



CHAPTER 1.

An Act to extend the powers of leasing over an Estate situate in or near Edgbaston in the City of Birmingham and other Estates comprised in or subject to the uses or trusts of a Resettlement made by the late Right Honourable Augustus Cholmondeley Baron Calthorpe.

A.D. 1918.

[30th July 1918.]

WHEREAS by an Indenture of Settlement dated the eighteenth day of November one thousand eight hundred and ninety-eight (hereinafter referred as "the Settlement") and made between the late Right Honourable Augustus Cholmondeley Baron Calthorpe (hereinafter called "the late Lord Calthorpe") and the Honourable Walter Gough Calthorpe (since deceased) of the one part and Walter Henry Octavius Duncombe (since deceased) and Ralph Tichborne Hinckes (thereinafter called "the Trustees") of the other part the freehold hereditaments situate and being in the respective counties of Warwick Worcester Southampton Stafford Norfolk and London and elsewhere therein mentioned were respectively limited to uses or on trusts under which in the events which had happened at the date of the Indenture of the sixth day of March one thousand nine hundred and seven next hereinafter recited the same hereditaments or such part thereof as had not been sold or exchanged (under the powers contained in the Settlement) stood limited to the use of or were held in trust for the late Lord Calthorpe during his life with remainder to the use of his first and every other son thereafter to be born successively in remainder one after the other according to their respective seniorities in tail male with remainder to such uses and upon such trusts and with and subject to such powers and provisions as the late Lord Calthorpe should by deed or will appoint subject nevertheless as to the said estates or some parts thereof to jointure rentcharges

Settlement
of 18th Nov-
ember 1898.
("the Settle-
ment").
("the late
Lord
Calthorpe").

A.D. 1918

(“ Maud
Lady
Calthorpe ”).

amounting in the aggregate to the yearly sum of five thousand pounds by the Settlement and an earlier deed of the twentieth day of July one thousand eight hundred and sixty-nine therein mentioned charged in favour of and payable to his wife the Right Honourable Maud Augusta Louisa Baroness Calthorpe (hereinafter called “ Maud Lady Calthorpe ”) during her life if she should survive him and subject also to a sum of thirty thousand pounds raiseable under the Settlement for the portions of the three younger daughters of the late Lord Calthorpe and the interest thereon and to a term of two thousand years from the death of the late Lord Calthorpe by the Settlement limited to the Trustees their executors administrators and assigns upon trusts for securing the payment of the said portions and the interest thereon :

Resettle-
ment of 6th
March 1907.
(“ the Re-
settlement ”).

And whereas by an Indenture of Resettlement dated the sixth day of March one thousand nine hundred and seven (hereinafter referred to as “ the Resettlement ”) and made between the late Lord Calthorpe of the one part and the said Walter Henry Octavius Duncombe and Ralph Tichborne Hinckes (thereinafter called “ the Trustees ”) of the other part in exercise of the several powers by the Settlement limited to or vested in him the late Lord Calthorpe appointed and directed that if such powers should take effect and be capable of being exercised all and sundry the freehold lands tenements and hereditaments situate and being in the respective counties of Warwick Worcester Southampton Stafford Norfolk and London and all other (if any) the freehold hereditaments then subject to the uses of the Settlement should from and after the death of the late Lord Calthorpe and such default or failure of his male issue as aforesaid (subject as to such parts thereof as were so subject to and charged with the aforesaid jointure rentcharges and the portions raiseable under the Settlement for the younger daughters of the late Lord Calthorpe and the interest thereon and to the said term for securing the same) go remain and be held To such uses upon such trusts and with and subject to such powers and provisions as the late Lord Calthorpe should at any time or times by deed or by will expressly referring to and purporting to exercise that power appoint And in default of and until and so far as there might not be any such appointment To the use that the Trustees should yearly and every year during a term of twenty-one years computed from the death of the late Lord Calthorpe and for such further period (if any) as having regard

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to the trusts thereafter declared thereof should be lawful and necessary have and receive a clear rentcharge of one thousand two hundred pounds a year to be charged upon and issuing out of the settled hereditaments and to be held by them upon trusts for accumulation for payment of death duties payable in respect of the settled hereditaments at the death of the late Lord Calthorpe And subject as aforesaid To the use of the first and every other son of the late Lord Calthorpe thereafter to be born successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the Honourable Rachel Lloyd-Anstruther (the eldest daughter of the late Lord Calthorpe) during her life without impeachment of waste and so that during her then present or any future coverture the same should be for her separate use without power of anticipation with remainder To the use of the first and every other son of the said Rachel Lloyd-Anstruther successively in remainder one after the other according to their respective seniorities in tail male with remainder To the use of the first and every other son of the said Rachel Lloyd-Anstruther successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the first and every other daughter of the said Rachel Lloyd-Anstruther successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the Honourable Constance Gough Calthorpe (the second daughter of the late Lord Calthorpe) during her life without impeachment of waste and so that during coverture the same should be for her separate use without power of anticipation with remainder To the use of the first and every other son of the said Constance Gough Calthorpe successively in remainder one after the other according to their respective seniorities in tail male with remainder To the use of the first and every other son of the said Constance Gough Calthorpe successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the first and every other daughter of the said Constance Gough Calthorpe successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the Honourable Hilda Hervey (the third daughter of the late Lord Calthorpe) during her life without impeachment of waste and so that during her then present or any future coverture the same should be for her separate use without power of anticipation with remainder To the use of the first and every other son of the said Hilda Hervey successively in remainder one after the other according to their

A.D. 1918. — respective seniorities in tail mail with remainder To the use of the first and every other son of the said Hilda Hervey successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the first and every other daughter of the said Hilda Hervey successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the Right Honourable Dorothy Countess of Malmesbury (the fourth daughter of the late Lord Calthorpe) during her life and so that during her then present or any future coverture the same should be for her separate use without power of anticipation with remainder To the use of the first and every other son of the said Countess of Malmesbury successively in remainder one after the other according to their respective seniorities in tail male with remainder To the use of the first and every other son of the said Countess of Malmesbury successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the first and every other daughter of the said Countess of Malmesbury successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the first and every other daughter thereafter to be born of the late Lord Calthorpe successively in remainder one after the other according to their respective seniorities in tail with remainder To the use of the late Lord Calthorpe in fee simple:

And whereas the Resettlement contains a power for every daughter of the late Lord Calthorpe thereby made tenant for life of the said settled hereditaments after becoming entitled to the possession or receipt of the rents and profits thereof to appoint to a husband surviving her a yearly rentcharge for his life or any less period as therein mentioned and also to charge forty thousand pounds for the portion or portions of her child or children and to limit a term or terms of years for securing payment thereof:

And whereas by the Resettlement (in exercise of the said power of appointment by the Settlement so given to him as aforesaid) the late Lord Calthorpe further appointed that all freehold hereditaments being enfranchised copyholds then vested in any person or persons upon the trusts declared thereof by the Settlement should respectively be held by the Trustees or Trustee thereof for the time being upon trusts and with and subject to powers and provisions corresponding as nearly as might be with the uses trusts powers and provisions therein declared expressed

and contained of and concerning the freehold hereditaments therein appointed and settled as aforesaid but not so as to multiply or increase charges or powers of charging: A.D. 1918.

And whereas by the Resettlement it was declared that the following power (amongst others therein contained) additional to or larger than those conferred by the Settled Land Acts 1882 to 1890 should be exerciseable by every tenant for life and every person having the powers of a tenant for life under those Acts including trustees acting on behalf of any infant that is to say “Seventhly All or any of the principal mansion houses on the
“ estates hereby appointed and settled and the pleasure grounds
“ parks and lands usually occupied therewith respectively except
“ the mansion house at Elvetham and the pleasure grounds parks
“ and lands usually occupied therewith may be leased by the
“ tenant or tenants for life thereof respectively without the
“ consent of the Trustees or any Order of Court” but no other power of leasing is contained in the Resettlement:

And whereas by the Resettlement it was declared that the said Walter Henry Octavius Duncombe and Ralph Tichborne Hinckes and their successors as trustees thereunder should be trustees of the Settlement thereby made for the purposes of the Settled Land Acts 1882 to 1890 and of all Acts then already passed or thereafter to be passed amending or extending the same and further that the power of appointing new trustees of the Resettlement for any purpose should after the death of the late Lord Calthorpe be exerciseable by any person being tenant for life in possession of the hereditaments thereby settled:

And whereas the late Lord Calthorpe in his lifetime purchased certain freehold estates of small value in the counties of Stafford and Southampton:

And whereas the late Lord Calthorpe duly made and executed his will dated the seventh day of March one thousand nine hundred and seven and thereby appointed his wife Maud Lady Calthorpe and his nephew Cresswell Augustus Cresswell to be the executors and trustees thereof and devised all his manors and other real estate whatsoever and wheresoever and not being estates over which under the Resettlement he had a general power of appointment to such uses and subject to such powers and provisions as at the time of his death should under the Resettlement be subsisting in or applicable to the hereditaments

Will of the
late Lord
Calthorpe.

A.D. 1918. thereby appointed and resettled but not so as to increase or multiply charges or powers of charging :

Third
codicil
thereto.

And whereas the late Lord Calthorpe duly executed a third codicil dated the sixth day of July one thousand nine hundred and ten to his said will and thereby in exercise of the power of appointment limited to or vested in him by the Resettlement appointed certain freehold hereditaments in the county of Norfolk comprised in the Resettlement to the use that his former agent Thomas Harding (since deceased) should yearly and every year during his life have and receive a rentcharge of one hundred and fifty pounds a year to be charged upon and issuing out of such hereditaments and subject as aforesaid To the uses upon the trusts and with and subject to the powers and provisions by and in the Resettlement declared and contained concerning the same with a proviso for cesser of the said rentcharge if aliened or incumbered :

Death of the
late Lord
Calthorpe
and probate
of his will
and codicils.

And whereas the late Lord Calthorpe died on the twenty-second day of July one thousand nine hundred and ten without having exercised the power of appointment reserved to him by the Resettlement except so far as the same was exercised by the said third codicil to his said will and his said will and third codicil (with two other codicils not affecting the hereditaments devised by his said will or the hereditaments settled by the Resettlement) were on the twenty-eighth day of September one thousand nine hundred and ten duly proved by Maud Lady Calthorpe and the said Cresswell Augustus Cresswell in the Principal Probate Registry :

Executors'
assent to
devise in
said will.

And whereas by a memorandum under their hands dated the twenty-sixth day of June one thousand nine hundred and eleven Maud Lady Calthorpe and the said Cresswell Augustus Cresswell as executors of the said will of the late Lord Calthorpe assented to the hereinbefore recited devise in such will contained of the testator's manors and other real estate :

Order of
30th June
1911 ap-
pointing
W. H. O.
Duncombe
and R. T.
Hinckes
Trustees of
said will and
codicils

And whereas by an order of the High Court of Justice (Chancery Division) made on the thirtieth day of June one thousand nine hundred and eleven by the Honourable Mr. Justice Eve on an originating summons in the matter of the manors and other real estate settled by the said will of the late Lord Calthorpe and the codicils thereto and in the matter of the Settled Land Acts 1882 to 1890 (1911 C. 1750) the said Walter Henry Octavius Duncombe and Ralph Tichborne Hinckes

were appointed Trustees of the Settlements created by the said will and codicils of the late Lord Calthorpe so far as related to the therein above-mentioned settled properties for the purposes of the Settled Land Acts 1882 to 1890:

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—
for purposes of Settled Land Acts.

And whereas by a memorandum under their hands dated the ninth day of October one thousand nine hundred and eleven Maud Lady Calthorpe and the said Cresswell Augustus Cresswell as such executors as aforesaid assented to the hereinbefore recited appointment contained in the third codicil to the said will of the late Lord Calthorpe:

Executors' assent to appointment in third codicil.

And whereas the said Thomas Harding died on the tenth day of June one thousand nine hundred and sixteen:

Death of Thomas Harding.

And whereas the late Lord Calthorpe had issue only one son namely the said Walter Gough Calthorpe and four daughters namely the said Rachel Lloyd-Anstruther (now the Honourable Rachel Anstruther-Gough-Calthorpe) the said Constance Gough Calthorpe (now the Honourable Dame Constance Wrixon-Becher) the said Hilda Hervey (the wife of Lord Walter John Hervey commonly called Lady Walter Hervey) and the said Dorothy Countess of Malmesbury:

Issue of the late Lord Calthorpe.

And whereas the said Walter Gough Calthorpe died on or about the twenty-first day of December one thousand nine hundred and six without having been married:

Death of the said Walter Gough Calthorpe unmarried.

And whereas the said Rachel Anstruther-Gough-Calthorpe was on the eleventh day of October one thousand eight hundred and ninety-eight married to FitzRoy Hamilton Lloyd-Anstruther who by Royal Licence in the year one thousand nine hundred and ten assumed the surname and arms of Anstruther only And by a further Royal Licence in the same year the said FitzRoy Hamilton Anstruther and his said wife (then the Honourable Rachel Anstruther) assumed for themselves and their issue the surname of Gough-Calthorpe in addition to and after that of Anstruther and the said FitzRoy Hamilton Anstruther assumed the arms of Gough and Calthorpe quarterly with his own family arms in accordance with one of the provisions contained in the Resettlement and the said FitzRoy Hamilton Anstruther-Gough-Calthorpe and Rachel his wife have ever since continued to use and bear and still use and bear the said name and arms:

Marriage of the said Rachel Anstruther-Gough-Calthorpe.

And whereas there have been issue of the marriage of the said Rachel Anstruther-Gough-Calthorpe three children only

Issue of her marriage.

A.D. 1918. — namely Richard Hamilton Anstruther-Gough-Calthorpe who was born on the twenty-eighth day of March one thousand nine hundred and eight Frances Jean Anstruther-Gough-Calthorpe who was born on the twenty-ninth day of June one thousand nine hundred and ten and Barbara Anstruther-Gough-Calthorpe who was born on the twenty-fourth day of October one thousand nine hundred and eleven :

Marriage of
the said
Constance
Wrixon-
Becher.
Issue of her
marriage.

And whereas the said Constance Wrixon-Becher was on the eighth day of October one thousand nine hundred and seven married to Eustace William Windham Wrixon-Becher (now Sir Eustace William Windham Wrixon-Becher Baronet) and there have been issue of her marriage five children only namely Muriel Mary Wrixon-Becher who was born on the twenty-first day of February one thousand nine hundred and nine Aileen Wrixon-Becher who was born on the second day of July one thousand nine hundred and ten Sheila Wrixon-Becher who was born on the fifth day of February one thousand nine hundred and thirteen Rosemary Wrixon-Becher who was born on the twelfth day of August one thousand nine hundred and fourteen and William Fane Wrixon-Becher who was born on the seventh day of September one thousand nine hundred and fifteen :

Marriage of
the said
Hilda
Hervey.

And whereas the said Hilda Hervey was on the twentieth day of October one thousand nine hundred and three married to the said Lord Walter John Hervey but there has been no issue of her marriage :

Marriage of
the said
Countess of
Malmesbury.
Issue of her
marriage.

And whereas the said Dorothy Countess of Malmesbury was on the twenty-seventh day of April one thousand nine hundred and five married to the Right Honourable James Edward Earl of Malmesbury and there have been issue of her marriage two children only namely the Honourable Elizabeth Harris (commonly called the Lady Elizabeth Harris) born on the eighth day of January one thousand nine hundred and six and the Honourable William James Viscount FitzHarris born on the eighteenth day of November one thousand nine hundred and seven :

Death of
Walter Henry
Octavius
Duncombe.

And whereas the said Walter Henry Octavius Duncombe died on the sixth day of January one thousand nine hundred and seventeen :

Indenture
of 2nd July
1917 ap-
pointing

And whereas by an indenture dated the second day of July one thousand nine hundred and seventeen and made between

the said Rachel Anstruther-Gough-Calthorpe of the first part the said Ralph Tichborne Hinckes of the second part and the said Cresswell Augustus Cresswell of the third part the said Cresswell Augustus Cresswell was duly appointed to be a trustee of the Resettlement in the place of the said Walter Henry Octavius Duncombe and to act jointly with the said Ralph Tichborne Hinckes for the several purposes for which the said Walter Henry Octavius Duncombe was appointed a trustee by the Resettlement And by the same indenture the said Cresswell Augustus Cresswell was duly appointed to be a trustee of the Settlement created by the said will and codicils of the late Lord Calthorpe for the purposes of the Settled Land Acts 1882 to 1890 in the place of the said Walter Henry Octavius Duncombe and to act jointly with the said Ralph Tichborne Hinckes for the purposes lastly before mentioned And by the same indenture all the manors and hereditaments then subject to the limitations or trusts of the Resettlement or the said will and codicils were duly vested in the said Ralph Tichborne Hinckes and Cresswell Augustus Cresswell for all the terms estates or interests formerly of the said Walter Henry Octavius Duncombe and Ralph Tichborne Hinckes or the survivor of them and as trustees of the Resettlement or under the said will and codicils or the said Order of the thirtieth day of June one thousand nine hundred and eleven as joint tenants and for the purposes and upon the trusts of the Resettlement and the said will and codicils and Order respectively :

And whereas the said jointure rentcharges of Maud Lady Calthorpe are still subsisting :

And whereas the said thirty thousand pounds portions of the younger daughters of the late Lord Calthorpe have been paid and discharged and the greater part of the estate duty payable at the death of the late Lord Calthorpe in respect of the said settled hereditaments has been paid and discharged And such portions have been discharged partly out of capital moneys arising under the Resettlement and partly by means of a mortgage of part of the settled estates and the estate duty so paid as aforesaid has been discharged partly out of capital money arising under the Resettlement and partly by means of mortgages of parts of the settled estates :

And whereas upon the death of the late Lord Calthorpe the said Rachel Anstruther-Gough-Calthorpe became and is now tenant for life in possession of the said settled hereditaments

A.D. 1918.

—
Cresswell Augustus Cresswell a trustee of the Resettlement and of the late Lord Calthorpe's will and codicils.

Lady Calthorpe's jointure rentcharges still subsisting.

Payment of the portions of the late Lord Calthorpe's younger daughters and of estate duty.

Present tenant for life of the settled estates.

A.D. 1918. — subject to the uses and trusts of the Resettlement and of the said will and codicils of the late Lord Calthorpe but she has not exercised the power by the Resettlement conferred upon her of appointing a rentcharge in favour of any husband surviving her :

Sales ex-
changes and
purchases.

And whereas since the death of the late Lord Calthorpe certain of the settled hereditaments subject to the uses and trusts of the Resettlement and of the said will and codicils have been sold and exchanged and other hereditaments have been taken in exchange or purchased out of capital moneys arising under the Resettlement and under the said will and codicils and conveyed to the uses of the Resettlement :

The settled
estates now
existing.

And whereas the estates now remaining subject to the uses and trusts of the Resettlement and the said will and codicils consist of (1) The Edgbaston Estate formerly (as to the greater part thereof) in the county of Warwick and (as to other parts thereof) in the counties of Stafford and Worcester but now wholly within the extended boundaries of the city of Birmingham (2) Certain small properties in the county of Norfolk (3) Pakenham Manor in the county of Suffolk (4) The Gough Square Estate in the city of London (5) The Gray's Inn Road Estate in the metropolitan borough of St. Pancras in the county of London and (6) The Elvetham Estate in the county of Southampton all of which are hereinafter referred to as "the Settled Estates" ;

("the Settled
Estates.")

Edgbaston
Estate.

And whereas the Edgbaston Estate extends to upwards of two thousand acres of land almost exclusively of freehold tenure about two-thirds of which have during the past century been developed as a residential estate and comprises chiefly houses of a superior character and of considerable value standing in their own grounds villa residences and private schools schoolhouses and various large institutions :

And whereas the lands on which most of the said houses and other buildings stand have been leased by the successive owners of the Settled Estates on building leases for ninety-nine years or somewhat shorter terms and some of these leases have recently fallen in and many others will fall in within the next few years :

Gough
Square
Estate.

And whereas the Gough Square Estate consists of eight large houses leased for business purposes seven of them for long terms of years at ground rents and one of them at a rack rent :

And whereas the Gray's Inn Road Estate consists of a large number of shops and dwelling-houses besides factories garages and other business premises in the Gray's Inn Road and in the district on the east side thereof most of which or the sites of which were originally let on building leases for (in most cases) ninety-nine years at ground rents and some of the original leases have already fallen in and others will shortly fall in and new leases for terms of thirty-five years and upwards have in some cases recently been granted:

A.D. 1918.
Gray's Inn
Road
Estate.

And whereas the Elvetham Estate includes besides the principal mansion house park and woods and a large area of agricultural land some land in the neighbourhood of Fleet and Hartley Wintney in the county of Southampton suitable for building:

Elvetham
Estate.

And whereas having regard to the varying character of the Settled Estates and the circumstances now affecting the same and in order to enable them to be dealt with in the most advantageous manner it is desirable and it would be for the benefit of the said Rachel Anstruther-Gough-Calthorpe and all other persons interested or to become interested in the Settled Estates to authorise the granting of leases (other than building leases) for terms exceeding twenty-one years and to make such provisions as are in this Act contained for extending the powers of leasing contained in the Resettlement or conferred on the tenant for life for the time being of the Settled Estates by virtue of the Settled Land Acts 1882 to 1890:

Expediency
of extending
the leasing
powers con-
tained in the
Resettle-
ment.

And whereas the aforesaid objects cannot be attained without the authority of Parliament:

Therefore Your Majesty's most dutiful and loyal subject Rachel Anstruther Gough-Calthorpe the tenant for life in possession of the Settled Estates doth most humbly beseech You Majesty that it may be enacted and be it enacted by the King'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:—

1. This Act may be cited for all purposes as the Calthorpe Estate Act 1918. Short title.

2.—(1) Every tenant for life for the time being entitled to the possession or receipt of the rents and profits of the Settled Estates may exercise over or in relation to the Settled Extension
of leasing
powers.

A.D. 1918. Estates the powers hereinafter mentioned by way of extension or enlargement of the powers and provisions of the Settled Land Acts 1882 to 1890 and with the like incidents effects and consequences as if the same powers had been conferred by the said Acts (that is to say):--

(A) Power to demise any part or parts of the Settled Estates (except the mansion house at Elvetham and the pleasure grounds parks and lands usually occupied therewith) for any term not exceeding one hundred years from the date of the lease and either in possession or subject to any subsisting lease and either at a rack rent without any fine or premium or at a rent less than a rack rent with a fine or premium for the granting of such leases and in either case without requiring any money to be laid out in erecting new or additional buildings or in improving or repairing buildings or in executing any other improvement Provided that all sums of money received by way of such fines or premiums shall be dealt with as if the same were capital moneys arising from the Settled Estates under the said Settled Land Acts Provided also that every such lease be by deed and do contain covenants to pay the rent reserved and to repair and insure against fire and a proviso for re-entry for non-payment of rent or other breach of covenant and so that in every case the lessee or lessees be not made dispunishable for waste and do execute a counterpart of such lease ;

(B) Power with the consent in writing of the Trustees for the time being for the purposes of the Settled Land Acts 1882 to 1890 of the Resettlement or (as the case may require) of the said will and codicils of the late Lord Calthorpe to grant or demise any part or parts of the Settled Estates settled by the Resettlement or by such will and codicils for any consideration for any term for any purpose and on or subject to any conditions and provisions which the Chancery Division of the High Court of Justice may approve notwithstanding that such grant or lease is not otherwise authorised by the said Settled Land Acts the Resettlement or this Act and such trustees are hereby authorised and empowered in their sole and

absolute discretion to consent to any such grant or lease without being in any way liable for the exercise of such discretion or for any loss or damage arising therefrom: A.D. 1918.

- (c) Power to accept a surrender of any lease for the time being existing of any part of the Settled Estates for the purpose of granting a new lease under either of the powers hereinbefore contained.

(2) The Trustees for the time being for the purposes aforesaid of the Resettlement and of the said will and codicils of the late Lord Calthorpe may during the minority of any person who would if of full age be entitled to the possession or receipt of the rents and profits of any part or parts of the Settled Estates for such trustees are trustees under the Resettlement or under which such will and codicils as the case may be exercise over or in relation to such part or parts of the Settled Estates any of the powers mentioned in paragraphs (A) and (c) and with the consent of the said Chancery Division any of the powers mentioned in paragraph (B) of subsection (1) of this section by way of extension or enlargement of the powers and provisions of the said Settled Land Acts and with the like incidents effects and consequences as aforesaid.

3. All costs charges and expenses of or incidental or preparatory to the obtaining or passing of this Act and of all parties in relation thereto as between solicitor and client shall be retained or paid by the Trustees for the purposes aforesaid of the Resettlement and of the said will and codicils of the late Lord Calthorpe out of any capital moneys or investments representing capital moneys in their hands or names as such trustees and the Chancery Division of the High Court of Justice may from time to time upon application by summons at chambers by any person or persons interested make any order for ascertaining or taxing such costs charges or expenses and the costs of the application and also any order for payment of such costs charges and expenses out of any moneys applicable for the purpose. Costs of Act.

4. Saving always to the King's most Excellent Majesty His heirs and successors and to every other person and body politic and corporate and their respective heirs successors executors administrators and assigns (other than and except only the several persons who are by this Act expressly excepted out of General saving.

A.D. 1918. — this general saving) all such estate right title interest claim and demand whatsoever of in to and out of or upon the Settled Estates or any part thereof to which this Act relates as they or any of them had before the passing of this Act.

Exceptions
from general
saving.

5. The following persons are excepted out of the general saving in this Act and accordingly are the only persons bound by this Act (that is to say):—

- (A) The Right Honourable Maud Augusta Louisa Baroness Calthorpe;
- (B) The Honourable Rachel Anstruther-Gough-Calthorpe;
- (C) Richard Hamilton Anstruther-Gough-Calthorpe the only son of the said Rachel Anstruther-Gough-Calthorpe and the heirs of his body;
- (D) Frances Jean Anstruther-Gough-Calthorpe the eldest daughter of the said Rachel Anstruther-Gough-Calthorpe and the heirs of her body;
- (E) Barbara Anstruther-Gough-Calthorpe the second daughter of the said Rachel Anstruther-Gough-Calthorpe and the heirs of her body;
- (F) Any other son or daughter hereafter to be born of the said Rachel Anstruther-Gough-Calthorpe and the heirs of their respective bodies;
- (G) The Honourable Dame Constance Wrixon-Becher;
- (H) William Fane Wrixon-Becher the only son of the said Constance Wrixon-Becher and the heirs of his body;
- (I) Muriel Mary Wrixon-Becher the eldest daughter of the said Constance Wrixon-Becher and the heirs of her body;
- (J) Aileen Wrixon-Becher the second daughter of the said Constance Wrixon-Becher and the heirs of her body;
- (K) Sheila Wrixon-Becher the third daughter of the said Constance Wrixon-Becher and the heirs of her body;
- (L) Rosemary Wrixon-Becher the fourth daughter of the said Constance Wrixon-Becher and the heirs of her body;
- (M) Any other son or daughter hereafter to be born of the said Constance Wrixon-Becher and the heirs of their respective bodies;

A.D. 1918.

- (N) The Honourable Lady Walter Hervey;
- (O) Any son or daughter hereafter to be born of the said Lady Walter Hervey and the heirs of their respective bodies;
- (P) The Right Honourable Dorothy Countess of Malmesbury;
- (Q) The Honourable William James Viscount FitzHarris the only son of the said Countess of Malmesbury and the heirs of his body;
- (R) The Lady Elizabeth Harris the only daughter of the said Countess of Malmesbury and the heirs of her body;
- (S) Any other son or daughter hereafter to be born of the said Countess of Malmesbury and the heirs of their respective bodies;
- (T) Ralph Tichborne Hinckes and Cresswell Augustus Cresswell and other the Trustees or Trustee for the time being of the Resettlement or of the said will and codicils of the late Lord Calthorpe.

6. This Act shall not be a Public Act but shall be printed by the several printers to the King's Most Excellent Majesty duly authorised to print the Statutes of the United Kingdom and a copy thereof so printed by any of them shall be admitted as evidence thereof by all judges justices and others.

Act as
printed by
King's
printers to
be evidence.

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