



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. 2.

An Act to amend and explain *Fleming's Estate Act, 1852.* [27th July 1857.]

WHEREAS Parts of the Building Lands mentioned in 15 & 16 Vict. c. 19. (Priv.)
“*Fleming's Estate Act, 1852,*” are situate in the Vicinity
of the Mansions at *Stoneham Park* and at *Chilworth* in
the County of *Hants*, and at *Binstead* in the *Isle of Wight*, and it
would be an Annoyance to the Occupiers of such Mansions, and
deteriorate the Value thereof, if Houses of an inferior Character were
erected in the Vicinity thereof: And whereas Portions of such Lands
are unfit for Building Purposes, but are capable of being converted
into Accommodation Lands or ornamental Pleasure Grounds in con-
nexion with Villa Residences: And whereas it is desirable that such
Parts of the Building Lands should be leased in larger Plots than
are usually set out for Building Purposes, and on such Terms and
Conditions as may insure the Erection of Villa Residences thereon, or
such other Improvements thereof, in accordance with the Provisions
of the said Act, as may prevent Annoyances to the Occupiers of the
said Mansions; but Doubts have been raised whether the Powers of
the said Act authorize the granting of such Leases, and on account
[*Private.*] e of

Fleming's Estate Act, 1857.

of such Doubts Parts of the Building Lands cannot be let for the Rent which would otherwise be obtained : And whereas such Doubts ought to be removed, and in order thereto "*Fleming's Estate Act, 1852,*" ought to be amended ; but such Objects cannot be obtained without the Authority of Parliament : And whereas *Henry William Willis Fleming*, in the said Act mentioned, departed this Life on the Second Day of *February* One thousand eight hundred and fifty-five, unmarried : And whereas *John Brown Willis Fleming*, in the said Act mentioned, is still Tenant for Life in possession of the Settled Estates : Wherefore Your Majesty's most dutiful and loyal Subject *John Brown Willis Fleming* doth 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 ; (to wit,)

Short Title.

I. This Act may be cited for all Purposes as "*Fleming's Estate Act, 1857.*"

Explanation
of Term
"Building
Purposes."

II. For the Purpose of insuring the Erection of Villa Residences on and otherwise improving the Portions of the Building Lands situate in the Vicinity of the Mansions at *Stoneham, Chilworth,* and *Binstead* respectively, the Tenant for Life, or, as the Case may be, the Trustees, may grant Leases of any Parts of the Building Lands situate within the Distance of One Mile from *Stoneham Park* or from the Grounds of *Chilworth House* or of *Binstead Cottage*, of such Extent, and on such Terms and Conditions, as Accommodation Lands or ornamental Pleasure Grounds in connexion with Villa Residences, as the Tenant for Life and the Trustees, or, as the Case may be, the Trustees, may think expedient, and either with or without Obligation or Liberty to build thereafter any Villa Residence or Villa Residences thereon, or to make any other Improvements thereof, in accordance with the aforesaid Purposes, and with Restrictions against the erecting at any Time thereon of any Cottages or other Buildings of small Value, other than Lodges, Gardeners Cottages, or other Buildings connected with the Occupation or Enjoyment of the demised Premises for Purposes of a Villa Residence, and Restrictions against the Use of any Building at any Time erected thereon in any Manner injurious or offensive to *Stoneham Park, Chilworth House,* or *Binstead Cottage*, or the Owners or Occupiers thereof respectively, so as the yearly Rents reserved by such Leases respectively, and to become payable (according to Section 34. of "*Fleming's Estate Act, 1852,*") not later than Five Years from the Day of the Date thereof respectively, be (according to Section 35. of that Act) the best and most beneficial yearly Rents which can at the Times of the making or granting of the respective Leases or the Contracts for the same respectively,

Fleming's Estate Act, 1857.

tively, and considering the Nature and Circumstances of the respective Cases, be reasonably had for the same, and be made payable quarterly : Provided always, that in any Case in which any such Lease is granted with any such Liberty to build thereafter any Villa Residence or Villa Residences on the Land thereby demised, in addition to the Villa Residence or Residences in respect of which the original yearly Rent thereby reserved shall be payable, then, in addition to such original yearly Rent to be so reserved, or any One or more Villa Residences, and to become payable not later than such Five Years, there shall also be reserved any such additional yearly Rent, to become payable only in the event of any such additional Villa Residence or Residences being thereafter built, and to be charged on and issuing out of the same, as shall be the best and most beneficial additional yearly Rent which can at the Time of the making or granting of the Lease, or the Contract for the same, and considering the Nature and Circumstances of the Case, be reasonably obtained, and shall be made payable quarterly from a Time not later than the Time when the respective additional Villa Residence is fit for Habitation and Use.

III. Under Section 36. of "*Fleming's Estate Act, 1852,*" Liberty to dig Earth and Clay for making Bricks, Tiles, or Pipes, and Liberty to fell Timber, may be granted; and in addition to any certain or contingent Rent to be reserved in any Lease of the Building Lands, there may be reserved, if the Tenant for Life, or, as the Case may be, the Trustees, think expedient, any Royalty for any Bricks, Tiles, or Pipes to be made on the Land demised by the Lease, and every such Royalty shall be the best and most beneficial which can at the Time of the making or granting of the Lease or the Contract for the same, and considering the Nature and Circumstances of the Case, be reasonably had for the same, and shall be made payable in every Year in which any Bricks, Tiles, or Pipes in respect of which it is reserved are made : Provided always, that it shall not be lawful for the Tenant for Life or the Trustees to grant the Liberty of burning any Bricks, Tiles, or Pipes on any Land where such burning may cause a Nuisance to the Occupiers of *Stoneham House, Chilworth House, or Binstead Cottage,* or to the Occupier of any House erected or to be hereafter erected on the Building Lands.

Royalty for
Bricks, &c.
made by
Lessee.

IV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to every other Person and Body Public and Corporate, and their respective Heirs, Successors, Executors, and Administrators, (other than and except the several Persons mentioned in Section 53. of "*Fleming's Estate Act, 1852,*" as excepted out of the General Saving affected by that Section,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the Building Lands specified in the First, Third, Fourth, and

General
Saving.

Fifth

Fleming's Estate Act, 1857.

Fifth Schedules to that Act annexed respectively, or any Part thereof, as they or any of them had before the passing of this Act, or would, could, or might have or enjoy if this Act were not passed.

Act as
printed by
Queen's
Printers to
be Evidence.

V. 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.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1857.