



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 133.

An Act for vesting an undivided Third Part of certain settled Estates of *Thomas Symons* Esquire, and *Mary* his Wife, in the County of *Sussex*, in Trustees to be sold, and for laying out the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses as the Estates so sold. [17th June 1814.]

WHEREAS by Indentures of Lease and Release, bearing Date respectively the Eighteenth and Nineteenth Days of June, in the Year One thousand seven hundred and ninety, the Release being made between *Thomas Symons*, by his then Name and Description of *Thomas Raymond*, of the City of *Gloucester*, Esquire, of the first Part; *Mary Symons*, his now Wife, (then *Mary Chapman*, Spinster,) of the second Part; and *Roger Longden* and *George Chapman*, Esquires, the Brother-in-law and Brother of the said *Mary Symons* of the third Part; in contemplation of the Marriage then intended, and soon afterwards had between the said *Thomas Symons* and *Mary* his now Wife, certain Copyhold Hereditaments, situate in the County of *Gloucester*, and therein more particularly described, were covenanted to be surrendered to the Use of the said *Thomas Raymond* and his Assigns, for his Life; Remainder to the Use of the said *Mary Chapman*, his then intended Wife, and her Assigns, for her Life, in full, for her Jointure, and in lieu, satisfaction, and bar, of all Dower and Thirds, and all other Rights at Common Law or otherwise; and from and after the Decease of the Survivor of the said *Thomas Raymond* and the said *Mary Chapman*, then to the Use of all and every or such one or more of the Child or Children of the said *Thomas Raymond* on the Body of the said *Mary Chapman*, lawfully to be begotten, for such Estate or Estates, in such Parts, Shares, and Proportions, if more than One, and under and subject to such Provisoes, Charges, and Limitations, to or in favour of some or One of such Children, as the said *Thomas Raymond* and *Mary Chapman*, during their joint Lives, or the Survivor of them, during

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his or her Life, by any Deed or Deeds, Writing or Writings, to be by them both, or by him or her surviving, sealed and delivered, in the Presence of, and attested by Two or more credible Witnesses, or by the last Will and Testament of such Survivor, or any Writing, being in the Nature of, or purporting to be, his or her last Will and Testament, to be by him or her signed, sealed, and published, in the Presence of, and attested by Three or more such Witnesses, should direct, limit, or appoint; and in Default of such Direction, Limitation, or Appointment, or in case of any such, and the same should not be a complete Disposition of the whole of the said Premises, and of the whole Estate or Interest therein as to all the said Premises, or so much thereof, or of the Estate or Interest therein, whereto any such joint or surviving Appointment as aforesaid should not extend, to the Use of all and every the Children of the Body of the said *Thomas Raymond* on the Body of the said *Mary Chapman*, his then intended Wife, lawfully to be begotten, if more than One, in equal Parts, Shares, and Proportions, as Tenants in common, and not as joint Tenants, and of the several and respective Heirs of the Body and Bodies of all and every such Children, lawfully issuing; and in case there should be a Failure of Issue, of the Body or Bodies of any One or more of such Children, then, as to the Share or Shares of him or them whose Issue should so fail, to the Use of the Survivors and others of them, if more than One, in equal Shares and Proportions, as Tenants in common, and not as joint Tenants, and of the several and respective Heirs of the Body or Bodies of such Survivors or others of them, lawfully issuing; and if all such Children but one should happen to die without Issue of their respective Bodies; or if there should be but One such Child, then to the Use of such only surviving or only Child, and the Heirs of his or her Body, lawfully issuing, and for Default of all such Issue, then to the Use of the said *Thomas Raymond*, his Heirs and Assigns for ever, and for the Considerations therein expressed, all that One-third Part undivided of the said *Mary Symons*, of and in the Parsonage of *Eastbourne*, and of and in all and singular the Manors, Lands, Tenements, Tythes, and Hereditaments, held by or under a certain Indenture of Lease, bearing Date the Seventh Day of *July* One thousand seven hundred and seventy, from the Treasurer of the Cathedral Church of the *Holy Trinity* of *Chichester*, and Parson of the Parish Church of *Eastbourne*, in the County of *Suffex*, and granted by him to *George Chapman* the Elder, Esquire, since deceased, his Heirs and Assigns from the making of the same Indenture of Lease, for the natural Lives of *Elizabeth Chapman*, since and now the Wife of the said *Roger Longden*, *George Chapman* the Younger, and the said *Mary Chapman*, now the Wife of the said *Thomas Symons*, and for the Life of the longest Liver of them under the Rents, Covenants, and Agreements therein contained, was granted, released, and conveyed unto and to the Use of the said *Roger Longden* and *George Chapman* the Younger, their Heirs and Assigns for and during the Lives of the said *Elizabeth Longden*, *George Chapman* the Younger, and the said *Mary*, the Wife of the said *Thomas Symons*, and of the Survivors and Survivor of them upon the Trust, and subject to the Powers and Provisoes therein after expressed, (that is to say,) from and after the Solemnization of the said then intended Marriage, in Trust for the said *Thomas Symons* and *Mary* his Wife, for their respective Lives; and after their several Deaths, in Trust for their Child or Children according to their joint or surviving Appointment; and, in Default of Appointment, in Trust for such Child or Children of the said *Thomas Symons* and *Mary* his Wife, for such Estates and Interests, and in such Manner in all Respects as are therein before limited and expressed of and concerning the said Copyhold Estates, situate in the County of *Gloucester*,
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of the said *Thomas Symons*, thereinbefore covenanted to be surrendered, or as near thereto as the Nature or Tenure would admit; and in Default of such Issue in Trust, to convey the said Trust Premises to such Uses as the said *Mary*, the Wife of the said *Thomas Symons*, by Deed or Will should appoint, and in Default thereof to her right Heirs: And whereas the said *Thomas Symons*, on or about the Twenty-fourth Day of *June*, in the Year One thousand seven hundred and ninety, intermarried with the said *Mary*, his now Wife, and they have Issue now living one Daughter and one Son, videlicet, *Mary Ann Jane Raymond*, and *Thomas Hampton Raymond* Esquire, who have severally attained their Ages of Twenty-one Years, and three Sons, videlicet, *Richard Harcourt Symons*, *Charles Symons*, and *Frederic Raymond Symons*, all of them Infants, under the Age of Twenty-one Years, and no other Issue: And whereas the said *George Chapman* the Younger died in the Year One thousand eight hundred and five, leaving his Co-trustee, the said *Roger Longden*, him surviving: And whereas by Indenture of Lease with Livery of Seizin indorsed, bearing Date the Twenty-second Day of *September*, One thousand eight hundred and six, and made between the Reverend *Thomas Francis Davison*, Clerk, Treasurer of the Cathedral Church of the *Holy Trinity*, of *Chichester*, in the County of *Suffex*, aforesaid, of the one Part, and the said *Roger Longden* and the said *Thomas Symons* of the other Part, in consideration of the Surrender of the former Lease, and for other Considerations therein mentioned; the said *Thomas Francis Davison* did, for himself and his Successors, demise unto the said *Roger Longden* and *Thomas Symons* all that his the said Parsonage of *Eastbourne*, situate in the said County of *Suffex*, and all and singular Manors, Lands, Tenements, Houses, and Houfings, Barns, Stables, Meadows, Leasows, Pastures, and Windmill, together with all Tythes, Oblations, Obventions, Pensions, Portions, Rents, Fines, Heriots, Amerciaments, Perquisites of Leets, Courts, and Fairs, and all other Emoluments and Appurtenances whatsoever, to the said Parsonage appertaining and belonging, as Parcel, or Member thereof, (excepting and reserving to the said *Thomas Francis Davison* and his Successors the Advowson, Presentation, Collation, Gift, and free Disposition of and to the Vicarage of *Eastbourne* aforesaid,) to hold (except as before excepted,) unto the said *Roger Longden*, and *Thomas Symons*, as Tenants in common, and to their respective Heirs and Assigns from thenceforth, for the Lives of the said *Elizabeth Chapman*, then Wife of the said *Roger Longden*, the said *Mary Chapman*, then Wife of the said *Thomas Symons*, and of *John Robert Longden*, Son of the said *Roger Longden*, and *Elizabeth* his Wife, then aged Twenty Years, or thereabouts, and for the natural Lives and Life of the longest Livers and Liver of them, the said *Elizabeth Longden*, *Mary Symons*, and *John Robert Longden*, under and subject to the Rents, Covenants, and Agreements, therein contained: And whereas the said undivided Third Part or Share of the said Leasehold Hereditaments and Premises comprised in the said recited Indentures of Lease and Release, and Settlement, being held in undivided Shares, the same is attended with great Inconvenience to the several Parties interested therein, and the said *Thomas Symons* and *Mary* his Wife, being well satisfied that it would be highly beneficial not only to themselves, but to their said Daughter and Son, the said *Mary Ann Jane Raymond* and *Thomas Hampton Raymond*, and to their said Infant Children, that the said undivided Third Part of and in the said Estates should be sold, are therefore desirous that the said undivided Third Part should be vested in Trustees in Trust to be sold, freed, and discharged from the Uses and Trusts of the said recited Indenture of Release and Settlement; and that the clear

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Vesting the
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Trustees to
sell, &c.

Monies thence arising should be laid out under the Direction of the High Court of Chancery in the Purchase of other Estates, to be settled to the same Uses as the Estates so sold, but by Reason of the Limitations contained in the said Indenture of Release and Settlement, and of the Infancy of the said Sons of the said *Thomas Symons* and *Mary* his Wife, the same cannot be effected without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Thomas Symons* and *Mary* his Wife on behalf of themselves and their said Infant Children, *Richard Harcourt Symons*, *Charles Symons*, and *Frederick Raymond Symons*, and also the said *Mary Ann Jane Raymond*, *Thomas Hampton Raymond*, and the said *Roger Longden*, do most 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 all that the said One undivided Third Part or Share of and in all that the Parsonage of *Eastbourne*, Manors, Messuages, Lands, Tythes, Tenements, and Hereditaments situate, lying, and being in the Parish of *Eastbourne* in the County of *Suffex*, (all which Premises are more particularly described and comprised in the Schedule to this Act annexed,) together with all Benefit of Renewal, Rights, Members, and Appurtenances thereunto belonging or in any wise appertaining, shall from and immediately after the passing of this Act be vested in and settled upon, and the same are hereby from henceforth vested in and settled upon, the said *Roger Longden* and *John Robert Longden*, both of Doctors Commons in the City of *London*, Esquires, their Heirs and Assigns for and during the Lives of the said *Elizabeth Longden*, *Mary Symons*, (the Wife of the said *Thomas Symons*,) and *John Robert Longden*, and of the Survivors and Survivor of them, freed and absolutely acquitted, exonerated, and discharged of and from all and every the Uses, Estates, Trusts, Limitations, Powers, Provisoos, Declarations, and Agreements, in and by the said recited Indenture of Release and Settlement, limited, expressed, and declared, of and concerning the same, but nevertheless upon the Trusts, and to and for the Intents and Purposes, and under and subject to the Powers hereinafter expressed and declared, of and concerning the same, (that is to say,) upon Trust, that they the said *Roger Longden* and *John Robert Longden*, or the Survivor of them, or the Heirs or Assigns of such Survivor, do and shall as soon as conveniently may be after the passing of this Act, by and with the Consent and Approbation in Writing of the said *Thomas Symons*, and *Mary* his Wife, or of the Survivor of them, and after both their Deaths, then with the Consent and Approbation in Writing of the Person or Persons, who, if this Act had not been passed, would for the Time being have been beneficially entitled under the Limitations contained in the said Will, to the Receipt of the Rents and Profits of the same undivided Third Part of and in the said Parsonage, Manors, Messuage, Lands, Tythes, Tenements, and Hereditaments, if such Person or Persons shall have attained the Age of Twenty-one Years; but if not, then with the Consent and Approbation in Writing of his, or her, or their Guardian or Guardians, absolutely sell and dispose of the undivided Third Part of and in the said Parsonage, Manors, Messuage, Lands, Tythes, Tenements, and Hereditaments, so hereby vested in the said *Roger Longden* and *John Robert Longden*, and their Heirs as aforesaid, either together or in Parcels, and either by Public Sale or Auction, or by Private Contract, unto any Person or Persons who shall be willing to purchase the same or any Part or Parts thereof, for the best Price or Prices in Money, which in the Judgment of the said *Roger Longden*

den and John Robert Longden, or the Survivor of them, or the Heirs or Assigns of such Survivor, can or may be reasonably obtained for the same, and upon Payment of the Monies for which the same shall be respectively sold, in the Manner hereinafter mentioned, shall and do convey and assure the same Premises so sold unto and to the Use of such Purchaser or Purchasers thereof, and his, her, or their Heirs and Assigns, for all such Estate and Interest as the said Trustees shall have therein, or to such other Uses as he, she, or they shall direct or appoint, freed, acquitted, and discharged as aforesaid.

II. And be it further enacted, That the Money to arise by such Sale or Sales as aforesaid, shall be paid by the Purchaser or Purchasers 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 the settled Estates of the said *Thomas Symons* and *Mary* his Wife, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, and as soon as conveniently may be, after the said Money to arise by such Sale or Sales as aforesaid shall have been paid into the Bank of *England*, the same shall upon a Petition to be preferred to the said Court of Chancery, in a summary Way, by the said *Thomas Symons* and *Mary* his Wife, or of the Survivor of them, and after both their Deaths, by the Person or Persons for the Time being, whose Consent is hereby made requisite upon every such Sale as aforesaid, (after Payment of the Costs, Charges, and Expences of applying for and passing this Act, and also the Costs, Charges, and Expences attending the Execution of the several Trusts and Powers hereby created and given,) be laid out and invested in the Purchase or Purchases of Freehold Manors, Messuages, Lands, Tenements, or Hereditaments, or of Copyhold Messuages, Lands, Tenements, or Hereditaments, situate in that Part of the United Kingdom called *England*, or in *Wales*, which may be respectively approved of by the said Court of Chancery, and so that not more than One-sixth Part or thereabouts of the Hereditaments so to be purchased shall consist of Copyhold, and from and immediately after the making such Purchase or Purchases, the Manors, Messuages, Lands, Tenements, or Hereditaments, so to be purchased, shall be conveyed, surrendered, settled, and assured to, for, and upon such of the Uses, Trusts, Intents and Purposes, and with, under, and subject to such and so many of the Powers, Provisoes, and Declarations, in and by the said recited Indenture of Release and Settlement, limited, expressed, and declared, of and concerning the said Leasehold Hereditaments and Premises, thereby limited and settled as aforesaid, or as near thereto as the Nature and Tenure of the same will admit of.

Vesting
Money in the
Purchase of
other Estates.

III. And be it further enacted, That all Sums of Money which shall be paid into the Bank, in the Name of the said Accountant General, in Manner hereinbefore directed, or so much thereof as shall not be ordered by the said Court of Chancery, to be applied in Payment of Costs and Expences, according to the Directions herein contained, shall in the Meantime, and until the said Monies shall be invested in the Purchase of Lands, Tenements, or Hereditaments as aforesaid, be from Time to Time laid out under the Direction of the said Court of Chancery, in the Purchase of Navy, Victualling, Transport Bills, or Exchequer Bills; and the Interest arising from the Money so laid out in the said Navy, Victualling,

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Transport, or Exchequer Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant-General in the Purchase of other Navy, Victualling, Transport, 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 enabling such receipt in Exchange, and that in that Event the Interest of the old Bills shall be laid out as before directed, with respect to the Interest, whenever the Bills are paid off; and all the said Navy, Victualling, Transport, or Exchequer Bills, shall be deposited in the Bank of *England*, in the Name of the said Accountant General, and shall there remain, until a proper Purchaser or Purchasers shall be found and approved of as hereinbefore is directed for the Investment thereof, and until the same shall upon a Petition to be preferred to the Court of Chancery, in a summary Way, by the said *Thomas Symons*, or such other Person or Persons as aforesaid, be ordered by the said Court to be sold by the said Accountant General for the completing such Purchase or Purchases in such Manner as the said Court shall think just and direct; and if the Money to arise by Sale of such Bills shall exceed the Amount of the original Purchase Money so to be laid out as aforesaid, then, and in such Case, only the Surplus which shall remain shall be paid to such Person or Persons respectively as would have been entitled to receive the Rents and Profits of the Hereditaments directed to be purchased pursuant to this Act or to the personal Representative or Representatives of such Person or Persons.

Certificate of Accountant General of Court of Chancery, to be a sufficient Discharge to the Purchaser.

IV. Provided also, and be it further enacted, That the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of any One of the Cashiers of the Bank of *England*, to be annexed thereto, and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *England*, by the Person or Persons in whose Favor such Sales shall be made of his, her, or their Purchase Money, or any Part thereof, shall be good and effectual Discharge, or good and effectual Discharges, to such Person or Persons, and to his, her, or their respective Heirs, Executors, Administrators, and Assigns, for so much of such Purchase Money as in such Certificates or Receipts respectively shall be expressed to have been paid or received; and that after filing such Certificates and Receipts as aforesaid, such Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, and Assigns, shall not be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

Court of Chancery may order Expences to be taxed.

V. Provided also, and be it further enacted, That it shall be lawful for the said Court of Chancery, from Time to Time, to make such Order as the said Court shall think proper, for taxing or settling the Costs and Expences to be incurred in obtaining and passing this Act, and in making the several Applications to be made in the said Court in pursuance thereof, and in making and completing the Sales of the several Hereditaments hereby made saleable as aforesaid, and in investing all or any of the Monies, which in pursuance of this Act shall be paid into the Bank of *England* as aforesaid, in the Purchase of Navy, Victualling, Transport, or Exchequer Bills, or in the Purchase of Lands and Hereditaments accord-

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ing to the Directions hereinbefore given, or otherwise in carrying the Trusts and Purposes of this Act into Effect, and also from Time to Time to make such Order and Orders as the said Court shall think fit for Payment of such Costs, Charges, and Expences as aforesaid, out of the Monies arising by the Sale of the Lands and Hereditaments hereby made saleable, and as shall be so paid into the Bank as aforesaid, or out of the Monies arising by Sale of the Navy, Victualling, Transport, or Exchequer Bills to be purchased as aforesaid.

VI. Provided also, and be it further enacted, That in the Meantime, and until such Sale or Sales as aforesaid shall be made of the said undivided Third Part of, and in the said Hereditaments hereby vested in Trust to be sold as aforesaid, the said *Roger Longden* and *John Robert Longden*, and the Survivor of them, and the Heirs of such Survivor, shall permit and suffer the Rents and Profits thereof, or of such Part thereof as shall remain unfold, to be received by the Person or Persons who would have been entitled to have received such Rents and Profits if this Act had not been made.

Rents of Estate till sold to be received as heretofore.

VII. Provided also, and be it further enacted, That if the said *Roger Longden*, and *John Robert Longden*, or either of them, or any future Trustee or Trustees to be appointed as hereinafter mentioned, shall die, or be desirous of being discharged from, or shall refuse, or decline, or become incapable to act in the Trusts hereby in him or them reposed as aforesaid, or shall go out of *Great Britain* before the said Trusts shall be fully performed and executed, then and as often as any such Case shall happen, it shall and may be lawful for the High Court of Chancery in a summary Way, upon the Petition of the Person or Persons who, under or by virtue of the said recited Indenture of Release and Settlement, would for the Time being be beneficially entitled in Possession, or to the Rents and Profits of the said undivided Third Part of and in the said Hereditaments hereby made saleable as aforesaid, if such Person or Persons shall be of the Age of Twenty-one Years; and if under that Age, then upon the Petition of his, her, or their Guardian or Guardians during his, her, or their Minority, or respective Minorities, from Time to Time to nominate and appoint any Person or Persons named by the said Court, to be a Trustee or Trustees in the Place and Stead of the Trustee or Trustees so dying, or desiring to be discharged, or refusing, declining, or becoming incapable to act, or going out of *Great Britain* as aforesaid, and thereupon the said undivided Third Part of and in the said Hereditaments, or such Part and Parts thereof as shall remain unfold, shall, with all convenient Speed, be conveyed so and in such Manner as that the same may be legally and effectually vested in the surviving or continuing Trustee, and such new Trustee, or in such new Trustee wholly, as the Case may require, upon the Trusts hereinbefore declared, of and concerning the same Trust Estates and Premises respectively, or such of the same Trusts as shall be then subsisting or capable of taking Effect; and that every such new Trustee or Trustees shall and may, in all Things, act and assist in the Management and Execution of the Trusts to which he or they shall be so appointed, as fully and effectually, to all Intents, Effects, Constructions, and Purposes, whatsoever, as if he or they had been originally appointed a Trustee or Trustees in this Act.

For new Trustees.

VIII. 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 their respective Heirs, Successors, Executors, and

General Saving.

and Administrators, (other than and except the said *Thomas Symons*, and *Mary* his Wife, and all and every their present and future Sons and Daughters, and the respective Heirs of their Bodies, and also the Heirs and Assigns of all and every such Sons and Daughters, and also the said *Roger Longden*, his Heirs and Assigns, and also the right Heirs of the said *Mary Symons*, the Wife of the said *Thomas Symons*, and her Appointees, and all and every other Person and Persons whomsoever having or lawfully claiming, or who shall or may have or lawfully claim, any Estate, Right, Title, or Interest of, in, to, or out of the said undivided Third Part of and in the Hereditaments hereby vested in Trust to be sold as aforesaid, under or by Virtue of the said recited Indenture of Release and Settlement,) all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever, of, in, to, or out of the same undivided Third Part of and in the said Hereditaments, as they or any of them had before the passing of this Act, or could, or might have had, held, or enjoyed in case this Act had not been made.

Evidence
Clause.

IX. 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.

The Schedule to which the foregoing Act refers.

| Description of the Premises. | Tenants' Names. | Quantity. | | |
|--|-----------------|-----------|----|----|
| | | A. | R. | P. |
| The Parsonage of Eastbourne in the County of Sussex, comprising also the Manor of Eastbourne, called Eastbourne Nether Inn, in the same County | | | | |
| The Parsonage House, with a Barn, Stable, Granary, Fold, Garden, and several Parcels of arable and pasture Land, with the Appurtenances, in the Occupation of Walter Rafon, as Tenant thereof, and containing together by Estimation | Walter Rafon | 46 | 0 | 0 |
| The Tithes of Corn of the said Parish, also rented by the said | Walter Rafon. | | | |
| A Windmill and Appurtenances, in the Occupation of | William Baker. | | | |

JN^o. COOKE.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1814.