

**CHAPTER 2.**

An Act to vary the Trusts and Powers of two several Indentures both dated the twenty-eighth day of April one thousand nine hundred and thirteen and executed on the marriage of Ronald D'Arcy Fife with Margaret Albert Rutson (now Margaret Albert Fife his Wife).

A.D. 1922.

[4th August 1922.]

**W**HEREAS by virtue of the will (dated the ninth day of November one thousand eight hundred and fifty-five and proved the twenty-first day of June one thousand eight hundred and sixty-seven) of William Rutson late of Newby Wiske and Nunnington Hall both in the county of York and of a disentailing assurance (duly enrolled) dated the twenty-sixth day of April one thousand nine hundred and thirteen and made between Margaret Albert Fife (then and therein described as Margaret Albert Rutson spinster) of the one part and Sir George Stapylton Barnes (then and therein described as George Stapylton Barnes) of the other part she the said Margaret Albert Fife was at the date (the twenty-eighth day of April one thousand nine hundred and thirteen) of the real estate settlement hereinafter mentioned absolutely entitled free from incumbrances to a base fee in remainder expectant on the death without issue of her uncle Henry Rutson in (first) the Newby Wiske Estate and the Nunnington Estate in the said county of York and (secondly) certain moneys and investments which (or the produce of which) were liable to be laid out in the purchase of hereditaments to be conveyed to the uses upon which the said Newby Wiske and Nunnington

A.D. 1922. Estates were settled by the said will And the particulars of which moneys and investments are set out in the schedule to the said real estate settlement :

And whereas under or by virtue of (i) the hereinbefore mentioned real estate settlement (hereinafter called "the real estate settlement") dated the twenty-eighth day of April one thousand nine hundred and thirteen and made between the said Margaret Albert Fife (then and therein described as Margaret Albert Rutson spinster) of the first part Ronald D'Arcy Fife of the second part and the Public Trustee of the third part (ii) the death of the said Henry Rutson on the twelfth day of November one thousand nine hundred and twenty a bachelor and (iii) a disentailing assurance (duly enrolled) dated the fifteenth day of November one thousand nine hundred and twenty and made between the said Margaret Albert Fife of the first part the said Ronald D'Arcy Fife of the second part and the Public Trustee of the third part (by which the before-mentioned base fee was enlarged into a fee simple absolute) and in the events which have happened the said real estate moneys and investments now stand limited To the use that the said Ronald D'Arcy Fife may during his life receive out of the premises the yearly rentcharge of two thousand pounds And subject to the said rentcharge to the use of the said Margaret Albert Fife during her life without impeachment of waste for her separate use without power of anticipation during any coverture with remainder to certain uses and trusts for the issue of the said marriage and subject thereto to such uses upon such trusts and subject to such powers and provisions as the said Margaret Albert Fife should from time to time (while not under coverture) by any deed or deeds (revocable or irrevocable) or whether covert or sole by will or codicil appoint but so that (except as hereinafter particularly mentioned) it should not be competent for the said Margaret Albert Fife to make any appointment to or in favour of the said Ronald D'Arcy Fife And in default of and until and subject to any such appointment under the powers aforesaid To the use of Mary Emma Rutson (the mother of the said Margaret Albert Fife) if she should survive the said Margaret Albert Fife in fee simple But if the said Mary Emma Rutson should predecease the said Margaret Albert Fife then to the use of the Public Trustee in fee simple upon trust to sell the same and to stand



possessed of the net proceeds of such sale in trust for the person or persons who under the statutes for the distribution of the effects of intestates would have become entitled thereto at the death of the said Margaret Albert Fife if she had died possessed thereof intestate and without ever having been married. Such persons if more than one to take as tenants in common in the shares in which they would have taken under the same statutes :

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And whereas the real estate settlement contained the following powers and provisions (viz.) :—

- (a) Power for the said Margaret Albert Fife whether covert or sole by deed or deeds (revocable or irrevocable) or by will or codicil to appoint to the said Ronald D'Arcy Fife or any other husband who might survive her an interest for life in the said Nunnington Estate (but not including therein any hereditaments then contracted to be sold or any moneys or investments liable to be laid out in the purchase of land) and so that any benefit that might be taken by any surviving husband of the said Margaret Albert Fife under this power (unless the said Margaret Albert Fife should otherwise appoint) be in addition to and not in substitution for the benefits which he might take under the real estate settlement or under any appointment made in pursuance of any power therein contained. And so that any rentcharge payable to such husband should be deemed to be issuing out of the other premises for the time being charged therewith to the exoneration of the premises of which such appointment or appointments under the now reciting power related :
- (b) Power for the said Margaret Albert Fife to appoint yearly rentcharges (not exceeding in the whole the sum of two thousand pounds) in favour of any after-taken husband :
- (c) Power for the said Margaret Albert Fife and after her death for the said Ronald D'Arcy Fife to appoint yearly rentcharges (not exceeding in the whole two thousand pounds for any one person) in favour of any person with whom any son or daughter of the said Margaret Albert Fife should intermarry :

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(d) The Public Trustee was appointed to be the trustee of the real estate settlement for all the purposes of the Settled Land Acts 1882 to 1890 and also for all the purposes of section 42 of the Conveyancing Act 1881 :

And whereas by the real estate settlement (paragraph 6) the said Margaret Albert Fife conveyed unto the Public Trustee all and singular the moneys and investments specified in the schedule thereto and all other (if any) the moneys and investments which or the proceeds of which were or might become liable to be laid out in the purchase of hereditaments to be conveyed to the uses of the said will of the said William Rutson To have and receive the same unto the Public Trustee upon trust after the solemnisation of the then intended marriage and if and when the estate of the said Margaret Albert Fife should have fallen into possession under the limitations and trusts of the said will upon trust that the Public Trustee should call in and sell the same and should invest the moneys arising thereby in the purchase of freehold hereditaments for an estate in fee simple to be conveyed and settled to the uses upon the trusts and with and subject to the powers and provisions thereinbefore declared and contained concerning the freehold hereditaments thereby settled (but not so as to increase or multiply charges or powers of charging) :

And whereas the said Margaret Albert Fife having become entitled in possession on the death of the said Henry Rutson to the Nunnington and Newby Wiske Estates she and the said Ronald D'Arcy Fife determined to make Nunnington Hall (which is the principal mansion house on the Nunnington Estate) their permanent residence :

And whereas since the death of the said Henry Rutson the moneys and investments specified in the said schedule to the real estate settlement (or the moneys and investments representing the same) have been transferred to the Public Trustee :

And whereas the Newby Wiske Estate (being part of the hereditaments comprised in the real estate settlement) has recently been sold by the said Margaret Albert Fife under the powers conferred upon her by the said Settled Land Acts and the net proceeds of the sale



have been paid to and received by the Public Trustee (as the sole trustee of that settlement) and have been duly invested or otherwise duly dealt with by him : A.D. 1922.

And whereas the annual rental of the estates subject to the real estate settlement (including as part of the annual rental the income derived from capital moneys and investments which or the proceeds of which are liable to be laid out in the purchase of real estate) now amounts to eleven thousand seven hundred and fifty-three pounds or thereabouts before deducting income tax and super-tax :

And whereas by an indenture (hereinafter called "the personal estate settlement") dated the twenty-eighth day of April one thousand nine hundred and thirteen and made between the said Margaret Albert Fife (then and therein described as Margaret Albert Rutson spinster) of the first part the said Ronald D'Arcy Fife of the second part the said Mary Emma Rutson of the third part and the Public Trustee of the fourth part (being the settlement of personal estate executed on the said marriage between the said Ronald D'Arcy Fife and Margaret Albert Fife) she the said Margaret Albert Fife assigned unto the Public Trustee all that the estate and interest of her the said Margaret Albert Fife in reversion expectant on the death of her mother the said Mary Emma Rutson of and in (first) all and singular the moneys and investments specified or referred to in the First Schedule thereto and the moneys and investments for the time being representing the same And (secondly) all and singular the moneys and investments specified or referred to in the Second Schedule thereto and the moneys and investments for time being representing the same to have and receive the same unto the Public Trustee upon trust that the Public Trustee should after the solemnisation of the said intended marriage stand possessed of the said premises thereby assigned (as and when the same should fall into possession) upon trust to get in or receive or obtain transfer of the same and to hold the same and the moneys and investments for the time being representing the same (all of which were thereafter referred to as "the trust fund") upon trust out of the income thereof to pay the annual sum of two thousand pounds to the said Ronald D'Arcy Fife such annual sum to become payable from and after the death of the said Mary Emma

A.D. 1922. Rutson (whether the said Margaret Albert Fife should then be living or not) and to continue during the residue of his life And (paragraph 4) that subject as aforesaid the Public Trustee should pay the income of the trust fund to the said Margaret Albert Fife during her life for her separate use without power of anticipation during any coverture And (paragraph 5) that after the death of the said Margaret Albert Fife and subject to the payment of the said annual sum to the said Ronald D'Arcy Fife (if and while the same should continue to be payable) the capital and income of the trust fund should be held in trust for the issue (whether children or more remote) of the then intended marriage in such manner as the said Margaret Albert Fife should by deed or will appoint And in default of and until and subject to such appointment then as the said Ronald D'Arcy Fife should after the death of the said Margaret Albert Fife by deed or will appoint And in default of and until and subject to any such appointment as aforesaid in trust for all the children or any the child of the then intended marriage who attain or attains the age of twenty-one years or being female marry under that age and if more than one in equal shares :

And whereas it was by the personal estate settlement (paragraph 8) provided that if there should not be any child of the said then intended marriage who attained a vested interest under the trusts thereinbefore declared in default of appointment then subject to the trusts and powers thereinbefore contained the trust fund and the income and statutory accumulations (if any) of the income thereof (or so much thereof respectively as should not have become vested or been applied under any of the trusts or powers affecting the same) should after the death of the said Margaret Albert Fife and such failure of issue as aforesaid be held in trust for such person or persons or purposes as the said Margaret Albert Fife should while not under coverture by deed (revocable or irrevocable) or should whether covert or sole by will or codicil appoint but so that it should not be competent for the said Margaret Albert Fife under the power last aforesaid to appoint to or in favour of the said Ronald D'Arcy Fife the corpus or capital of the said premises or the income thereof or any part thereof respectively And in default of and until and subject to any such appointment upon the trusts following (that was to say) (paragraph 9) if the



said Margaret Albert Fife should survive the said Ronald D'Arcy Fife then in trust for her absolutely for her separate use without power to anticipate her expectant interest but if she should die in the lifetime of the said Ronald D'Arcy Fife then in trust for the person or persons who under the statutes for the distribution of the effects of intestates would have become entitled thereto at her death if she had died possessed thereof intestate and without ever having been married such persons if more than one to take as tenants in common the shares in which they would have taken under the same statutes and by the personal estate settlement it was (paragraph 13) provided that if the said Margaret Albert Fife should marry again then without prejudice to any appointment which might have already been made under the powers thereinbefore contained she might either in contemplation of or after any subsequent marriage from time to time by deed (revocable or irrevocable) or by will or codicil revoke the trusts powers and provisions thereinbefore contained concerning all or any part of the trust fund not exceeding the shares thereof therein mentioned and might appoint the same for the benefit of any husband who might survive her or any child or children or other issue of such subsequent marriage as she should think proper but subject nevertheless as therein mentioned :

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And whereas the annual income of the trust fund settled by the personal estate settlement would if such fund were now in possession be seven thousand two hundred pounds or thereabouts before deducting income tax and super-tax :

And whereas the marriage between the said Margaret Albert Fife and Ronald D'Arcy Fife was solemnised on the twenty-ninth day of April one thousand nine hundred and thirteen :

And whereas there has been no issue of the said marriage :

And whereas the income derived from the real estate settlement (including the two thousand pounds per annum payable thereunder to the said Ronald D'Arcy Fife) is barely sufficient for the upkeep of Nunnington Hall as a residence for the said Margaret Albert Fife and Ronald D'Arcy Fife and should the said Margaret Albert Fife predecease the said Ronald D'Arcy Fife it would be impossible for him (as the said settlement now stands)

A.D. 1922. to continue to reside there even if the trust fund settled by the personal estate settlement shall have then fallen into possession :

And whereas the said Margaret Albert Fife has no father or brother or sister (either of the whole or of the half-blood) now living and excluding her mother the said Mary Emma Rutson (who is now of the age of sixty-five years or thereabouts) the persons who under the statutes for the distribution of the effects of intestates would be entitled to the personal estate of the said Margaret Albert Fife were she now to die intestate and without ever having been married would be as follows (that is to say) :—

- (a) Her maternal uncle the Right Honourable Sydney Charles Earl Buxton ;
- (b) Her maternal uncle Bertram Henry Buxton esquire ;
- (c) Her maternal aunt Richenda Talbot (the wife of the Honourable Reginald Talbot) ;
- (d) Her maternal aunt Sybil de Gournay Barnes (the wife of Sir George Stapylton Barnes) ;

or such of them as shall survive the said Margaret Albert Fife but if all of them her said uncles and aunts should predecease the said Margaret Albert Fife then her first cousins—

- (e) The Honourable Phyllis Ponsonby (usually called Lady Phyllis Ponsonby) ;
- (f) The Honourable Doreen FitzRoy (usually called Lady Doreen FitzRoy) ;
- (g) The Honourable Alethea Buxton (usually called Lady Alethea Buxton) ;
- (h) Dorothea Butler (the wife of Rupert Butler esquire) ;
- (i) Elisabeth Lane (the wife of Geoffrey Lane esquire) ;
- (j) Lucy Eleanor Barnes (spinster) ;
- (k) Ralph George Barnes esquire ;
- (l) Anthony Charles Barnes esquire ; and
- (m) Her first cousins (if any) who may hereafter during her life be born or such of her said first cousins hereinbefore named or referred to as shall survive the said Margaret Albert Fife :



And whereas under the circumstances aforesaid the said Margaret Albert Fife Ronald D'Arcy Fife and Mary Emma Rutson are desirous and it is expedient just and reasonable that the several restrictions by the real estate settlement (paragraph 1) and the personal estate settlement (paragraph 8) respectively imposed upon the said Margaret Albert Fife whereby she is prevented from appointing the premises therein respectively referred to in favour of the said Ronald D'Arcy Fife should be removed :

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

Therefore Your Majesty's most dutiful and loyal subjects the said Margaret Albert Fife Ronald D'Arcy Fife and Mary Emma Rutson 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 as follows (that is to say) :—

1. This Act may for all purposes be cited as the *Fife Trust Estate Act 1922.* Short title.

2. The said real estate settlement shall henceforth be read and construed as if the words hereinbefore recited and contained in paragraph 1 of the said settlement " but so that (except as hereinafter particularly provided) it shall not be competent for the said Margaret Albert Rutson to make any appointment to or in favour of the said Ronald D'Arcy Fife " had been omitted therefrom. Amendment of real estate settlement.

3. The said personal estate settlement shall henceforth be read and construed as if the words hereinbefore recited and contained in paragraph 8 of the personal estate settlement " but so that it shall not be competent for the said Margaret Albert Rutson under the power last aforesaid to appoint to or in favour of the said Ronald D'Arcy Fife the corpus or capital of the said premises or the income thereof or any part thereof " respectively " had been omitted therefrom. Amendment of personal estate settlement.

A.D. 1922.

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General  
saving and  
exceptions.

4. Saving always to the King's most Excellent Majesty His heirs and successors and to all and every other person and body politic and corporate and their respective heirs and successors executors and administrators (other than and except—

- (a) the said Earl Buxton;
- (b) the said Bertram Henry Buxton;
- (c) the said Richenda Talbot;
- (d) the said Sybil de Gournay Barnes;
- (e) the said Lady Phyllis Ponsonby;
- (f) the said Lady Doreen FitzRoy;
- (g) the said Lady Alethea Buxton;
- (h) the said Dorothea Butler;
- (i) the said Elisabeth Lane;
- (j) the said Lucy Eleanor Barnes;
- (k) the said Ralph George Barnes; and
- (l) the said Anthony Charles Barnes;

and every other person who would but for this Act or any matter or thing done hereunder be or become entitled to the trust funds and premises or any of them under or by virtue or as deriving title through the said real estate and personal estate settlements or either of them and the heirs executors administrators or assigns of every or any such person) all such right interest claim and demand whatsoever of in to or out of the said trust funds and premises or any of them as they or any of them would could or might have had or enjoyed or been entitled to if this Act had not been passed.

Costs of  
Act.

5. The costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall in the first instance be raised and paid by the Public Trustee out of the capital moneys subject to the trusts of the real estate settlement Provided that when and so soon as the trust fund subject to the trusts of the personal estate settlement shall have fallen into possession one moiety of such costs charges and expenses shall be repaid out of such last-mentioned fund to the capital moneys subject to the trusts of the real estate settlement.



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

A.D. 1922.

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

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