



CHAPTER cxcvi.

An Act to enable the Trustees of certain Poor's Allotment Lands situated in the parish of Tring and county of Hertford to sell or exchange the same; and for other purposes. A.D. 1879.
[11th August 1879.]

WHEREAS an Act was passed in the year one thousand seven hundred and ninety-seven, intituled, "An Act for dividing, allotting, and enclosing the open and common fields, common meadows, common pastures, and waste lands and grounds within the parish of Tring, in the county of Hertford," and which Act is herein called "the Act of 1797": 37 Geo. 3.
c. xxxv.

And whereas by the Act of 1797 certain commissioners (herein called "the commissioners") were appointed for the purpose of dividing, allotting, and enclosing the said common fields, common meadows, common pastures, and other commonable lands and waste grounds amongst the several proprietors and persons interested therein, and for executing the other powers vested in them by the said Act:

And whereas by the Act of 1797 it was enacted that whereas the poor inhabitants, parishioners of Tring aforesaid, had from time immemorial taken furze bushes and thorns growing on part of the common called Tring Common, being parcel of the lands intended to be enclosed by the said Act; therefore the commissioners, or any two of them, should, after the valuation and survey directed by the said Act were completed, and the claims of the parties adjusted, in the first place set out and allot to the lords and ladies of the manors of Great Tring and Pendley, to the perpetual curate of Tring aforesaid, and to the churchwardens and overseers of the poor of the parish of Tring for the time being, and their successors, one parcel of the said common called Tring Common consisting of and not exceeding one hundred acres situate between the Wick Wood and Wick Farm in the said parish of Tring and a wood called Round

A.D. 1879. Hill Wood, and the same should thenceforth be vested in the said lords or ladies of the said manors, curate, churchwardens, and overseers of the poor for the time being for ever, in trust for the benefit of the poor inhabitants parishioners of Tring aforesaid; and the said Trustees, or the majority of them, should from time to time, if they should think proper, appropriate the same in raising wood, furze, or other fuel, and distribute and divide such wood and furze or other fuel which should grow or arise thereon in such manner and proportions, on or before the twenty-fourth day of December in every year, as they the said Trustees, or the majority of them, should think fit, to and amongst the poor inhabitants parishioners aforesaid; and in case it at any time should appear in the judgment of the said Trustees, or the majority of them, that it would be more beneficial for the said parishioners to sell and dispose of the furze which should from time to time grow or renew upon the said allotment, or to let out to farm the said parcel of land or the herbage or feed thereof, and apply the money arising from such sale or the said rent or rents in purchasing fuel for the said poor, then it should be lawful for the said Trustees, or the majority of them, and they were thereby authorised and empowered, to sell the said furze or let or set the same parcel of land or any part thereof, or the herbage or feed thereof, by public meeting, to any person or persons for any time or term of years (not exceeding six years at one time) for the best price or at the best improved rent or rents that could reasonably be obtained for the same, and in such case should annually apply such rents or money arising by such sale in the purchase of fuel and distribute and divide such fuel on or before the twenty-fourth day of December in every year unto and amongst such poor inhabitants, parishioners aforesaid, and the said allotment should be free from all tithes, parochial taxes, and duties whatsoever:

And whereas by the Act of 1797 it was further enacted that as soon as conveniently might be after the partition and allotments of the said common fields, common meadows, common pastures, and other commonable and waste lands should be finished according to the purport and directions of the said Act the commissioners, or any two of them, should prepare or cause to be prepared an award or instrument in writing to describe, award, and confirm the said allotments, and which award should, inter alia, expressly set forth the quantity of acres, roods, and perches contained in the survey of the said common fields, common meadows, common pastures, and other commonable and waste lands so directed to be made as aforesaid, and the quantity of each and every allotment,

with the situation, abuttals, and boundaries thereof respectively, and directions by whom the boundary fences of the several allotments should be made and maintained, and such other matters and things, rules, orders, regulations, declarations, and determinations as the commissioners should think necessary and proper to be inserted therein with respect to the said division and inclosure, agreeable to the powers given them by the said Act; and the said award or instrument should be fairly engrossed or written on parchment and signed and sealed by the commissioners, or any two of them, and should within twelve calendar months next after the same should be executed as aforesaid be enrolled in one of Her Majesty's Courts of Record at Westminster or with the clerk of the peace or custos rotulorum of the county of Hertford, to the end recourse might be had to such enrolment by any person or persons interested in the said division and inclosure as therein provided; and any copy of the said award, or of any part or parts thereof so signed by the proper officer, should from time to time and at all times be admitted and allowed in all courts whatsoever as legal evidence; and the said award, after the same should be enrolled as aforesaid, should be lodged and kept in the chest in the parish church of Tring aforesaid for the perusal, use, and benefit of all parties or persons interested in the said division and inclosure, and should be binding and conclusive unto and upon the said parties and persons to all intents and purposes whatsoever:

A.D. 1879.

And whereas it was further enacted by the Act of 1797 that the commissioners, or any two of them, should form and draw or cause to be formed and drawn on parchment or vellum a map or plan exactly describing the several new allotments or divisions to be made by virtue of the said Act, together also with the old inclosures within the said parish of Tring, which should express the quantity of each allotment in acres, roods, and perches, and a particular account of the corn rents payable in lieu of tithes and of the lands chargeable therewith, and the names of the respective proprietors at the time of such division and inclosure, which said map or plan should be annexed to and enrolled with the said award or instrument and be deemed and construed in every respect as and for a part thereof, and from and after such enrolment the same should be deposited and kept in a chest within the said parish of Tring in order at all proper times for the inspection and perusal of all or any of the parties interested in the said division and inclosure:

And whereas the commissioners made an award and a map as directed by the Act of 1797, which award and map are dated the

A.D. 1879. — first day of November one thousand eight hundred and four, and the said award with map annexed thereto was duly enrolled in the Court of King's Bench on the twenty-fourth day of November one thousand eight hundred and four, and the land allotted by the commissioners for the benefit of the poor inhabitants, parishioners of the said parish of Tring, is described in the award as in the Schedule hereto :

And whereas the land allotted by the said award for the poor inhabitants, parishioners of Tring, became by virtue of the Act of 1797 and the said award vested in the lords and ladies of the manor of Great Tring and Pendley, the perpetual curate, and the churchwardens and overseers of the said parish of Tring, all for the time being (herein called the Trustees), and the said land has been since and is now vested in the Trustees for the purposes declared by the Act of 1797 and the said award :

And whereas the said land so allotted was formerly furze and uncultivated land, but the same has been for a long period of time and is now cultivated and used and let as arable land under the powers of the Act of 1797, and the rents have been applied in purchasing fuel for the said poor, which has yearly been distributed and divided as is by the Act of 1797 directed :

And whereas the said land is situated at too great a distance from the town of Tring for any part of it to be used for recreation purposes :

And whereas Sir Nathaniel Mayer de Rothschild as heir-at-law of the late Lionel Nathan de Rothschild, commonly called Baron Rothschild, claims to be lord of the manor of Great Tring, and as such one of the Trustees under the Act of 1797 and the said award :

And whereas the Trustees under the powers of the Act of 1797, after notice duly published on the twenty-fourth of February one thousand eight hundred and seventy-five (being the latest letting), let the said Tring poor's land by auction, and after various biddings the late Lionel Nathan de Rothschild was declared the highest bidder at thirty-one shillings and sixpence per acre, equal to one hundred and fifty-seven pounds ten shillings per annum, for the period of six years, and a lease was accordingly granted to Lionel Nathan de Rothschild, which is now vested in Sir Nathaniel Mayer de Rothschild :

And whereas the Tring poor's land (being all the land vested in the Trustees under the Act of 1797 and the said award) was valued by William Brown, surveyor, acting solely on behalf of the Trustees, at a sum which would produce in the three pounds per centum

Consolidated Bank Annuities the sum of two hundred pounds per annum, but it was stated in such valuation that the real value was considerably less than two hundred pounds per annum to any other person than the owner of the Tring estate : A.D. 1879.

And whereas the Trustees have offered to convey the said land to Sir Nathaniel Mayer de Rothschild partly in exchange for other freehold lands situate in the parish of Tring and partly for Consolidated Bank Annuities, to be subsequently expended in the purchase of other lands and hereditaments, which together shall be of the value of not less than two hundred pounds per annum, and Sir Nathaniel Mayer de Rothschild accepted the said offer :

And whereas the Charity Commissioners are precluded by the provisions of section 19 of the Commons Act, 1876, from authorising the said sale and exchange, and the Trustees have no power to make the said sale and exchange unless authorised to do so : 39 & 40 Vict.
c. 56.

And whereas the sale and exchange of the Tring poor's land would be greatly for the benefit of the poor inhabitants parishioners of the parish of Tring aforesaid, and it is expedient that the Trustees be authorised to sell and exchange the said land, and that other powers with reference to such sale and exchange should be conferred on the Trustees as in manner provided by this Act :

And whereas the aforesaid objects cannot be effected without the 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 Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Tring Poor's Land (Sale and Exchange) Act, 1879. Short title.

2. In this Act the following words and expressions have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction : Interpreta-
tion of terms.

The expression "the Act of 1797" means the Act of Parliament passed in the year 1797, intituled "An Act for dividing, allotting, and enclosing the open and common fields, common meadows, common pastures, and waste lands and grounds within the parish of Tring, in the county of Hertford :"

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The expression "the commissioners" means the commissioners appointed by the Act of 1797:

The expression "the award" means the award made by the commissioners under the Act of 1797:

The expression "the Trustees" means the lords and ladies (as the case may be) of the manors of Great Tring and Pendley for the time being, the perpetual curate of the parish of Tring in the county of Hertford, and the churchwardens and overseers of the poor of the said parish of Tring for the time being, and their successors, acting in execution of the Act of 1797 and of the award and of this Act:

The expression "Sir Nathaniel Mayer de Rothschild" means "Sir Nathaniel Mayer de Rothschild, his heirs and assigns":

The expression "the Tring poor's land" means all the land and appurtenances thereunto belonging allotted by the commissioners to and now vested in the lords and ladies of the manors of Great Tring and Pendley, and in the perpetual curate of the parish of Tring, and in the churchwardens and overseers of the said parish in trust for the benefit of the poor inhabitants parishioners of the said parish of Tring, and which land is described in the award and in Part I. of the Schedule hereto:

The expression "the Charity Commissioners" means the Charity Commissioners for England and Wales.

Trustees
may sell and
exchange
the Tring
poor's land.

3. Notwithstanding the provisions of the Act of 1797 and of the award and of the Commons Act, 1876, or otherwise howsoever, it shall be lawful for the Trustees, or a majority of them, with the consent of Her Majesty's Secretary of State for the Home Department and of the Charity Commissioners (which consent the said Secretary and the Charity Commissioners are hereby authorised to give), to sell and convey to Sir Nathaniel Mayer de Rothschild the Tring poor's land and for Sir Nathaniel Mayer de Rothschild to purchase and take a conveyance of the same, the consideration for the sale of such land being the conveyance by Sir Nathaniel Mayer de Rothschild unto the Official Trustee of Charitable Lands, on behalf of the Trustees, of the freehold lands described in Part II. of the Schedule hereto situated in the parish of Tring, and the transfer by Sir Nathaniel Mayer de Rothschild unto the Official Trustees of Charitable Funds, on behalf of the Trustees, of such a sum in three pounds per centum Consolidated Bank Annuities as, together with the value of the said freehold lands, shall be of the annual value of not less than two hundred pounds after payment of tithes, land tax, parochial taxes, and other duties whatsoever, and the value

of the lands and of the Consolidated Bank Annuities to be conveyed and transferred by Sir Nathaniel Mayer de Rothschild to the Trustees shall be ascertained and fixed by agreement between the Trustees with the consents provided by this Act and Sir Nathaniel Mayer de Rothschild. A.D. 1879.

4. After obtaining the consents as provided by this Act the sale of Tring poor's land by the Trustees to Sir Nathaniel Mayer de Rothschild shall be carried into effect by a deed duly stamped and truly stating the consideration, and shall be under the hands and seals of the Trustees for the time being, or of a majority of the Trustees. Mode of executing conveyance by Trustees.

5. The Trustees, or a majority of the Trustees, may and shall, with the consent of Her Majesty's said Secretary of State for the Home Department and of the Charity Commissioners (which consent the said Secretary and the Charity Commissioners are hereby authorised to give), within the period of five years from the passing of this Act, invest the amount of the Consolidated Bank Annuities so agreed by them to be taken in the purchase of freehold lands situate either in the parish of Tring or in some other parish or parishes, to be held in trust for the benefit of the poor inhabitants parishioners of the parish of Tring. Trustees shall purchase other lands.

6. The Trustees, with the consent of the Charity Commissioners, may use wholly or partly the lands so agreed to be conveyed to or acquired by them under the powers of this Act for purposes of recreation grounds for the benefit of the poor inhabitants parishioners of the parish of Tring. Lands may be used for recreation purposes.

7. The said Secretary and the Charity Commissioners, before giving their consent to the sale and exchange of the Tring poor's land and the purchase of other lands as provided by this Act, may make such inquiry as to the conditions of the sale and exchange and purchase of other lands being for the benefit of the poor inhabitants parishioners of the parish of Tring as they may think fit, and if not so satisfied may withhold their consent. Inquiry may be made before sale, &c.

8. The Charity Commissioners shall by the said Official Trustees of Charitable Funds or the Official Trustee of Charity Lands (as the case may be) hold in trust the three pounds per centum Consolidated Bank Annuities and the lands to be transferred and conveyed to them under the provisions of this Act, and shall, as to the said Bank Annuities so long as the same shall remain unsold and uninvested in land as provided by this Act, pay over the dividends arising therefrom to or to the order of the Trustees, and as to the said lands, subject to the provisions of this Act as to the lands being Application of income.

A.D. 1879. — used as recreation grounds, and so not yielding any rent or income, permit the Trustees to receive the rent and income arising therefrom, and the Trustees shall apply such dividends, rent, and income in the purchase of fuel to be distributed and divided on or before the twenty-fourth day of December in every year unto and amongst the poor inhabitants parishioners of the said parish of Tring, being the uses and purposes declared with reference to the rents of the Tring poor's land by the Act of 1797.

Costs of transaction &c. to be paid by Sir Nathaniel Mayer de Rothschild.

9. Sir Nathaniel Mayer de Rothschild shall pay to the Trustees all the costs, charges, and expenses of and in relation to the negotiations and inquiries about and the carrying through and completing the transactions with him authorised by this Act, and shall also pay the costs, charges, and expenses of and in relation to the preparing, obtaining, and passing of this Act and incident thereto; and if during a period of five years from the passing of this Act the Trustees, with the consents before mentioned, shall purchase other lands as provided by this Act, the costs, charges, and expenses incurred by the Trustees in purchasing such lands shall also be paid by Sir Nathaniel Mayer de Rothschild.

The SCHEDULE referred in the foregoing Act.

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PART I.

Description of the land allotted by the Commissioners under the Act of 1797 for the benefit of the poor inhabitants, parishioners of the parish of Tring, as contained in the award and authorised by this Act to be sold.

“ One piece or parcel of land, part of Tring Common, containing one hundred
“ acres as the same is now admeasured and set out, bounded on the north by
“ Wick Wood and part of Wick Farm in Tring aforesaid, on the east by an
“ allotment herein awarded to the said Drummond Smith, on the south by
“ Round Hill Wood in Tring aforesaid, and on the west by the Chesham
“ Road; and it is hereby directed that the boundary fences for inclosing the
“ last-described allotment next the said road shall be made, and for the term
“ of seven years from the tenth day of October in the year of our Lord one
“ thousand seven hundred and ninety-eight be maintained, supported, and
“ preserved by and at the expense of the general proprietors and owners of
“ lands within the parish of Tring aforesaid, and from and after the expiration
“ of the said term of seven years the same shall be maintained and preserved
“ by and at the expense of the said lords of the said manors, curate, church-
“ wardens, and overseers of the poor, and their successors, Trustees as aforesaid,
“ for the time being.”

PART II.

Description of land to be conveyed by Sir Nathaniel Mayer de Rothschild to the Trustees.

“ All that piece of land now used as garden ground situate at Tring in the
“ county of Hertford, called Mortimer Hill, containing in the whole by ad-
“ measurement ten acres one rood twenty-three perches or thereabouts.

“ And also all that piece of arable land situate at Wilstone in the said parish
“ of Tring, containing by admeasurement five acres or thereabouts, being part
“ of a field now in the occupation of James Grange.”