



## CHAPTER 2.

An Act to authorise the sale of personal chattels bequeathed by the Will of the late Dame Elizabeth Ann Gomm as heirlooms and to declare the trusts of the proceeds of such sale and for other purposes. A.D. 1913.

[15th August 1913.]

**W**HEREAS Dame Elizabeth Ann Gomm (hereinafter called "the testatrix") the widow of Sir William Maynard Gomm by her will dated the first day of May one thousand eight hundred and seventy-seven bequeathed her gallery of pictures by old masters and her picture of her said late husband by Mackinnis (which pictures are hereinafter referred to as "the Gomm heirlooms" and particulars whereof are specified in the schedule to this Act) to the trustees therein named their executors administrators and assigns upon such trusts as should as nearly as the rules of law and equity would permit correspond with limitations of real estate to the effect following that is to say To the use of the Most Honourable Schomberg Henry the Ninth Marquis of Lothian (hereinafter referred to as "the Ninth Marquis") during his life with remainder to the use of Walter William Schomberg commonly called Earl of Ancram the eldest son of the Ninth Marquis during the life of such eldest son with remainder to the use of the first and other sons of such eldest son successively according to their respective seniorities in tail male with remainder to the use of Robert the second son of the Ninth Marquis during the life of such second son with remainder to the use of the first and other sons of such second son successively according to their respective seniorities in tail male with remainder to the use of the third fourth and other sons of the Ninth Marquis successively according to their respective seniorities in tail male with

A.D. 1913. remainder to the use of the right heirs of the Ninth Marquis for ever but the testatrix declared that the pictures so bequeathed should be subject to an executory limitation over on the death under the age of twenty-one years of any person who under the limitations aforesaid of real estate would be tenant in tail male thereof by purchase to or in favour of the person who would as aforesaid be entitled under the subsequent limitations aforesaid according to the tenor of the same limitations:

And whereas the testatrix died on the thirtieth day of November one thousand eight hundred and seventy-seven and her said will and two codicils thereto which did not affect the aforesaid pictures were proved on the third day of January one thousand eight hundred and seventy-eight by the executors named in the said will:

And whereas the present trustees of the said will and codicils are the Honourable Edward William Douglas Guy Lushington Ernest Robert Still and Sir Alexander Waldemar Lawrence Baronet:

And whereas the Ninth Marquis had three sons and no more namely (1) William Walter (in the said will referred to as Walter William) Schomberg Earl of Ancram who died on the sixteenth day of June one thousand eight hundred and ninety-two a bachelor (2) Schomberg Henry Mark Kerr who died on the twenty-fifth day of August one thousand eight hundred and seventy an infant under two years of age and (3) the Most Honourable Robert Schomberg Kerr the Tenth Marquis of Lothian (in the said will described as the second son of the Ninth Marquis and hereinafter referred to as "the Tenth Marquis") who was born on the twenty-second day of March one thousand eight hundred and seventy-four and has never been married:

And whereas the Ninth Marquis died on the seventeenth day of January one thousand nine hundred leaving the Tenth Marquis the only son him surviving:

And whereas the Tenth Marquis is the person now entitled to the use and enjoyment of the Gomm heirlooms:

And whereas in the event of the death of the Tenth Marquis without male issue the Gomm heirlooms become absolutely vested in the Tenth Marquis:

And whereas pursuant to the powers conferred by section 116 subsection (1) (D) of the Act 53 Vict. c. 5. receivers have

from time to time been appointed of the property in England of the Tenth Marquis on the ground that he is a person who through mental infirmity arising from disease is incapable of managing his affairs and Charles Arthur Fellowes of the Rangers Lodge Cornbury Park Charlbury in the county of Oxford land agent is the present receiver of such property by virtue of an Order dated the eleventh day of May one thousand nine hundred and eleven and made by the Masters in Lunacy (hereinafter referred to as "the Masters"):

And whereas the Tenth Marquis owing to his illness and the circumstances aforesaid cannot now and probably never will enjoy the use of the Gomm heirlooms and the same are now and have for upwards of twelve years been stored at the Pantehnicon Motcomb Street Belgrave Square in the county of London:

And whereas the annual expenses of storing and insuring the Gomm heirlooms are considerable and it is feared that by the prolonged storing the Gomm heirlooms may deteriorate and their value be depreciated and it is expedient that they be sold:

And whereas the Gomm heirlooms cannot be sold under the provisions of the said Act 53 Vict. c. 5. and the Acts amending the same owing to the trusts in favour of the sons of the Tenth Marquis in the said will contained:

And whereas the Gomm heirlooms cannot be sold under the provisions of the Settled Land Act 1882 inasmuch as the same are not settled on trust so as to devolve with land within the meaning of the 37th section of that Act:

And whereas the Bill for this Act has been approved by the Masters:

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

Wherefore Your Majesty's most dutiful and loyal subject the said Charles Arthur Fellowes as the duly appointed receiver of the property in England of the Tenth Marquis 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 as follows (that is to say):—

1. This Act may be cited as the Gomm Heirlooms Act 1913. Short title.

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**2.** In this Act—Interpreta-  
tion.

The several expressions “the Gomm heirlooms” “the Ninth Marquis” “the Tenth Marquis” and “the Masters” shall have the respective meanings given to those expressions in the preamble of this Act;

The expression “the trustees” means the said Honourable Edward William Douglas Guy Lushington Ernest Robert Still and Sir Alexander Waldemar Lawrence Baronet or other the trustees or trustee for the time being of the said will and codicils;

The expression “the receiver” means the said Charles Arthur Fellowes or other the person for the time being appointed by Order of the Masters receiver of the property in England of the Tenth Marquis;

The expression “the paymaster” means His Majesty’s Paymaster-General for and on behalf of the Supreme Court or the Assistant Paymaster-General for Supreme Court business deputed by the Paymaster-General to act on his behalf for such business.

Power to sell  
heirlooms.

**3.** The receiver with the sanction of the Masters may from time to time sell by public auction or private contract all or any of the Gomm heirlooms upon such terms and conditions as the Masters shall approve.

As to trusts  
of proceeds  
of sale.

**4.** The moneys to arise from every such sale after payment of the expenses of the sale (the net amount to be certified by the Masters) shall be paid to the paymaster and shall be placed by him to an account to be entitled “In the matter of “the Most Honourable Robert Schomberg Kerr Marquess of “Lothian in Scotland and Baron Ker in England And in the “matter of the Acts 53 Vict. c. 5. 54 and 55 Vict. c. 65. and “8 Edw. 7 c. 47. Proceeds of sale of the Gomm heirlooms” and shall be dealt with by him under Orders of the Masters as follows (namely):—

(A) In payment of the costs charges and expenses of all parties of and incidental to the obtaining of this Act such costs charges and expenses to be taxed if the Masters so direct by the taxing officer of the House of Lords or of the House of Commons:

(B) In payment of any costs charges and expenses incurred by the receiver or the trustees in relation to the

Gomm heirlooms such costs charges and expenses to be taxed by the Masters if they so direct :

- (c) The balance may be invested in any manner in which by law trust funds may be invested with power to vary and alter such investments :
- (d) During the life of the Tenth Marquis the income of the investments for the time being representing such balance shall be paid to the Tenth Marquis or the receiver as the Masters shall direct and be applicable in the same manner as the other income of the Tenth Marquis in England :
- (e) After the death of the Tenth Marquis the investments shall be held in trust for the person or persons who would have been entitled to the Gomm heirlooms if they had not been sold.

5. Saving to the King's most Excellent Majesty His heirs and successors and to all and every other persons and person bodies politic and corporate and their respective heirs successors executors and administrators (other than the several persons by this Act expressly excepted out of the general saving) all such right interest claim and demand whatsoever of in to or out of the Gomm heirlooms or any of them as they every or any of them would have held or enjoyed or been entitled to if this Act had not been passed.

General saving.

6. The following persons and all persons claiming under or through them any estate or interest in the Gomm heirlooms or any of them respectively are excepted out of the general saving hereinbefore contained and accordingly are the only persons bound by this Act (that is to say) :—

Exceptions from general saving.

The Tenth Marquis and his heirs male ;

The heirs of the Ninth Marquis ;

The trustees ;

The receiver.

7. 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 so printed by any of them shall be admitted as evidence by all judges justices and others.

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

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## The SCHEDULE referred to in the foregoing Act.

No.	Artist.	Title of Picture.
1	Mackinnis - - -	Three-quarter length portrait of Sir Wm. Gomm in uniform canvas 50 inches by 36 inches.
2	Samuel Scott - - -	Old London Bridge with houses &c. on same figures and boat 42 inches by 23½ inches.
3	Samuel Scott - - -	A view of building Westminster Bridge 42½ inches by 23½ inches.
4	Pannini - - -	A view of an ancient city with ruins and figures 16 inches by 28 inches.
5	Pannini - - -	A view of the Coliseum in ruins 16 inches by 28 inches.
6	Signed D. B. - - -	Oil painting battle of Bleuheim in gilt frame 18 inches by 14 inches.
7	Sir Joshua Reynolds P.R.A.	A bust portrait of Wm. Gomm Esq. of Nethercott in a maroon coat with wig 23 inches by 27 inches.
8	Rosa di Tivoli - - -	A dark landscape with sheep goat horse and figure 51 inches by 38 inches.
9	Geo. Romney - - -	A half-length portrait of Mrs. Wm. Gomm in black dress open neck and lace cap 29 inches by 24 inches.
10	Rosa di Tivoli - - -	A dark landscape sheep goat and figure in the foreground 51 inches by 38 inches.
11	Swinton - - -	A half-length portrait of Lady Gomm playing a piano 28 inches by 24 inches.
12	School of Rembrandt - - -	A portrait of an old man with ruff collar 27 inches by 22 inches.
13	David Teniers - - -	A landscape with cottage and figures in the foreground 15½ inches by 24 inches.
14	Bolognese School - - -	A classical landscape with figures water and bridge 22 inches by 11 inches.
15	Wm. Van der Velde - - -	A sea battle with ships engaged 18 inches by 9 inches.
16	F. Bol - - -	A half-length portrait of a young man in red and black costume hat with white feather 26 inches by 23 inches glazed.
17	H. Swanevelt - - -	A landscape with cattle and figures washing clothes in the foreground 48 inches by 24 inches.
18	Antonio Canale (called Canaletto)	A view of Venice with gondolas 33 inches by 21 inches.
19	Antonio Canale (called Canaletto)	A view of Venice with gondolas &c. 33 inches by 21 inches.
20	C. Poelenburg - - -	A landscape with ruins and figures bathing in the foreground on copper 12 inches by 13½ inches.

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No.	Artist.	Title of Picture.
21	C. Poelenburg - -	A landscape with a female figure at her devotions cherubs on rockwork at side 12 inches by 13½ inches.
22	Jan and Andrew Both -	An upright warm landscape with river scene bridge and figures mountain in the background 44 inches by 40 inches.
23	Gasper Dughet (called Gasper Poussin)	A landscape with river classical figures in the foreground 33 inches by 23 inches.
24	Peter Paul Reubens -	A fête champêtre chateau in the background and figures in the foreground 41½ inches by 28 inches.
25	Wm. Van der Velde -	A coast scene with figures and boats 4½ inches by 3¼ inches.
26	Wm. Van der Velde the Younger	Marine view ships at anchor in a calm 53 inches by 40 inches glazed.
27	Arnold Van der Neer -	River scene by moonlight barge with horses and figures 28 inches by 21 inches.
28	David Teniers the Younger	An interior with figures tub in the foreground 20 inches by 26 inches.
29	Ludolph Backhuysen -	A jetty scene with numerous figures and shipping port of Amsterdam 25 inches by 35 inches.
30	Francesca Mola - -	An octagon picture with lake and waterfall figure in the foreground 8½ inches by 11½ inches.
31	Wm. Van der Velde -	A sea piece with fishing smacks &c. 14 inches by 10½ inches.
32	Wm. Van der Velde -	A coast scene with figures and fishing boats 13½ inches by 9½ inches.
33	Francesca Mola - -	An octagon landscape with river torrent female figure with basket on head 8¾ inches by 11½ inches.
34	Paris Bordone - -	The Wise Men's offering 66 inches by 36 inches.
35	Ludolph Backhuysen -	A coast scene with vessels and figures 36 inches by 25½ inches.
36	Wm. Van der Velde -	A sea piece with sailing boats 13½ inches by 16½ inches glazed.
37	Wm. Van der Velde -	A sea coast with ships boats and figures 10½ inches by 8½ inches.
38	Wm. Van der Velde -	Vessels in a calm 13½ inches by 16 inches glazed.
39	Francesca Mola - -	"Hagar and Ishmael" a landscape with the figures in the foreground on copper 15 inches by 11½ inches.
40	Rosalba - - - -	A pastel (head) of a young woman with open neck flowers in hair 10¼ inches by 11¾ inches.
41	Sir Francis Grant P.R.A.	A head portrait of a young lady with black ringlets Mrs. Cornewell née Kerr 16 inches by 15 inches.
42	- - - - -	A water colour drawing shaped as a fan representing Diana at a boar hunt in black and gilt frame.
43	- - - - -	Ditto ditto representing a battle scene with war chariot in gilt frame.
44	F. Galletti - - -	Ditto ditto representing a classical subject (Aurora) in black and gilt frame.
45	- - - - -	Ditto ditto a classical subject with figures bathing in gilt frame.
46	English School - -	Pastel portrait of Sophia sister of Sir Wm. Gomm 10 inches by 8 inches.

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No.	Artist.	Title of Picture.
47	Sir Francis Grant P.R.A.	A half-length seated portrait of a lady plaiting her hair 7 inches by 5 inches.
48 & 49	} English School - -	Pair of circular painted miniatures of a lady and gentleman in one frame glazed.

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