ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

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C A P LXXVIII.

An Act for effecting an Exchange between Her Majesty and the Provost and College of *Eton*.

[5th *August* 1842.]

Her Majesty seised in Fee of the Premises in the Second Schedule.

WHEREAS the Queen's most Excellent Majesty, in right of the Crown, is seised to Herself, Her Heirs and Successors, of the Messuages, Tenements, Lands, and Hereditaments particularly mentioned and described in the Second Schedule to this Act annexed, situate in the Parish of *Eton* in the County of *Bucks*, subject to the Leases or Agreements for Leases in the said Second Schedule mentioned or referred to, and is also in like Manner seised of a Piece or Parcel of Land situate in the Parish of *Saint Pancras* in the County of *Middlesex*, containing One Rood and Thirty Perches, or thereabouts, particularly mentioned in the said Second Schedule to this Act: And whereas the Provost of the College Royal of the Blessed *Mary* of *Eton* near unto *Windsor* in the County of *Bucks*, commonly called the King's College of our Blessed Lady of *Eton* nigh or by *Windsor* in the said County of *Bucks*, and the same College, are seised to them and their Successors in Fee Simple of the Lands, Tenements, and Hereditaments mentioned and described in the First Schedule to this Act annexed, situate in the Parishes of *Saint Marylebone*, *Saint Pancras*, and *Hampstead* respectively, or some or one of them, in the said County of *Middlesex*, subject to the

Eton College seised in Fee of the Premises in the First Schedule.

Maps or Plans of the Lands have been made and signed.

Lease in the said First Schedule mentioned: And whereas Maps or Plans of the Lands, Tenements, and Hereditaments respectively mentioned and described in the said First and Second Schedules to this Act have been prepared and signed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, and by the Provost of the said College on behalf of himself and the said College, and such Maps or Plans, after the same shall have been authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, are intended to be deposited in the Office of Land Revenue Records and Enrolments, there to be and remain of record for ever: And whereas it has been

Agreement for Exchange.

mutually agreed by the said Commissioners on behalf of Her Majesty, and by the Provost of the said College on behalf of the said Provost and College, to exchange the Lands, Tenements, and Hereditaments described in the First Schedule to this Act, belonging to the said Provost and College, for the Messuages, Lands, and Hereditaments described in the Second Schedule to this Act, belonging to Her Majesty in right of the Crown: And whereas it will be for the mutual Benefit of Her Majesty and the said Provost and College, and their Successors, that such Exchange should be perfected and carried into effect; but inasmuch as the same 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

Plans to be deposited in the Land Revenue Record Office.

by the Authority of the same, That within Three Calendar Months after the passing of this Act the said Maps and Plans, signed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and by the Provost of the said College, and authenticated by the Signature of the Speaker of the House of Commons, shall be deposited in the Office of Land Revenue Records and Enrolments, there to be and remain of record for ever.

The Lands in the First Schedule to vest in the Crown.

II. And be it enacted, That from and immediately after the passing of this Act the Lands, Tenements, and Hereditaments mentioned and comprised in the First Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance of the same in Fee Simple, and the Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits thereof, subject to the Lease in the said First Schedule to this Act annexed mentioned or referred to, shall be and the same are by this Act vested in the Queen's most Excellent Majesty, Her Heirs and Successors, for ever, as Part and Parcel of the Hereditary Revenues of the Crown within the Order and Survey of the Court of Exchequer, who shall be deemed in Law to be in the actual Seisin and Possession thereof, subject to the said Lease mentioned in the said First Schedule, and with the same Power of Recovery of the Rent and compelling the Performance of the Covenants in the said Lease reserved and contained, and on the Part of the Tenants to be paid and performed, as were possessed by the said Provost and College immediately before the passing of this Act, but freed and discharged and absolutely exonerated from all other Estates, Rights, Titles, Uses, Trusts, Intents, and Purposes, Interests, Claims, and

Demands,

Demands, heretofore created, limited, or declared of or affecting the same.

Lands in the Second Schedule to vest in Eton College.

III. And be it enacted, That from and after the passing of this Act the said Messuages, Lands, Tenements, and Hereditaments mentioned and comprised in the Second Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance of the same in Fee Simple, and the Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits thereof, shall (subject to the Leases or Agreements for Leases in the Second Schedule to this Act mentioned or referred to) be and the same are by this Act settled upon and vested in "The Provost of the said College Royal of the Blessed *Mary* of *Eton* near unto *Windsor* in the said County of *Bucks*, commonly called the King's College of our Blessed Lady of *Eton* nigh or by *Windsor* in the said County of *Bucks*, and the same College," freed and discharged and absolutely acquitted and exonerated of and from all former and other Estates, Rights, Titles, Uses, Trusts, Intents, and Purposes, Interests, Claims, and Demands, heretofore created, limited, or declared of or affecting the same, except the Leases or Agreements for Leases mentioned in the said Second Schedule, subject nevertheless to the like Uses or Trusts which immediately before the passing of this Act were subsisting of and concerning the said Hereditaments comprised in the said First Schedule.

Empowering the Provost and College to purchase up the Leases to which the Lands received by them in Exchange are now subject.

IV. And whereas certain Sums of Money belonging to the said Provost and College of *Eton* were invested in the Purchase of Three *per Centum* Consolidated and Three *per Centum* Reduced Bank Annuities, which are now standing in the Name and to the Credit of the Accountant General of the High Court of Chancery, "*ex parte* the Provost and College of *Eton*:" And whereas it may be expedient, for the Purpose of making immediate Improvements in the Vicinity of *Eton College*, that the Provost and College of *Eton* should be enabled to obtain the actual Possession of all or some of the Hereditaments comprised in the said Second Schedule to this Act, discharged from the Leases and Agreements for Leases mentioned in the same Schedule; be it therefore enacted, That it shall be lawful for the Provost and College of *Eton*, or their Successors, immediately after the passing of this Act, subject to the Approbation of the High Court of Chancery, to treat and agree with the Lessees, Tenants, or Under-tenants of the Messuages, Lands, Tenements, and Hereditaments comprised in the Second Schedule to this Act, for the Purchase of all or any of their respective Terms, Estates, or Interests under subsisting Leases or Agreements for Leases of and in such of the said Messuages, Lands, Tenements, and Hereditaments as the said Provost and College may judge necessary or proper to be purchased for or in respect of such Improvements; and that it shall be lawful for the said Court, upon a Petition to be preferred in a summary Way by or on behalf of the said Provost and College, to direct the Sale of such Part or Parts as the said Court shall think proper of the Stocks, Funds, Bills, or Securities which are now or hereafter shall be standing in the Name of the said Accountant General, *ex parte* the Provost and College of

Eton,

Eton, and to direct that such Part as the Court shall think proper of the Monies arising therefrom, and of any other Monies which are now or shall hereafter be standing to the Credit of the Accountant General of the said Court, "*ex parte* the Provost and College of *Eton*," shall be applied for or towards completing the Purchase or Purchases of any of such Messuages, Lands, Tenements, or Hereditaments, or of such Estates, Terms, or Interests therein, as aforesaid; and that the said Provost and College shall also, subject to the Approbation of the said Court, have full Power to apply, for all or any of the last-mentioned Purposes, any other Stocks, Funds, Securities, or Monies which are or shall be under their Control or Power; and that the Messuages, Lands, Tenements, or Hereditaments, or the Terms, Estates, or Interests therein, which shall be so purchased or agreed for as aforesaid, shall be conveyed, assigned, surrendered, or assured to the said Provost and College for the Time being, and their Successors, or as they shall direct, in order that such Terms, Estates, and Interests may either be extinguished or kept on foot for the Purpose of protecting the Inheritance of the Premises so purchased against intermediate Incumbrances.

Court of Chancery may direct Costs to be taxed and paid.

V. And be it 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 fit for taxing, paying, and settling all Costs, Charges, and Expences which have been incurred or shall be incurred by the said Provost and College of *Eton* in, about, or relating to the said Exchange, and the Reference to Arbitrators thereupon, and the passing of this Act, and incidental thereto respectively, and in making the several Applications to the said Court respecting the Matters aforesaid, and the Costs of taking the said Money out of the said Bank, and investing the same in the Purchase of such Messuages, Lands, and Hereditaments, Terms or Interests as aforesaid, and of conveying, assigning, surrendering, or assuring the same respectively, according to the Directions herein-before contained.

Power of Re-entry to the Crown in case of Eviction.

VI. And be it enacted, That if Her Majesty, Her Heirs or Successors, shall at any Time hereafter be evicted from the Possession of the Whole or any Part of the said Hereditaments described in the said First Schedule to this Act, by any Right or Title subsisting before the passing of this Act, then and from thenceforth it shall be lawful for Her Majesty, Her Heirs or Successors, or the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty, Her Heirs or Successors, immediately after such Eviction from the Possession of the same Premises, to enter into and upon the said Hereditaments described in the Second Schedule to this Act, and to have, hold, and enjoy the said Premises for such Estate, and in as full, ample, and beneficial a Manner, as Her Majesty held the said Hereditaments described in the said Second Schedule prior to the passing of this Act, any thing herein contained to the contrary thereof in anywise notwithstanding.

Power of Re-entry to the College in case of Eviction.

VII. And be it enacted, That if the said Provost and College, or their Successors, shall at any Time hereafter be evicted from the Possession of the Whole or any Part of the Hereditaments described in the said

said Second Schedule to this Act, by any Right or Title subsisting before the passing of this Act, then and from thenceforth it shall be lawful for the said Provost and College, and their Successors, immediately after such Eviction from the Possession of the same Premises, to enter into and upon the Hereditaments described in the said First Schedule to this Act, and to have, hold, and enjoy the said Premises in as full, ample, and beneficial a Manner as the said Provost and College held the said Hereditaments described in the said First Schedule prior to the passing of this Act, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Costs of obtaining the Act to be paid by the Crown.

VIII. And be it enacted, That all the Costs and Expences of applying for and obtaining this Act shall be borne and paid by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for and on behalf of Her Majesty.

General Saving of Rights.

IX. Saving always to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their respective Heirs, Successors, Executors, Administrators, and Assigns, other than and except Her Majesty, Her Heirs and Successors, and the said Provost and College of *Eton*, and their Successors, all such Estates, Rights, Titles, Interests, Claims, and Demands whatsoever, of, in, to, or out of the said Hereditaments and Premises comprised in or in any Manner affected by this Act as aforesaid, as they or any of them respectively had before the passing, or respectively could or might have had, held, enjoyed, and been entitled to in case this Act had not been passed.

Provisions of the Act 5 Vict. Sess. 2. c. 20. extended to the Lands mentioned in the First Schedule to this Act.

X. And whereas it is expedient, for the Purpose of making immediate Improvements, that the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, should be enabled to obtain the actual Possession of the Lands and Hereditaments mentioned and described in the First Schedule to this Act, freed and discharged from the Lease granted to *John Spice Hulbert*, mentioned in the said Schedule: And whereas an Act was passed in this present Session of Parliament, intituled *An Act to extend an Act passed in the Fourth and Fifth Years of Her present Majesty, for enabling Her Majesty's Commissioners of Woods to purchase certain Lands for* Victoria Park; be it enacted, That the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall or may, for the Purpose of obtaining the actual Possession of the said Lands and Hereditaments mentioned in the First Schedule to this Act, have, use, and exercise all and every the Powers and Authorities in the said last-mentioned Act contained, and in all respects as if the same Hereditaments were to be obtained for the Purpose of the said last-mentioned Act, and that all the Clauses and Provisions in the said recited Act contained, empowering the said Commissioners, on behalf of Her Majesty, to take and use any Lands or Hereditaments, and to treat for the Purchase thereof, and for enabling or requiring Bodies Politic, Trustees, and other Persons to sell and convey, and to accept Satisfaction for the Value of the Lands and Hereditaments so taken, for requiring Parties to deliver Statements

ments of their Claims to the said Commissioners, and for ascertaining and fixing, by the Verdict of a Jury or otherwise, the Amount of Compensation to be paid to such Bodies Politic, Trustees, or other Persons, and for regulating the Payment of the Purchase Money, and the Apportionment of Rents for enabling and requiring Mortgagees to release and convey, and providing for Cases where the Mortgage Money is more than the Value of the Lands comprised in the Security, or where a Part only of the Lands comprised in any Security is taken, and all other Powers and Authorities, Clauses and Provisions, whether compulsory or otherwise, given or granted to the said Commissioners, or mentioned in or prescribed by the said recited Act, shall extend and be applicable to all such Part of the Lands or Hereditaments comprised in and demised by the said Lease so granted to the said *John Spice Hulbert* as are mentioned and described in the First Schedule to this Act, in such and the same or the like Manner as if all the said Powers and Authorities, Clauses, Provisions, and Regulations, were herein repeated and expressly re-enacted, and adapted to such last-mentioned Lands and Hereditaments, and to the Owner or Owners, Mortgagee or Mortgagees, Lessee or Lessees, Tenant or Tenants, Occupier or Occupiers thereof respectively, save and except in so far only as such Clauses, Provisions, and Regulations may be repugnant to the Objects effected or intended to be effected by this Act; and, except when any Estates or Interests in the said Hereditaments shall be so acquired, the same shall be vested in the Queen's most Excellent Majesty, Her Heirs and Successors, in all respects as is herein-before enacted with respect to the said Hereditaments comprised in the said First Schedule to this Act.

Power to alter and stop up Roads, and make other Roads.

XI. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to stop up, alter, divert, or widen all or any of the Roads, Ways, Paths, or Passages now running into, upon, through, or over all or any Part or Parts of the Lands mentioned and described in the First Schedule to this Act, and to set out, form, and make, in lieu thereof or in addition thereto, such other Roads, Ways, Paths, or Passages as to the said Commissioners may seem fit and necessary.

Public Act.

XII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHE-

SCHEDULES to which the foregoing Act refers.

The FIRST SCHEDULE referred to by this Act.

All those several Pieces or Parcels of Land, containing by Admeasurement Fifty-four Acres and One Rood, or thereabouts, be the same little more or less, comprising Primrose Hill and Lands adjoining thereto, the whole situate, lying, and being in the Parishes of Saint John Hampstead, Saint Marylebone, and Saint Pancras, or some or one of them, in the County of Middlesex; (that is to say,)

	A.	R.	P.
Firstly.—All that triangular Piece of Land abutting on the South on the Portland Town or Albert Road, on the East on Land formerly the Property of Lord Southampton, and now the Property of Her Majesty, on the North-west on the Piece of Land secondly herein-after described, and which said Piece of Land is situate in the Parishes of Saint Pancras and Saint Marylebone, or one of them, and is now in the immediate Possession and Occupation of the said Provost and College of Eton, and contains by Admeasurement - - - - - - - - -	1	0	3
Secondly.—All that other Piece or Parcel of Land called or known by the Name of Rugmore Close, abutting on the firstly described Piece of Land on the South-east, on the said Portland or Albert Road on the South, on Property of the Duke of Portland on the West, on Land formerly belonging to the said Lord Southampton, and now the Property of Her Majesty, on the East, and on the Piece of Land thirdly herein-after described on the North or North-west, which said Piece or Parcel of Land is situate in the Parishes of Saint Pancras and Saint Marylebone aforesaid, or one of them, and contains by Admeasurement - - - - - - - - -	18	2	10
Thirdly.—All that other Piece or Parcel of Land comprising Blue-house Field and Parts of certain Fields called or known by the Names of Primrose Hill, Sheppard's Hill, Square Field, the Thirteen Acres, and the Ten Acres, abutting on the North and on the North-east on other Land now belonging to the said Provost and College, on or towards the East on Lands belonging to Her Majesty, formerly the Property of the said Lord Southampton, on or towards the South-east on the Piece or Parcel of Land secondly herein-before described, and on or towards the South on Lands now or late the Property of the said Duke of Portland, and on or towards the South-west on Lands now or late the Property of Colonel Eyre, and which said Piece or Parcel of Land is situate in the Parish of Saint John Hampstead, and contains in the whole by Admeasurement - - - - - - - - -	34	2	27
TOTAL - - -	54	1	0

The Lands secondly and thirdly above described are, together with other Lands adjoining thereto, subject to a Lease granted by the said Provost and College of Eton, bearing Date the Ninth Day of May One thousand eight hundred and forty, to John Spice Hulbert, Esquire, for a Term of Nineteen Years from the Sixth Day of April One thousand eight hundred and forty, at and under certain Rents and Reservations, and subject to certain Covenants and Agreements in the said Lease mentioned.

Value in Fee Simple of the Lands and Hereditaments mentioned and described in this Schedule (subject to the Lease granted to John Spice Hulbert, Esquire, as above mentioned, the Rents reserved by which Lease have been or are intended to be apportioned,) is Fifteen thousand one hundred and twelve Pounds Five Shillings.

Edward Driver.
John Shaw.

The SECOND SCHEDULE referred to by this Act.

Description of Premises.	Occupiers.	Reserved Annual Rent under the Crown Leases.
		£ s. d.
A Dwelling House, situate in High Street, Eton, with Outbuildings and Gardens adjoining.	Susan Jane Hatton	20 0 0
Another Dwelling House, situate adjoining the above, with Outbuildings, Yard, and Garden adjoining.	William Hexter -	45 0 0
Another Dwelling House, situate adjoining the above, with Outbuildings, Yard, and Garden adjoining.	Edward Weight -	32 0 0
Another Dwelling House, with Outbuildings, Yard, and Garden, adjoining the above.	Samuel Webber -	50 0 0
Another Dwelling House, with Garden, also adjoining the above.	Late T. C. Tarver (now empty).	
Another Dwelling House, with Outbuildings and Yard, also adjoining the above.	Late Merrick (now empty).	45 0 0
Another Dwelling House, with Yard and Outbuildings, situate in High Street and also in Keat's Lane, being the corner House.	Late Richard Fowler (now empty).	
Another Dwelling House, and Outbuildings, Yard, and Garden, situate in Keat's Lane, Eton.	The Reverend F. E. Durnford.	59 10 0
All the before-described Premises are held by Thomas Slatter, Esquire, under separate Leases, granted from the Crown, for Terms of Thirty Years from the Fifth of July One thousand eight hundred and thirty-one, at and subject to the several annual reserved Rents above stated.		
Another Capital Dwelling House, adjoining the last before described, and also situate in Keat's Lane, with Outbuildings, Yard, and Garden.	The Reverend E. H. Pickering.	
These Premises are held by Thomas Slatter, Esquire, under a Lease, granted from the Crown, for the Term of Fifty Years from the Fifth of July One thousand eight hundred and thirty-one, at and subject to the annual reserved Rent of - -	- - -	18 0 0
Another Dwelling House, Offices, Outbuildings, Yards, and Garden, also situate in Keat's Lane.	Mrs. Nesfield and William Evans, Esq.	
These Premises are held by Thomas Slatter, Esquire, under a Lease, granted from the Crown, for a Term of Thirty Years from the Fifth of July One thousand eight hundred and thirty-one, at and subject to the annual reserved Rent of - - - -	- - -	35 0 0
A very Capital Dwelling House, with Offices, Outbuildings, Stables, Yards, and Garden, and another Dwelling House built on the said Garden, all being situate in Keat's Lane.	The Reverend Edward Coleridge.	25 0 0 Annual reserved Rent till 5 July 1846.
These Premises are held by the Representatives of the late Provost, Doctor Goodall, under a Lease, granted from the Crown, for Three hundred and sixty-two Days and Forty-five Years, computed from the Eighth Day of July One thousand eight hundred		150 0 0 For the Remainder of the Term.

Description of Premises.	Occupiers.	Reserved Annual Rent under the Crown Leases.
and thirty-five, at the clear yearly Value of Twenty-five Pounds for the first Three hundred and sixty-two Days and Ten Years, and at the clear yearly Rent of One hundred and fifty Pounds during the Remainder of the said Term.		
The Messuage called the Christopher Inn, situate in the High Street at Eton, together with the Yards, Stabling, Malthouse, Workshops, and Outbuildings thereto belonging, a Dwelling House and Garden in the back Yard, Timber Yard, and Carpenters Sheds, Two other Kitchen Gardens, and a Parcel of Meadow Land adjoining, containing in the whole Two Acres and Twenty-five Perches - - - - - - -	Thomas Clarke, Walter Beavor Cooper, William Evans Skelton, and the Provost of Eton College.	
Also the Piece of Land called Little Town's Piece, containing Two Roods and Six Perches, together with Nine Houses erected thereon, with Yards and Gardens, and containing in the whole Two Roods and Six Perches.	Sundry Occupiers.	
These last-mentioned Premises (together with several small Pieces of Land lying dispersedly in the Common Fields of Eton, and containing Twenty-nine Acres and Eighteen Perches, and now in the Occupation of Charles Turner, as yearly Tenant, at the Rent of Forty-three Pounds per Annum, which said Twenty-nine Acres and Eighteen Perches are not included in this Exchange, but are to be surrendered to the Crown at Michaelmas next, subject to such yearly Tenancy,) are held by the Provost and Fellows of Eton College under a Lease, granted by the Crown, for a Term of Fifty-two Days and Forty Years, computed from the Nineteenth of August One thousand eight hundred and eight, in consideration of a Fine of Eight hundred and ninety-three Pounds then paid by the Lessees to the Crown, and at a clear yearly reserved Rent of One hundred and four Pounds Four Shillings payable during the Term, and which Lease is to be surrendered to the Crown at Michaelmas next ensuing, subject as aforesaid.		
Also a Piece or Parcel of Land, situate near Primrose Hill in the Parish of Saint Pancras in the County of Middlesex, containing One Rood and Thirty Perches.	Her Majesty.	

We, whose Names are undersigned, having been directed by Her Majesty's Commissioners of Woods, Forests, and Land Revenues, on the one Part, and the Provost and Fellows of the College of Eton on the other Part, to survey and determine upon the Value of certain Freehold Property belonging to Her Majesty, situate in the Parish of Eton in the County of Buckingham, and in the Parish of Saint Pancras in the County of Middlesex, more particularly described in the above Schedule, have made a Survey and Examination of the same, and, subject to the existing Leases of the said Property, do find the Value thereof (exclusive of certain outlying Lands, containing Twenty-nine Acres and Eighteen Perches, lying dispersedly over the Parish of Eton, and in the Occupation of

Charles Turner, as Sub-tenant to the Provost and Fellows of the said College, but which are included and contained in the Lease of the Christopher Inn and other Premises granted by the Crown to the said Provost and Fellows) to be Fifteen thousand one hundred and twelve Pounds Five Shillings (£15,112. 5.); which Valuation is made upon the Assumption of the Crown continuing in possession of and receiving all Rents from the said Provost and Fellows and the other Crown Lessees until the Eleventh of October One thousand eight hundred and forty-two.

(£15,112. 5.)

Edw. Driver.
John Shaw.
Jas. W. Higgins.

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