



ANNO QUADRAGESIMO NONO

# GEORGI II. REGIS.

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## Cap. 35.

An Act for allowing the Timber on Part of the settled Estates of Dame *Jane St. John Mildmay* Widow, in the Counties of *Essex, Somerset, Dorset,* and *Southampton*, to be cut down; and for applying the Monies thence arising in the Purchase of Estates, to be settled in Manner therein mentioned.

[28th April 1809.]

WHEREAS by Indentures of Lease and Release, and Appointment, bearing Date respectively the Twenty-eighth and Twenty-ninth Days of *June*, in the Year One thousand eight hundred and eight, the Release and Appointment made between Sir *Henry Paulet St. John Mildmay* Baronet, since deceased, Dame *Jane St. John Mildmay* then his Wife and now his Widow, and Sir *Henry St. John Carew St. John Mildmay* Baronet, then *Henry St. John Carew St. John Mildmay* Esquire, and therein described as eldest Son of the said Sir *Henry Paulet St. John Mildmay* and Dame *Jane*, of the First Part; *John Henry Newbolt* Esquire and *Edward Bray* Gentleman, of the Second Part; *John Clerk* Esquire and *George William Ricketts* Esquire, of the Third Part; *William Bray* Esquire of the Fourth Part; and the Reverend *Thomas Salmon* Clerk and the said *Edward Bray* of the Fifth Part; the Manors, Farms, Lands, and Hereditaments situate in the Counties of *Essex, Somerset, Dorset,* and *Southampton*, more particularly mentioned and described in the Schedule to this Act annexed, in consequence of the subsequent Death of the said Sir *Henry Paulet St. John Mildmay*, now stand settled and limited with

Indentures  
28 & 29 June  
1808.

[Loc. & Per.]



their respective Appurtenances to the Use of the said *John Clerk* and *William Bray*, their Executors, Administrators, and Assigns, for Three hundred Years, upon Trust for securing an Annuity of Four thousand Pounds to the said *Sir Henry St. John Carew St. John Mildmay* herein-after mentioned and subject to the said Term; to the Use, Intent, and Purpose that the said *Sir Henry St. John Carew St. John Mildmay* and his Assigns may, yearly, during the joint Lives of himself and of the said *Dame Jane St. John Mildmay*, receive out of the said Manors, Hereditaments, and Premises, an Annuity of Four thousand Pounds, and subject and charged as aforesaid to the Use of the said *Dame Jane St. John Mildmay* and her Assigns during her Life, with Remainder to the said *John Clerk* and *George William Ricketts* and their Heirs, during the Life of the said *Dame Jane St. John Mildmay*, upon Trust to preserve contingent Remainders; with Remainder to the Use of the said *Thomas Salmon* and *Edward Bray*, their Executors, Administrators, and Assigns, for One thousand Years, to commence from the Decease of the said *Dame Jane St. John Mildmay*, she having survived the said *Sir Henry Paulet St. John Mildmay*, upon Trust for raising a Sum not exceeding Thirty thousand Pounds for the said *Sir Henry St. John Carew St. John Mildmay*, or the Person or Persons for the Time being entitled to the Hereditaments comprized in the said Term immediately expectant on the Determination thereof, and from and after the Expiration of the said Term and in the mean Time subject thereto, to the Use of the said *Sir Henry St. John Carew St. John Mildmay* and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein-after contained; with Remainder to the said *John Clerk* and *George William Ricketts*, and their Heirs, during the Life of the said *Sir Henry St. John Carew St. John Mildmay*, upon Trust to preserve contingent Remainders; with Remainder subject as therein-before is mentioned, to the Use of the First and other Sons of the said *Sir Henry St. John Carew St. John Mildmay* successively in Tail general; with Remainder subject and without Prejudice to raising any of the Sums therein authorized to be raised and charged, and to the said Term of One thousand Years and the Trusts thereof, to the Use of *Paulet St. John Mildmay* Esquire, Second Son of the said *Sir Henry Paulet St. John Mildmay* and *Dame Jane* and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as are thereafter mentioned; with Remainder to the said last named Trustees and their Heirs during his Life, upon Trust to preserve contingent Remainders, with Remainder to the Use of the First and other Sons of the said *Paulet St. John Mildmay* successively in Tail Male; with Remainder (subject and without Prejudice as aforesaid) to the Use of *George William St. John Mildmay*, another Son of the said *Sir Henry Paulet St. John Mildmay* and *Dame Jane*, and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein mentioned, with Remainder to the same Trustees and their Heirs during his Life, upon Trust to preserve contingent Remainders, with Remainder (subject as aforesaid) to the Use of the First and other Sons of the said *George William St. John Mildmay* successively in Tail Male; with Remainder (subject as aforesaid) to the Use of *Charles William Powlett St. John Mildmay*, another Son of the said *Sir Henry Paulet St. John Mildmay* and *Dame Jane*, and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein mentioned, with

Paulet,  
2d Son.

George Wm.  
another Son.

Charles Wm.  
Powlett,  
another Son.



Remainder to the same Trustees and their Heirs during his Life, upon Trust to preserve contingent Remainders, with Remainder, subject as aforesaid, to the Use of the First and other Sons of the said *Charles William Powlett St. John Mildmay* successively in Tail Male; with Remainder (subject as aforesaid) to the Use of *Humphry St. John Mildmay*, another Son of the said *Sir Henry Paulet St. John Mildmay* and *Dame Jane*, and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein mentioned, with Remainder to the same Trustees and their Heirs during his Life, upon Trust to preserve contingent Remainders, with Remainder (subject as aforesaid) to the Use of the First and other Sons of the said *Humphry St. John Mildmay* successively in Tail Male; with Remainder (subject as aforesaid) to the Use of *John Francis St. John Mildmay*, another Son of the said *Sir Henry Powlett St. John Mildmay* and *Dame Jane*, and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein mentioned, with Remainder to the same Trustees and their Heirs during his Life, upon Trust to preserve contingent Remainders, with Remainder, subject as aforesaid, to the Use of the First and other Sons of the said *John Francis St. John Mildmay* successively in Tail Male; with Remainder (subject as aforesaid) to the Use of *Edward St. John Mildmay*, another Son of the said *Sir Henry Paulet St. John Mildmay* and *Dame Jane*, and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein-after mentioned, with Remainder to the same Trustees and their Heirs during his Life, upon Trust to preserve contingent Remainders, with Remainder (subject as aforesaid) to the Use of the First and other Sons of the said *Edward St. John Mildmay* successively in Tail Male; with Remainder (subject as aforesaid) to the Use of *Gualtier St. John Mildmay*, another Son of the said *Sir Henry Paulet St. John Mildmay* and *Dame Jane*, and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein mentioned, with Remainder to the same Trustees and their Heirs, during his Life, upon Trust to preserve contingent Remainders, with Remainder (subject as aforesaid) to the Use of the First and other Sons of the said *Gualtier St. John Mildmay* successively in Tail Male; with Remainder (subject as aforesaid) to the Use of *Carew Anthony St. John Mildmay*, another Son of the said *Sir Henry Paulet St. John Mildmay* and *Dame Jane*, and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein mentioned, with Remainder to the same Trustees and their Heirs during his Life, upon Trust to preserve contingent Remainders, with Remainder (subject as aforesaid) to the Use of the First and other Sons of the said *Carew Anthony St. John Mildmay* successively in Tail Male; with Remainder (subject as aforesaid) to the Use of *Augustus Tucker St. John Mildmay*, another Son of the said *Sir Henry Paulet St. John Mildmay* and *Dame Jane*, and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein mentioned, with Remainder to the same Trustees and their Heirs during his Life, upon Trust to preserve contingent Remainders, with Remainder (subject as aforesaid) to the Use of the First and other Sons of the said *Augustus Tucker St. John Mildmay* successively in Tail Male; with Remainder, subject as aforesaid, to the Use of *Hugh St. John Mildmay*, another of the Sons of the said

Humphry,  
another Son.John Francis,  
another Son.Edward,  
another Son.Gualtier,  
another Son.Carew Anth.  
another Son.Aug. Tucker,  
another Son.Hugh,  
another Son.

Sir



Sir *Henry Paulet St. John Mildmay* and Dame *Jane*, and his Assigns, during his Life, without Impeachment of Waste, with such Powers of leasing, jointuring, and other Powers, as therein mentioned, with Remainder to the same Trustees and their Heirs during his Life, upon Trust to preserve contingent Remainders, with Remainder (subject as aforesaid) to the Use of the First and other Sons of the said *Hugh St. John Mildmay* successively in Tail Male; with Remainder, subject as aforesaid, (there being no other Son of the said *Sir Henry Paulet St. John Mildmay* by the said Dame *Jane*) to the Use of all and every the Daughter and Daughters of the said *Sir Henry Paulet St. John Mildmay* by the said Dame *Jane*, equally between them for their respective Lives, with Benefit of Survivorship between them; with Remainder to the Use of the right Heirs of the said Dame *Jane St. John Mildmay* for ever; and by virtue also of a Covenant contained in the said Indenture of Release and Appointment, certain Copyhold Tenements which came to the said Dame *Jane St. John Mildmay* by virtue of the Will of Dame *Ann Mildmay* are now held or covenanted to be held to the Uses, upon the Trusts, and for the Intents and Purposes therein-before limited as to the Freehold Premises, except the Limitations to Trustees to preserve Remainders, and the Limitations to Trustees, for the Terms of Three hundred Years and One thousand Years: And whereas the said *Sir Henry Paulet St. John Mildmay* died in the Month of *November* One thousand eight hundred and eight, having duly made and published his last Will and Testament in Writing, bearing Date the Sixth Day of *July* in the same Year, and thereby appointed his now Widow the said Dame *Jane St. John Mildmay* sole Guardian of his infant Children: And whereas the said *Sir Henry Paulet St. John Mildmay* intermarried with *Jane Mildmay* Spinster (now the said Dame *Jane St. John Mildmay*) on the Twenty-second Day of *June* One thousand seven hundred and eighty-six, and had by her no other Sons than those named in the said recited Indenture of Release and Appointment, and the said Testator had by her Four Daughters only (*videlicet*) *Jane Dorothea St. John Mildmay*, *Maria Mildmay*, *Judith Ann Mildmay*, and *Letitia Mildmay*: And whereas all the Children of the said *Sir Henry Paulet St. John Mildmay*, except the said *Sir Henry St. John Carew St. John Mildmay*, are Infants under the Age of Twenty-one Years, and the said *Sir Henry St. John Carew St. John Mildmay* is unmarried: And whereas there is a great Quantity of Timber standing on different Parts of the Estates limited to the said Dame *Jane St. John Mildmay* for her Life by the said recited Indenture of the Twenty-ninth Day of *June* One thousand eight hundred and eight, some of which is at its full Maturity, and other Part thereof is injurious to the Land, and stands so thick that it would be of Advantage to the adjoining Trees, and to the Succession of Timber, to cut down under proper Management a considerable Number of the Timber Trees now standing on the said Estates: And whereas the said Estates were under and by virtue of the said recited Indenture of Release and Appointment limited to the said *Sir Henry Paulet St. John Mildmay* during the joint Lives of himself and the said Dame *Jane St. John Mildmay*, without Impeachment of Waste, prior to the several Limitations herein-before set forth, and the said *Sir Henry Paulet St. John Mildmay* being in the actual Possession of the same Estates, and in the Receipt of the Rents and Profits thereof, was about to have cut down a considerable Quantity of the said Timber, and had employed Persons to set out the same for Sale against the approaching Season, but was prevented by his Death from carrying such his Intention into Execution:

And

Remainder to the Daughter & Daughters.

Copyhold Tenements of Dame Jane.

Death of Sir Henry Paulet.

Timber on different Parts of the Estates.

Limitation of the Estates.



And whereas the said Sir Henry St. John Carew St. John Mildmay is the First Tenant for Life without Impeachment of Waste of the said Estates by virtue of the Limitations contained in the same Indenture of Release and Appointment, but not being in the actual Possession thereof is not enabled himself, nor can he duly authorize the said Dame Jane St. John Mildmay, who is now Tenant for Life in Possession of the same Estates, to cut down any of the said Timber: And whereas the said Dame Jane St. John Mildmay and Sir Henry St. John Carew St. John Mildmay are desirous that such of the Timber Trees now standing on the said Estates of which the said Dame Jane St. John Mildmay is Tenant for Life in Possession as aforesaid, (and which said Estates are more particularly mentioned and described in the said Schedule to this Act annexed), as are at their full Growth and Height of Improvement, or in a State of Decay, or by standing too close hinder the Growth of each other, or of the young and thriving Timber, and by being cut down will promote the Growth of those Trees which shall be left standing or which injure the Land on which they grow, shall be vested in Trustees with Power, under proper Restrictions, to cut down and make Sale of the same, and that the Monies to arise by such Sales shall, under the Direction of the High Court of Chancery, be laid out in the Purchase of Estates to be settled and limited as herein-after mentioned: Wherefore Your Majesty's most dutiful and loyal Subjects the said Dame Jane St. John Mildmay on Behalf of herself and her said infant Children, and the said Sir Henry St. John Carew St. John Mildmay, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act, all and every the Timber Trees which now are standing and growing, and which shall be standing and growing on the several Manors, Farms, Lands, and Hereditaments, in the Counties of *Essex, Somerset, Dorset, and Southampton*, comprised in the said recited Indentures of the Twenty-eighth and Twenty-ninth Days of *June* One thousand eight hundred and eight, and thereby limited in Use to the said Dame Jane St. John Mildmay for her Life as aforesaid, and comprised in the said Schedule to this Act annexed, shall be and the same are hereby vested in *Henry Peters of Betchworth Castle in the County of Surrey Esquire, and John Clerk of Shawford House in the said County of Southampton Esquire*, their Executors, Administrators, and Assigns, for the Term of Seven Years next after the passing of this Act, if the said Dame Jane St. John Mildmay shall so long live, (but without Prejudice to the Rights of the Lord or Lords of any Manors of which any Copyhold Lands may be holden), upon the Trusts and for the Intents and Purposes herein-after expressed and declared; that is to say, upon Trust that they the said *Henry Peters and John Clerk*, and the Survivor of them, and the Executors, Administrators, and Assigns of such Survivor, do and shall, when and so often as they or he in their or his Discretion shall think necessary and proper with the Consent of the said Sir Henry St. John Carew St. John Mildmay, or in case of his Death, then with the Consent of the Person or Persons for the Time being entitled to the next Estate in Remainder, immediately after the said Dame Jane St. John Mildmay by virtue of the Limitations contained in the said recited Indenture of Release and Appointment, such Person or Persons being of full Age, or otherwise with the Consent of his, her, or their Guardian or Guardians, fell and cut down, or cause to be felled and cut down, in Manner herein-after

[Loc. &amp; Per.]

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mentioned,

Sir Henry St. John Carew, first Tenant for Life.

Dame Jane and Sir Henry St. John Carew are desirous certain Timber Trees should be cut down.

Vesting the said Timber Trees in certain Persons, in Trust, for the Purposes of this Act.



mentioned, all and every such Timber Trees as now are or at any Time hereafter shall be at their full Growth and Height of Improvement, or in a State of Decay, or which hinder the Growth of young and thriving Timber, or which injure and damage one another, or by being cut down will promote the Growth of those which shall be left standing, or which injure the Land on which they grow, and to contract for the Sale of and fell and dispose of the same with the Bark, Branches, Lops and Tops thereof, either together or in Parcels, and deliver or cause to be delivered the said Timber Trees to any Person or Persons who shall be willing to purchase the same, for the most Money and best Price that can at the Time of such Contract or Sale be reasonably had or obtained for the same, with full Liberty for the said *Henry Peters* and *John Clerk*, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, in case of Failure on the Part of any of the Purchasers of the said Timber Trees, Bark, Branches, Lops and Tops, in fulfilling the Conditions of the Sale thereof, to resell the same, and also with full Liberty from Time to Time to demand and sue for, in their or his Name, and recover and receive all and every the Sum and Sums of Money which shall or may become payable for or in respect of any such Timber Trees, Bark, Branches, Lops and Tops, and to apply the Money from Time to Time to be received therefrom in the Manner and for the Purposes herein directed.

A Surveyor to  
be appointed.

II. Provided always, and be it further enacted, That before any Timber Trees shall be felled by virtue of this Act, the said *Henry Peters* and *John Clerk*, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, shall appoint a Surveyor to view and take an Account of the Timber Trees growing upon the said Estates, or any Part or Parts thereof, falling within the Description of the Timber Trees by this Act authorized to be felled and sold, which it shall be proper to fell and cut down, and to set down in Writing in a Book or Books provided for that Purpose, the Number and Description of the said Trees so to be cut, and the Names of the Farms, Fields, Coppices, or Places in which the same are or shall be standing; and before the felling of any such Timber Trees such Surveyor shall produce such Book or Books to the said Trustees, and also to the said *Sir Henry St. John Carew St. John Mildmay*, or in case of his Death to such Remainder-man as aforesaid, and take an Oath, or in case such Surveyor shall be one of the People called *Quakers*, then a solemn Affirmation, before a Justice of the Peace acting for the County in which such Trees so to be felled as aforesaid shall be standing or growing, or a Master in Chancery (which Oath or Affirmation they are hereby respectively authorized to administer), that the said Book or Books doth or do contain, according to the best of the said Surveyor's Knowledge, Judgment, and Belief, a true Account of the Number and Kinds of such Trees therein specified, and their Situation, and that the same fall within some or one of the Descriptions by this Act given of the Timber Trees hereby authorized to be felled.

Receipts of  
the Trustees  
to be valid.

III. And be it further enacted, That the Receipt or Receipts of the said *Henry Peters* and *John Clerk*, and the Survivor of them, and the Executors, Administrators, or Assigns of such Survivor, shall be a good and effectual Discharge to the Purchaser or Purchasers of the said Timber Trees, or of the Bark, Branches, Lops and Tops thereof, for so much of their respective Purchase Monies as in such Receipt or Receipts shall be expressed

or



or acknowledged to be received, and that such Purchaser or Purchasers, after such Receipts, shall not be obliged to see to the Application of such Purchase Monies, or be answerable or accountable for any Loss, Mis-application, or Non-application of the same or any Part thereof.

IV. Provided always, and be it enacted, That notwithstanding the Trust herein-before declared, the said *Henry Peters* and *John Clerk*, and the Survivor of them, and the Executors, Administrators, and Assigns of such Survivor, shall constantly and at all Times during the said Term of Seven Years, leave or keep standing and growing upon the said Estates a large Proportion of Trees fit for cutting, beyond what may be necessary for the Repairs on the said Estates.

Trustees to leave a large Portion of Trees standing.

V. And be it further enacted, That it shall and may be lawful to and for the said *Henry Peters* and *John Clerk*, and the Survivor of them, and the Executors, Administrators, and Assigns of such Survivor, and also all and every the Person and Persons who shall or may at any Times or Time hereafter be or become a Purchaser or Purchasers of all or any Part of such Timber Trees, Bark, Branches, Lops, and Tops, as aforesaid, by themselves or their Agents, Servants, Workmen, or Labourers respectively, from Time to Time and at all proper Seasons and Times in the Year, with Horses, Carts, and Carriages, to enter and have free Ingress and Egress in, upon, and out of all and every the Lands and Grounds upon or near which the said Timber Trees are or shall be standing or growing, for the Purpose of peeling or barking the Oak Trees, and of felling, cutting down, sawing, and carrying away all and singular such Timber Trees, and the Bark, Branches, Lops, and Tops thereof, making reasonable Satisfaction for any Damage which may be sustained by reason or means thereof.

Allowing Purchasers to have unmolested Ingress and Egress.

VI. And be it further enacted, That when and so soon as the Purchase Monies for the said Timber Trees, Bark, Branches, Lops, and Tops, or any Instalment thereof, shall have been paid to the said Trustees or Trustee for the Time being, as herein-before is mentioned, they the said *Henry Peters* and *John Clerk*, and the Survivor of them, and the Executors, Administrators, and Assigns of such Survivor, shall from Time to Time pay the same 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 under the Title, "The Monies arisen by the Sale of Timber on the settled Estates of Dame *Jane St. John Mildmay* Widow." 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 the Twelfth Year of King *George* the Second, Chapter Twenty-four; and the Receipt or Receipts of any Cashier of the Bank of *England* for the said Money, and the Certificate of the said Accountant General annexed to the same, and filed in the Register Office of the said Court of Chancery, shall be an effectual Release and Discharge to the said Trustees or Trustee, for the Time being, so paying the same for the Money therein mentioned and acknowledged to be received.

Purchase Money to be paid into the Bank of England.

VII. And be it further enacted, That all the Monies which shall be paid into the Bank as aforesaid, after deducting such Costs, Charges, and Expences as herein mentioned, shall, upon a Petition to be presented to the said

Application of the Purchase Money.

said



faid Court in a summary Way by the faid Dame *Jane St. John Mildmay* be laid out and invested in the Purchase or Purchases of Manors, Messuages, Lands, Tenements, and Hereditaments of Inheritance, situate in the County of *Southampton*, as shall be approved of by the faid Court; and from and immediately after the making of such Purchase or Purchases as aforesaid, the Manors, Messuages, Lands, Tenements, and Hereditaments so to be purchased shall be conveyed, settled, and assured to the Use of the faid Dame *Jane St. John Mildmay* and her Assigns for her Life, with such and the like Power of leasing as is given to her in the Estates comprized in the faid herein-before recited Indenture of Release and Appointment, and from and immediately after her Decease to the Use of the faid *Henry Peters* and *John Clerk*, their Heirs and Assigns, upon Trust that they the faid *Henry Peters* and *John Clerk*, or the Survivor of them, or the Heirs or Assigns of such Survivor, do and shall pay the Rents, Issues, and Profits thereof to the faid Sir *Henry St. John Carew St. John Mildmay*, his Executors, Administrators, and Assigns, for the Term of One Year next after the Death of the faid Dame *Jane St. John Mildmay*, in case he the faid Sir *Henry St. John Carew St. John Mildmay* shall so long live, or so much of the same Rents, Issues, and Profits, as shall become due after the Death of the faid Dame *Jane St. John Mildmay*, during the faid Period, and from and immediately after the Expiration of One Year next after the Death of the faid Dame *Jane St. John Mildmay*, do and shall convey and assure the faid Manors, Messuages, Lands, Tenements, and Hereditaments so to be purchased, unto the faid Sir *Henry St. John Carew St. John Mildmay*, his Heirs and Assigns, if he shall be then living; but in case the faid Sir *Henry St. John Carew St. John Mildmay* shall die in the Life-time of the faid Dame *Jane St. John Mildmay*, or shall die before the Expiration of One Year next after her Decease, then upon Trust for the Person or Persons successively, his, her, or their Heirs and Assigns, who under and by virtue of the Limitations contained in the faid recited Indenture of the Twenty-ninth Day of *June* One thousand eight hundred and eight, shall for the Time being be entitled in Possession to an Estate in Tail General or in Tail Male, or to an Estate for Life without Impeachment of Waste, in the Manors and other Hereditaments comprized in the faid recited Indenture of the Twenty-ninth Day of *June* One thousand eight hundred and eight: Provided nevertheless, that no such Person or Persons shall acquire any vested Interest in the Fee Simple of the Manors, Messuages, Lands, Tenements, and Hereditaments, so to be purchased, and be entitled to a Conveyance thereof, till he, she, or they shall have been in Possession or entitled to the Possession for One Year of the faid Manors and other Hereditaments comprized in the faid recited Indenture of the Twenty-ninth Day of *June* One thousand eight hundred and eight, and shall have attained the Age of Twenty-one Years for One Year.

Purchase Monies, how to be applied.

VIII. And be it further enacted, That in the mean Time, and until all the Money arising from the faid Sale or Sales shall be invested in such Purchase or Purchases as aforesaid, the same shall from Time to Time be laid out by the faid Accountant General under the Direction of the faid Court of Chancery in the Purchase of Navy or Victualling Bills or Exchequer Bills; and the Interest of the Money so laid out in the faid Navy or Victualling Bills or Exchequer Bills, and the Money received for the same as they shall be respectively paid off by Government, shall be laid out in the Purchase of other Navy or Victualling Bills or Exchequer Bills, all which



which said Navy or Victualling Bills or Exchequer Bills shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved as before directed, and until the same shall upon a Petition setting forth such Approbation to be preferred to the said Court of Chancery in a summary Way by or on Behalf of the said Dame *Jane St. John Mildmay*, and after her Death by the said *Sir Henry St. John Carew St. John Mildmay*, or the Person or Persons for the Time being entitled in Possession to the Manors and other Hereditaments comprized in the said herein recited Indenture, by virtue of the Limitations therein contained as aforesaid, or if such Person or Persons shall be under Age, then of his or their Guardian or Guardians, be ordered by the said Court of Chancery to be sold, and to be applied in such Manner as the Court shall think just and direct; and if the Money arising by the Sale of such Navy or Victualling Bills or Exchequer Bills shall exceed the Amount of the original Money so laid out as aforesaid, then and in that Case only the Surplus which shall remain after discharging the Expence of the Application to the Court shall be paid to the Person or Persons respectively who would have been entitled to the Lands directed to be purchased, in case the same had been purchased pursuant to this Act, or to the Representative or Representatives of such Person or Persons.

IX. And be it further enacted, That it shall be lawful for the said Court of Chancery, from Time to Time, to make such Orders as the said Court shall think expedient, just, or reasonable, for allowing, taxing, and settling all Costs, Charges, and Expences, which have been or shall be incurred in obtaining and passing this Act, and making the several Applications to the said Court in pursuance thereof, and in making of the Sale or Sales of the Timber Trees, Bark, Branches, Lops, and Tops, hereby vested in the said Trustees, and in investing the clear Monies which, under this Act, shall be paid into the Bank of *England* in the Purchase of Lands and Hereditaments, according to the Directions herein contained, or otherwise in carrying the Trusts and Purposes of this Act into complete Execution, and also from Time to Time to make an Order for Payment of all such Costs, Charges, and Expences, as aforesaid, out of the Monies which shall be so paid into the Bank as aforesaid, or out of the Monies arising by Sale of the Navy or Victualling or Exchequer Bills so to be purchased as aforesaid.

Court of Chancery to make Orders from Time to Time.

X. And be it further enacted, That after the Decease of the said Dame *Jane St. John Mildmay*, it shall be lawful for the said Court of Chancery, in a summary Way, upon a Petition to be presented for that Purpose by the said *Sir Henry St. John Carew St. John Mildmay*, or the Person or Persons for the Time being entitled in Possession to the Manors and other Hereditaments comprized in the said recited Indentures under the Limitations therein contained, in case the said *Sir Henry St. John Carew St. John Mildmay*, or such Person or Persons, shall have been entitled in Possession to the same Manors and other Hereditaments, and have been of full Age for the Space of One Year after the Decease of the said Dame *Jane St. John Mildmay*, if to the said Court shall seem right, to order and direct the Monies herein-before directed to be laid out in the Purchase of Real Estates, if the same shall not have been so invested, to be paid to the said *Sir Henry St. John Carew St. John Mildmay*, or such Person or Persons so

Court of Chancery to convey the purchased Estates.

[Loc. & Per.]

8 A

entitled



entitled as aforesaid, or his, her, or their Executors, Administrators; or Assigns, for his, her, or their own Use and Benefit, instead of ordering the same to be invested in the Purchase of Real Estates.

Felling of  
Timber.

XI. And whereas no exact Survey or Catalogue has been made of the Timber Trees growing on the several Manors, Farms, Lands, and Hereditaments in the Counties of *Dorset* and *Southampton*, by this Act vested in the said *Henry Peters* and *John Clerk*; be it therefore enacted, That nothing herein contained shall extend, or be construed to extend, to authorize the said *Henry Peters* and *John Clerk* to fell and cut down, or cause to be felled and cut down, any of the Timber Trees which are or shall be standing or growing on the said several Manors, Farms, Lands, and Hereditaments, in the said Counties of *Dorset* and *Southampton*, comprized in the said recited Indentures of the Twenty-eighth and Twenty-ninth Days of *June* One thousand eight hundred and eight, and also comprized in the Schedule to this Act, without the previous Approbation and Order of the said Court of Chancery, obtained on the Application to be made for that Purpose in a summary Way, by Petition to the said Court by the said Dame *Jane St. John Mildmay*.

In case of  
Death of the  
Trustees,  
Court of  
Chancery to  
appoint  
others.

XII. Provided always, and it is hereby further enacted, That if the said *Henry Peters* and *John Clerk*, or either of them, or their or any of their Heirs, Executors, or Administrators, or any Trustee or Trustees who shall succeed or be appointed in the Stead of them, or any or either of them, as herein-after mentioned, shall die or be desirous to be discharged, or shall refuse or decline, or become incapable to act in the Trusts and Powers hereby reposed in them or him, or shall go out of *Great Britain* before the said Trusts shall be fully performed or executed; then and in every such Case it shall be lawful for the said Court of Chancery, upon a Petition to be presented in a summary Way by the Person or Persons for the Time being beneficially entitled to the Trust Estates or Securities, if such Person or Persons shall be of full Age; but if such Person or Persons shall be under Age, then by his, her, or their Guardian or Guardians, during his, her, or their Minority, or respective Minorities, to appoint any Person or Persons named by the Court to be a Trustee or Trustees in the Place of the Trustee or Trustees so dying, or desiring to be discharged, or declining, or becoming incapable to act, or going out of *Great Britain*, and thereupon all and every the Powers and Authorities by this Act given shall be vested in, and all and every the Trust, Property, and Securities shall, with all convenient Speed, be conveyed and transferred in such Sort and Manner as to become legally and effectually vested in such new Trustee or Trustees, solely or jointly with the surviving or continuing Trustee or Trustees, as the Circumstances of the Case shall require, upon the same Trusts as are herein-before declared of and concerning the same respectively, or such of them as shall be then subsisting or capable of taking Effect; and that such new Trustee or Trustees shall and may have, and exercise, and act, in the Execution of the Trust and Powers aforesaid, in such and the same Manner as if originally named and appointed by this Act.

Trustees not  
answerable  
for others.

XIII. Provided always, and be it further enacted, That neither of the present or future Trustees under this Act shall be answerable or accountable for the others or other of them, or for involuntary Losses; and that by and out of any Money which shall come to their or his Hands or Hand  
by



by virtue of any of the aforesaid Trusts, it shall be lawful for them and him to retain to and reimburse themselves and himself respectively, all the Costs, Charges, and Expences which they or he may respectively incur or sustain in carrying the Trusts of this present Act into Execution, and not herein particularly provided for.

XIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Persons and Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns (other than and except the said Dame *Jane St. John Mildmay* and the said *Sir Henry St. John Carew St. John Mildmay* and his Issue, and except all and every other the Sons and Daughters of the said *Sir Henry Paulet St. John Mildmay* by the said Dame *Jane St. John Mildmay*, and their, his, and her Issue, and except the Heirs and Assigns of the said Dame *Jane St. John Mildmay* and all other Person and Persons claiming or to claim any Estate or Interest under and by virtue of the said recited Indenture of Release and Appointment), all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever, of, in, to, or out of the Timber Trees standing or growing on the said Estates comprized in the said Schedule to this Act annexed, or which shall stand and grow thereon during the said Term of Seven Years, as they, every, or any of them had before the passing this Act, or would or might have had, held, and enjoyed, in case this Act had not been made. General Saving.

XV. 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. Act to be printed by the King's Printer.



## A SCHEDULE OF THE ESTATES

TO WHICH THE FOREGOING ACT REFERS.

THE Manors of *Chelmsford* otherwise *Bishops Hall in Chelmsford*, and *Moulsham* otherwise *Moulsham Hall*, and the Scite of the Manor of *Moulsham*, and the Manor of *Springfield Barnes*, with the Seigniory and Lordship thereof:

The Manors of *Burnham* and *Mangapp* :

The Manor of *Crixey*, otherwise *Crixeth* :

The Manor of *Markes* : and

The Manor of *Battleball*;—all in the County of *Essex*; with their respective Rights, Members, and Appurtenances.

The Manors of *Queen Camell*, otherwise *East Camell Netherham*, and *Horn Blautten* alias *Horn Blotten*; in the County of *Somerset*; with the Rights, Members, and Appurtenances.

The Manor of *Upton*, alias *Upton Ringstead*, with the Rights, Members, and Appurtenances, in the County of *Dorset*; and the Manor of *Brixton Waytes Court*, otherwise *Brixton*, otherwise *Waytes Court*; with the Rights, Members, and Appurtenances; in the County of *Southampton*.

FARMS.	TENANTS.	PARISHES.	N <sup>o</sup> OF ACRES.			ANNUAL RENT.					
			A.	R.	P.	£	s.	d.			
ESSEX.						A.	R.	P.	£	s.	d.
Bishop's Hall	James Wenden	Chelmsford and Broomfield	170	0	36	556	0	0			
Part of Townfield and Gardens	Tho. Albra	Chelmsford	11	2	12	63	0	0			
Other Part of Do.	John Hammond	Do.	9	0	23	46	0	0			
Bishop's Hall, Mill and Land	Jof. Marriage	Do.	4	3	34	35	0	0			
Lands adjoining the Mill	Do.	Do.	23	2	10	96	0	0			
Upper Brickfield Meadow	Tho. Durant	Do.	8	0	26	60	0	0			
Lower Do.	Cha. Murrell	Do.	7	3	35	55	0	0			
The Moiety of King's Piece, Long Oakley and Lower Oakley	Rt. Tindall, Esq.	Do.	18	1	6	53	0	0			
The other Moiety of Do.	James Blythe	-	18	1	7	53	0	0			
Gravel Pit Field	John Cheshunt	Do.	34	3	16	110	0	0			
Barnes Manor Farm	John Marriage	Springfield	293	1	12	650	0	0			
Mill Lands and Prentice Farm	Jof. Marriage	Do.	60	0	17	210	0	0			
Three Cups Inn and Lands	— Ball	Do.	11	3	11	36	0	0			
An Inclosure	— Ball	Do.	6	1	0	30	0	0			

(continued)



FARMS.	TENANTS.	PARISHES.	N <sup>o</sup> OF ACRES.			ANNUAL RENT.		
			A.	R.	P.	£	s.	d.
<i>ESSEX—continued.</i>								
Lands with Moulsham Hall	In Hand	Moulsham	24	1	16	—	—	—
Firth Wood	In Hand	Do.	167	3	32	—	—	—
Lower Wood Lodge and Shales Wood	Do.	Do.	92	2	16	—	—	—
Lodge Farm	John Marriage	Do.	133	1	30	130	0	0
Sundry Lands	Do.	Do.	58	3	29	174	0	0
Lands round Moulsham Hall	Do.	Do.	183	1	27	250	0	0
Tile Kiln Farm	Edward Myhill	Do. and Baddow	209	1	10	200	0	0
Whitehouse Farm	Thomas Burn & Wm. Maniage Whitehead	Do. and Baddow	86	3	31	290	0	0
Moulsham Street Farm	Thomas Cooper	Do.	50	0	5	280	0	0
Two Inclosures and Garden Ground	Robert Dixon	Do.	5	3	34	60	0	0
Mill and Lands	Abraham Bullen	Do.	17	2	31	112	0	0
Corner of Lower Wood	Widow Aris	Do.	0	3	20	0	5	0
Sundry Lands	James Tibbets	Do.	—	—	—	8	0	0
Home Farm	John Jossing	Do.	108	3	8	250	0	0
Friars	J. O. Parker, Esq.	Do.	6	1	3	35	0	0
Markes Manor, Warren Farm and Goldsmiths	John Lee	Rumford & Dagenham	142	0	13	150	0	0
Pigtail Farm	John Tyler	Do.	232	0	11	450	0	0
Lowlands Farm	Isaac Palmer	Rumford	100	0	13	105	0	0
East House Farm	John Tyler	Do.	112	2	17	120	0	0
Battishall Farm	William Fitch	Lambourn and Stapleford Abbot	284	2	17	180	0	0
Black Bush	Philip Taylor	Do.	96	2	20	70	0	0
Woods and Land	In Hand	Do.	66	1	0	—	—	—
Bourne Plain Wood Land	Do.	Do.	143	0	4	—	—	—
<i>SOMERSET.</i>								
Hazle Grove	J. Armstrong, Esq.	Queen Camell	51	1	5	196	10	0
Do. Farm	Stowell Marshall	Do.	268	0	32	408	0	0
Camell Hill	Thomas Fitch	Do.	607	1	4	724	0	0
Little Do.	John Sealy	Do.	142	2	20	176	0	0
Sundry Lands	John Hockey	Do.	23	0	18	30	0	0
Do.	George Sanlam	Do.	23	0	11	36	0	0
Do.	Robert Jay	Do.	6	2	17	14	0	0
Camel Town Farm	Thomas Caines	Queen Camell and Marston Magna	174	2	32	300	0	0
Sundry Lands	Wm. Howard	Do.	47	3	27	75	0	0
Do.	John Morris	Do.	69	2	13	146	0	0
Do.	Richard Andrews	Do. and Mudford	48	2	28	65	0	0
Cottage, Orchard, and Plots	John Barrett	Queen Camell	4	0	11	10	0	0
Andrews Clofe	Do.	Do.	2	3	15	10	10	0
Houses and Lands	Hester Morris, on lives	Do.	64	0	10	—	—	—
Do.	John Mullett, on lives	Do.	24	2	39	—	—	—
Do.	Jn. Winfor, on lives	Do.	13	3	22	—	—	—
House and Lands	Rob. Corry, on lives	Do.	35	0	0	—	—	—
Do.	John Hockey, on lives	Do.	14	1	15	—	—	—
Do.	Robert Watts, on lives	Do.	15	1	0	—	—	—
Land	Wm. Cole, on lives	Do.	20	0	20	—	—	—
Water Mill House, Garden, and Mead	Jn. Barrett, on lives	Do.	1	2	0	0	16	0

[Loc. &amp; Per.]

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(continued)



FARMS.	TENANTS.	PARISHES.	N <sup>o</sup> OF ACRES.	ANNUAL RENT.
			A. R. P.	£ s. d.
<b>SOMERSET—continued.</b>				
House, Garden, Orchard, and Land	Robert Feaver, on lives	Queen Camell	3 2 26	—
A House, Barn, Orchard, and Land	Elizabeth Francis, on lives	Do.	4 2 36	—
A House, Garden, and Close	Mifs Foot	Do.	2 1 30	—
A House and Land	Ann Reeves, on lives	Do.	3 3 1	—
Do.	Thomas Watts, on lives	Do.	2 2 12	—
Corn Mill, House, and Land	Samuel Pitman, on lives	Do.	3 2 15	—
Orchard	Do. Do.	Do.	1 1 30	—
<b>NETHERHAM.</b>				
Netherham Manor Farm	Widow Reynold	Netherham Pitney and Huish	504 3 3	} 580 0 0
A Farm	Mr. John Sherrin	Netherham Pitney and Huish	17 0 34	
Do.	Mr. Wm. Sherrin	Do.	138 3 16	175 0 0
Beer Farm	Martha Sherrin	Do.	84 3 26	125 0 0
Sundry Woods	In Hand	Netherham and Auler	50 1 0	87 10 0
A Farm	Rev. Anth. Pyne on lives	Do.	78 3 36	40 0 0
A Farm and Buildings	Mr. Stawell Marshall, on lives	Netherham	157 0 15	—
House, Buildings, and Lands	Mr. Wm. Hill, on lives	Do.	32 2 34	—
A Farm and Buildings	Tho Gould, James King, & others, on one Life	Do.	25 3 3	—
A House, Buildings, and Lands	James King, on lives	Do.	21 2 13	—
Three Inclosures of Land	Widow Grove, on lives	Do.	16 3 26	—
A small Farm	Hannah Horsey, on lives	Do.	8 0 17	—
Five Inclosures	John Chard, on lives	Huish	18 0 17	—
Four Ditto	Jn. Jeffery, on lives	Netherham	21 1 35	—
A House, Buildings, and Land	Joseph Gould, on lives	Do.	12 3 20	—
Four Inclosures	James Windfor	Do.	20 1 28	—
A House and Four Inclosures	John Windfor, on lives	Do.	8 1 28	—
Three Inclosures	Mr. John Mitchell, on lives	Do.	12 1 19	—
Land	Mr. Charles Mitchell, on lives	Netherham and Huish	10 1 25	—
House and Lands	Marmaduke Andrews, on lives	Do.	1 2 11	—
Manor Farm	Mrs. Hester Symes	Do.	8 1 30	—
Mansion House, Garden, and Lands	Mr. Wm. Field	Hornblotten	178 0 1	150 0 0
A Farm	Mr. John Foot	Charlton Horethorne	20 1 24	70 0 0
		Do.	355 3 4	350 0 0

(continued)



FARMS.	TENANTS.	PARISHES.	N° OF ACRES.	ANNUAL RENT.
SOUTHAMPTON.			A. R. P.	£ s. d.
Waitcourt Manor Farm with Lands	Mr. Wm. Arnold -	Waitcourt	200 0 0	150 0 0
A House, Garden, and Lands	Mary Wheeler, on lives	Do.	-	-
House, Garden, and Orchard	Ann Baker, on lives	Do.	-	-
Five Balls Public House and Garden	George Morris, on lives	Do.	-	-
A House, 7 Cottages, Out-buildings, Gardens, & Land	William Fullick, on lives	Do.	-	-
Two Cottages, a Tenement, Gardens, and Land	Mr. John Wheeler, on lives	Do.	-	-
A Messuage and Buildings, Garden, Orchard, and Land	Wm. Jolliffe, on lives	Do.	about 67 0 0	-
A Cottage, Garden, Orchard, and Land	Geo. Morris, on lives	Do.	-	-
Two Cottages, Gardens, and Land	Rich. Arnold, on lives	Do.	-	-
A House, Smith's Shop, Garden, &c.	James Ridstone, on a life	Do.	-	-
Townsend Cottage, Garden, and Land	James Redstone, on lives	Do.	-	-
A House, School Room, Orchard, and Garden	Richard Shotter, on life	Do.	-	-

(Signed) *Tho. Dyke.*

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