wadlands	5 0 6		
Little Croft	3 1 16		
Lord's Mead	2 0 27		
Shoulder of Mutton Piece	0 1 22		
Total	65 2 20	42 0 0	80 0 0

WM. CLUTTON, Jun.

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