



CHAPTER 8.

An Act for enlarging the leasing powers relating to the Estates annexed to the Earldom of Arundel, and for effecting an exchange of parts of the same Estates, and for authorising exchanges and sales of other parts of the same Estates; and for other purposes. A.D. 1879.

[11th August 1879.]

WHEREAS by an Act of Parliament made and passed in the third year of the reign of His late Majesty King Charles the First, intituled "An Act concerning the title, name, and dignity of Earl of Arundel, and for the annexing of the castle, honour, manor, and lordship of Arundel in the county of Sussex, with the titles and dignities of the baronies of Fitz-Allen, Clun and Oswaldstree, and Maltravers, and with divers other lands, tenements, and hereditaments hereafter in this Act mentioned, being now parcel of the possessions of Thomas Earl of Arundel and Surrey, Earl Marshal of England, to the same title, name, and dignity of Earl of Arundel," it was (amongst other things) enacted that the dignity of Earl of Arundel, and the said castle, honour, and lordship of Arundel, and the said baronies of Fitz-Allen, Clun and Oswaldstree, and Maltravers, and the borough and manor of Arundel aforesaid, with the rights, members, and appurtenances thereof; and the rectory of Arundel in the said county of Sussex, with the rights, members, and appurtenances thereof; and the forest of Arundel, with the walks of Gunworth and Ruell to the said forest adjoining, with the appurtenances thereof; and all those two parks, commonly called the Great Park and the Little Park, in the said county of Sussex, with the appurtenances thereof to the said castle, honour, manor, or borough of Arundel or to some or one of them belonging or appertaining, or with them or some of them used and enjoyed; and all those lands, parks, meadows, and marshes called Badworth Park, in the said county of Sussex, with the appurtenances thereof; and all that college house there called the College of Arundel, with the appurtenances; and all that the almshouse there called the Almshouse of Arundel, with the appurtenances thereof; and

3 Car. 1.
c. 4.
(Private.)

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assured, limited, and settled to Thomas Earl of Arundel and Surrey, and the heirs male of his body lawfully begotten and to be begotten, and for default of such issue, then to the heirs of the body of the said Earl lawfully begotten and to be begotten, and for default of such issue, then to the Right Honourable Lord William Howard, uncle of the said Earl, and son of the Right Noble Prince Thomas, late Duke of Norfolk, and the heirs male of the body of the said Lord William Howard lawfully begotten and to be begotten, and for default of such issue, then to the heirs of the body of the said Lord William Howard lawfully begotten, and for default of such issue to the said Thomas Earl of Arundel and Surrey and his heirs for ever; and it was further enacted that neither the said Thomas Earl of Arundel and Surrey nor any the heirs male or other heirs of his body, nor any other person or persons, his or their heirs male of his or their bodies issuing, to whom any estate of inheritance of or in the premises or any part thereof should thereafter come, descend, or accrue by force or means of the said Act should thereafter alien, give, grant, bargain, and sell, or otherwise convey away the same or any part thereof, or any other thing do which should or might be to the disherison of the heirs inheritable by force of the said Act, but that they might make leases of the said premises, except of the Castle and Parks of Arundel and the said mansion house called Arundel House, for twenty-one years, in such manner as tenants in tail might make leases for twenty-one years by the statute made in the thirty-second year of the reign of King Henry the Eighth:

And whereas the estates subject to the entail created by the said Act of the third of King Charles the First are herein-after for the sake of distinction generally designated the said Parliamentary estates:

And whereas under and by virtue of divers Acts of Parliament divers parts of the said Parliamentary estates have been from time to time exchanged or sold, and have thus been discharged from the limitations of the recited Act, and divers other manors, messuages, lands, and hereditaments have become subject to the limitations of the said Act:

And whereas the Most Noble Henry, now Duke of Norfolk, Earl of Arundel and Surrey, Earl Marshal and Hereditary Marshal of England, is the heir male of the body of the said Thomas Earl of Arundel and Surrey, and as such is now entitled in possession to the said castle and manor of Arundel, and to the said titles and dignities, and the manors, messuages, advowsons, lands, tenements, and hereditaments now constituting the said Parliamentary estates:

And whereas the said Henry Duke of Norfolk has attained the age of twenty-one years, having been born on the twenty-seventh day of December one thousand eight hundred and forty-seven:

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And whereas the said Henry Duke of Norfolk, then a bachelor, intermarried with Lady Flora Paulyna Hetty Barbara Abney-Hastings on the twenty-first day of November one thousand eight hundred and seventy-seven, but there has not been any issue of such marriage :

And whereas the said Henry Duke of Norfolk is the eldest son of Henry Granville late Duke of Norfolk, who intermarried, on the nineteenth day of June one thousand eight hundred and thirty-nine, with Augusta Mary Minna Catherine Lyons, and had issue three sons, videlicet, the said Henry Duke of Norfolk, Lord Philip Thomas Fitzalan Howard, who died on or about the twenty-fourth day of July one thousand eight hundred and fifty-five, an infant of tender years, and Lord Edmund Bernard Fitzalan Howard, who has attained the age of twenty-one years, having been born on or about the first day of June one thousand eight hundred and fifty-five, and is a bachelor, and no other male issue :

And whereas the said Lord Edmund Bernard Fitzalan Howard, by virtue of a royal license dated the nineteenth day of July one thousand eight hundred and seventy-six, assumed the name of Talbot in lieu of his former surname of Fitzalan Howard, and is now known as Lord Edmund Bernard Talbot :

And whereas the said Henry Granville Duke of Norfolk died on the twenty-fifth day of November one thousand eight hundred and sixty :

And whereas the said Henry Granville Duke of Norfolk was the eldest son of Henry Charles Duke of Norfolk, who intermarried with Lady Charlotte Leveson Gower, and had issue three sons, videlicet, the said Henry Granville Duke of Norfolk, Lord Edward George Fitzalan Howard, and Lord Bernard Thomas Fitzalan Howard, and no other male issue, and the said Henry Charles Duke of Norfolk died on the eighteenth day of February one thousand eight hundred and fifty-six :

And whereas the said Lord Edward George Fitzalan Howard intermarried for the first time on the twenty-second day of July one thousand eight hundred and fifty-one with Augusta Talbot, and had issue by such marriage two sons, namely, Charles Bernard Talbot Fitzalan Howard, who died on or about the eighth day of July one thousand eight hundred and sixty-one, an infant of tender years, and Francis Edward Fitzalan Howard, who is an infant of the age of twenty years and upwards (having been born on the nineteenth day of May one thousand eight hundred and fifty-nine), and no other male issue :

And whereas the said Augusta Talbot (then Lady Augusta Howard, the wife of the said Lord Edward George Fitzalan Howard) died on the third day of July one thousand eight hundred and sixty-two :

And whereas the said Lord Edward George Fitzalan Howard A.D. 1879.
intermarried with Winefride Mary Lisle March Phillipps de Lisle
on the sixteenth day of July one thousand eight hundred and sixty-
three, but there has not been any issue of such marriage :

And whereas the said Lord Edward George Fitzalan Howard
was created Baron Howard of Glossop on or about the ninth day
of December one thousand eight hundred and sixty-nine :

And whereas the said Lord Bernard Thomas Fitzalan Howard
died on the twenty-first day of December one thousand eight
hundred and forty-six without having ever been married :

And whereas under the powers of the Arundel Estate Act, 1846, 9 & 10 Vict.
c. 37.
(Private.)
the pieces or parcels of land described in the second column of
Part 1 of the First Schedule to this Act (and which form parts of
the said Parliamentary estates) have by the indentures, the dates
whereof are specified in the first column of the said Part 1 of the
said First Schedule, been demised to the persons whose names are
specified in the third column of the said Part 1 of the said First
Schedule for the terms of years specified in the fifth column of the
said Part 1 of the said First Schedule, at the rents specified in the
sixth column of the said Part 1 of the said First Schedule, and
under usual covenants :

And whereas the messuage, lands, and premises specified in
Part 2 of the said First Schedule to this Act form parts of the
said Parliamentary estates, and are in hand or let at rackrents to
yearly tenants :

And whereas the said Henry Duke of Norfolk is seized in fee
simple (subject only to rackrent tenancies) of the hereditaments
specified in the Second Schedule to this Act, except a small portion
containing ten perches or thereabouts, and in the said schedule
described as being numbered 460 on the tithe plan, which is held by
him for a term of ten thousand years granted in the year one
thousand seven hundred and fifty-two :

And whereas by the Arundel Estate Act, 1846, powers were
given to lease for building or repairing purposes all or any part of
the said Parliamentary estates (except the castle of Arundel and
the parks, gardens, woods, plantations, pleasure grounds, yards,
outhouses, and other premises usually enjoyed with the said castle)
for any term or number of years not exceeding ninety-nine years to
take effect in possession, but difficulties have arisen, and are likely
still to arise, in regard to the leasing of parts of the said Parlia-
mentary estates for building and repairing purposes by reason that
the said Act does not authorise the making of preliminary contracts,
and it is desirable that powers should be obtained under which
preliminary contracts may be entered into for the granting of such

A.D. 1879. building and repairing leases as are authorised to be granted by the Arundel Estate Act, 1846:

And whereas it has been deemed desirable by the said Henry Duke of Norfolk that the hereditaments specified in the Second Schedule to this Act, which lie contiguous to and intermixed with certain parts of the said Parliamentary estates, should become parts of such estates, and in order to accomplish this object he is desirous that the same should be exchanged for the hereditaments specified in the First Schedule to this Act:

And whereas it has been ascertained that the value of the said lands specified in the said Second Schedule exceeds the value of the said lands specified in the said First Schedule (having regard to the fact that parts of such last-mentioned lands are subject to the leases referred to in the said First Schedule) by the sum of seven hundred and fifty-two pounds, but if such exchange as aforesaid can be effected the said Henry Duke of Norfolk is prepared to carry out the same without claiming payment of any money by way of equality of exchange:

And whereas it is anticipated that it will before long be necessary that an additional cemetery should be provided for the inhabitants of the said parish of Arundel, and inasmuch as all the land suitable for that purpose forms part of the said Parliamentary estates, it is desirable that powers should be obtained under which part of the said Parliamentary estates may be made available for such purpose:

And whereas the hereditaments specified or referred to in the Third Schedule to this Act form part of the said Parliamentary estates and it is comparatively unimportant that the same should be retained as part of such estates, and it may be desirable from time to time to effect exchanges of such hereditaments, or parts thereof, for other hereditaments held by the Duke of Norfolk for the time being, or the trustees of his family settlement:

And whereas Edward Henry Mostyn and the Reverend Richard Garnett Bellasis, clerk, are the present trustees of the Arundel Estate Act, 1846, and it is expedient that the trustees for the time being of that Act should be the trustees under this Act:

And whereas the several objects aforesaid cannot be effected without the aid and authority of Parliament:

Therefore Your Majesty's dutiful and loyal subject, the said Henry Duke of Norfolk, doth 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; namely,

1. The trustees for the time being of the Arundel Estate Act, 1846, are hereby constituted and appointed trustees of this Act for all the purposes herein declared.

Trustees under
9 & 10 Vict.
c. 37. (*Private*)
appointed
trustees of
this Act.

2. The person or persons for the time being authorised under the Arundel Estate Act, 1846, to grant leases for ninety-nine years (such person or persons being herein-after designated "the leasing authority") may from time to time enter into contracts in writing for leasing, according to the provisions of the Arundel Estate Act, 1846, any part or parts of the estates thereby authorised to be leased, and every such contract may contain all or any of the following agreements :

Power to
make con-
tracts.

1. An agreement that when and as the improvements to be in that behalf specified in the contract shall have been duly made in the manner and to the extent therein stipulated the land agreed to be leased shall be by the leasing authority leased according to the contract to the person contracting to take the same, his executors, administrators, or assigns for the remainder of the time specified in the contract, and in such parcels and under such portions of the yearly rent as shall be specified in the contract, or if not so specified shall be thought proper by the leasing authority, but so nevertheless that in case the rent shall be unequally distributed the yearly rent reserved in any lease shall not exceed one-sixth part of the estimated clear yearly rackrent value of the land comprised in the lease when built on or otherwise improved and fit for use :
2. An agreement that the full rent specified in the contract shall or may be reserved on the lease or leases to be made of a given quantity to be specified in such contract of the land thereby agreed to be leased, and that after the full rent specified in the contract shall have been reserved in any lease or leases made in pursuance thereof the residue of the land shall be leased at the yearly rent of a peppercorn or some other merely nominal rent :
3. An agreement that the full yearly rent specified in the contract shall or may be appropriated to a part or apportioned between parts of the lands therein comprised, either by a surveyor or referee or otherwise :
4. An agreement that the yearly rent specified in the contract and thereby made payable may be made to commence from such period not exceeding one year from the day of the date of the contract, and to increase periodically, beginning with a peppercorn rent for the first three years or any less period, and afterwards with such portion of the yearly rent thereby

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made payable, and so increasing up to the full yearly rent, as the leasing authority, having regard to the quantity of land therein comprised, and the progress of the improvements thereby agreed to be made, and the other circumstances of the case, may think reasonable, but so that the full yearly rent be made payable on a day no later than five years from the day of the date of the contract :

5. An agreement that when and as any lease shall be made of any part of the land comprised in the contract the land so from time to time leased shall be discharged from the contract, and the person with whom the contract shall be made shall remain liable thereunder in respect only of such part as shall not for the time being be leased of the land comprised therein and to the payment of such portion only from time to time of the yearly rent therein specified as shall be thought proper and shall in such contract be provided for :
6. An agreement that the person with whom any such contract may be entered into may have, exercise, or enjoy all or any of the privileges and easements which are by the provisions of the Arundel Estate Act, 1846, respecting building leases authorised to be granted to lessees, so that the privileges and easements so to be had, exercised, or enjoyed be specified in the said contract :
7. Any other agreements which the leasing authority may consider reasonable or advantageous, subject only to the limitation that the contract shall not make obligatory on the leasing authority or on the owner of the said Parliamentary estates any agreement to which the leasing authority may not be by the Arundel Estate Act, 1846, authorised to give effect by a lease.

Provisions
to be con-
tained in
contracts.

3. Every contract entered into under the aforesaid power shall contain provisions to the following effect ; (to wit,)

1. That the owner for the time being of the said Parliamentary estates may vacate the contract as to such part of the land therein comprised as shall not for the time being have been actually leased in pursuance thereof and re-enter upon the same in case the same land shall not within a reasonable time to be expressed in such contract be improved as therein stipulated :
2. That the person to whom the lease ought according to the contract to be granted shall within a reasonable time to be expressed in such contract accept such lease and execute a counterpart thereof, and pay the reasonable charges of

preparing such lease and counterpart respectively, and that in default of such acceptance, execution, or payment the owner for the time being of the said Parliamentary estates may vacate the contract as to the land not actually leased in pursuance thereof and re-enter upon the same.

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4. Every contract entered into under the aforesaid powers shall (except as by this Act otherwise provided) be carried into effect by a lease or leases to be granted in pursuance of the power in that behalf contained in the Arundel Estate Act, 1846, so far as the same shall be applicable.

Contracts to be carried out by leases.

5. The leasing authority may from time to time make any new contracts with respect to any land theretofore contracted to be leased with any person for the time being entitled to the benefit of the then existing contract by way of addition to or explanation or alteration of all or any of the terms of such existing contract, but so as such contract when so added to, explained, or altered shall be conformable to the provisions of this Act. The leasing authority may also accept the surrender of all or any part of the land comprised in any such contract, and may release the person with whom any such contract has been entered into, his heirs, executors, administrators, and assigns, from the observance of the whole or any part thereof.

Power to vary or rescind contracts.

6. Every lease under the conjoint operation of the Arundel Estate Act, 1846, and this Act shall be deemed duly made notwithstanding it was preceded by a contract not in due accordance with the provisions of this Act, or notwithstanding the contract was not in all respects duly observed, and whether or not the lease purport to be made in pursuance of the contract, or notwithstanding any variation between the lease and the contract, so as the lease itself be conformable to the provisions of the Arundel Estate Act, 1846, and this Act.

Lease to be deemed good notwithstanding defect in contract.

7. When possession of any part of the hereditaments contracted to be leased under the aforesaid powers shall be resumed or recovered by virtue of any condition of re-entry contained in the contract, the same shall thereupon become subject to be from time to time thereafter leased or otherwise dealt with or disposed of under the Arundel Estate Act, 1846, and this Act as if no contract had been previously entered into.

Provisions of Act to apply to premises when again in possession.

8. From and immediately after the passing of this Act the hereditaments specified in the First Schedule to this Act shall be freed and discharged from all the uses and provisions of the said Act of the third of King Charles the First, and shall (but subject and without prejudice to the leases and occupancy of parts thereof

Mutual exchange of lands in 1st and 2nd Schedules.

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which are referred to in the said First Schedule) become vested in fee simple in the said Henry Duke of Norfolk in lieu of and in exchange for the hereditaments specified in the Second Schedule to this Act, and from and immediately after the passing of this Act the hereditaments specified in the Second Schedule to this Act shall be divested from the said Henry Duke of Norfolk, and shall (but subject and without prejudice to the tenancies of the persons named as occupiers in the second column of the same Schedule) become subject to the uses and provisions to which the reversions expectant on the determination of the leases or occupancy hereinbefore referred to of and in the hereditaments specified in the First Schedule to this Act were subject immediately before the passing of this Act in lieu of and in exchange for the hereditaments specified in the said First Schedule to this Act.

Power to trustees to exchange certain of the Parliamentary estates.

9. It shall be lawful for the trustees for the time being of this Act at any time or times after the passing of this Act, but with the sanction of the Chancery Division of the High Court of Justice (herein-after referred to as the said court), and on such request as herein-after is mentioned, to exchange for any lands or hereditaments belonging to the Duke of Norfolk for the time being, or for the time being subject to the uses of his family settlement, situate in the parishes of Arundel, Bury, Burpham, Leominster, and Warningcamp, in the county of Sussex, all or any of the hereditaments specified or referred to in the Third Schedule to this Act, provided the full equivalent in value in land be given to the trustees for the time being of this Act on any such exchange, and that no money be given or taken for equality of exchange: Provided always, that in selecting for the purposes of any such exchange the lands to be added to the Parliamentary estates lands in the neighbourhood of the Castle of Arundel shall, so far as can be conveniently arranged, be taken in preference to lands at a distance from such Castle. On any such exchange the lands given in exchange shall be and remain to, for, and upon the same uses, trusts, and purposes, and shall be subject only to such conditions, charges, and incumbrances, as the lands taken in exchange would have stood limited and been subject to in case such exchange had not been made.

Power to trustees to sell parts of Parliamentary estates (except Castle, &c.) in the parish of Arundel.

10. It shall be lawful for the trustees for the time being of this Act at any time or times after the passing of this Act, but with the sanction of the said court and on such request as herein-after is mentioned, to sell the freehold and inheritance in fee simple of and in any lands situate in the parish of Arundel aforesaid (except the said Castle of Arundel and the parks, gardens, woods, plantations, pleasure grounds, yards, outhouses, and other premises usually enjoyed with the said Castle) which do or shall for the time being

constitute or form part of the said Parliamentary estates (but not exceeding twenty acres in the whole) as and for a burial ground or cemetery, or burial grounds or cemeteries, or as an addition to any burial ground or cemetery for the inhabitants of Arundel or its neighbourhood.

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11. Each exchange or sale which shall be made under the provisions of this Act shall be carried out in such manner as shall be approved of by the said court, and so that if the said court shall approve thereof any of the same hereditaments may be so exchanged or sold, subject to the exception and reservation of all or any of the mines, coals, quarries, stone, clay, sand, and other minerals and substances in, under, or upon the same, and to such liberties, powers, privileges, and easements for searching for, working, getting, and disposing of the same, or otherwise in relation thereto, as to the said court may seem fit, or any such mines, coals, quarries, stone, clay, sand, minerals, and substances may be so exchanged or sold apart from or without or with part only of the surface, and with such liberties, powers, privileges, and easements for any of the purposes aforesaid, as to the said court shall seem fit, and in the respective cases the excepted mines and premises or the surface land and premises not given in exchange or sold shall remain and be subject to any future exercise of such power, and it shall be lawful for the said trustees to convey the hereditaments given in exchange or sold by them to the persons entitled thereto upon such exchange or sale, or otherwise in such manner as will give effect to such exchange or sale.

Exchanges and sales may be made as approved by court and with or without mines.

12. Upon every exchange or sale to be made by the trustees for the time being of this Act under the powers of exchange and sale herein-before contained, or either of them, it shall be lawful for the trustees for the time being of this Act by any deed or deeds to convey or otherwise assure the premises comprised in such exchange or sale unto the person or persons with whom such exchange may be made, or (as the case may be) to the purchaser or purchasers thereof, and his, her, or their heirs or successors and assigns, in such manner as he, she, or they may direct, or to such uses or in such manner as the circumstances may require, freed and discharged from all the uses, estates, entails, limitations, trusts, powers, provisions, and declarations by the said Act of the third of King Charles the First limited, created, or expressed concerning the said Castle and manor of Arundel, and the other estates entailed thereby.

Power to convey lands when exchanged or sold.

13. Every exchange or sale of any part of the said Parliamentary estates made under this Act shall take effect, subject and without prejudice to all leases and contracts for leases of any hereditaments comprised in such exchange or sale under the authority of the said

Exchanges and sales of Parliamentary estates to be with-

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out pre-
judice to
leases and
mortgages.
26 & 27 Vict.
c. 7.

(Private).

Moneys to
be paid into
bank.

42 & 43 Vict.
c. 8.

(Private).

35 & 36 Vict.
c. 44.

Provision for
discharge of
purchasers.

Moneys to
be laid out
in purchase
of other
lands.

Act of the third of King Charles the First, or of the Arundel Estate Act, 1846, or of the Arundel Estate Act, 1863, or of this Act, and also subject and without prejudice to any mortgage or charge thereof under the Arundel Estate Act, 1846, or the Arundel Estate Act, 1863, which may for the time being be subsisting.

14. All moneys to arise by any sale or sales to be made under the power of sale herein-before contained and hereby given to the trustees of this Act shall be paid into the Bank of England in the name and with the privity of the Paymaster-General of the said court, to be placed to his account there, ex parte the trustees of the Arundel Estate Act, 1879, in the matter of the Arundel Estate Act, 1879, pursuant to the method prescribed by the Court of Chancery (Funds) Act, 1872, and the General Orders of the said Court.

15. Every certificate of the Paymaster-General of the said court of the payment into the Bank of any moneys by this Act directed to be so paid, with the receipt for the same of one of the cashiers of the Bank to be thereunto annexed and therewith filed in such court, shall be an effectual discharge to the purchaser or purchasers or other person or persons paying the same according to this Act for the moneys hereby directed to be so paid and which in such certificate and receipt respectively shall be expressed to be so paid, and no such purchaser or purchasers, or other person or persons shall be afterwards concerned to see to the application of such moneys or accountable for any misapplication or non-application thereof.

16. Out of the moneys which shall arise from any sale or sales to be made by the trustees of this Act under the power of sale herein-before contained, all costs, charges, and expenses incurred in or about any such sale or sales or exchange or exchanges shall be paid in the first place, with the sanction of the said court; and the residue of such moneys shall be applied and invested by the trustees for the time being of this Act, on such request as herein-after is mentioned, and with the sanction of the said court, in the purchase of other freehold manors, messuages, lands, tenements, or hereditaments convenient to be held with the said Parliamentary estates and situate in the county of Sussex, and immediately after every such purchase, and also immediately on the completion of any exchange or exchanges to be made under the powers of this Act, the hereditaments purchased or received in exchange (as the case may be) shall be conveyed, settled, and assured to the uses, upon the trusts, and with and subject to the powers, limitations, and

restrictions to which, under or by virtue of the said Act of the third of King Charles the First and any subsequent Acts having reference thereto, the said Castle of Arundel and the other estates thereby settled shall then stand settled or subject.

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17. All moneys which shall be paid into the Bank as directed by this Act shall, in the meantime and until the same shall be invested in the purchase of other estates, from time to time be invested in the name of the said Paymaster-General in the purchase of Exchequer bills; and the interest arising upon any Exchequer bills which may have been purchased as herein directed shall also be invested in the name of the said Paymaster-General in the purchase of other Exchequer bills: Provided always, that if the moneys arising by the sale of such Exchequer bills shall exceed the amount of the moneys originally invested in Exchequer bills, then and in such case the portion which shall remain, after deducting the amount of the moneys originally laid out and after discharging the expense of all applications to the said court relative to such Exchequer bills, shall be paid to the person or persons who would for the time being have been entitled to receive the rents and profits of the hereditaments hereby directed to be purchased in case the same had been purchased with the moneys originally invested in Exchequer bills at the time of such original investment, or to the representatives of such person or persons, as part of his, her, or their personal estate; and in case of there being more than one such person a proper apportionment shall be made according to the respective rights which such persons would have had in the same rents and profits.

Moneys to be laid out in Exchequer bills until invested in other estates, &c.

18. Wherever any of the powers and authorities by this Act given to the trustees for the time being of this Act are herein-before directed to be exercised "on such request as herein-after is mentioned," such request shall be the request in writing of the person or persons who shall or, if his, her, or their estate or estates had not been in anywise disposed of by him, her, or them, would for the time being be entitled to the possession or the receipt of the rents and profits of the estates for the time being settled to the uses of the said Act of the third of King Charles the First, or if any such person shall be under the age of twenty-one years the request in writing of his guardian or guardians.

Request requisite for exercise of the powers of this Act in certain cases.

19. Wherever any of the powers and authorities by this Act given to the trustees for the time being of this Act are herein-before directed to be exercised with the sanction of the said court, such sanction may be obtained by the said trustees either by petition to be preferred to the said court in a summary way or by an application to a judge of the said court at chambers, and notice of any

How the sanction of the Chancery Division is to be obtained.

A.D. 1879. — such petition or application shall be given to such person or persons only (if any) as the said court may direct.

Court may sanction schemes.

20. The said court may from time to time give its sanction to a scheme for carrying into effect any matters for which its sanction is herein-before required, and any such scheme may provide, either in such general terms or in such detail as the said court may think fit, for the carrying into effect of those matters, and may give or leave to or impose upon the trustees for the time being of this Act such latitude of discretion or such restraint with respect to the carrying into effect of those matters as the said court may think fit, consistent with the purposes of this Act.

Power to court to make orders for allowing and settling trustees accounts.

21. It shall be lawful for the said court from time to time, upon any such petition or application as aforesaid, to make such orders as the said court shall think just or reasonable for allowing and settling the accounts of the trustees of this Act relating to the application and appropriation of any sum or sums of money which may have been raised or received by them under the powers and provisions of this Act.

Power to court to make orders as to taxing and payment of costs.

22. It shall be lawful for the said court from time to time, upon any such petition or application as aforesaid, to make such orders as the said court shall think just or reasonable for taxing and settling all costs, charges, and expenses herein-before directed to be paid, and all other costs, charges, and expenses of or incidental or preparatory to or arising out of any application to the said court under this Act, or otherwise incurred in carrying any of the purposes of this Act into execution, and also from time to time to make orders for the payment of all or any of such costs, charges, and expenses out of any moneys raised or to be raised under the powers in that behalf contained in the Arundel Estate Act, 1846, or in the Arundel Estate Act, 1863, or out of any funds in the hands of the trustees for the time being of this Act or invested in the name of the Paymaster-General as aforesaid, or out of the income of the said Parliamentary estates, as to the said court may seem fit.

Defining the term "guardian or guardians."

23. In every case when any act or thing is authorised or directed by this Act to be done or executed by the guardian or guardians of any person beneficially entitled to the possession or receipt of the rents and profits of the estates for the time being settled to the uses of the said Act of the third of King Charles the First who shall be an infant, the same shall be done or executed by the testamentary guardian or guardians, or the acting testamentary guardian or guardians for the time being of such infant, or if there shall be no acting testamentary guardian, then by the guardian or guardians of such infant appointed by the said court.

24. This Act, or any of the powers or provisions herein contained, shall not prejudice or affect the powers and provisions of the Arundel Estate Act, 1846, or of the Arundel Estate Act, 1863, or any other Act or Acts having reference to the said Parliamentary estates, except so far as the powers and provisions of the same Acts, or any of them, may be varied or overreached by the exercise of the powers and provisions of this Act.

A.D. 1879.

—
This Act not
to prejudice
powers of
other Acts.

25. Saving always to the Queen's most Excellent Majesty, her heirs and successors, and to every other person and body politic and corporate, his, her, and their heirs, successors, executors, administrators, and assigns (other than the said Henry Duke of Norfolk and every person to whom the said Parliamentary estates are limited or granted or shall have descended or shall descend under or by virtue of the said Act of the third of King Charles the First), all such estates, rights, titles, interests, claims, and demands of, in, to, or out of the manors, messuages, lands, tenements, and hereditaments standing settled to the uses of the said Act of the third of King Charles the First as they, or any of them, had before the passing of this Act or might have had or lawfully claimed in case this Act had not been passed.

General
saving.

26. In citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression the Arundel Estate Act, 1879.

Short title.

27. This Act shall not be a Public Act, but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom, and a copy thereof as 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.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PART I.

Date of Lease.	Parcels leased.	Names of Lessees.	Quantity.	Term of Lease.	Yearly Rent.
27th March 1871.	All that piece or parcel of land or ground situate in the parish of Arundel, in the county of Sussex, bounded on the west side thereof partly by King Street and partly by lands then belonging to or in the occupation of George Constable, Esquire, and Frederick Hill, on the north side thereof by the London Road, on the east side thereof by a road called Parsonage Hill, and on the south side partly by premises then belonging to the said George Constable and partly by premises belonging to the said Duke of Norfolk, which said piece or parcel of land or ground is particularly delineated in the plan annexed to the said lease and is thereon shown within a blue border; together with the rights, easements, members, and appurtenances to the said premises belonging or appertaining.	The Right Reverend James Danell of Saint George's Cathedral, Southwark, in the county of Surrey, Roman Catholic Bishop, The Very Reverend John Crookhall of Woolhampton Lodge, Newbury, in the county of Berks, D.D., Clerk in Holy Orders, The Very Reverend John Bamber, of Bermondsey, in the county of Surrey, Clerk in Holy Orders, The Honourable Marmaduke Constable Maxwell, of Everingham Park, in the county of York, and Charles Aloysius Scott Murray, of Danesfield, in the county of Buckingham, Esquire.	A. R. P. 0 3 20	99 years from 25th December 1869.	£15

Date of Lease.	Parcels leased.	Names of Lessees.	Quantity.	Term of Lease.	Yearly Rent.
30th May 1874.	All that piece or parcel of land or ground situate in the parish of Arundel, in the county of Sussex, bounded on the west side thereof by land then belonging to or in the occupation of Mr. Frederick Hill, on the north side thereof by land in the occupation of the said lessees, on the east side thereof by a road called Parsonage Hill, and on the south side thereof partly by premises in the occupation of John Brunt McKay and partly by premises in the occupation of Edward Carlton Holmes, which said piece or parcel of land or ground thereby demised was delineated on the plan annexed to the said lease and therein shown with a blue border, together with the rights, easements, members, and appurtenances to the said demised premises belonging or appertaining.	The above-named James Danell, John Crookhall, John Bamber, Marmaduke Constable Maxwell, and Charles Aloysius Scott Murray.	A. R. P. 0 2 9	95 years from the 25th Dec. 1873.	£ 10

PART 2.

IN THE PARISH OF ARUNDEL.

No. on Tithe Plan	Occupier.	Premises described.	State of Cultivation.	Quantity.	Yearly Rent.
356	Constable, G. S.	Saint Mary's Gate Inn, out-houses, bowling green, &c.	- -	A. R. P. 0 2 12	£ 30
134 (part of).	In hand - -	Garden (now site of school and burial ground).	- -	1 3 16	—
411	Ditto - -	Garden (now school playground).	- -	0 0 17	—

A.D. 1879.

THE SECOND SCHEDULE.

IN THE PARISH OF ARUNDEL.

No. on Tithe Plan.	Occupier.	Premises described.	State of Culti- vation.	Quantity.			Yearly Rent.	
				A.	R.	P.		
449	Cousins, A. -	House and garden in Maltravers Street.	-	-	0	0	22	25
450	Glossop, Miss -	Ditto ditto - -	-	-	0	0	11	25
457	Lambert, Cowley	Ditto ditto - -	-	-	0	0	11	40
460	In hand - -	Site of cottages and gardens in Maltravers Street.	-	-	0	0	10	—
464	Joyce (late Constable).	House in High Street, Arundel	-	-	0	0	20	35
467	Dalby, T. G. J.	House and garden in Maltravers Street, Arundel.	-	-	0	0	15	20

THE THIRD SCHEDULE.

A.D. 1879.

LANDS AUTHORISED TO BE EXCHANGED.
IN THE PARISH OF BURY.

No. on Tithe.	Occupier.	Premises described.	State of Cultivation.	Quantity.		
				A.	R.	P.
441	Maurice Ireland -	Little brook - - -	Grass -	6	3	3
442	Ditto - - -	Timberley brook - - -	Ditto -	15	0	9
444	Ditto - - -	Barn field - - -	Arable -	19	0	7
445	Ditto - - -	Brook wood field - - -	Grass -	16	1	25
450	Ditto - - -	Common field - - -	Arable -	15	3	18
587	Ditto - - -	Middle field - - -	Ditto -	11	0	0
588	Ditto - - -	Rickyard and driftway -	Ditto -	0	3	15
589	Ditto - - -	Driftway, barns, outbuildings, and yard.	- - -	0	1	30
590	Ditto - - -	Upper high field - - -	Arable -	9	2	30
591	Ditto - - -	Ditto - - -	Grass -	7	2	14
592	Ditto - - -	Bushby field - - -	Ditto -	12	3	35
593	Ditto - - -	Timberley farm, buildings, &c.	- - -	0	1	34
594	Ditto - - -	Timberley farmhouse and garden.	- - -	0	2	25
595	Ditto - - -	Little Cocksett - - -	Arable -	3	1	26
597	Ditto - - -	Middle brook - - -	Grass -	10	0	5
598	Ditto - - -	Sluice brook - - -	Ditto -	14	1	9
604	Ditto - - -	Lower Long Mead - - -	Ditto -	7	2	8
607	Ditto - - -	Upper ditto - - -	Ditto -	7	0	36
608	Ditto - - -	Great Cocksett - - -	Arable -	12	2	37
609	Ditto - - -	The slipe - - -	Grass -	5	0	15
610	Ditto - - -	Lower cow ground - - -	Ditto -	4	2	9
611	Ditto - - -	Upper ditto - - -	Ditto -	10	0	11
				191	3	1
452	Maurice Ireland -	Allotment on Bury Common	Grass -	1	3	0
440	Ditto - - -	Barber's brook - - -	Ditto -	1	3	22
				3	2	22
599	Maurice Ireland -	Brook - - -	Grass -	1	2	6
600	Ditto - - -	Ditto - - -	Ditto -	7	0	30
601	Ditto - - -	Ozier bed - - -	Oziers -	1	1	7
603	Ditto - - -	Ditto and water - - -	Ditto and water.	6	0	24
605	Ditto - - -	Rough - - -	Ditto -	4	1	8
				20	1	35
586	George Dunn -	Farm mead - - -	Grass -	12	0	10
443	In hand - - -	Timberley coppice - - -	Wood -	6	1	2
596	Ditto - - -	Ditto - - -	Ditto -	2	3	7
				21	0	19

A.D. 1879.

IN THE PARISH OF BURY—continued.

No. of Tithe.	Occupier.	Premises described.	State of Cultivation.	Quantity.		
				A.	R.	P.
44	Lord Leconfield -	The Hooks coppice - -	Wood -	15	0	17
420	Geo. Henly -	Allotment Bury Common -	Grass -	0	2	6
421	Maurice Ireland, or his undertenants.	Cottage, garden, &c. -	- - -	0	1	8
456	Ditto - -	2 tenements and gardens -	- - -	0	0	22
198	Eleanor Richardson	Allotment north of turnpike gate.	- - -	1	0	32
192	Ditto - -	Cottage, garden, and orchard	- - -	1	0	6
215	Trustees of Bury turnpike.	Toll-bar, cottage, and garden	- - -	0	0	22
				18	1	33

IN THE PARISH OF BURPHAM.

10	Shaft, W. E. -	Down - - -	Down -	180	0	4
14	Ditto - -	The Shortlands - -	Arable -	26	3	35
15	Ditto - -	Bury Furlong - -	Ditto -	20	0	5
16	Ditto - -	Hill Croft - -	Ditto -	2	1	3
17	Ditto - -	Part of 2nd Bridge Corner field.	Ditto -	16	3	3
17A	Ditto - -	Ditto - - -	Ditto -	0	3	34
19	Ditto - -	Part of 1st Bridge Corner field.	Ditto -	10	0	33
19A	Ditto - -	Ditto - - -	Ditto -	2	3	13
19B	Ditto - -	Ditto - - -	Ditto -	2	3	0
19C	Ditto - -	Ditto - - -	Ditto -	1	1	31
23	Ditto - -	Second Comb field -	Ditto -	18	2	15
24	Ditto - -	Barn yard and 2 tenements -	- - -	0	1	8
25	Ditto - -	First Comb field - -	Arable -	15	1	5
26	Ditto - -	Copse Croft - - -	Ditto -	5	2	36
27	Ditto - -	Stoney Furlong - -	Ditto -	15	2	22
28	Ditto - -	Part of 3rd Townsend field -	Ditto -	7	2	10
28A	Ditto - -	Ditto - - -	Ditto -	4	3	23
30	Ditto - -	Part of 2nd Townsend field	Ditto -	9	3	29
31	Ditto - -	Part of Mellow field - -	Ditto -	14	2	21
54	Ditto - -	Part of Townsend field -	Ditto -	11	3	18
60	Ditto - -	Part of 1st Townsend field -	Ditto -	8	0	10
137	Ditto - -	Part of Hanger - - -	Hanger -	0	2	17
138	Ditto - -	Part of the Pens - - -	Grass -	1	2	26
139	Ditto - -	Plat - - - -	Ditto -	1	0	15
Pt. 141	Ditto - -	Part of the Four Acres -	Arable -	1	0	25
144	Ditto - -	House, outbuildings, yard, garden, &c.	- - -	1	2	1
213	Ditto - -	Slupe - - - -	Grass -	1	1	31
214	Ditto - -	Burpham brook - - -	Ditto -	15	1	19
59	Ditto - -	Part of Townsend field -	Arable -	1	0	31
140	Ditto - -	Shorts Plat - - -	Grass -	0	2	5
35	Drewitt, R. D. -	Part of Upper Cross field -	Ditto -	6	3	11
13	Ditto - -	Part of East field - -	Ditto -	12	3	7
13A	Ditto - -	Ditto - - -	Ditto -	25	0	0
34	Ditto - -	Part of Upper Cross field -	Ditto -	8	2	38
34A	Ditto - -	Ditto - - -	Ditto -	9	0	13
				463	2	37

IN THE PARISH OF BURPHAM—continued.

A.D. 1879.

No. on Tithe.	Occupier.	Premises described.	State of Cultivation.	Quantity.		
				A.	R.	P.
				463	2	37
36	Drewitt, R. D.	Ivy Plat - - -	Grass -	1	3	35
37	Ditto - - -	High Barn Plat - - -	Ditto -	1	0	8
38	Ditto - - -	Barn, outbuildings, and yard	- - -	0	1	4
40	Ditto - - -	Sheep walk - - -	Grass -	7	2	5
52	Ditto - - -	Part of Lower Cross field -	Ditto -	20	1	31
54A	Ditto - - -	Part of occupation road -	Road -	0	0	8
55	Ditto - - -	Ditto - - -	Ditto -	0	0	15
43	Ditto - - -	Sprink mead - - -	Grass -	1	3	2
45	Ditto - - -	North footway field - - -	Ditto -	4	3	31
45A	Ditto - - -	Ozier bed - - -	Ozier -	0	0	30
46	Ditto - - -	Footway mead - - -	Grass -	3	0	25
33	Ditto - - -	Mellow piece - - -	Arable -	5	0	37
41	Ditto - - -	Corner mead - - -	Grass -	3	0	30
42	Ditto - - -	Ozier bed, &c. - - -	Ozier -	0	0	30
44	Ditto - - -	Two-and-half Acre mead -	Grass -	2	0	27
178	Ditto - - -	Rough wall - - -	Rough -	0	2	35
177	Ditto - - -	Dutchman's meadow - - -	Grass -	12	0	16
177A	Ditto - - -	Part of ditto - - -	Ditto -	1	0	0
179	Ditto - - -	North slipe - - -	Ditto -	2	3	36½
180	Ditto - - -	North brook - - -	Ditto -	10	0	10½
12	Ditto - - -	Part of East field - - -	Arable -	23	0	8
63	Thomas Graburn	Down in Perry field - - -	Down -	8	3	10
64	Ditto - - -	In Perry field - - -	Arable -	14	3	29
67	Ditto - - -	Ditto - - -	Ditto -	5	2	0
70	Ditto - - -	Ditto - - -	Ditto -	11	3	24
76	Ditto - - -	In Lampell field - - -	Ditto -	11	1	30
78	Ditto - - -	In West field - - -	Ditto -	10	1	24
83	Ditto - - -	In Loasden field - - -	Ditto -	30	2	29
115	Ditto - - -	Nell Crofts - - -	Ditto -	1	1	30
122	Ditto - - -	In Hoe field - - -	Ditto -	10	1	12
127	Ditto - - -	Riddles' Plat - - -	Grass -	0	2	27
128	Ditto - - -	Barn and yard - - -	- - -	0	0	9
134	Ditto - - -	Barn, yard, &c. - - -	- - -	0	1	38
239	Ditto - - -	2 houses, outbuildings, yard, &c.	- - -	0	1	31
241	Ditto - - -	Grass plat - - -	- - -	0	2	14
246	Ditto - - -	Hollands' Crofts - - -	Grass -	1	1	28
260	Ditto - - -	Pt. Simmonds' Croft - - -	Arable -	0	3	14
270	Ditto - - -	Stone's mead - - -	Grass -	1	3	10
276	Ditto - - -	Blackstone's mead - - -	Ditto -	3	1	10
277	Ditto - - -	Broad wall - - -	Ditto -	3	0	17
278	Ditto - - -	The Brook - - -	Ditto -	8	0	23
279	Ditto - - -	The Brook slipe - - -	Ditto -	4	0	6
280	Ditto - - -	The Brook - - -	Ditto -	7	2	11
113	Ditto - - -	In Postettle field - - -	Arable -	13	1	30
261	Ditto - - -	Pt. Simmonds' Croft - - -	Ditto -	1	0	0
68A	Ditto - - -	In Perry field - - -	Ditto -	4	2	4
126	Ditto - - -	Cottage and garden - - -	Ditto -	0	0	14
114A	Ditto - - -	Postettle field - - -	Ditto -	10	0	0
79	Ditto - - -	Barn yard - - -	Ditto -	0	0	22
94	In hand - - -	In Tenantry wood - - -	Wood -	4	0	0
108	Ditto - - -	Ditto - - -	Ditto -	2	2	25
				739	2	22

A.D. 1879.

IN THE PARISH OF BURPHAM—continued.

No on Tithe.	Occupier.	Premises described.	State of Cultivation.	Quantity.		
				A.	R.	P.
				739	2	22
86	In hand - -	In Tenantry wood - -	- -	3	2	0
87	Ditto - -	Ditto - -	Wood - -	5	1	25
95	Ditto - -	Ditto - -	Ditto - -	4	1	22
98	Ditto - -	Ditto - -	Ditto - -	5	2	38
99	Ditto - -	Ditto - -	Ditto - -	2	0	25
117	Ditto - -	In Nell coppice - -	Ditto - -	1	0	10
119	Ditto - -	Ditto - -	Ditto - -	0	3	8
120	Ditto - -	Ditto - -	Ditto - -	1	0	18

IN THE PARISH OF WARNINGCAMP.

7	Ditto - -	Braxby copse - -	Ditto - -	31	1	0
7	Ditto - -	Lady wood - -	Ditto - -	11	0	10
				806	0	18

IN THE PARISH OF BURPHAM.

68	Thomas Graburn	In Perry field - -	Arable - -	10	3	24
69	Ditto - -	Ditto - -	Pasture - -	0	1	17
72	Ditto - -	Ditto - -	Ditto - -	0	3	4
85	Ditto - -	In Tenant's wood - -	Wood - -	2	3	16
92	Ditto - -	Ditto - -	Ditto - -	2	3	35
93	Ditto - -	Ditto - -	Ditto - -	2	0	0
114	Ditto - -	In Postettle field, east side - -	Arable - -	28	2	14
240	Ditto - -	Cottage and garden - -	- -	0	0	18
269	Ditto - -	Cow pasture - -	Grass - -	5	2	4
61	Ditto - -	In Perry field - -	Arable - -	15	0	37
282 ^A	Ditto - -	The Outer Hail, west side - -	Grass - -	9	0	0
73	Ditto - -	In Perry field - -	Arable - -	0	2	34
133	Ditto - -	Ditto - -	Ditto - -	0	1	38
281	Ditto - -	Part of Hail slipe (north) - -	Grass - -	5	0	0
282	Ditto - -	Part of Outer Hail, east - -	Ditto - -	4	0	14
62	Ditto - -	In Perry field - -	Pasture - -	4	3	25
116	Ditto - -	In the Nell - -	Wood - -	1	2	0
118	Ditto - -	Ditto - -	Ditto - -	1	0	23
88	Ditto - -	In Tenant's wood - -	Ditto - -	1	3	4
89	Ditto - -	Ditto - -	- -	1	2	35
129	Ditto - -	Cottage and garden - -	- -	0	0	31
				99	3	13
230	Thomas Lashmar or his under-tenants.	Orchard - -	Orchard - -	0	3	12
231	Ditto - -	Two tenements and gardens - -	- -	0	1	8
				1	0	20

IN THE PARISH OF WISBOROUGH GREEN.

A.D. 1879.

No. on Tithe.	Occupier.	Premises described.	State of Cultivation.	Quantity.
1760	Frederick Puttick	Hither Dun Croft - -	Grass -	A. R. P. 1 1 9
1761	Ditto - -	Further Dun Croft - -	Ditto -	1 0 19
1853	Ditto - -	House meadow - -	Arable -	1 2 32
1854	Ditto - -	Cottage and yard - -	Ditto -	0 0 2
1855	Ditto - -	Garden and orchard - -	- - -	0 1 9
1856	Ditto - -	Harwood's meadow - -	Grass -	1 2 10
1900	Noah Mann - -	Brickyard - - - -	- - -	0 1 19
				6 1 20

IN THE PARISH OF FITTLEWORTH.

386	Anthony Whitting	Orchard - - - -	Orchard -	0 1 22
387	Ditto - - - -	Meadow - - - -	Meadow -	1 2 14
				1 3 36

Also all the plots of land, cottages, and hereditaments situate in the parishes of Bury, Burpham, Fittleworth, Warningcamp, and Wisborough Green which are at present subject to leases for lives or for years as and when they respectively fall into possession.

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