DP 3060

3 JUN 1937
No. 11109

This Conveyance

is made the nineteenth day of May One thousand nine hundred and thirty-seven BETWEEN HERBERT MONTGOMERIE MACVICAR of The Elms Batheaston Bath Esquire (hereinafter called "the Grantor") of the one part and CAPTAIN THOMAS RYLANDS WORTHINGTON M.C. of Oak Cottage Styal Cheshire GERALD ALFRED HUTCHISON of 10 Grosvenor Place Bath Clerk in Holy Orders PHILIP BRANDON MERCIER of Batheaston Vicarage Bath Clerk in Holy Orders SIDNEY ROBINSON of Lansdown Croft Bath Esquire BASIL HENRY SHELDON of 4 Queen Square Bath Esquire GEOFFREY DENIS LOCK of Rainbow Wood Bath Esquire and the Grantor (hereinafter called "the Trustees" which expression shall where the context so admits include the survivors or last survivor of them or the personal representatives of such survivor or other the trustees or trustee for the time being of this Deed) of the other part WHEREAS the Grantor is seised of the hereditaments hereinafter described for an estate of fee simple in possession free from encumbrances and desires as a memorial to his late wife Frances Alice Harriet MacVicar to convey the said hereditaments to the Trustees in manner hereinafter appearing upon the trusts with the powers and subject to the provisions hereinafter contained NOW THIS DEED WITNESSETH as follows:—

1. IN pursuance of the premises THE Grantor as settlor hereby conveys unto the Trustees ALL those pieces of pasture land containing by admeasurement 9.064 acres or thereabouts situate in the Parish of Swainswick in the County of Somerset and numbered Part 262 and Part 263 on the Ordnance Survey Map Second Edition 1904 for the said Parish and for purposes of identification more particularly delineated on the plan drawn hereon and thereon coloured pink TO HOLD the same unto the Trustees in fee simple upon the trusts with the powers and subject to the provisions hereinafter declared and contained concerning the same.

2. THE Trustees shall stand possessed of the said premises hereby assured and use and apply the same upon such charitable trusts and for such charitable purposes as the Trustees shall in their uncontrolled discretion from time to time determine but subject to the following provisoes:—

(A) The said hereditaments shall be called and known as "The Alice Park" in memory of Frances Alice Harriet MacVicar the wife of the Grantor who died on the Twenty-seventh day of November One thousand nine hundred and thirty-six and any flag or flags there may be in the said Park shall be flown at half-mast on the anniversary of her death in each year.

(B) No house building or other erection shall be erected or put upon the said hereditaments other than and except such cottage or cottages as shall in the opinion of the Trustees be necessary as dwellings for gardeners or others employed in connection with the said park and pavilions summer-houses refreshment rooms or other buildings or erections as the Trustees may think desirable to promote or improve the convenient use of the said hereditaments for the purposes of a public park.

(C) At least four acres of the said hereditaments shall always be reserved exclusively so far as possible for the use of children of such age not exceeding fourteen years as the Trustees shall decide and the hours during which such part shall be open shall be determined by the Trustees.

(D) The remainder of the said hereditaments shall be open to the public free of charge (save as hereinafter provided) during such hours and for such purposes as the Trustees may decide.

(E) The use of the said hereditaments or any part thereof shall not be allowed for any religious services or any religious political or other meetings or demonstrations of any kind.

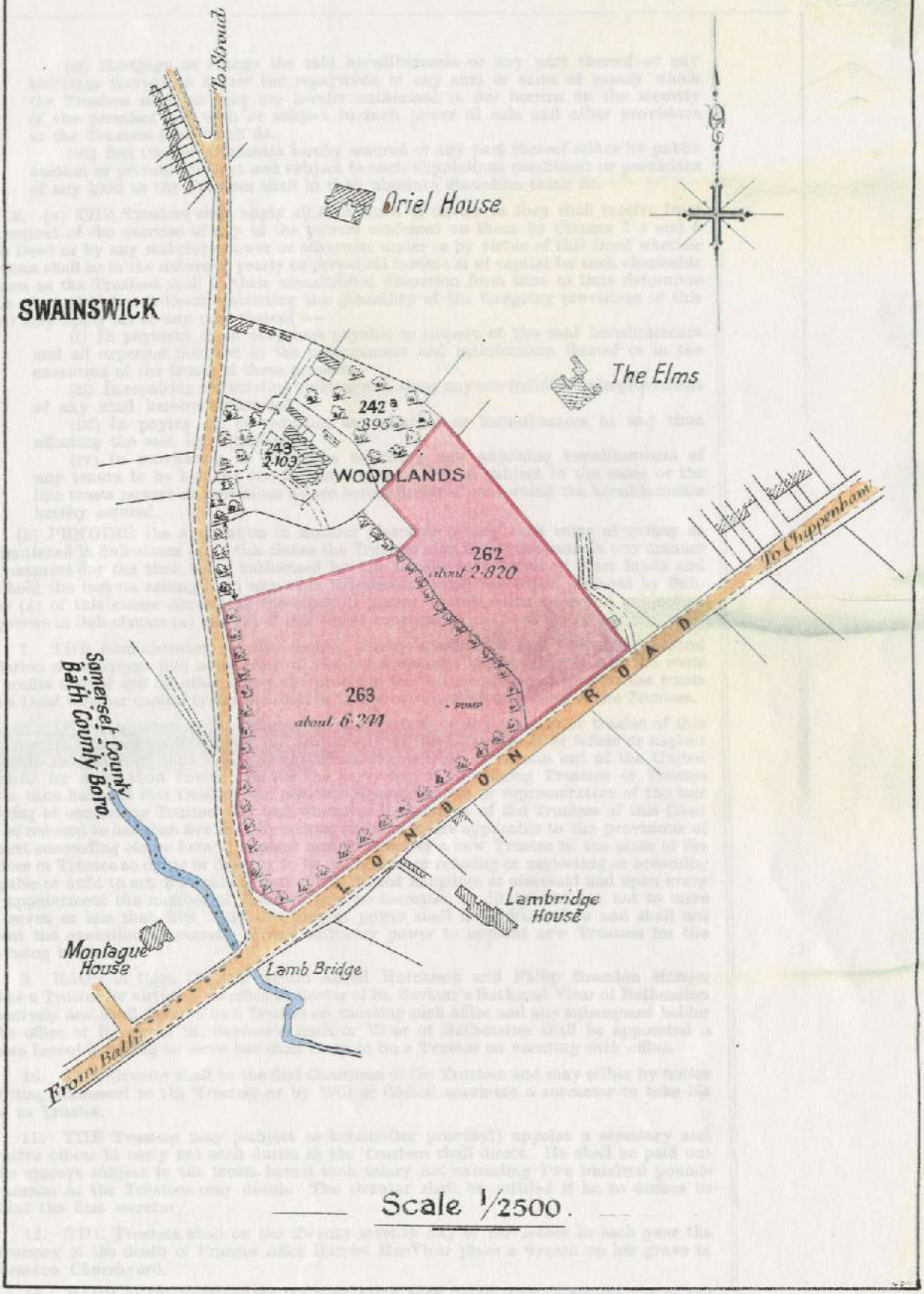
3. THE Trustees may at any time invite and receive or without such invitation receive any voluntary contributions from any person or persons either by way of donation annual or other subscription legacy or otherwise for the support or otherwise for the benefit of the charity hereby constituted.

4. THE Trustees may in their discretion impose any charge for the use of any buildings or tennis courts or other facilities for sport of any kind hereafter to be erected made or provided on the said hereditaments such charge to be paid by any person persons trustees corporations society or other associations of persons to whom the use of any part of the said hereditaments is granted for the purposes aforesaid either for his her or their own benefit or for the benefit of others and to be applied by the Trustees for the purposes of providing either wholly or partially for or towards the costs charges expenses or outgoings of any kind of or incident to the user of or maintenance of the said hereditaments or any part thereof or any building thereon for the purposes of this Deed or any of them.

5. SUBJECT to the provisions of Section 29 of the Charitable Trusts Amendment Act 1855 if and so far as the same are applicable to the charity hereby constituted or the hereditaments for the time being subject to the trusts of this Deed but not further or otherwise the Trustees may at any time at their absolute discretion—

(I) Let the said hereditaments or any part thereof or any buildings thereon for such term at such rent and subject to such conditions stipulations or provisions as the Trustees shall determine.

THE WOODLANDS ESTATE



Scale 1/2500.

(II) Mortgage or charge the said hereditaments or any part thereof or any buildings thereon to secure the repayment of any sum or sums of money which the Trustees may (as they are hereby authorised to do) borrow on the security of the premises and with or subject to such power of sale and other provisions as the Trustees shall think fit.

(III) Sell the hereditaments hereby assured or any part thereof either by public auction or private contract and subject to such stipulations conditions or provisions of any kind as the Trustees shall in their absolute discretion think fit.

6. (A) THE Trustees shall apply all such sums of money as they shall receive from or in respect of the exercise of any of the powers conferred on them by Clauses 3 4 and 5 of this Deed or by any statutory power or otherwise under or by virtue of this Deed whether such sums shall be in the nature of yearly or periodical income or of capital for such charitable purposes as the Trustees shall in their uncontrolled discretion from time to time determine and in particular (but without restricting the generality of the foregoing provisions of this clause) may apply all or any part thereof :—

(I) In payment of all outgoings payable in respect of the said hereditaments and all expenses incurred in the management and maintenance thereof or in the execution of the trusts of these presents.

(II) In repairing any existing building or making any new building or improvement of any kind hereby authorised.

(III) In paying off or reducing any charges or incumbrances at any time affecting the said hereditaments.

(IV) In purchasing or otherwise acquiring any adjoining hereditaments of any tenure to be held by the Trustees upon with and subject to the same or the like trusts powers or provisions as are herein declared concerning the hereditaments hereby assured.

(B) PENDING the application in manner aforesaid of any such sums of money as are mentioned in Sub-clause (A) of this clause the Trustees may invest the same in any manner of investment for the time being authorised by law for the investment of trust funds and shall hold the income arising from any such investments upon the trusts declared by Sub-clause (A) of this clause concerning the sums of money therein mentioned and subject to the powers in Sub-clauses (A) and (B) of this clause contained.

7. THE administration of the charity hereby constituted and the entire control regulation management and application of the hereditaments hereby assured and the rents and profits thereof and all other if any the property for the time being subject to the trusts of this Deed whether capital or income shall be in the uncontrolled discretion of the Trustees.

8. IF and so often as the Trustees or any of them or any trustees or trustee of this Deed hereafter to be appointed shall die or desire to be discharged from or refuse or neglect or become incapable or unfit to act in the trusts of this Deed or remain out of the United Kingdom for more than twelve months the surviving or continuing Trustees or Trustee for the time being of this Deed or the personal representatives or representative of the last surviving or continuing Trustee may and whenever the number of the Trustees of this Deed shall be reduced to less than five shall by writing (subject where applicable to the provisions of the next succeeding clause hereof) appoint new Trustees or a new Trustee in the place of the Trustees or Trustee so dying or desiring to be discharged or refusing or neglecting or becoming incapable or unfit to act or remaining out of the United Kingdom as aforesaid and upon every such appointment the number of Trustees may be increased or diminished but not to more than seven or less than five And this present power shall be additional to and shall not prevent the execution or exercise of any statutory power to appoint new Trustees for the time being in force.

9. EACH of them the said Gerald Alfred Hutchison and Philip Brandon Mercier shall be a Trustee by virtue of his office as Rector of St. Saviour's Bath and Vicar of Batheaston respectively and shall cease to be a Trustee on vacating such office and any subsequent holder of the office of Rector of St. Saviour's Bath or Vicar of Batheaston shall be appointed a Trustee hereof if willing to serve but shall cease to be a Trustee on vacating such office.

10. THE Grantor shall be the first Chairman of the Trustees and may either by notice in writing addressed to the Trustees or by Will or Codicil nominate a successor to take his place as Trustee.

11. THE Trustees may (subject as hereinafter provided) appoint a secretary and executive officer to carry out such duties as the Trustees shall direct He shall be paid out of the moneys subject to the trusts hereof such salary not exceeding Two hundred pounds per annum as the Trustees may decide The Grantor shall be entitled if he so desires to appoint the first secretary.

12. THE Trustees shall on the Twenty-seventh day of November in each year the anniversary of the death of Frances Alice Harriet MacVicar place a wreath on her grave in Batheaston Churchyard.

13. EACH of the Trustees for the time being shall be entitled to receive out of the moneys subject to the trusts hereof the sum of Ten pounds each year to cover any expenses incurred by them in connection with the execution of the trusts hereof.

14. ANY Trustee of these presents who is a solicitor shall be entitled to make and to retain and be paid out of the moneys subject to the trusts hereof the usual professional charges for any business which may be done by him with reference to these presents.

15. A copy of this Deed shall be given to every person who shall be or become a Trustee hereof.

IN WITNESS whereof the said parties hereto have hereunto set their hands and seals the day and year first before written.

SIGNED SEALED and DELIVERED by the said Herbert Montgomerie MacVicar in the presence of

H. M. MacVicar

H G Sheldon
4 Queen Square
Solicitor Bath

SIGNED SEALED and DELIVERED by the said Thomas Rylands Worthington in the presence of

T. R. Worthington

Agnes L. Rolt
Croft. Watermillock
Spinster. Penrith

SIGNED SEALED and DELIVERED by the said Gerald Alfred Hutchison in the presence of

Gerald A Hutchison

Hilda Taylor
3 Upper East Hayes Bath
Domestic Help

SIGNED SEALED and DELIVERED by the said Philip Brandon Mercier in the presence of

P B Mercier

Herbert Wilson
St Scarage Batheaston Som:
Manservant.

SIGNED SEALED and DELIVERED by the said Sidney Robinson in the presence of

Sidney Robinson

H G Sheldon
4 Queen Square
Solicitor Bath

SIGNED SEALED and DELIVERED by the said Basil Henry Sheldon in the presence of

B. H. Sheldon

B. G. Clark
Clerk to Messrs Thring Sheldon & Ingram
4 Queen Square Bath
Solicitors.

SIGNED SEALED and DELIVERED by the said Geoffrey Denis Lock in the presence of

G D Lock.

W E Hunter
Clerk to Messrs Thring Sheldon & Ingram
4 Queen Sqre
Bath Solicitors

ENROLLED IN THE BOOKS OF THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES PURSUANT TO SECTION 6 (2) OF THE INCUMBENTS AND CHARITABLE TRUSTS ACT, 1888.
(Vol. 43 Page 450)
1st. November 1934.

DATED 10th May 1937.

H. M. MacVicar, Esq.

— TO —

Captain T. R. Worthington, M.C. and Others.

Conveyance

Of 9 acres of Land adjoining the London Road and Gloucester Road, Bath, to Trustees for use as a Public Park.

CHARITY COMMISSION
ENROLMENT AND RETURNS
Received
1080/37

S.L.S.S.—N8783b-7194

Sealed 17th December 1973

425(S)
73.

County - Somerset.
Place - Swainswick.
Charity - The Alice Park.

L4.
L119,427.

Scheme including appointment of Trustees.

CHARITY COMMISSION.

In the matter of the Charity called The Alice Park, at Swainswick, in the County of Somerset, regulated by conveyance dated the 19th May 1937; and
In the matter of the Charities Act, 1960.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme be approved and established:-

SCHEME.

1. Administration of Charity. - The above-mentioned Charity and the property thereof specified in the schedule hereto and all other the property (if any) of the Charity shall be administered and managed subject to and in conformity with the provisions of the above-mentioned conveyance dated the 19th May 1937 as varied or affected by the provisions of this Scheme by the body of Trustees hereinafter appointed.

2. Trustees. - The Mayor, Aldermen and Citizens of the City of Bath shall be the Trustees of the Charity.

3. Variation of conveyance. - The said conveyance dated the 19th May 1937 shall have effect henceforth as if clauses 8, 9, 10, 13 and 14 thereof were deleted.

666-26-4-73 x(1)

4. Questions under Scheme. - Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

S C H E D U L E.

Land containing 9.064 acres or thereabouts situate in the Parish of Swainswick in the County of Somerset being the land numbered part 262 and part 263 on the Ordnance Survey map (2nd Edition 1904) being the land comprised in the above-mentioned conveyance dated the 19th May 1937 made between Herbert Montgomerie MacVicar of the one part and Captain Thomas Ryland Worthington, M.C., and six others of the other part and enrolled in the books of the Charity Commissioners on the 1st November 1937 pursuant to section 6(2) of the Mortmain and Charitable Uses Act, 1888.

The following investments standing in the name of the Official Custodian for Charities:

Narrower-range.

£11,353.61 2½% Consolidated Stock.

Wider-range.

£384.32 Commonwealth of Australia 7% Stock, 1979-81.
1,057 Allied Breweries Limited Ordinary Shares of 25p each.
660 British Electric Traction Company Limited Deferred Ordinary Shares of 25p each.
3,645 General Investors and Trustees Limited Ordinary Shares of 25p each.
405 Hawker Siddeley Group Limited Ordinary Shares of £1 each.
707 Ranks Hovis McDougall Limited Ordinary Shares of 25p each.
£477.96 3½% War Stock.

This schedule is made up to the 12th November 1973.

666-26-4-73x(1)

Note. - The above-mentioned land is vested in the Official Custodian for Charities by virtue of an Order of the Commissioners of the 9th December 1938 as affected by the provisions of the Charities Act, 1960.

Sealed by Order of the Commissioners this 17th day of December 1973.



John Redfern

ASSISTANT COMMISSIONER