



ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 201.

An Act for vesting in Trustees Part of the Great Tithes of the Prebend of *Beachill* and *Knaref-brough*, in the County of *York*, in Trust, to be sold; and for laying out the Monies thence arising, in the Purchase of Estates to be settled and annexed to the said Prebend. [18th July 1812.]

WHEREAS the Reverend *William Carey*, being the present Prebendary of the Prebend of *Beachill* and *Knaref-brough*, in the County of *York* (which Prebend consists of the Rectory of the Parish of *Knaref-brough*, in the Diocese and County of *York*), hath by Indenture, bearing Date the Twentieth Day of *January* last, granted a Lease of the said Prebend, with all Tithes and Appurtenances thereunto belonging, unto *John Erskine* Esquire, his Heirs and Assigns, for the Lives of the Right Honourable *James* Earl of *Roslyn*, heretofore Sir *James St. Clair Erskine* Baronet, the said *John Erskine* and *Josiah Oates*, and the Life of the longest Liver of them, subject to the Rent, Covenants and Agreements therein reserved and contained: And whereas by an Indenture of Five Parts, bearing Date the Third Day of *November* One thousand eight hundred and two, and made between the said *John Erskine* of the First Part; Sir *John Mordaunt* Baronet, and Dame *Elizabeth* his Wife, of the Second Part; *Mary Mordaunt* Spinster, the Third and One of the Six Daughters of the said Sir *John Mordaunt* by the said Dame *Elizabeth* his Wife, and the Reverend *John Mordaunt* their only younger Son, of the Third Part; the Right Honourable *Alexander* late Earl of *Roslyn*, of the Fourth Part; and the Honourable *John Wodehouse*, eldest Son and Heir-apparent of the Right Honourable *John* Lord *Wode-*

Recital of Lease, dated 20th January last.

Recital of Mr. Erskine's Marriage Settlement, dated 3d Nov. 1802.

[Loc. & Per.]

house,

Marriage Register.

Dr. Carey is the present Prebendary.

house, and *John Henry Newbolt Esquire*, of the Fifth Part, (being the Settlement made upon the Marriage of the said *John Erskine* and *Mary Mordaunt*); it is witnessed, that for the Considerations therein expressed the said *Alexander* late Earl of *Roslyn* did thereby covenant with the said *John Wodehouse* and *John Henry Newbolt* that he would in his Life-time, or that his Heirs, Executors or Administrators should, within Six Months after his Decease, well and effectually secure to be paid unto them the said *John Wodehouse* and *John Henry Newbolt*, their Executors, Administrators or Assigns, in Trust for the said *Mary Mordaunt* and her Assigns during her Life, in case she should survive the said *John Erskine*, for a Jointure, and in bar of Dower, an Annuity or yearly Sum of Six hundred Pounds clear of all Deductions whatsoever, payable quarterly as therein mentioned: And whereas the said *John Erskine* intermarried with the said *Mary Mordaunt*, on or about the Sixth Day of *November* One thousand eight hundred and two, and by Deed dated the Third Day of *May* One thousand eight hundred and ten, *John Halkett Esquire* was duly appointed a Trustee of the said Settlement, in the room of the said *John Henry Newbolt*: And whereas the said *Alexander* late Earl of *Roslyn* was at the Time of entering into the said Covenant, and at his Death, possessed of a Lease of the said Prebend, dated the Seventeenth Day of *October* One thousand seven hundred and ninety, and made between the Reverend *Andrew Cheap* Clerk, and Prebendary of the Prebend aforesaid, of the One Part, and the said *Alexander* late Earl of *Roslyn*, then Baron *Loughborough*, of the other Part, (being the said Prebend now vested in the said *John Erskine* by the said recited Indenture of Lease of the Twentieth Day of *January* last as aforesaid), and the said Earl not having performed his aforesaid Covenant contained in the said Indenture of Settlement, the renewed Lease of the said Prebend granted by the said *William Carey* to the said *John Erskine* is liable generally with the Real and Personal Estate of the said late Earl to satisfy the said Covenant: And whereas the said *William Carey* is the present Prebendary of the Prebend of *Beachill* and *Knaresbrough* aforesaid, by Grant from *William* late Archbishop of *York*: And whereas the Rectory of the said Parish of *Knaresbrough* consists in Part of the Great Tithes of the several Townships of *Brearton* otherwise *Brereton* and *Farnham*: And whereas it would be greatly for the Benefit and Improvement of the said Prebendal Estate if the Great Tithes or Tenths issuing and payable from and out of the Lands and Hereditaments in the several Townships of *Brearton* otherwise *Brereton* and *Farnham*, in the said Parish of *Knaresbrough*, (except such of the Great Tithes or Tenths issuing and payable from and out of the Glebe Lands of the said Vicarage of *Knaresbrough* as are situate in the said Township of *Brearton* otherwise *Brereton* aforesaid), and more particularly described and comprised in the Schedule to this Act annexed, were vested in Trustees to be sold, and the Monies thence arising laid out in the Purchase of Lands and other Hereditaments, to be settled and annexed to the said Prebend, subject to such and the like Estate, Right and Interest in the said Lands and Hereditaments so to be purchased, as the said *John Erskine*, his Heirs and Assigns, and the said *Mary* his Wife, hath or have, or could or might have had in such Tithes or Tenths in case the same had not been sold; but inasmuch as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament, therefore Your Majesty's most dutiful and loyal Subjects, the said *William Carey*, *John Erskine* and *Mary* his Wife, do most humbly beseech Your Majesty that

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 all and singular the Great Tithes or Tenths arising, renewing, issuing and payable in, upon, from or out of the several Farms, Lands, Tenements and Hereditaments in the several Townships of *Brearton* otherwise *Brereton* and *Farnham*, in the said Parish of *Knareborough*, (save and except such of the Great Tithes or Tenths arising, renewing, issuing or payable in, upon, from, or out of the Glebe Lands of the said Vicarage of *Knareborough*, as are situate in the said Township of *Brearton* otherwise *Brereton* aforesaid); and more particularly described and comprised in the said Schedule to this Act annexed, (being Part of the Great Tithes of the said Prebend of *Beachill* and *Knareborough*, in the Diocese and County of *York*), together with all Easements, Rights, Members and Appurtenances to the same Tithes or Tenths belonging; and the Reversion and Reversions, Remainder and Remainders, Rents, Issues and Profits thereof, shall from and immediately after the passing of this Act be vested in, and the same are hereby from thenceforth vested in *John King* of the Parish of *Aldenham*, in the County of *Hertford*, Esquire, and *William Bragge* of *Edward Street, Portman Square*, in the County of *Middlesex*, Esquire, their Heirs and Assigns for ever, freed and absolutely acquitted, exonerated and discharged of and from all Estates, Rights, Interests, Claims, and Demands of the Most Reverend and Right Honourable *Edward Venables Vernon*, Lord Archbishop of *York*, and his Successors for the Time being, as Archbishops of *York*, and of the said *William Carey*, and his Successors for the Time being, Prebendaries of the said Prebend of *Beachill* and *Knareborough*, and of the said *John Erskine*, his Heirs and Assigns, under and by virtue of the said recited Indenture of Lease, or of any Renewal thereof, or otherwise howsoever, and of the said *Mary Erskine* his Wife, or her Executors, Administrators or Assigns, in respect of the said Annuity or Yearly Rent-charge of Six hundred Pounds, or of or by any Person or Persons lawfully claiming or to claim by, from, under, or in Trust for them or any of them, in respect of the said Tithes or Tenths; but upon and for the Trusts, Intents and Purposes herein-after expressed and declared of and concerning the same; (that is to say), upon Trust, that they the said *John King* and *William Bragge*, or the Survivor of them, or the Heirs and Assigns of such Survivor, do and shall as soon as conveniently may be, make Sale, and dispose of the said Tithes or Tenths, hereby vested in them in Trust as aforesaid, by Public Auction or Sale, or Private Contract, and either together or in Parcels, unto any Person or Persons who shall or may be willing to become the Purchaser or Purchasers thereof, for the best Price or Prices in Money that can be reasonably had or gotten for the same; and on Payment into the Bank of *England*, in Manner herein-after mentioned, of the Purchase Money for which the same Tithes or Tenths, or any Part thereof, shall be sold, do and shall convey and assure the same unto and to the Use of the said Purchaser or Purchasers thereof, and to his, her, or their Heirs and Assigns, or as he, she, or they shall direct or appoint, freed, acquitted, exonerated and discharged as aforesaid.

II. And be it further enacted, That all and every Person and Persons who shall or may become the Purchaser or Purchasers of all or any Part of the said Tithes or Tenths hereby made saleable as aforesaid, shall pay his,

Part of the Great Tithes of the Prebend of Beachill and Knareborough vested in Trustees to be sold, &c.

Purchasers to pay their Money into the Bank, &c.

his, her, or their Purchase Money into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Purchaser or Purchasers of Part of the Prebendal Estate of *Beachill* and *Knaresbrough*, in the Diocese and County of *York*, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, Chapter Twenty-four; and that the Certificate or Certificates to be given by the said Accountant General, together with the Receipt and Receipts of the Cashier of the Bank of *England* to be thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *England* by such Purchaser or Purchasers of his, her, or their Purchase Money, shall from Time to Time, and at all Times thereafter, be and be deemed and taken to be a good and sufficient Discharge to such Purchaser or Purchasers, and to his, her, and their Heirs, Executors, Administrators, and Assigns, for so much of the said Purchase Money for which such Certificate or Certificates, and Receipt or Receipts as aforesaid, shall respectively be given; and that after the filing of such Certificate or Certificates, and Receipt or Receipts, such Purchaser or Purchasers, and his, her, and their respective Heirs, Executors, and Administrators shall be, and is, and are hereby absolutely acquitted and discharged of and from the same Monies, and every Part thereof; and shall not be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or of any Part thereof.

Monies arising from Sale to be laid out under the Direction of the Court of Chancery, in the Purchase of Estates, &c.

III. And be it further enacted, That the Monies so to be paid into the Bank of *England* as aforesaid, shall with all convenient Speed, with the Consent of the Archbishop of *York* for the Time being, and the said *William Carey*, or of his Successors for the Time being, Prebendaries of the said Prebend, and of the said *John Erskine*, or of his Heirs or Assigns, be laid out and invested under and subject to the Directions of His Majesty's High Court of Chancery, in pursuance of an Order or Orders for that Purpose, to be obtained on Motion or Petition in a summary Way, in the Purchase of Messuages, Lands, Tenements, and Hereditaments of an Estate of Inheritance in Fee Simple, in Possession; and that all and singular the said Messuages, Lands, Tenements, and Hereditaments which shall be so purchased as aforesaid, shall be conveyed, settled, and assured unto, and to the Use of the said *William Carey*, and his Successors for the Time being, Prebendaries of the said Prebend of *Beachill* and *Knaresbrough*, as Part of the Estate of the said Prebend; but subject nevertheless to such and the like Estates, Rights, and Interests in the said Lands and Hereditaments so to be purchased, as the said *John Erskine*, his Heirs and Assigns, and the said *Mary Erskine* his Wife, or her Assigns, hath, or have, or could or might have had in such Tithes or Tenths in case the same had not been sold.

Till Purchases made the Money to be laid out in Navy, Victualling, or Exchequer Bills.

IV. And be it further enacted, That until such Purchase shall be made as aforesaid, the Monies arising from such Sale or Sales as aforesaid shall be laid out by the said Accountant General in the Purchase of Navy or Victualling, or Exchequer Bills, and the Interest arising from the Bills so to be purchased, and the Monies received for the same, as they shall respectively

tively be paid off by Government, shall be laid out in the Name of the said Accountant General in the Purchase of other Navy or Victualling, or Exchequer Bills; provided that it shall and may be lawful for the said Court to make such general Order or Orders, or special Order or Orders, if necessary, that whensoever the Exchequer Bills of the Date of those in the Hands of the said Accountant General shall be in the Course of Payment by Government, and new Exchequer Bills shall be issued, such new Exchequer Bills may be received in Exchange for those which are so in the Course of Payment, as shall be effectual for the enabling such Receipt in Exchange, and in that Event the Interest of the old Bills shall be laid out as before directed with respect to the Interest where the Bills are paid off; all which said Navy and Victualling, or Exchequer Bills, whether purchased or exchanged, shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases as aforesaid shall be found and approved as before directed, and until the same shall, upon a Petition setting forth such Approbation, to be preferred to the Court of Chancery in a summary Way, by or on the Behalf of the Archbishop of York for the Time being, and of the said *William Carey*, or of his Successors for the Time being, Prebendaries as aforesaid, and of the said *John Erskine*, and of his Heirs or Assigns, be ordered to be sold by the said Accountant General, for the completing such Purchase or Purchases, in such Manner as the said Court shall think fit and direct; and if the Money arising by the Sale of such Navy, Victualling or Exchequer Bills shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then and in that Case only, the Surplus which shall remain after discharging the Expences of the Application to the Court, shall be paid to such Person or Persons respectively as would have been entitled to receive the Rents and Profits of the Lands directed to be purchased, in case the same had been purchased pursuant to the Act, or to the Representative or Representatives of such Person or Persons.

V. Provided always, That it shall be lawful for the Court of Chancery from Time to Time, to make such Order or Orders as to the said Court shall seem fit, for taxing and settling the Costs, Charges and Expences herein-before directed to be paid, and for taxing the Costs of the several Applications to be made to the said Court respecting the Matters aforesaid, and the Costs of taking the said Monies out of the Bank, and investing such Monies in a new Purchase or Purchases as aforesaid, and for Payment of all such Costs, Charges and Expences out of the said Monies, or out of the Monies arising by Sale of the Navy, Victualling or Exchequer Bills so to be purchased as aforesaid.

The Court of Chancery empowered to make Orders for taxing Costs, etc.

VI. And be it further enacted, That in the mean Time, and until such Sale or Sales shall be made of the said Tithes or Tenths as aforesaid, the said *John King* and *William Bragge*, and the Survivor of them, and the Heirs and Assigns of such Survivor shall permit and suffer the said Tithes or Tenths so hereby vested in them in Trust to be sold as aforesaid, to be held and enjoyed, and the Rents, Issues and Profits thereof to be received and taken by and for the Benefit of such Person or Persons as would have been entitled thereto respectively, and ought to have received the same in case this Act had not been made.

Till Sale, the Tithes to be held as before the passing of the Act.

The Tithes to remain liable to the late Earl of Rosslyn's Covenant, till Settlement shall be made of the purchased Estates.

VII. Provided always, and be it further enacted, That in the mean Time and until a Settlement shall be made of the Estates so to be purchased and settled, under the Direction of the Court of Chancery as aforesaid, the said Tithes or Tenths hereby vested in Trust to be sold as aforesaid shall remain, continue and be liable to the Performance and Satisfaction of the said Covenant of the said *Alexander* late Earl of *Rosslyn* contained in the said Marriage Settlement; and the said *Mary Erskine* and her Assigns, and her and their Trustees for the Time being under the said Settlement, shall have the Benefit of the said Covenant, and such and the same Right, Title and Interest therein and thereto, as she and they had or might have had in case this Act had not been made; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Power for the Appointment of new Trustees.

VIII. Provided always, and be it further enacted, That if the said *John King* and *William Bragge*, or either of them, or any future Trustee or Trustees who shall succeed them or either of them, or shall be appointed in the Stead or Place of them or either of them, as herein-after in this Power is mentioned, shall die or desire to be discharged from, or shall decline or become incapable to act in the Trusts hereby in them or him reposed, or shall go out of *Great Britain* before the said Trusts shall be fully performed and executed, then and so often as any such Case shall happen, it shall be lawful for the High Court of Chancery, in a summary Way, upon the Petition of the said *William Carey* and the Prebendary of the Prebend of *Beachill* and *Knaresbrough* aforesaid, for the Time being, and the said *John Erskine*, and the Person or Persons who would for the Time being be beneficially entitled to the Rents and Profits of the Tithes and Tenths hereby made saleable, if such Person or Persons shall be of full Age, but if such Person or Persons shall be an Infant or Infants, then upon Petition of his, her, or their Guardian or Guardians, from Time to Time, to nominate or appoint any Person or Persons to be a Trustee or Trustees in the Stead or Place of the Trustee or Trustees so dying or desiring to be discharged, or declining or becoming incapable to act, or going out of *Great Britain* as aforesaid; and that when and as often as any new Trustee or Trustees shall be nominated and appointed as aforesaid, the several Tithes and Tenths hereby made saleable as aforesaid, or such of them as shall for the Time being remain unsold, or otherwise undisposed of, shall with all convenient Speed be conveyed so and in such Manner that the same shall and may be legally and effectually vested in the surviving or continuing Trustee, and such new Trustee jointly, or in such new Trustees only (as the Case may require), upon the Trusts and for the same Intents and Purposes as are herein-before declared of and concerning the same Estates and Premises, or such and so many of the same Trusts as shall be then subsisting or capable of taking Effect; and that every such new Trustee shall and may in all Things act in the Management and Execution of the Trusts to which he shall be appointed, as fully and effectually and with all the same Powers and Authorities to all Intents, Effects, and Purposes whatsoever, as if he had been originally nominated a Trustee of this Act.

General Saving.

IX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic and Corporate, and his, her, and their Successors, Executors, Administrators,

Administrators, and Assigns, other than and except the said *Edward Venables Vernon*, Lord Archbishop of *York*, and his Successors for the Time being, Archbishops of *York*, and the said *William Carey*, and his Successors for the Time being, Prebendaries of the said Prebend of *Beachill* and *Knaresbrough*, and the said *John Erskine*, his Heirs and Assigns, and the said *Mary Erskine* his Wife, her Executors, Administrators, and Assigns, and her and their aforesaid Trustees for the Time being, all such Estates, Rights, and Interest of, in, to, or out of the said Tithes, Lands, and Hereditaments comprized in the said Schedule to this Act annexed, as they and every or any of them had before the passing of the same, or could or might have had or enjoyed in case this Act had not been made.

X. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized 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 to be
printed by
the King's
Printer.

The SCHEDULE to which the foregoing Act refers.

Owners Names.	Occupiers Names.	Quantities.						Annual Value of Corn Tithes.	
		Arable.		Meadow.		Pasture.			
		A.	P.	A.	R.	A.	R.	£	s.
John Hawkerage	-	142	2	62	1	60	1	31	19
Henry Duncombe, Esq.	-	46	2	-	1	39	1	15	8
Ditto	-	125	-	26	1	94	-	34	13
Ditto	-	10	-	8	2	18	1	4	8
Stephen Todd	-	20	1	5	1	2	-	3	3
Ditto	-	-	-	3	1	-	-	-	-
Mrs. Graham	-	1	-	-	-	-	-	-	10
Francis Michael Trapps, Esq.	-	6	1	-	-	4	1	3	3
Mark Johnson	-	2	-	1	-	-	-	-	-
Robert Dickenson	-	-	-	1	1	-	-	-	-
Mr. Wilton	-	-	-	1	1	-	-	-	-
Francis Pennington	-	95	2	43	1	39	2	24	8
Robert Mitchell	-	34	2	16	3	15	-	12	11
Joseph Fawcett	-	-	1	4	2	-	-	-	-
Poor of Brearton	-	5	-	1	-	13	1	1	15
Mr. Roundell	-	1	2	-	-	2	1	-	-
John Baines	-	40	-	17	3	5	3	-	-
Town's Land	-	1	-	11	1	28	1	10	5
Lady Hewley's Charity	-	11	2	2	1	1	1	4	6
Mr. Raynard	-	-	1	-	-	-	-	-	-
Thomas Pennington	-	31	-	2	-	16	-	10	1
Richard Simpson	-	57	1	18	1	28	-	16	13
Henry Duncombe, Esq.	-	10	-	-	-	30	-	6	-
Ditto	-	-	-	4	2	-	-	-	-
Ditto	-	56	-	14	-	41	2	18	10
Ditto	-	49	-	68	-	79	2	24	8
Ditto	-	13	-	14	2	79	-	5	-
		761	2	328	2	598	3	227	5

Alex. Calvert.