



his Assent is made the Eleventh

day of May One thousand

nine hundred and ninety between Ronald Christopher Eric Collins and Christopher Deamer Nichols Solicitors both of 45 Castle Street Salisbury in the County of Wilt (hereinafter called 'the Executors') of the one part and Swanage Town Council of Town Hall High Street Swanage in the County of Dorset (hereinafter called 'the Council') of the other part WHEREAS in this Assent the following expressions shall where the context so admits have the following meanings namely:

(a) 'the Testator' is Arthur Ramsford Mowlem F.R.C.S. who died on the 6th day of February 1986

(b) 'the Will' is the Will dated the first day of May 1983 of the Testator which was proved by the Executors in the Winchester District Probate Registry on the 3rd day of September 1986

(c) 'the De Moulham Estate' is comprised of such part of the freehold properties purchased by John Mowlem from the Trustees of Ilminster School by two indentures dated respectively the 9th day of September 1857 and the 19th day of October 1858 and by John Ernest Mowlem from the Honourable Ernest Stowell Scott and Others by a Conveyance dated the 23rd day of May 1929 as from time to time remained or remain unsold the total land so purchased being indicated so far as the Executors can ascertain the same by a red verge line on the Plan marked 'A' annexed hereto

(d) 'the Estate Owners' include the said John Mowlem the said John Ernest Mowlem and the Testator and their respective Personal Representatives and Trustees or such of them as the case may require

(e) 'the Estate Covenants' are the covenants entered into with the Estate Owners from time to time by the Purchasers or Owners from time to time of land then or formerly part of the De Moulham Estate

AND WHEREAS by the Will the Testator (inter alia) gave and devised to the Parish Council of Swanage (being the Authority constituted by virtue of Part V of the First Schedule to the Local Government Act 1972) or if the said Council should be unable or unwilling to accept such gift then to the District Council of Purbeck or any duly constituted Authority representing the same all his pieces of land situate at Swanage in the County of Dorset and comprising open or public spaces and the sites of roadways and footpaths (but excluding any part of the land adjoining Victoria Avenue and known as Victoria Meadows and any appurtenances thereto) upon the trust hereinafter declared

AND WHEREAS pursuant to the said Fifth Schedule to the said Act the Council was duly constituted the Parish Council of the former Urban District of Swanage and the Council has by Resolution dated the Twenty-seventh day of October One thousand nine hundred and eighty-six accepted the said gift

NOW IT IS HEREBY DECLARED as follows:

1. THE Executors as Personal Representatives of the Testator hereby assent to the vesting in the Council of FIRST ALL THAT piece or parcel of land situate at Swanage in the County of Dorset known as 'Sandpitt Field' and more particularly delineated on the Plan marked 'B' annexed hereto and thereon edged red AND SECONDLY ALL THOSE pieces or parcels of land comprising open spaces footways and roadways within the De Moulham Estate so far as the same have not been sold or otherwise disposed of by any of the Estate Owners and excluding any part of the said land which is known as 'Victoria Meadows' and which is for the purpose of identification only shown on the plan marked 'C' annexed hereto and thereon edged green TOGETHER WITH the benefit of the Estate covenants (other than those entered into for the benefit of Victoria Meadows aforesaid) so far as the same are still subsisting and capable of being enforced and subject to any variations made to the same at any time by any of the Estate Owners for all the Estate or interest of the Testator therein at the time of his death UPON TRUST for the purpose of benefiting the inhabitants of the Town of Swanage but with special regard (so far as may be) to the benefit of the inhabitants of that part of the said Town now or formerly known as 'the De Moulham Estate' in so far as such purpose is charitable

2. THE Executors hereby declare that they have not previously given or made any Assent or Conveyance in respect of a legal estate in the premises

3. THE Executors hereby acknowledge the right of the Council to production of the documents specified in the Schedule hereto (possession of which is retained by the Executors) and to delivery of copies thereof IN WITNESS whereof the Executors and the Town Mayor and Deputy Town Mayor (being the duly authorised representatives of the Council) have hereunto set their hands and seals the day and year first before written

THE SCHEDULE before referred to

10 July 1984

Disentailing Deed

- (1) John Ernest Mowlem
- (2) William Rabling

25 June 1944

Assent

- (1) Eva Mary Curtis
- (2) The Testator

11 October 1962

Assent

- (1) Eva Mary Curtis
- (2) The Testator

3 September 1986 Grant of Probate of the Will

Signed Sealed and Delivered by the said Ronald Christopher Eric Collins
in the presence of:—

Ronald C. Collins

Signed Sealed and Delivered by the said Christopher Deamer Nichols
in the presence of:—

C. J. Nichols

Signed Sealed and Delivered by the said Warris John Hardy
in the presence of:—

W. J. Hardy

As above.

Signed Sealed and Delivered by the said Constance Dorothy Gainsborough
in the presence of:—

C. D. Gainsborough

W. J. Hardy