ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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Cap. ccclxvi.

An Act to enable the Special Commissioners of the Town of *Yeovil* to sell certain Estates in the Parish of *Yeovil* in the County of *Somerset*.

[7th *August* 1846.]

WHEREAS there has from Time immemorial existed and now exists at *Yeovil* in the County of *Somerset* a Body Corporate, styled or called "The Portreeve and Burgesses of the Borough of *Yeovil*": And whereas by Indenture bearing Date the Twenty-sixth Day of *January* in the Year of our Lord One thousand eight hundred and forty-three, and made or expressed to be made between the said Portreeve and Burgesses of the Borough of *Yeovil* of the First Part, *John Cusse* of *Salisbury* in the County of *Wilts*, Gentleman, of the Second Part, *Frederick Furlonger* of *Yeovil* aforesaid, Accountant, of the Third Part, and *James Hare Jolliffe*, also of *Yeovil* aforesaid, Gentleman, of the Fourth Part, after reciting that the said Portreeve and Burgesses were entitled to them and their Successors in Fee Simple of the Messuages, Burgages, or Tenements, Lands, and Hereditaments in the Schedule to this Act annexed, the said Messuages, Burgages, and Tenements, Lands, and Hereditaments were, with the Approbation of *Nassau*

Indenture dated 26 Jan. 1843.

William Senior Esquire, One of the Masters of the High Court of Chancery, to whom a Suit in which Her Majesty's Attorney General, at the Relation of one *George Edwards Wellington*, was Informant, and the said Portreeve and Burgesses of the Borough of *Yeovil* were Defendants, testified by his having signed his Name to the Allowance written in the Margin of the last Skin of the said Indenture, and his Initials to the Margin of every Skin thereof respectively, were, subject to a Charge herein-after mentioned, given, granted, enfeoffed, and confirmed unto the said *John Cusse*, his Heirs and Assigns, in Mortgage, for securing and subject to Redemption, on Payment of the Sum of One thousand and fifty-six Pounds, and Interest, at the Times and in the Manner therein appointed; and there now remains due and owing on the same the said Principal Sum of One thousand and fifty-six Pounds and a Half-year's Interest: And whereas by an Order made by the Right Honourable the Vice Chancellor *Knight Bruce* in the Suit aforesaid it was, along with other things, declared that the Payment out of the Income of the said Portreeve and Burgesses of the Borough of *Yeovil*, for certain Almshouses in the Petition in the said Suit mentioned, of the Sum of Three Pounds Five Shillings and Sixpence, and for a chief Rent Four Shillings and Four-pence, and to the said Portreeve Sixteen Shillings *per Annum*, making together the Sum of Four Pounds Five Shillings and Ten-pence, was a subsisting Charge, and that the Mortgage herein-before mentioned must be subject to such Charge: And whereas the said Portreeve and Burgesses are now seised and possessed of or entitled to them and their Successors in Fee Simple of the said Messuages, Burgages, or Tenements, Lands, and Hereditaments, subject to the said Mortgage and to the said Charge: And whereas by an Act of Parliament passed during the present Session it is enacted, that the Members of the Corporation for the Time being of the said Borough, and the Persons for the Time being acting as Commissioners for paving, lighting, watching, watering, cleansing, and otherwise improving the Town of *Yeovil*, shall be incorporated under the Style or Title of the Special Commissioners of the Town of *Yeovil*, and shall be authorized and empowered to purchase the sole and exclusive Right, Franchise, and Privilege of keeping and holding Fairs and Markets within the Borough and Town of *Yeovil* aforesaid: And whereas it is expedient that the said Portreeve and Burgesses should also be empowered to transfer to the said Special Commissioners for the Town of *Yeovil* all the Real Property of the said Portreeve and Burgesses, subject to the Charges and Incumbrances now affecting the same; and that the said Special Commissioners should also be empowered to raise the Money that shall be necessary for purchasing the said Franchise and Privilege, and all other Jurisdictions whatsoever arising or coming therefrom, or belonging or incident thereto, and to enable them to carry into effect the other Objects contemplated by the said Act by Sale of all or any of the said Messuages, Burgages, or Tenements, Lands, and Hereditaments; yet the beneficial Purpose last aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please 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 the Commons, in this present Parliament assembled, and by the Authority of the same,

That

That in citing this Act in other Acts of Parliament, and legal Instruments, it shall be sufficient to use the Expression "The *Yeovil* Borough Estate Act, 1846." Short Title of Act.

II. And be it enacted, That from and after the passing of this Act all the Real Property of the said Portreeve and Burgesses shall be and the same is hereby vested in the Body incorporated or to be incorporated by the said recited Bill by the Style and Title of "The Special Commissioners of the Town of *Yeovil*," for the Purposes for which the same is now held by the said Portreeve and Burgesses. Vesting Property of Portreeve and Burgesses in Special Commissioners.

III. And be it enacted, That it shall be lawful for the said Special Commissioners, and they are hereby authorized and empowered, as soon as conveniently may be after this Act shall have come into operation, absolutely to sell all or so much and such Part or Parts as the said Special Commissioners in their Discretion shall think proper and shall judge sufficient for the Purposes herein-after mentioned, of the said Real Property hereby vested in the said Special Commissioners, if they shall think fit, either together or in Parcels, and either by public Auction or private Contract, or partly by public Auction and partly by private Contract, to any Person or Persons whomsoever who shall be willing to become the Purchaser or Purchasers thereof, for the best Prices which at the Time of such Sale or Sales can be reasonably had or obtained for the same, with Liberty to buy in the Lands and Hereditaments offered for Sale at any such Auction or Auctions, or any Part or Parts thereof, and to relinquish or rescind any Contract or Contracts for the Sale of any of the said Lands and Hereditaments, and afterwards to sell in manner aforesaid the Hereditaments which shall be so bought in, or the Contract or Contracts for the Sale of which shall be so rescinded, and that upon the Payment of the Purchase Money or Purchase Monies for which the Lands and Hereditaments hereby made saleable, or any Part or Parts thereof, shall be sold, into the Bank of *England* in manner herein-after directed, it shall be lawful for the said Special Commissioners and they are hereby authorized and empowered, by Deed under their Common Seal, to convey and assure the same Lands and Hereditaments, with the Appurtenances and the Inheritance thereof, in Fee Simple unto the Purchaser or Purchasers thereof, and his or their Heirs and Assigns, or as he or they shall direct and appoint, freed, exonerated, and absolutely acquitted and discharged of and from the said Payments of Three Pounds Five Shillings and Sixpence, and Sixteen Shillings as aforesaid, and all and every the Uses, Trusts, Conditions, Powers, Provisions, Customs, Usages, Bye Laws, Charges, and Liabilities whatsoever, and whether or not the same have been herein-before mentioned or referred to, which affect or concern, or may be or have been held to affect or concern, the same Lands and Hereditaments. Special Commissioners empowered to sell so much of the Lands in the Schedule as will produce the Sums necessary for effecting the Purposes of this Act.

IV. And be it enacted, That the Money to arise from the Sale herein-before authorized, and the Stocks, Funds, and Securities in or upon which the same may be invested, and all the Lands, Franchises, and Hereditaments of which the said Special Commissioners, under the Franchises and Hereditaments paid for by Money raised under

this Act to be subject to the Payment of the said Charge subsisting by the Decree of the Court of Chancery.

the Provisions of the said *Yeovil* Market Act contained, are empowered to accept a Conveyance, shall, so soon as the same shall have been conveyed to the said Special Commissioners, be for ever subject and liable to the Payment of the Rent-charge of Three Pounds Five Shillings and Sixpence for the Purposes of the Almshouses as aforesaid, and of the Sum of Sixteen Shillings to the Portreeve, mentioned in the herein-before in part recited Order of the Right Honourable the Vice Chancellor *Knight Bruce*, making in the whole the Sum of Four Pounds One Shilling and Sixpence: Provided always, that it shall be lawful for the Court of Chancery, by any Order to be made on the Petition of the said Commissioners to be preferred to the said Court, in case the said Court shall think the Lands, Franchises, and Hereditaments purchased by the said Commissioners, or the Money, Stocks, Funds, and Securities not invested in the Purchase of Lands, Franchises, or Hereditaments, a sufficient Security for the said Rent-charge of Three Pounds Five Shillings and Sixpence, and Sum of Sixteen Shillings, to discharge or release the said Money, Stocks, Funds, and Securities, or any Part of the same, from the Payment of or Liability to the said Rent-charge and Sum of Money.

Purchase Money to be paid into the Bank of England.

V. And be it enacted, That the Purchaser of any Lands and Hereditaments in the Schedule to this Act annexed set forth, or of any Part thereof, shall pay his Purchase Money 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 his Account there "*ex parte* the Special Commissioners of the Town of *Yeovil*," pursuant to the Method prescribed by an Act passed in the Twelfth Year of the
12 G. 1. c. 32. Reign of King *George* the First, intituled *An Act for better securing the Monies and Effects of the Suitors of the High Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and the General Rules and Orders of the said Court, and without Fee or Reward, according to an Act passed in the Twelfth Year of King
12 G. 2. c. 24. *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and that the Certificate or Certificates to be given by the said Accountant General, together with the Receipt or Receipts of One of the Cashiers of the Bank of *England*, to be thereunto annexed and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *England* by such Purchaser, shall from Time to Time and at all Times thereafter be and be deemed a good and sufficient Discharge to such Purchaser, his Heirs, Executors, Administrators, and Assigns, for so much of the said Purchase Money for which such Certificate and Receipt shall respectively be given, and that after the filing of such Certificate and Receipt such Purchaser, and his Heirs, Executors, Administrators, and Assigns, shall be and is and are absolutely acquitted and discharged of and from the same Monies and every Part thereof, and shall not be answerable for any Loss, Misapplication, or Nonapplication thereof,

or

or any Part thereof, and such Purchaser shall not, either before or after such Sale or Sales, be in any way bound to inquire into the Necessity or Propriety of such Sale or Sales.

Application of Purchase Money.

VI. And be it enacted, That the Monies herein-before directed to be paid into the Bank of *England* shall from Time to Time, under the Order and Direction of the Court of Chancery, upon Petition to be preferred to the said Court in a summary Way, be applied for the Purposes and in manner following; that is to say, in the first place in paying off and discharging the Principal Sum of One thousand and fifty-fix Pounds, and all Interest thereon, due to the said *John Cusse* by the said Mortgage herein-before mentioned, and the Costs incident to the Reconveyance; secondly, in paying and discharging the Costs, Charges, and Expences attending and incident to the Sales hereby authorized, and the Costs of all Applications which shall be made to the said Court of Chancery under and in pursuance of this Act, and the Costs, Charges, and Expences of soliciting, applying for, obtaining and passing this Act, and any Act passed in this present Session of Parliament, for empowering and authorizing the said Special Commissioners to purchase and regulate the Markets and Fairs, and improve and enlarge the Places and Buildings for holding the same within the said Borough and Town of *Yeovil;* thirdly, in paying the Purchase Money of the said Franchises and Hereditaments of which the said Special Commissioners are, under the Provisions of any Act in this present Session of Parliament, authorized to accept a Conveyance to the Vendor of the same; and the Residue or Surplus of such Monies shall be applied from Time to Time, under the Order and Direction of the Court of Chancery, upon Petition to be preferred to the said Court in a summary Way by the said Special Commissioners, towards improving the Property of the said Special Commissioners of the Town of *Yeovil.*

Purchase Money to be invested in Exchequer Bills.

VII. And be it enacted, That all Sums of Money which shall be paid into the Bank of *England* as aforesaid, or as much thereof as shall not be ordered by the said Court of Chancery to be otherwise applied for the Purposes of this Act, shall in the meantime, and, subject at all Times to such Application as herein-before directed, from Time to Time be laid out under the Direction of the said Court of Chancery in the Purchase of Exchequer Bills; and the Interest arising from the Money so laid out in the said Exchequer Bills, and the Money received for the same as they shall be respectively paid off by the Government, shall be laid out in the Name of the said Accountant General in the Purchase of other Exchequer Bills: Provided always, that it shall be lawful for the said Court of Chancery to make such general Order or Orders, if necessary, that whenever the Exchequer Bills of the Date of those in the Hands of the said Accountant General shall be in the course of Payment by Government, and new Exchequer Bills shall be issued, such new Exchequer Bills may be received in exchange for those which are so in the course of Payment, and that in the event of any such Renewal or Exchange of Bills the Interest of the old Bills shall be laid out in like Manner as herein-before directed with respect to the Monies to be received for the Bills which may be actually paid off as aforesaid, all which said

Exchequer Bills respectively, whether purchased or exchanged, shall be deposited in the Bank of *England* in the Name of the said Accountant General, and shall there remain until the same Exchequer Bills respectively shall, upon a Petition to be preferred to the Court in a summary Way by the said Special Commissioners, be ordered to be sold by the said Accountant General for any of the Purposes by this Act authorized, in such Manner as the Court shall think just and direct.

Court of Chancery to make Orders for taxing Costs.

VIII. And be it enacted, That it shall be lawful for the said Court of Chancery from Time to Time to make such Order or Orders as to the said Court shall seem fit for taxing and settling the Costs, Charges, and Expences by this Act directed to be paid, and for taxing the Costs of the several Applications to be made to the said Court respecting the Matters aforesaid, and also for the Payment of all such Costs and Expences out of the said Monies to be paid into the Bank of *England* as aforesaid, or out of the Monies arising by the Sale of any Exchequer Bills so to be purchased or acquired as aforesaid.

Property to be liable to the Repair, &c. of Almshouses.

IX. And be it enacted, That all the Property to be hereafter acquired by the said Special Commissioners, in pursuance of the Provisions of this or any other Act of Parliament, shall be subject and liable for ever hereafter to the Repair and Maintenance of the Almshouses in the Borough of *Yeovil*, called the Portreeve and Burgesses Almshouses, but so, nevertheless, as not to create any Trust in or Charge upon the Property comprised in the Schedule to this Act annexed.

General Saving.

X. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons, Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, and to the Charity called the Portreeve and Burgesses Almshouses, all such Estate, Right, Title, and Interest, other than such as are by this Act expressly barred and authorized to be barred, or meant and intended so to be, as they, every or any of them, had and enjoyed of, in, to, or in respect of the Lands, Franchises, and Hereditaments aforesaid previous to the passing of this Act, or could or might have had or enjoyed in case this Act had not passed.

Public Act.

XI. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended by any Act passed in this present Session of Parliament.

The

The SCHEDULE herein-before referred to.

A Tenement, with the Appurtenances, situate in the High Street of the Borough of Yeovil, known by the Sign of the King's Head, now held by the Representatives of Mary Hayward Barnicott under Leases granted by the Corporation, dated respectively 16th September 1778, 15th July 1816, and 25th November 1822.

A Dwelling House now occupied as several Tenements, situate in South Street in the Borough of Yeovil aforesaid, now also held by the Representatives of Mary Hayward Barnicott under Lease granted by the Corporation, dated 23d June 1785.

All that Burgage or Tenement now occupied as several Tenements, situate in South Street in the Borough of Yeovil aforesaid, held by the Representatives of the said Mary Hayward Barnicott under Lease granted by the Corporation, dated 28th July 1795.

A Messuage or Burgage, with the Appurtenances, situate in the High Street in the said Borough of Yeovil, now held by Edward Granger under Leases granted by the Corporation, dated 24th July 1782, 22d December 1817, and 25th March 1834.

A Tenement, with the Appurtenances, situate in the High Street of the Borough of Yeovil aforesaid, now held by William Edwards under Leases granted by the Corporation, dated respectively 25th October 1793 and 2d July 1818.

A Burgage or Tenement and Garden, with the Appurtenances, situate in the High Street in the Borough of Yeovil aforesaid, also held by the said William Edwards under Leases granted by the Corporation, dated respectively 1st December 1802 and 2d July 1818.

A Messuage or Dwelling House and Tenement, with the Appurtenances, also situate in the High Street of the Borough of Yeovil aforesaid, over and against the Market House, now also held by William Edwards under Leases granted by the Corporation, dated respectively 14th November 1787 and 21st December 1818.

A Part of a Dwelling House called the Court Chamber, situate in the Borough of Yeovil aforesaid adjoining the Churchyard there, now held by Benjamin Goodland under Lease granted by the Corporation, dated 21st December 1818.

A Burgage or Tenement situate within the Borough of Yeovil aforesaid near the Broad Church Stairs, held by the Representatives of James Male deceased under Lease granted by the Corporation, dated 19th December 1807.

An Acre of Arable Land, with the Appurtenances, lying and being in the Manor of Kingston-juxta-Yeovil aforesaid, near unto a Close called

called Court Close, with the Dwelling House now erected thereon, now held by Henry Etheredge under Lease granted by the Corporation.

A Dwelling House, with the Curtilage and Garden to the same adjoining, situate in Vicarage Street in the Borough of Yeovil aforesaid, now held by Robert Jennings under Leases granted by the Corporation, and dated respectively 12th January 1785 and 21st December 1818.

A Tenement and Garden, with the Appurtenances, situate in Vicarage Street in Yeovil aforesaid, now held by
under Leases granted by the Corporation, dated respectively the 4th September 1794 and 18th April 1831.

A Stable and Building adjoining the Vicarage House of Yeovil aforesaid and within the Borough of Yeovil aforesaid, now held by the Reverend Robert Phelips under a Lease granted by the Corporation, dated 22d December 1817.

A Messuage or Tenement, situate in Vicarage Street in Yeovil aforesaid, on which several Cottages have been erected, held by William Jennings under Leases granted by the Corporation, dated respectively 20th June 1782 and 8th October 1832.

A Burgage or Tenement, with the Appurtenances, situate in Vicarage Street within the Borough of Yeovil aforesaid, now in the Possession of the Corporation.

A Messuage or Tenement, comprising Two Dwellings, with the Gardens thereto adjoining and belonging, and another Messuage or Tenement converted into a Workshop and drying Loft, also situate in Vicarage Street in Yeovil aforesaid, now held by the Representatives of John Greenham deceased under a Lease granted by the Corporation, dated 16th August 1822.

A Burgage or Tenement, with the Appurtenances, also situate in Vicarage Street in the Borough of Yeovil aforesaid, now held by
under Lease granted by the Corporation, dated 26th November 1800.

A Burgage or Dwelling House situate in the Borough of Yeovil in a Street there called Middle Street, now held by Misses Dyer under Lease granted by the Corporation, dated 29th December 1806.

A Burgage or Tenement and Garden, with the Appurtenances, also situate in Middle Street within the Borough of Yeovil aforesaid, now held by the Representatives of Henry Petty under Leases granted by the Corporation, dated 28th December 1786 and 15th July 1816.

A Burgage or Tenement, with the Appurtenances, also situate in Middle Street in the Borough of Yeovil aforesaid, now held by James Edwards under Leases granted by the Corporation, dated respectively 5th December 1796 and 8th October 1832.

A Messuage or Dwelling House, with the Buildings and Storerooms thereto adjoining and belonging, situate in Middle Street within the Borough of Yeovil aforesaid, now held by James Edwards under Leases granted by the Corporation, dated respectively 12th February 1817 and 3d August 1842.

A Bur-

A Burgage or Tenement, with the Houses and Buildings now erected thereon, and the Garden to the same belonging, situate in Middle Street in the Borough of Yeovil, now held by Richard Dean under Lease granted by the Corporation, dated 3d August 1842.

A Burgage, Tenement, or Dwelling House, situate in Middle Street in the Borough of Yeovil aforesaid, now held by Joseph King under Leases granted by the Corporation, dated respectively 22d December 1773 and 3d February 1824.

A Burgage or Tenement, also situate in Middle Street in the Borough of Yeovil aforesaid, now held by the Reverend Henry Peter Daniell under Leases granted by the Corporation, dated respectively 8th August 1815 and 3d February 1824.

A Burgage or Tenement, with the Appurtenances, situate in Middle Street in the Borough of Yeovil aforesaid, now held by Messrs. Evans and Purdy under Leases granted by the Corporation, dated respectively 17th November 1758, 13th July 1813, and 8th October 1832.

A Burgage or Tenement, with the Garden thereunto belonging, with the Appurtenances, situate in South Street in the Borough of Yeovil aforesaid, now held by the said Messrs. Evans and Purdy under Leases granted by the Corporation, dated respectively 7th November 1758, 13th July 1813, and 8th October 1832.

A Burgage or Tenement, called the Mill House, situate in South Street within the said Borough of Yeovil, now held by the Reverend Thomas Fryer Jennings under Lease granted by the Corporation, dated 11th September 1806.

A Burgage or Tenement, with the Garden thereto belonging, also situate in South Street in the Borough of Yeovil aforesaid, now held by Betty Thomas under Leases granted by the Corporation, dated respectively 13th July 1813 and 8th October 1832.

A Garden and Stable situate in Grope Lane or Wine Street within the Borough of Yeovil aforesaid, now held by Edward Granger under Lease granted by the Corporation, dated 12th April 1792.

A Burgage or Dwelling House and Garden, situate in South Street in the Borough of Yeovil aforesaid, now divided into several Tenements and held by Henry Etheredge under Lease granted by the Corporation, dated 21st December 1818.

A Burgage or Tenement situate in South Street within the Borough of Yeovil aforesaid, now held by John Woodman Bowring under Leases granted by the Corporation, dated respectively 16th September 1783 and 24th November 1823.

The North Side of a Tenement situate in South Street in the Borough of Yeovil aforesaid, held by John Woodman Bowring under Leases granted by the Corporation, dated respectively 3d July 1794 and 19th April 1804.

A Piece or Parcel of Land situate in Huish in the Parish of Yeovil, containing by Estimation One Acre, more or less, now in the Possession of the said Portreeve and Burgesses.

Quit Rents, amounting to per Year, payable out of Properties held by Edward Granger and others.

A Building now used as Schoolrooms, situate in Vicarage Street in Yeovil aforesaid.

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