



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 64.

An Act for Vesting certain Estates devised by the Will of *Benjamin Hyett* Esquire, deceased, 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. [18th May 1814.]

WHEREAS *Benjamin Hyett* late of *Painswick* in the County of *Gloucester*, Esquire, (since deceased), duly made and published his last Will and Testament, in Writing, bearing Dated the Fourteenth Day of *February*, in the Year One thousand eight hundred and nine, and thereby, after giving certain Legacies, and making certain Charges on his Personal Estate, and devising unto *Frances Adams*, (the Widow of *Henry Cay Adams*, deceased,) for her Life, a capital Messuage at *Painswick*, in the County of *Gloucester*; with the Lands thereto belonging, and a Messuage in the City of *Gloucester*, wherein the Testator then dwelt, and bequeathing and disposing of his Jewels, Household Goods, Furniture, Plate, Linen, China, and Books, in his said Houses, gave unto the said *Frances Adams* during her Life, an Annuity, or Yearly Rent Charge of Eight hundred Pounds, to be issuing out of all other his Manors, Messuages, Farms, Lands, and Hereditaments, and to be paid and payable as therein mentioned, and subject thereto, the said Testator gave and devised all and singular his Freehold and Customary Manors, Messuages, Farms, Lands, Tenements, and Hereditaments whatsoever and wheresoever unto *William Adams* Doctor in Divinity, and the Reverend *Joseph Bonnor Cheston* Clerk, and their Heirs, to the following Uses, *videlicet*, to the Use of them the said *William Adams* and *Joseph Bonnor Cheston*, their Executors, Administrators, and Assigns for the Term of One thousand Years, upon the Trusts, and for the Purposes thereafter declared concerning the same; and from and immediately after the Determination of the said Term, and subject thereto, to the Use of *William Henry Hyett*, (then called *William Henry Adams*,) the eldest Son of the said *Frances Adams*, and his Assigns, for his Life, without Impeachment of Waste; Remainder to the Use of the said Trustees and their Heirs during his Life, in Trust to preserve the Contingent Remainders; Remainder to the Use of the

Will of Benjamin Hyett, 14th Feb. 1809.

[Loc. & Per.] 13 D first

first and other Sons of the Body of the said *William Henry Hyatt* (then *William Henry Adams*.) lawfully to be begotten successively in Tail general; Remainder to the Use of all and every the Daughter and Daughters of the Body of the said *William Henry Hyatt*, (then *William Henry Adams*.) lawfully to be begotten as Tenants in common in Tail general; Remainder to the Use of *John Adams*, (the second Son of the said *Frances Adams*.) and his Assigns for his Life, without Impeachment of Waste; with Remainder to the Use of the said Trustees and their Heirs during his Life, in Trust to preserve the Contingent Remainders; Remainder to the Use of the first and other Sons of the Body of the said *John Adams*, lawfully to be begotten successively in Tail general; Remainder to the Use of all and every the Daughters and Daughter of the Body of the said *John Adams* lawfully to be begotten, as Tenants in common in Tail general; Remainder to the Use of *Sarah Adams* and *Mary Adams* the two Daughters of the said *Frances Adams*, their Heirs and Assigns for ever, as Tenants in common and not as joint Tenants: And the said Testator declared, that the said Term of One thousand Years thereinbefore limited to the said *William Adams* and *Joseph Bonnor Cheston*, was so limited to them, and that their Executors and Administrators should stand possessed of the Hereditaments and Premises comprised therein, upon the Trusts and for the Purposes thereafter expressed; (that is to say,) upon Trust that they the said *William Adams* and *Joseph Bonnor Cheston* or the Survivor of them, his Executors or Administrators, should by and out of the Rents and Profits of the Hereditaments and Premises comprised in the said Term; or by mortgage thereof, or of any Part thereof, as they or he should think fit, raise and levy the Sum of One thousand and five hundred Pounds to be divided amongst the Three younger Children of the said *Frances Adams's* late Husband *Henry Cay Adams*, by way of Increase of the Fortunes, which such younger Children would be entitled to receive from the Personal Estate of their late Father, to be paid to such younger Children respectively, on their respectively attaining the Age of Twenty-one Years, with Interest, immediately after the Rate of Four per Centum per Annum: and the said Testator gave, devised, and bequeathed unto the aforesaid *William Adams* and *Joseph Bonnor Cheston*, their Executors and Administrators, all his Leasehold Messuages, Lands, Tenements, and Hereditaments, whatsoever and wheresoever upon Trust, that they or the Survivor of them, his Executors or Administrators should from Time to Time renew such of them as were of a renewable Nature, at the accustomed Periods, and pay the Fines, Fees, and Expences for the renewal thereof, and stand possessed of all and singular the said Leasehold Premises, for the Residue of the Terms for which the same should respectively be holden at the time of his Death, and of any renewed Terms which might be obtained therein, in Trust for the same Persons as would be entitled to his Freehold and Customary Estates, by virtue of the said Will, and for the same Estates, (save only as to the Term of One thousand Years, thereinbefore created,) as the said Testator's said Freehold and Customary Estates were thereinbefore limited and settled, or as near thereto as the Difference of Tenures would allow; and the said Testator appointed the said *Frances Adams*, Executrix of his said Will, and afterwards died in or about the Month of *June*, in the Year One thousand eight hundred and ten, without having revoked or altered his said Will, as to his said Estates so devised as aforesaid; and the said *Frances Adams*, on or about the Thirteenth Day of *July*, in the said Year One thousand eight hundred and ten, duly proved the said Will in the Prerogative Court of the Archbishop of *Canterbury*: And whereas the said *Frances Adams* in the Year One thousand seven hundred and ninety-three, intermarried with her said late Husband *Henry*

Henry Cay Adams, who died in the Year One thousand eight hundred and eight, leaving Issue by the said Frances Adams the said William Henry Hyett, their eldest Son, and the said John Adams, Sarah Adams, and Mary Clementina Adams, (in the said Will called Mary Adams,) who are all now Infants, under the Age of Twenty-one Years: And whereas the said William Henry Hyett on the Death of the said Testator, Benjamin Hyett, entered upon, and is now in the Possession of, and in the Receipt of the Rents and Profits of the said Estates, so devised as aforesaid, (except such Parts thereof as were thereby limited to the said Frances Adams for her Life,) subject nevertheless to the Payment thereof of the said Annuity, or Yearly Rent Charge of Eight hundred Pounds, to the said Frances Adams for her Life as aforesaid: And whereas Part of the said Estates so devised as aforesaid, is situate in the Parish of Maisemore in the said County of Gloucester, and except about One Acre thereof which is Freehold, is holden on a Freehold Lease for Three Lives, under the Bishop of Gloucester, another Part of the said Estates is Freehold and is situate in the Parish of Upton Saint Leonards in the same County, and lies very much dispersed in small Parcels, and other Parts of the same Estates consist of Houses and Buildings in the City of Gloucester, and at Deptford in the County of Kent, which are also Freehold, but by no means desirable to be retained, and the principal Family Mansion-House is at Painswick, in the said County of Gloucester, to which is attached but a very small portion of Land; and there is an immediate Prospect of the Purchase of another Estate less intermixed, and lying much more convenient to the said Mansion House: And whereas the said Frances Adams being well satisfied that it would be of great Benefit and Advantage to her said infant Children claiming under the Limitations of the said Will of the said Benjamin Hyett deceased, if the said Estates in the said Parishes of Maisemore and Upton St. Leonards, and the said Houses and Buildings in the said City of Gloucester, and at Deptford aforesaid, were sold, (all which Hereditaments and Premises, are more particularly mentioned and comprised in the Schedule to this Act annexed,) is therefore desirous that the same should be vested in Trustees, freed and discharged from the Uses and Trusts of the same Will, in Trust to be sold, and that the clear Monies thence arising should be laid out under the Direction of the High Court of Chancery, in the Purchase of other Estates in the said County of Gloucester, lying contiguous or near to the said Mansion House at Painswick aforesaid, to be settled to the subsisting Uses of the said Will, but by reason of the Infancy of the Children of the said Frances Adams, and of the Limitations of the said Will, the same cannot be effected without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subject, the said Frances Adams, on behalf of herself, and as the natural Guardian of her said infant Children, William Henry Hyett, John Adams, Sarah Adams, and Mary Clementina Adams; Doth 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 and singular the Messuages, Farms, Lands, Tenements and Hereditaments, situate, lying and being in the several Parishes of Maisemore and Upton Saint Leonards in the said County of Gloucester, and in the said City of Gloucester, and at Deptford, in the said County of Kent, and so devised by the said Will of the said Benjamin Hyett deceased as aforesaid, and more particularly mentioned and comprised in the Schedule to this Act annexed, together with all Houses, Outhouses, Buildings, Easements, Benefit of Renewal, Rights, Members

Estates vested
in Trustees
to be sold.

Members and Appurtenances thereunto belonging, or in anywise 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 Sir *Berkeley William Guise* of *Rendcomb Park* and *Highbam Court* in the County of *Gloucester*, Baronet, and *John Phillpotts* of the City of *Gloucester*, Gentleman, their Heirs and Assigns, according to the Nature and Quality of the same Premises respectively, freed and absolutely acquitted, exempted, exonerated and discharged of, and from all and singular the Estates, Uses, Trusts, Limitations, Charges, Powers, Provisoos and Declarations created, limited or raised in the same Messuages, Lands and Hereditaments hereby vested as aforesaid, or any Part or Parts thereof, by the said Will of the said *Benjamin Hyett* deceased; but upon and for the Trusts, Intents and Purposes hereinafter expressed and contained, concerning the same, (that is to say,) upon Trust that they the said Sir *Berkeley William Guise* and *John Phillpotts*, or the Survivor of them, or the Heirs and Assigns of such Survivor, do and shall, as soon as conveniently may be, on the Request in Writing, and with the Approbation of the said *Frances Adams*, and in case of her Death of the Person or Persons for the Time being entitled in Possession by virtue of the Limitations contained in the said Will to the same Hereditaments and Premises, and the Receipt of the Rents and Profits thereof, or of the Guardian or Guardians of such Person or Persons, being an Infant or Infants, make sale and dispose of the said Messuages, Farms, Lands, Tenements and Hereditaments hereby vested as aforesaid, by public Auction or Sale, or private Contract, and 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 hereinafter expressed, of the Purchase Money for which the same Hereditaments and Premises, or any Part thereof shall be sold, do and shall convey and assure the same unto and to the Use of the 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.

Purchase
Money to be
invested in the
Bank.

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 Messuages and other Hereditaments hereby made saleable as aforesaid, shall pay 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 the Estates devised by the Will of the said *Benjamin Hyett*, 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 or Receipts of the Cashier of the Bank of *England*, to be thereto annexed, and filed therewith 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

Assigns for so much of the said Purchase Monies for which such Certificate or Certificates, and Receipt or Receipts as aforesaid shall respectively be given; and 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 Nonapplication of such Purchase Money, or any Part thereof.

III. And be it further enacted, That out of the Monies so to be paid into the Bank as aforesaid, all the Costs, Charges, and Expences preparatory to and attending the soliciting and applying for, and obtaining and passing this Act, or which may be incident or relating thereto, and the Costs and Expences attending the Sale hereby directed, and the Execution of the Trusts of this Act shall be in the first place paid and satisfied, and the Residue and Surplus of such Monies shall, with all convenient Speed, with the Consent of the said *Frances Adams* during her Life, and after her Death, then, by and with the Consent of the Person or Persons, for the Time being entitled as aforesaid, or of the Guardian or Guardians of such Person or Persons, being an Infant or Infants, be laid out and invested under and subject to the Directions of His Majesty's High Court of Chancery, in pursuance of an Order of the High Court of Chancery, for that Purpose to be obtained, upon Motion or Motions, or upon Petition in a summary Way, in the Purchase of Freehold Manors, Messuages, Farms, Lands, Tenements, or Hereditaments of an Estate of Inheritance in Fee Simple in Possession, situate in the said County of *Gloucester*, lying contiguous or near to the said Mansion House at *Painswick* aforesaid, or which shall be convenient to be held therewith, and in the Purchase of any Copyhold Hereditaments which may lie near to the same Freehold Hereditaments so to be purchased, or be convenient to be held therewith, so that not more than One sixth Part or thereabouts of the Hereditaments to be comprized in each such Purchase shall consist of Copyhold, except in such Cases in which under the special Circumstances thereof the said Court of Chancery shall allow of a greater Proportion, all which Hereditaments which shall be so purchased as aforesaid, shall be conveyed, settled, surrendered, and assured to, for, and upon such and so many of the Uses, Estates, Trusts, Intents, and Purposes, and under and subject to such and so many of the Powers and Provisoes, Restrictions, Charges, Limitations, and Declarations, limited, created, declared, or expressed by the said Will of the said Testator, *Benjamin Hyett*, deceased, of and concerning the said Hereditaments hereby vested as aforesaid, as shall be then undetermined and capable of taking Effect, or as near thereto as the Quality of the said Hereditaments will admit of.

Costs of this Act and other Expences to be paid thereout, and Residue of Purchase Monies to be invested in Lands.

IV. And be it further enacted, That all Sums of Money which shall be paid into the Bank of *England* 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 the Payment of Costs and Expences according to the Direction hereinafter contained, shall in the meantime, and until the same Monies shall be invested in the Purchase of Lands, Tenements, and Hereditaments, be from Time to Time laid out in the Purchase of Navy, Victualling, or Transport Bills, or Exchequer Bills, and the Interest arising from the Money so laid out in the said Navy or Victualling or Transport Bills, or Exchequer Bills, and the Money

Till the Money is laid out in the Purchase of Lands to be invested in Navy Bills, &c.

[*Loc. & Per.*]

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received

received from the same, as they shall respectively be paid off by Government shall be laid out in the Name of the said Accountant General in the Purchase of other Navy, Victualling, or 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 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 or Victualling, or Transport 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 the same shall upon Petition to be preferred to the High Court of Chancery in a summary way, by or on Behalf of the Person or Persons for the Time being, intitled to the Rents and Profits of the Hereditaments so to be purchased, be ordered to be sold by the said Accountant General, for the completing any Purchase hereby authorized to be made as aforesaid, in such Manner as the said Court shall think just and direct; and if the Money arising by the Sale of any such Navy, Victualling, Transport or Exchequer Bills, which shall have been purchased as aforesaid 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 shall be paid to such Person or Persons respectively as would have been intitled to receive the Rents and Profits of the Lands directed to be purchased, in case the same had been purchased pursuant to this Act, or to the Representative of such Person or Persons, as part of his or their Personal Estate.

Taxing or
settling all
Costs.

V. Provided always, and be it further enacted, That it shall and may be lawful for the said Court of *Chancery*, from Time to Time if the said Court shall seem meet, to make an Order for taxing or settling all Costs, Charges and Expences which shall have been incurred preparatory to, and in applying for and obtaining and passing this Act, and in making the several Applications to the said Court, in pursuance thereof, and in making and completing the Sale hereby authorized, and in vesting all or any of the Monies which under this Act shall be paid into the Bank in the Purchase of Lands and Hereditaments, according to the Directions herein contained, or otherwise in carrying the Trusts and Purposes of this Act into Execution; and also from Time to Time, if to the said Court it shall seem fit, for Payment of all such Costs, Charges and Expences as aforesaid out of the Monies which 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.

Until Sale,
Rents to be
applied as
before.

VI. And be it further enacted, That in the meantime and until such Sale or Sales as aforesaid, the said *Sir Berkeley William Guise* and *John Phillpotts*, and the Survivor of them, and the Heirs and Assigns of such Survivor, shall permit and suffer the said Messuages and other Hereditaments and Premises so hereby vested in them in Trust as aforesaid, to be held and enjoyed, and the Rents, Issues, and Profits thereof, to be had, received, and taken by and for the Benefit of such Person or Persons as would have been entitled thereto respectively, and

and ought to have received the same, in case this Act had not been passed.

VII. Provided always, and be it further enacted, That if both or either of them the said Sir *Berkeley William Guise* and *John Phillpotts*, or any future Trustee or Trustees who shall succeed to, or shall be appointed in the Stead or Place of them or either of them as hereinafter mentioned, shall die, or shall desire to relinquish, or shall refuse or decline to act, or become incapable to act in the Trusts or Powers hereby reposed in them or him, 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, by Petition of such Person or Persons as for the Time being would be beneficially entitled to the Rents and Profits of the Hereditaments hereby made saleable, or if such Person or Persons shall be an Infant or Infants, then upon the Petition of his, her or their Guardian or Guardians, from Time to Time to nominate and 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 going out of *Great Britain*, or refusing or declining, or becoming incapable to act as aforesaid, and when and so soon and as often as any such Person or Persons shall be so nominated and appointed, all the Estates and Powers which shall be then vested in the Trustee or Trustees so dying, or desirous to be discharged, or refusing, declining or becoming incapable to act, or going out of *Great Britain* as aforesaid, either solely or jointly with other Trustees, shall thereupon, with all convenient Speed, be conveyed and transferred in such Sort and Manner, and so that the same Estates and Premises shall, and may be legally and effectually vested in the surviving or continuing Trustee thereof, and such new and other Trustee or Trustees, or in such new Trustees only as the Case may require, upon the same Trusts, and for the same Intents and Purposes, and subject to the same Powers as are hereinbefore declared of and concerning the same Estates, or such and so many of the same Trusts and Powers as shall or may be then subsisting or capable of taking Effect; and that such new Trustee or Trustees shall, and may in all Things act in the Management, carrying on and Execution of the Trusts hereby created, as fully and effectually, and with all the same Powers and Authorities, to all Intents, Effects, Constructions and Purposes as if he or they had been originally by this Act nominated a Trustee or Trustees for the Purposes aforesaid.

VIII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the said *Frances Adams* and the said *William Henry Hyett*, and all and every the Son and Sons, and Daughter and Daughters of the said *William Henry Hyett*, and the several and respective Heirs of the Body and Bodies of each and every such Sons and Daughters respectively, and also the said *John Adams*, and all and every his Son and Sons, and Daughter and Daughters, and the several and respective Heirs of the Body and Bodies of each and every such Sons and Daughters respectively, and also the said *Sarah Adams*, and the said *Mary Clementina Adams*, their Heirs and Assigns for ever, and the said Trustees of the said Term of One thousand Years, their Executors, Administrators, and Assigns, and also except all and every other Person or Persons whomsoever, and their Heirs or Issue, Executors or Administrators

Power of appointing new Trustees.

General Saving.

trators claiming or deriving any Estate or Title or Interest under or by virtue of the said Will of the said *Benjamin Hyett* deceased, or under or by virtue of any of the Estates, Limitations, Uses, Trusts, Charges, or other Provisions therein made or contained;) all such Estates, Rights, Titles, and Interests of, into, or out of the said Messuages and other Hereditaments hereby vested in Trust to be sold as aforesaid, or any Part or Parts thereof as they, and 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 passed.

Act printed
by the King's
Printer to be
Evidence.

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 Premises. | Quantity of Acres. | | | Tenants' Names. | Annual Rent. |
|--|--------------------|----|----|---|---------------------|
| | A. | R. | P. | | |
| Messuage, Farm, and Lands in the Parish of Maifemore, in the County of Gloucester, containing in the whole about - - - - - | 228 | 0 | 0 | Charles Roan. | £. s. d. 450 0 0 |
| Several Closes and Parcels of Land in the Parish of Upton Saint Leonards, in the County of Gloucester, containing about - - - - - | 50 | 0 | 0 | The Executors of William Abell, deceased. | 100 0 0 |
| A Close of Ground, and several dispersed Parcels of Land, in the Parish of Upton Saint Leonards aforesaid, containing in the whole about - - - - - | 20 | 0 | 0 | John Edmonds. | 40 0 0 |
| A Messuage and Premises in the Parish of Holy Trinity, in the City of Gloucester - - - - - | 0 | 0 | 0 | Robert Morley. | 20 0 0 |
| Another Messuage in the same Parish - - - - - | 0 | 0 | 0 | Thomas Calton. | 10 10 0 |
| A Messuage in the Parish of Saint Mary de Crypt, in the said City of Gloucester | 0 | 0 | 0 | Edward Bretherton. | 16 0 0 |
| Two Warehouses, Wharf, and Premises at Deptford, in the County of Kent - - | 0 | 0 | 0 | James Mackie. | 22 0 0 |
| | 298 | 0 | 0 | | 658 10 0 |

J. Phillpotts,

Agent and Receiver of the Rents of the above Estates.

The Rental of the other Estates on which the Rent Charge of £800. is secured, exceeds £2000. per Annum.

J. Phillpotts.