

## **MEMORIAL GROUND CONVEYANCE:**

**This Conveyance** dated Thirty first day of December One thousand nine hundred and thirty eight, **Between** Stanley Alfred Erlebach of "Kopriva" Colwyn Bay North Wales, Albert Hodges of Woodford House Birchington in the County of Kent, Donald Eustace Erlebach of Westfield Edgware in the County of Middlesex, Hubert Martin Collard of 15 Riggindale Road in the County of London, Henry Etough Eyre Jeston of Grenham House School Birchington aforesaid, William John Gardner of "The Rock" Alpha Road Birchington aforesaid, George Edward Newing of Sparrow Castle Farm Birchington aforesaid, Basil John King of Linksfield Westgate-on-Sea in the County of Kent aforesaid and William Henry Walker of Station Road Birchington aforesaid (hereinafter called "the Trustees") of the one part and The Mayor, aldermen and Burgesses of the Borough of Margate acting by the Council of the Borough (hereinafter called "the Corporation") of the other part,

### **Whereas**

1) By an Indenture of Conveyance dated the fifteenth day of July One thousand nine hundred and twenty two and made between Percy Horace Gordon Powell-Cotton of Quex Park in the Isle of Thanet Esquire (thereinafter called "the Vendor") of the first part, Henry Haversham Godwin-Austin of More Hascombe Godalming in the County of Surrey a Colonel in H. M. Army (retired), Gerald McLeod Powell-Cotton of Number 16 Douglas Mansions Cromwell Road South Kensington in the County of Middlesex Esquire and Francis Henry Launcelot Errington of 15 Old Square Lincolns Inn in the County of London Barrister-at-Law C. B. (hereinafter called "the Trustees") of the second part and Henry Arthur Erlebach of Woodford House Birchington in the County of Kent, the said Stanley Alfred Erlebach, the said Albert Hodges, the said Donald Eustace Erlebach, the said Hubert Martin Collard, the said Henry Etough Eyre Jeston, the said William John Gardner, David Dallas of Quex Park Lodge Birchington aforesaid, the said George Edward Newing and Frederick Sheppard Oldham of North Sea Lodge Birchington aforesaid (thereinafter called "the Purchasers") of the third part, the land and hereditaments hereinafter described and intended to be hereby conveyed unto the Purchasers therein named, subject to the conditions and restrictions therein contained.

2) By a Declaration of Trust dated the eleventh day of February One thousand nine hundred and twenty five, the Trustees therein named did declare that the land herein before referred to, was to be held upon the trusts and provisions in the said Declaration contained.

3) The said Henry Arthur Erlebach, David Dallas and Frederick Sheppard Oldham are now dead.

4) The Trustees are the present Trustees of the said land.

5) Pursuant to the provisions of the Open Spaces Act of 1906, at a Meeting of the Trustees duly convened and held on the eighteenth day of March One thousand nine hundred and thirty eight, a special resolution was passed and

was confirmed at a subsequent duly convened Meeting of the Trustees held on the twenty ninth day of April One thousand nine hundred and thirty eight, that the said piece or parcel of land should be transferred to the Corporation as a free gift absolutely To the intent that the Corporation should hold the same for the purposes of a Public Recreation Ground and that the land should be held as and for the purposes of an Open Space under the Open Spaces Act 1906.

6) It has been agreed between the Trustees and the Corporation with the approval of the Charity Commissioners that the Corporation shall hold the said land upon terms and conditions hereinafter expressed.

7) The Lord High Chancellor has by a Certificate dated the twenty fifth day of July One thousand nine hundred and thirty eight, duly authorised the Corporation to act as a Trust Corporation in the matter of the charitable trust known as the Birchington Memorial Ground, founded by the Declaration of Trust dated the eleventh day of February One thousand nine hundred and twenty five hereinafter recited

**HOW this Deed WITNESSETH** as follows :

In pursuance of the said agreement and in consideration of the promises of the Trustees as trustees and in exercise of the power or authority for this purpose given to them by the Open Spaces Act 1906 and of all the other powers (if any) them enabling, do convey unto the Corporation in fee simple **All That** piece or parcel of land situate at Birchington in the Borough of Margate in the County of Kent, containing in the whole, seven acres three rods and twenty perches, little more or less, **together** with the roadway of the width of sixteen feet from Park Road on the eastern side of the said piece of land and the roadway of the width of sixteen feet from the existing footpath in Park Lane on the western side of the said piece or parcel of land, which said piece or parcel of land and the footpaths are more particularly delineated on the plan annexed hereto and thereon respectively coloured pink and green, subject to the exceptions preservations and rights over the footways or roadways shown on the said plan annexed hereto and thereon coloured green and yellow referred to and contained in the before mentioned Indenture of Conveyance dated the fifteenth day of July One thousand nine hundred and twenty two **To hold** the same unto the Corporation in fee simple to the intent that the said Corporation should hold the said piece or parcel of land for the purposes of a Public Recreation Ground and that the land should be held as and for the purposes of an Open Space under the Open Spaces Act 1906 **In Witness** whereof the Trustees have hereunto set their hands and seals and the Corporation has caused its Corporate Seal to be hereunto affixed, the day and year first before written.

Signed Sealed and Delivered by the said Stanley Alfred Erlebach in the presence of Edward Gleave, Old Colwyn, Schoolmaster

Signed sealed and Delivered by the said Albert Hodges in the present of J S C Maughan, Solicitor, Margate

Signed Sealed and Delivered by the said Donald Eustace Erlebach in the presence of J H Rix, 6 & 7 London St. EC London, Clerk

Signed Sealed and Delivered by the said Hubert Martin Collard in the presence of Stanley G Read, Woodford, Essex, Clerk

Signed Sealed and Delivered by the said Henry Etough Eyre Jeston in the presence of J S C Maughan as above

Signed Sealed and Delivered by the said William John Gardner in the presence of J S C Maughan as above

Signed Sealed and Delivered by the said George Edward Newing in the presence of J S C Maughan as above

Signed Sealed and Delivered by the said Basil John King in the presence of J S C Maughan as above

Signed Sealed and Delivered by the said William Henry Walker in the presence of J S C Maughan

The Corporation Seal of the Mayor, Aldermen and Burgesses of the Borough of Margate was hereunto affixed in the presence of  
G B Farrar - Mayor  
P J .....? - Town Clerk