



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 93.

An Act for vesting in new Trustees certain Estates and Property in *Ireland*, of the Right Honourable *Walter* Earl of *Ormonde* and *Ossory*, in *Ireland*, and Baron *Butler* in *England*, which have not been sold or disposed of under and by virtue of Two Acts of Parliament made in the Thirty-fifth and Forty-fifth Years of the Reign of His present Majesty. [1st June 1808.]

WHEREAS by an Act made in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act for vesting in new Trustees the Real Estates in Ireland, of the Right Honourable Walter Earl of Ormonde and Ossory, which have not been sold or disposed of under and by virtue of an Act of Parliament, passed by the Parliament of Ireland in the Thirty-fifth Year of the Reign of His present Majesty, intituled, 'An Act for the Sale of competent Parts of the Real Estates of the Right Honourable John Earl of Ormonde and the Honourable Walter Butler, commonly called Lord Viscount Thurles, his eldest Son and Heir Apparent, for the Payment of Debts, Charges, and Incumbrances, affecting the same; and for settling* 45 G. 3.

[Loc. & Per.] 20 A

‘*settling such Part and Parts thereof as shall not be sold for the Purposes aforesaid, and for other Purposes:*’ It is recited that by the said Act of the Thirty-fifth Year of the Reign of His present Majesty, certain Lordships, Honours, Manors, Castles, Towns, Messuages, Lands, Tenements, Fee-Farm Rents, Tithes, and Hereditaments, therein mentioned, were vested in the Right Honourable *William* Earl of *Enniskillen*, and the Right Honourable *Otway* Earl of *Desart*, their Heirs and Assigns, upon Trust, that they the said *William* Earl of *Enniskillen* and *Otway* Earl of *Desart*, or the Survivor of them, and his Heirs, should, with all convenient Speed, by and with the Consent of the said *John* Earl of *Ormonde*, (if living), sell or dispose of either entirely and together, or separately and in Parcels, the said Lordships, Manors, Messuages, Castles, Towns, Lands, Tenements, Fee-Farm Rents, Tithes, Hereditaments, and all other the Premises thereby vested in them, or such Part or Parts, and so much thereof as should be necessary to raise such Sum and Sums of Money as should be sufficient to defray the Expences of passing the said Act, and the Execution of the Trusts thereby reposed in them; and also such Sum and Sums of Money as should be necessary to pay, satisfy, and discharge, the several principal Sums of Money which at the Time of the Execution of a certain Settlement therein mentioned, which bears Date the Twenty-sixth Day of *January* One thousand seven hundred and ninety-two, were Charges and Incumbrances affecting or charged upon the said Castles, Manors, Messuages, Towns, Lands, Tenements, Fee-Farm and other Rents, Tithes, Hereditaments, and Premises, or any of them, or any Part or Parcel thereof, together with all Interest which should have accrued or become due for the said principal Sums respectively, to the Time of Payment thereof; and also to pay, satisfy, and discharge, all and every Sum and Sums of Money, at the Time of the Execution of the said Settlement of the Twenty-sixth Day of *January* One thousand seven hundred and ninety-two, due and owing, from and by the said *John* Earl of *Ormonde*, by Judgement, Bond, or other Specialty, together with all Interest which should be due and owing for the said principal Sums at the Time of Payment thereof; and also to pay, satisfy, and discharge, all and every Sum and Sums of Money, at the Time of the Execution of the said Settlement of the Twenty-sixth Day of *January* One thousand seven hundred and ninety-two, due and owing, from and by the said *Walter* Lord Viscount *Thurles*, by Judgement, Bond, and other Specialty, together with all Interest which should be due and owing for the said principal Sums at the Time of Payment thereof, provided that no more than the Sum of Three thousand Pounds Sterling should be raised for the Payment of the said Debts of the said *Walter* Lord Viscount *Thurles*; and that the said *William* Earl of *Enniskillen* and *Otway* Earl of *Desart*, and the Survivor of them, his Heirs and Assigns, should apply the Purchase Money which should be raised by such Sale or Sales, for the Uses and Purposes for which the same was therein before appointed to be levied and raised as aforesaid, provided that the Debts, Charges, and Incumbrances, for the Payment whereof Provision was made by the said Act, should be paid according to their several and respective Nature and Priority: And as to, for, and concerning all and every the Residue and Remainder of the said Castles, Manors, Messuages, Towns, Lands, Tenements, Fee Farm, and
other

other Rents, Tithes, Hereditaments, and Premises, and every Part and Parcel thereof, which should not be sold for the Purposes aforesaid, in Trust, that they the said *William* Earl of *Enniskillen*, and *Otway* Earl of *Desart*, and the Survivor of them, and his Heirs, should grant, assure, convey, and settle the same, to such Uses, upon such Trusts, and to and for such Intents and Purposes, and under and subject to such Powers, Provisoos, Limitations, and Agreements, (save and except the aforesaid Power of selling), as were mentioned, expressed, and declared, of and concerning the same, in and by the said Settlement of the Twenty-sixth Day of *January* One thousand seven hundred and ninety-two: And in the said Act of the Forty-fifth Year of the Reign of His present Majesty, it is further recited, that the said Trustees named in the said Act, made in the Thirty-fifth Year of the Reign of His present Majesty, in pursuance of the Trusts thereby reposed in them, sold several Parts of the Lands and Hereditaments comprized in the said last-mentioned Act, and applied the Money arising by such Sales, pursuant to the said Directions of the same Act; but that the Trusts of the said Act of the Thirty-fifth Year of the Reign of His present Majesty were not yet completed and fulfilled; and that it might be necessary to sell more Lands and Hereditaments for the Purposes in the said Act mentioned; and that the said *William* Earl of *Enniskillen* and *Otway* Earl of *Desart*, the Trustees named in the said Act of Parliament, were both dead; and that the said *Otway* Earl of *Desart* survived the said *William* Earl of *Enniskillen*; and that the Right Honourable *John* *Otway*, then Earl of *Desart*, a Minor, was the Son and Heir of the said *Otway* Earl of *Desart*, and as such, was then the Trustee for carrying the Purposes of the said Act into Execution; and that the said *John* Earl of *Ormonde*, named in the said Act, died several Years ago; and that the said *Walter*, then Earl of *Ormonde* and *Offory*, (who is stiled in the said recited Act, made in the Thirty-fifth Year of the Reign of His present Majesty, by the Appellation of Lord Viscount *Thurles*), was the eldest Son and Heir at Law of the said *John*, then late Earl of *Ormonde*, and as such was entitled to an Estate Tail in such Part and Parts of the said Castles, Manors, Messuages, Towns, Lands, Tenements, Hereditaments, and Premises, comprized in the said Act of Parliament, which had not been, and should not be sold for the Purposes in the said Act mentioned: And it is therein further recited, that by Reason of the said *John* *Otway* Earl of *Desart* being under the Age of Twenty-one Years, the Trusts of the said Act of the Thirty-fifth Year of the Reign of His present Majesty could not be carried into Effect during his Minority, by Sales of the undisposed Parts of the said Castles, Manors, Messuages, Towns, Lands, Tenements, Hereditaments, and Premises, comprized in the said Act; and that therefore it became necessary that he should be divested of such Trusts, and new Trustees should be appointed in his Stead for carrying the same into Execution: And it was by the said recited Act, made in the Forty-fifth Year of the Reign of His present Majesty, enacted, that the said *John* *Otway* Earl of *Desart*, and his Heirs, should from and immediately after the passing of the said Act be, and he and they was and were thereby from thenceforth absolutely and for ever released and discharged from being a Trustee for all or any of the Trusts and Purposes mentioned in the said therein-before recited Act of Parliament; and also released and discharged

Recited Act,
so far as re-
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Earl of En-
niskillen and
Maurice Fitz-
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pealed.

charged of and from and all and every the Uses, Estates, Trusts, Powers, and Authorities, then vested in him or them, by virtue of or under the Powers contained in the said recited Act made in the Thirty-fifth Year of His said present Majesty : And it was thereby further enacted, that the Right Honourable *John* Earl of *Enniskillen*, and the Right Honourable *Maurice Fitzgerald*, One of His Majesty's most Honourable Privy Council in *Ireland*, should be, and they were thereby appointed Trustees in the Place and Stead of the said *John Otway* Earl of *Desart* ; and that all that and those such Part and Parts of the Castles, Manors, Towns, Messuages, Lands, Tenements, Fee Farm Rents, Tithes, and Hereditaments comprized in the said recited Act of Parliament, which had not been sold or disposed of for the Purposes of the said Act, should from and immediately after the passing of the said Act, be, and the same were thereby vested in and settled upon the said *John* Earl of *Enniskillen* and *Maurice Fitzgerald*, and their Heirs, upon such and the same Trusts, and to and for such and the same Uses, and for such and the same Estates and Interests, and with such and the same Powers and Provisoos, and to and for the same Intents and Purposes as in and by the said recited Act made in the Thirty-fifth Year of His said present Majesty were mentioned, expressed, or declared, of or concerning the said Hereditaments and Premises comprized therein, and in as full, extensive, and absolute a Manner, to all Intents and Purposes, as the same Hereditaments and Premises, or any Part thereof, immediately before the passing of the said Act, were then vested in the said *John Otway* Earl of *Desart*, his Heirs and Assigns, as aforesaid : And whereas the Trusts of the said recited Acts are not yet completed, and the said *John* Earl of *Enniskillen* and *Maurice Fitzgerald* are desirous of being discharged therefrom ; and the said *Walter* Earl of *Ormonde* and *Offory* is desirous that new Trustees should be appointed to act in the Trusts of the said recited Acts of Parliament, in the Room of the said *John* Earl of *Enniskillen* and *Maurice Fitzgerald* ; but no Provision is made in the said recited Acts, or either of them, for that Purpose ; therefore Your Majesty's most dutiful and loyal Subject the said *Walter* Earl of *Ormonde* and *Offory* doth humbly beseech Your 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, That the said *John* Earl of *Enniskillen* and *Maurice Fitzgerald* shall, from and immediately after the passing of this Act, be, and they the said *John* Earl of *Enniskillen* and *Maurice Fitzgerald* are hereby from henceforth absolutely and for ever released and discharged of and from all and every the Uses, Estates, Trusts, Powers, and Authorities now vested in them, or either of them, the said *John* Earl of *Enniskillen* and *Maurice Fitzgerald*, by virtue of or under the Powers contained in the said recited Act made in the Forty-fifth Year of the Reign of His present Majesty ; and such Act, so far as the same relates, affects, or in anywise concerns the said *John* Earl of *Enniskillen* and *Maurice Fitzgerald*, and their Heirs, or any of them, shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

New Trustees
appointed.

II. And be it further enacted, That *William Morland* and *John Hosier* Esquires, both of *Pall Mall* in the Parish of *Saint James*, in the County of

of *Middlesex*; *Charles Butler* Esquire, of *Lincoln's Inn*, in the said County of *Middlesex*, Barrister at Law; and *Job Hart Price Clarke* of *Montague Street, Portman Square*, in the said County of *Middlesex*, Esquire, and their Heirs, shall be, and they are hereby appointed Trustees in the Place and Stead of the said *John Earl of Enniskillen* and *Maurice Fitzgerald*; and that all that and those such Part and Parts of the Castles, Manors, Towns, Messuages, Lands, Tenements, Fee-Farm Rents, Tithes, Prilage and Butlerage of Wines, Estates, Effects, Hereditaments, and Premises, of what Nature or Description soever, comprized in the said recited Acts, or either of them, which have not been sold or disposed of for the Purposes of the said recited Acts, or either of them, shall from and immediately after the passing of this Act be, and the same are hereby vested in and settled upon the said *William Morland*, *John Hosier*, *Charles Butler*, and *Job Hart Price Clarke*, and their Heirs, upon such and the same Trusts, and to and for such and the same Uses, and for such and the same Estates and Interests, and with such and the same Powers and Provisoos, and to and for the same Intents and Purposes as in and by the said recited Act made in the Thirty-fifth Year of His present Majesty are mentioned, expressed, or declared of and concerning the same Hereditaments and Premises comprized therein, and in as full, extensive, and absolute a Manner, to all Intents and Purposes, as the same Hereditaments and Premises, or any Part thereof, were immediately before the passing of this present Act vested in the said *John Earl of Enniskillen* and *Maurice Fitzgerald* and their Heirs, or such or so many of them as shall be now subsisting undetermined and capable of taking effect; any Thing in the said recited Acts or either of them contained to the contrary thereof in anywise notwithstanding.

III. And be it further enacted, That it shall and may be lawful to and for the said *William Morland*, *John Hosier*, *Charles Butler*, and *Job Hart Price Clarke*, and the Survivor of them, and the Heirs, Executors, or Administrators of such Survivor, and they, each, and every of them, are and is hereby authorized and directed, out of the Monies which shall arise by the Sale of the said Hereditaments and Premises, to pay and defray the Costs, Charges, and Expences attending the obtaining and passing of this Act, and of carrying the Trusts hereby in them reposed into Execution. Expences of this Act to be paid.

IV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every Person and Persons, Bodies Politic and Corporate, their respective Heirs, Successors, Executors, and Administrators, (other than and except the said *John Earl of Enniskillen* and *Maurice Fitzgerald*, and their Heirs, and all and every the Person and Persons excepted in and by the said recited Acts of Parliament respectively,) all such Estates, Rights, Titles, Interests, Claims and Demands of, in, to, or out of the said Lordships, Honors, Castles, Farms, Messuages, Lands, Tenements, Fee-Farm Rents, Tithes, Prilage and Butlerage of Wines, Estates, Effects, and Hereditaments hereby vested in them the said *William Morland*, *John Hosier*, *Charles Butler*, and *Job Hart Price Clarke*, and their Heirs as aforesaid, as they, every, or any of them, had before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made. General Saving.

1754

48° GEORGII III. Cap. 93.

Evidence.

V. And it is hereby further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.