

dowment or augmentation of the income of such perpetual curate or other minister, in such manner as we, the said Ecclesiastical Commissioners for England, should think fit, and by the second of the said two codicils to his said will the said testator declared that in case his real estate should be applied as aforesaid for the endowment of such new parish, chapelry, or district as is hereinbefore mentioned, and should be less than the amount or value lawfully required by us, the said Ecclesiastical Commissioners for England, for the endowment of a new parish or chapelry to which a district is assigned, the trustees or trustee, for the time being, of his said will, should, out of his personal estate, raise and apply towards the endowment of such new parish, chapelry, or district, such sum of money, free of legacy duty, as might be lawfully required by us, the said Ecclesiastical Commissioners for England, to make up the endowment thereof, in such manner as we should think fit, to the amount required by law for the purpose aforesaid, provided that the total annual value of the endowment to be so provided out of his real and personal estate together should not exceed one hundred and fifty pounds per annum, reckoning the income of the money to be so applied out of personal estate to be the annual dividend it would produce if invested in three pounds per cent. Bank Annuities, and provided further, and the said testator made his said bequest out of his personal estate upon this express condition, that no part of the glebe, tithes, or tithe rent-charge, or other endowment or stipend or income of the respective vicars of Market Lavington aforesaid, and of West Lavington, or either of them, be appropriated or applied for or towards the endowment or augmentation of the income of such perpetual curate or other minister as aforesaid.

"And whereas no part of the hereinbefore recited provisions of the said will and two codicils was revoked by the said codicils, or either of them, or by any subsequent will or codicil of the said testator.

"And whereas no new parish, chapelry, or district was formed comprising the hamlet or tithing of Easterton aforesaid during the lifetime of the said testator, and none such has yet been formed.

"And whereas the said testator departed this life on or about the first day of October, in the year one thousand eight hundred and seventy-two, and his said will and codicils have since then been duly proved.

"And whereas a survey and valuation have been made by a competent valuer of the said testator's real estate, whereby it appears that (excluding the said testator's said dwelling-house and the outbuildings, garden, and other ground held and occupied therewith, all which comprise together three acres two roods and twenty-one perches, or thereabouts), the net annual value of the same real estate is seventy-nine pounds and eleven pence sterling.

"And whereas Philip Twells, of 54, Lombard-street, in the city of London, Banker, a Member of your Majesty's Commons House of Parliament, and the Reverend John Vaughan, of Richmond-grove, Lansdown-hill, in the city of Bath, Clerk in Holy Orders, being the present trustees of the said will of the said testator, are prepared and have undertaken to convey and assure to us, the said Ecclesiastical Commissioners for England, the whole of the real estate of the said testator, and to pay over to us, under the provision to that effect contained in the said second codicil to the said will of the said testator such sum as will, in our

opinion, suffice when the same shall have been invested in the purchase of three pounds per centum Consolidated Annuities, to make up the difference in point of income between the said sum of seventy-nine pounds and eleven pence sterling, and the sum of one hundred and fifty pounds per annum, which said last-mentioned sum is the amount that may lawfully be required as the primary endowment for a district to be constituted under the Acts firstly and secondly hereinbefore mentioned.

"And whereas, in order to testify that they are so prepared, and have so undertaken as aforesaid, the said Philip Twells and John Vaughan have become parties to and have executed this scheme.

"And whereas we, the said Ecclesiastical Commissioners for England, have for our part undertaken to receive and to secure, in conformity with law, for the benefit of the cure hereinafter recommended to be constituted as aforesaid, the several items of endowment which, as hereinbefore mentioned, are to be conveyed and assured to us as aforesaid.

"And whereas, by the said first codicil to his said will, the said testator declared it to be his wish that the advowson or right of presentation of or to the incumbency of such new parish, chapelry, or district, as in the same will and codicil and hereinbefore is mentioned, should belong to and be vested in the Dean and Chapter of the Cathedral Church of Christ in Oxford, and, for better effectuating such his desire, he gave and devised to the said Dean and Chapter all such right or claim in or to such advowson or right of presentation as might otherwise belong or attach to himself, or his representatives or estate by reason or in respect of the endowment which is by his said will and codicils provided for such incumbency. Provided always, and the said testator expressly declared that it was not his intention to make such endowment in any manner contingent or conditional upon the vesting of such advowson or right of presentation in the said Dean and Chapter, but that the provisions thereinbefore and hereinbefore contained in respect of such endowment should take effect notwithstanding that such advowson or right of presentation might become vested either wholly or partially in any person or persons whomsoever other than the said Dean and Chapter.

"And whereas no such right or claim as last aforesaid belongs or attaches to the said testator, or his representatives or estate by reason or in respect of the endowment aforesaid.

"And whereas, Louisa Hay, of Clyffe Hall, in the said parish of Market Lavington, widow and relict of the Honourable Samuel Hay, deceased, has made to us, the said Ecclesiastical Commissioners for England, an offer and proposal to the effect that if and when such a separate district as is hereinbefore mentioned and hereinafter proposed to be constituted shall be constituted at Easterton aforesaid, and shall be endowed as is hereinbefore and hereinafter mentioned, she, the said Louisa Hay, will provide and pay over to us a sum of one thousand and five hundred pounds (being such a sum as will, in our opinion, suffice to produce a permanent income of fifty pounds per annum), as a further endowment for such district, and that she will also provide to our satisfaction, upon a site to be duly conveyed to us, a church which we, under the Acts hereinbefore mentioned, may approve as and for the church (when the same shall be consecrated) of the same district.

"And whereas the said offer and proposal made by the said Louisa Hay is made by her