



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## Cap. 17.

An Act to empower the Warden and Scholars of the House or College of Scholars of *Merton* in the University of *Oxford* to sell certain Lands situate in the Parish of *Holywell* otherwise *Saint Cross* in the City of *Oxford*, and to lay out the Monies to arise from such Sales in the Purchase of other Hereditaments. [31st July 1854.]

WHEREAS the Warden and Scholars of the House or College of Scholars of *Merton* in the University of *Oxford* are seised to them and their Successors in perpetual Succession of a Piece of Land called the *Parks*, containing about Sixteen Acres, situate in the Parish of *Holywell* otherwise *Saint Cross* in the City of *Oxford*, subject nevertheless to a Lease thereof granted to *John Pinfold* for the Term of Twenty-one Years from *Michaelmas* One thousand eight hundred and forty-two, Part of which Piece of Land is specified in the First Schedule hereto annexed, and the remaining Part of which Piece of Land is specified in the Second Schedule hereto annexed: And whereas by Articles of Agreement, dated the First Day of *March* One thousand eight hundred and fifty-four, and made

[Private.]

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between

Agreement dated 1st March 1854, for Sale of

*The Merton College Estate Act, 1854.*

Part of the  
Parks to the  
University.

between the Warden and Scholars of the College aforesaid of the one Part, and the Chancellor, Masters, and Scholars of the said University of the other Part, the Warden and Scholars of the said College have contracted for the absolute Sale of the said Piece of Land specified in the said First Schedule, containing Four Acres or thereabouts, subject to the said Lease, to the Chancellor, Masters, and Scholars of the University of *Oxford* aforesaid, for the Sum of Three thousand six hundred Pounds, which said Piece of Land is delineated on the Plan annexed to the said Agreement, and is therein coloured Red ; and it was by the said Articles of Agreement stipulated that the said Sum of Three thousand six hundred Pounds should bear Interest at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, to be computed from the Thirty-first Day of *December* One thousand eight hundred and fifty-three, and to be paid by the Chancellor, Masters, and Scholars of the said University to the Warden and Scholars of the said College, upon Completion of the Purchase, together with the said Purchase Money ; and it was by the said Articles of Agreement also stipulated, that the Chancellor, Masters, and Scholars of the said University should, immediately after they had obtained Possession of the same Piece of Land, at their own Expense, well and sufficiently, and to the Satisfaction of the Surveyor of the Warden and Scholars of the said College, fence off the said Four Acres from the other Part of the said Piece of Land called the *Parks*, and that such Fences should be maintained and repaired by and at the Expense of the Chancellor, Masters, and Scholars of the said University ; and also that the Chancellor, Masters, and Scholars of the said University, and their Agents, Tenants, and Workmen should be entitled to the Use, jointly with the Warden and Scholars of the said College, and their Agents, Tenants, and Workmen, of all Roads and Ways of the Warden and Scholars of the said College leading to and adjoining the said Four Acres, the Expense of keeping in repair the Roads described in the said Plan annexed to the said Articles of Agreement (subject to the Stipulation next therein-after contained) to be defrayed by the said Warden and Scholars of the said College, and the Chancellor, Masters, and Scholars of the said University, in equal Proportions, and that as the Chancellor, Masters, and Scholars of the said University were intending to erect upon the said Piece of Land so agreed to be purchased, or on some Part thereof, certain Buildings, the entire Expense of keeping the said Roads and Ways described in the said Plan in repair during the Erection of the said Buildings should be defrayed solely by the Chancellor, Masters, and Scholars of the said University : And whereas by other Articles of Agreement dated the Tenth Day of *June* One thousand eight hundred and fifty-four, and made between the Warden and Scholars of the College aforesaid of the

Agreement,  
dated 10th  
June 1854,  
for Sale of

*The Merton College Estate Act, 1854.*

the one Part, and the Chancellor, Masters, and Scholars of the said University of the other Part, after reciting the said Articles of Agreement of the First Day of *March* One thousand eight hundred and fifty-four, and that the said Chancellor, Masters, and Scholars were desirous of entering into a Contract for the Purchase of the Remainder of the said Piece of Land called the *Parks*, containing Twelve Acres One Rood and Thirty-four Perches, or thereabouts, and of the Roads and Walks, containing altogether Four Acres and Eight Perches or thereabouts, leading along the North, East, and West Sides of the said Piece of Land, and also of the Road and Walk leading along the South Side of the said Piece of Land containing Four Acres, so contracted to be sold to the said Chancellor, Masters, and Scholars as aforesaid, and which said Piece or Parcel of Land and Roads and Walks were delineated on the Plan annexed to the Agreement now in recital, the said Piece or Parcel of Land being coloured Blue and the Roads and Walks being coloured Brown, and that the said Warden and Scholars were willing to sell the same Piece or Parcel of Land and Roads and Walks, subject to the Reservation of certain Rights of Way therein-after defined, provided they were legally empowered so to do, upon the Terms and subject to the Stipulations therein-after contained, they the said Warden and Scholars, and the said Chancellor, Masters, and Scholars, did thereby mutually agree that the Purchase Money payable by the said Chancellor, Masters, and Scholars to the said Warden and Scholars, for their Interest in the said Piece or Parcel of Land and Roads and Walks, free of Land Tax, should be Nine thousand Pounds, and that the said Sum of Nine thousand Pounds should bear Interest at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, to be computed from the Thirty-first Day of *December* One thousand eight hundred and fifty-three, and to be paid by the said Chancellor, Masters, and Scholars to the said Warden and Scholars upon Completion of the Purchase, together with the said Purchase Money, and that if the Contract now in recital be carried into effect all the Stipulations and Provisions as to the Maintenance and Repair of Roads and the Erection of Fences contained in the said recited Articles of Agreement dated the First Day of *March* One thousand eight hundred and fifty-four should be annulled, and that the said Warden and Scholars reserve to themselves, their Lessees, Tenants, Agents, Servants, Workmen, and others, full and free Liberty of Ingress, Egress, and Régress through, over, and along the Road or Way, Sixty Feet wide, situate at the North End of the said Piece or Parcel of Land containing Twelve Acres One Rood and Thirty-four Perches, and distinguished by the Letter A. on the said Plan, and also in and over the Road or Way, Sixty Feet wide, situate at the South End of the said Piece or Parcel of Land containing

the Remain-  
der of the  
Parks to the  
University.

*The Merton College Estate Act, 1854.*

taining Four Acres, and distinguished by the Letter B. on the said Plan, the said Roads or Ways to be made and at all Times thereafter maintained and repaired by and at the sole Expense of the said Warden and Scholars, who should have full Liberty at any Time thereafter, without the Necessity of any Concurrence on the Part of the said Chancellor, Masters, and Scholars, to throw open the said Roads or Ways to the Public: And whereas it would be highly beneficial to the Warden and Scholars of the said College, and the Chancellor, Masters, and Scholars of the said University, if the said Two several Articles of Agreement were carried into effect; but the same cannot be effected without the Authority of Parliament: Therefore Your Majesty's most dutiful and loyal Subjects, the Warden and Scholars of the House or College of Scholars of *Merton* in the University of *Oxford*, and the Chancellor, Masters, and Scholars of the University of *Oxford*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power for  
Merton Col-  
lege to sell  
and convey  
to the Uni-  
versity.

I. The Warden and Scholars of the said Collège and their Successors are hereby empowered to sell, and, on Payment of the Sums of Three thousand six hundred Pounds and Nine thousand Pounds, together with all Interest thereon respectively, in the Manner hereinafter directed, to convey to the Chancellor, Masters, and Scholars of the University of *Oxford* and their Successors the said Pieces of Land respectively specified in the said First Schedule and Second Schedule hereto, with all the respective Rights, Members, and Appurtenances, including the Use of the Road mentioned in the said First Schedule, subject nevertheless to the said Lease to the said *John Pinfold*, and subject to and with the Reservations, Stipulations, and Agreements contained in the said Articles of Agreement of the Tenth Day of *June* One thousand eight hundred and fifty-four, as to the using and repairing of Roads and Ways, and Liberty to throw the same open to the Public, and the Chancellor, Masters, and Scholars of the said University and their Successors are hereby empowered to purchase for such Sums of Three thousand six hundred Pounds and Nine thousand Pounds the same Two Pieces of Land respectively specified in the said First Schedule and Second Schedule hereto, with all the Rights, Members, and Appurtenances.

Purchase  
Money to be  
paid into the  
Bank, and

II. The said Purchase Monies of Three thousand six hundred Pounds and Nine thousand Pounds shall, together with the Interest thereon respectively after the Rate of Three Pounds Ten Shillings  
*per*

*The Merton College Estate Act, 1854.*

*per Centum per Annum*, to be computed from the Thirty-first Day of December One thousand eight hundred and fifty-three up to the Time of Payment of the same Purchase Monies, be paid by the Chancellor, Masters, and Scholars of the said University, or their Successors, 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 Chancellor, Masters, and Scholars of the University of *Oxford*, in the Matter of the *Merton College Act, 1854*," pursuant to the Method prescribed by the Act of the Twelfth Year 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 said Sums of Three thousand six hundred Pounds and Nine thousand Pounds and Interest shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills or Exchequer Bills; and the Interest arising from the Money so laid out in the Purchase of such Navy or Victualling Bills or Exchequer Bills, or any other Navy or Victualling Bills or Exchequer Bills, as herein-after mentioned, and the Money received for any such Bills as they shall be respectively paid off by Government, shall from Time to Time in like Manner be laid out in the Name of the said Accountant General in the Purchase of other Navy or Victualling Bills or Exchequer Bills; and so from Time to Time, until such Navy or Victualling Bills or Exchequer Bills shall be sold as herein-after mentioned, the Interest of the Monies laid out in the Purchase thereof, and the Money received when such Bills shall be paid off as aforesaid, shall in like Manner be laid out in the Name of the said Accountant General in the Purchase of other Navy or Victualling Bills or Exchequer Bills; all which said Navy, Victualling Bills, and Exchequer Bills shall be deposited in the Bank of *England* in the Name of the Accountant General, and shall there remain until a proper Purchase or Purchases be found and approved as herein-after directed, and until the same shall be sold in manner herein-after directed.

laid out in Navy, Victualling, or Exchequer Bills.

III. It shall be lawful for the said Court of Chancery, upon Petition to be preferred to the same Court by the Warden and Scholars of the said College in a summary Way, to order the Monies laid out in the Purchase of such Navy or Victualling Bills or Exchequer Bills as aforesaid to be laid out, under the Direction and with the Approbation of the said Court, in the Purchase of any Manors or other Hereditaments situate in *England* or *Wales*, to be conveyed and assured unto the Warden and Scholars of the said College and their Successors absolutely; and for the Purpose of effecting and completing the Purchase of such Manors and other Hereditaments it shall be lawful for

Such Monies to be ultimately laid out in the Purchase of Lands.

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*The Merton College Estate Act, 1854.*

the said Court of Chancery, upon Petition to be preferred to the same Court by the Warden and Scholars of the said College in a summary Way, setting forth the Approbation of such Purchase by the said Court of Chancery, to order such Navy or Victualling Bills or Exchequer Bills to be sold by the Accountant General, and the Monies to arise by the Sale thereof (restricted nevertheless in Amount as hereinafter mentioned) to be paid, laid out, and applied in completing such Purchase of such Manors and other Hereditaments in such Manner as the said Court shall think just and direct: Provided nevertheless, that in case the Monies produced by the Sale of such Navy or Victualling Bills or Exchequer Bills shall exceed in Amount the Sum of Twelve thousand six hundred Pounds, then the Sum of Twelve thousand six hundred Pounds only, Part of such Monies, shall be laid out in the Purchase of such Manors or other Hereditaments, and the Residue of such Monies shall be paid to the Warden and Scholars of the said College.

Costs in  
relation to  
the Two  
Agreements  
to be paid  
by the  
University.

IV. All the Costs, Charges, and Expenses already or hereafter to be incurred, as well by the Warden and Scholars of the said College and their Successors as by the Chancellor, Masters, and Scholars of the said University and their Successors, in relation to the said Two several recited Articles of Agreement, and in applying for and obtaining and in the passing of this Act, and in the making out and deducing the Title of the Warden and Scholars of the said College to the said Pieces of Land respectively specified in the said First Schedule and Second Schedule hereto, and in conveying the same respectively to the Chancellor, Masters, and Scholars of the said University and their Successors, and in making and delivering any attested or other Copies of or Extracts from any Deeds or other Documents of Title relating to the same Hereditaments, and the Preparation and Execution of all Deeds of Covenant for the Production of any Deeds or other Documents of Title to the Chancellor, Masters, and Scholars of the said University and their Successors, and also all the Costs, Charges, and Expenses attending or incurred in the Payment of the said Purchase Monies of Three thousand six hundred Pounds and Nine thousand Pounds, and the Interest thereof respectively, into the Bank of *England*, and the Investment of the same Monies and Interest in the Purchase of Navy or Victualling Bills or Exchequer Bills as aforesaid, and the Investment of the Interest thereof and the Money received from Time to Time on paying off such Bills or any future Bills in the Purchase of which any such Money, whether Principal or Interest, shall from Time to Time be invested as aforesaid, and also all the Costs, Charges, and Expenses attending or incurred in applying to and obtaining the Approbation of the said Court of Chancery for laying  
out

*The Merton College Estate Act, 1854.*

out the Monies aforesaid in the Purchase of any Manors or other Hereditaments as aforesaid, and in making and completing such Purchase, and conveying and assuring the same Hereditaments unto the Warden and Scholars of the said College and their Successors absolutely, and in applying for and obtaining the Sale of such Navy or Victualling Bills or Exchequer Bills, and the Payment and Application of the Monies produced by the Sale thereof in manner aforesaid, and also all other Costs, Charges; and Expenses whatsoever which have been or may be incurred by the Warden and Scholars of the said College or their Successors in relation to or in consequence of the Sale of the said Pieces of Land respectively specified in the said First Schedule and Second Schedule to the Chancellor, Masters, and Scholars of the said University, and the Investment of and other Dealings with the Monies aforesaid in the Manner aforesaid, shall be borne and paid by the Chancellor, Masters, and Scholars of the said University.

V. It shall be sufficient for all Purposes to cite this Act as “The *Merton College Act, 1854.*” Short Title.

VI. Saving always to the Queen’s most Excellent Majesty, Her Heirs and Successors, and all and every other Person or Persons, Bodies Politic and Corporate, her, his, and their Heirs, Successors, Executors, and Administrators, (other than and except the Warden and Scholars of the said College, and their Successors, and the Chancellor, Masters, and Scholars of the said University, and their Successors,) all such Estate, Right, Title, Interest, Benefit, Claim, or Demand whatsoever of, in, to, out of, and upon the said Lands specified in the First and Second Schedule to this Act, or any Part thereof, as they or any of them had before the passing of this Act, or could or might have held and enjoyed in case this Act had not been passed. General Saving of Rights.

VII. That this Act shall not be a Public Act, but shall be printed by the several Printers to the Queen’s most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others. Act as printed by Queen’s Printers to be Evidence.

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*The Merton College Estate Act, 1854.*

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## SCHEDULES referred to by the foregoing Act.

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The FIRST SCHEDULE.

All that Piece or Parcel of Land containing Four Acres or thereabouts, being Part of and lying at the South End of a Piece of Land called the Parks situate in the Parish of Holywell otherwise Saint Cross in the City of Oxford, and bounded on the North by the Remainder of the said Piece of Land called the Parks, on the South by Lands of the Warden, Fellows, and Scholars of Wadham College, and on the East and West by the University Walk, together with the Use, jointly with the Warden and Scholars of the House or College of Scholars of Merton, of the private Carriage Road of the said Warden and Scholars leading from Broad Street to the said Four Acres.

*James Saunders.*

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The SECOND SCHEDULE.

All that Piece or Parcel of Land containing Twelve Acres One Rood and Thirty-four Perches or thereabouts, being the remaining Part of the said Piece or Parcel of Land called the Parks, together with the Roads and Walks leading along the North, East, and West Sides of the said Piece of Land, and also the Road and Walk leading along the South Side of the said Piece of Land described in the First Schedule, such Roads and Walks containing altogether Four Acres and Eight Perches or thereabouts, situate in the Parish of Holywell otherwise Saint Cross in the City of Oxford, and bounded on the North by Lands of the President and Scholars of Saint John Baptist College in the Parish of Saint Giles in the said City of Oxford, on the South by the Piece or Parcel of Land described in the First Schedule, on the East by Lands of the Warden and Scholars of the House or College of Scholars of Merton, and on the West by Lands of the President and Scholars of Saint John Baptist College and of the Rector and Scholars of Lincoln College.

*James Saunders.*

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