



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. 34.

An Act for the Partition of the *Mowbrick* otherwise *Mowbreck* Estate in the County of *Lancaster*.

[10th August 1854.]

WHEREAS on the Nineteenth Day of *April* One thousand eight hundred and forty-five a Suit in Chancery, in which *Cornelius Bourne* and others were Plaintiffs, and *Thomas Keay Hassall* and others were Defendants, (being a Suit by some of the Parties interested in the Manors, Lands, Rents, and other Hereditaments herein-after called by the general Name of the *Mowbrick* Estate, and sometimes also called the *Mowbreck* Estate, against all the other Persons interested therein,) was instituted for a Partition of the said *Mowbrick* Estate, and such Suit, together with another Suit supplemental thereto, came on to be heard before his Honour the then Vice-Chancellor of *England* on the Fifth Day of *June* One thousand eight hundred and forty-six, when his Honour was pleased to decree that it should be referred to the Master to inquire and state to the Court of what Particulars the Lands, Tenements, and Hereditaments in the Pleadings of the Causes mentioned consisted, and what were the Tenures thereof respectively, and who were respectively the Persons interested therein or entitled thereto respectively, and to state what were their respective

Decree dated
5th June
1846.

[Private.]

Estates

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Estates and Interests therein, and under and by virtue of what Devises, Assurances, and Acts in the Law they respectively became interested therein or entitled thereto, and whether there were any and what Charges or Incumbrances thereon, or upon any and which of them respectively, and what Shares the Parties were respectively entitled to therein, and it was ordered that the said Master should inquire and state to the Court whether all the Parties so interested in or entitled to the said Lands, Tenements, and Hereditaments were Parties to the Suit: And whereas divers Suits supplemental to the first-mentioned Suit were afterwards instituted, for the Purpose of bringing before the Court all Parties who from Time to Time subsequent to the said Decree of the Fifth Day of *June* One thousand eight hundred and forty-six became interested in the said *Mowbrick* Estate, and such supplemental Suits respectively came on to be heard, and supplemental Decrees were made therein respectively, by which Inquiries were directed with respect to subsequently accrued Interests in the said *Mowbrick* Estate similar to those directed by the original Decree with respect to the then subsisting Interests, and such original and supplemental Suits in point of fact form One Suit, and are herein-after collectively termed the Suit of *Bourne* versus *Hassall*: And whereas the Master to whom the said Suit of *Bourne* versus *Hassall* stood referred made his Report therein, bearing Date the Twenty-sixth Day of *July* One thousand eight hundred and fifty-three, which was confirmed by an Order in the said Suit bearing Date the Eighteenth Day of *February* One thousand eight hundred and fifty-four, and by such Report the said Master found and set forth in detail the Particulars of which the said *Mowbrick* Estate consisted, and in the Schedule to his Report annexed he set forth the present or modern Description of the whole of the said Estate, together with the several Charges and Outgoings payable thereout, and the several Farms or Lettings into which the same was respectively parcelled out and held, with the several yearly Rents payable for the same respectively; and the said Master by his said Report found that the said *Mowbrick* otherwise *Mowbreck* Estate was held in undivided Fourth Parts, therein-after for Convenience called, One, *Bourne's* Fourth, Two, *Benison's* Fourth, Three, *Ralph's* Fourth, Four, *Westby's* Fourth, and as to *Bourne's* Fourth he found that the State of the Title was as follows,—that *John Bourne*, being seised of the Equitable Fee Simple, subject to a Legal Mortgage in Fee vested in *James Pedder* for securing to him the Sum of Eleven thousand Pounds, and further Advances, not exceeding the Sum of Fifteen thousand Pounds, and subject also to an old satisfied Term of One thousand Years then vested in *Joseph Walker* upon Trusts for securing the said Mortgage Debt, and subject thereto upon trust to attend the Inheritance, made his Will, bearing

Master's
Report, dated
26th July
1853.

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bearing Date the Nineteenth Day of *December* One thousand eight hundred and thirty-eight, and thereby devised the Residue of his Real Estate, which included his Interest in the *Mowbrick* Estate, and also the Residue of his Personal Estate, to *Cornelius Bourne, John Bury Bourne, James Thomas Bourne, and Thomas Rymer Bourne*, and their Heirs, Executors, Administrators, and Assigns, upon the Trusts, nevertheless, and to and for the several Intents and Purposes which are therein-after expressed concerning the same; (that was to say,) upon trust for Sale as therein mentioned, and upon trust out of the Proceeds of such Sale, after Payment of his Debts, Funeral and Testamentary Expenses and Legacies, to pay to his Friends Sir *Thomas Brancker* Knight and *Thomas Robert Wilson France* the Sum of Six thousand Pounds Sterling for each of the Testator's Three Daughters *Margaret Hassall, Ann Williams, and Jane Whitelock*, (making in the whole the Sum of Eighteen thousand Pounds,) to be held by them, under the Trusts therein-after declared concerning the same, for the Benefit of the Testator's said Daughters and their respective Children and Issue; and the said Testator directed that the several Sums of Money therein-before given in trust for his said Daughters should carry Interest at the Rate of Four Pounds Ten Shillings *per Centum per Annum* from the Time of his Decease, and that until raised and paid the Interest should be payable thereon half-yearly; and as to One of the said Sums of Six thousand Pounds the said Testator declared that the said Sir *Thomas Brancker* and *Thomas Robert Wilson France*, their Executors, Administrators, and Assigns, were to stand possessed of the same upon trust for the said *Margaret Hassall* for her Life, for her separate Use, without Power of Anticipation, and after the Decease of the said *Margaret Hassall* in trust for all such One or more of the Children of the said *Margaret Hassall*, and the Issue of any such Children, as might then be dead, in such Shares and Proportions, and subject to such Charges and Limitations for the Benefit of some or One of them, and in such Manner, as the said *Margaret Hassall*, notwithstanding her Coverture, by her last Will in Writing, or by any Writing in the Nature thereof, to be by her duly signed and published in the Presence of Two or more credible Witnesses, should appoint, and subject to such Appointment upon trust for all and every the Child and Children of the said *Margaret Hassall* who should be living at the Time of her Decease, and the Issue of any of them who should then be dead, such Issue taking equally between and among them, if more than One, the Part or Share which his, her, or their deceased Parent would have taken if living, and for their respective Executors, Administrators, and Assigns, absolutely, Share and Share alike, as Tenants in Common, to be paid and payable on their respective Attainment to the Age of Twenty-one Years or Marriage,

Will of John Bourne, dated 19th December 1838.

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Marriage, which should first happen, with such Directions for their Maintenance, Education, and Advancement as in the said Will are mentioned, and if there should not be any Child or Children of the said *Margaret Hassall* or such Issue of her as aforesaid living at her Decease, or in case there should be any such Issue, and all such Issue should die under the Age of Twenty-one Years, and without having been married, then in trust for the said Testator's Four Sons, equally to be divided amongst them, Share and Share alike, as Tenants in Common, and their respective Executors, Administrators, and Assigns; and as to the said Two other Sums of Six thousand Pounds and Six thousand Pounds, the said Testator directed that the said *Sir Thomas Brancker* and *Thomas Robert Wilson France*, and the Survivor of them, his Executors, Administrators, and Assigns, should stand possessed of the same respectively upon the like Trusts, for the Benefit of his Daughters the said *Ann Williams* and *Jane Whitelock*, and their respective Children, and with like Remainder over, and with the like Powers and Authorities thereinbefore given and declared of and concerning the Legacy or Sum of Six thousand Pounds given in trust for the said *Margaret Hassall*, and as if the same were there repeated; and the said Will also contained a Declaration that the Receipts of the Trustees or Trustee for the Time being thereof should be good and sufficient Discharges to the Purchasers of the Estates to be sold (or to any other Person or Persons paying any Money to the said Trustees or Trustee under the same Trusts); and the said Testator appointed his said Four Sons to be Executors and Trustees of that his Will; and the said Master found that the said Testator never altered or revoked his said Will, and he died, and was buried on the Twentieth Day of *January* One thousand eight hundred and forty-one, leaving the said *Cornelius Bourne* his Heir-at-Law; and the said Master found that on the Fourteenth Day of *August* One thousand eight hundred and forty-six the said *James Pedder* died, having previously made his Will, dated the Thirty-first Day of *October* One thousand eight hundred and forty-five, and proved in the Prerogative Court of *York* on the Twenty-first Day of *January* One thousand eight hundred and forty-seven by the Executors therein named; and by his said Will the said *James Pedder* gave and bequeathed to his Executors therein named, amongst other things, all his Mortgages, upon the Trusts therein mentioned, and the said *James Pedder* appointed *Edward Pedder* and *Richard Newsham* the Executors of his Will, and the said *James Pedder* thereby devised unto his said Trustees, their Executors, Administrators, and Assigns, all the Estates which at the Time of his Decease should be vested in him, upon any Trusts or by way of Mortgage, of which he had Power to dispose by his said Will, with their Rights, Members, and Appurtenances, upon the

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the Trusts and subject to the Equity of Redemption which at the Time of his Decease should be subsisting or capable of taking effect therein respectively, and that by the Effect of such Will and of the Proof thereof the whole Interest of the said *James Pedder* in the *Mowbrick* otherwise *Mowbreck* Estate became vested in the said *Edward Pedder* and *Richard Newsham*; and the said Master found that by an Indenture bearing Date the Sixteenth Day of *October* One thousand eight hundred and fifty-two, and made between the said *Edward Pedder* and *Richard Newsham* of the one Part, and the said *Cornelius Bourne*, *John Bury Bourne*, *James Thomas Bourne*, and *Thomas Rymer Bourne* of the other Part, in consideration of the Sum of Eleven thousand Pounds paid to the said *Edward Pedder* and *Richard Newsham*, they the said *Edward Pedder* and *Richard Newsham* conveyed the said mortgaged Share of the said *Mowbrick* Estate unto and to the Use of the said *Cornelius Bourne*, *John Bury Bourne*, *James Thomas Bourne*, and *Thomas Rymer Bourne*, their Heirs and Assigns, for ever, freed and absolutely discharged of and from all Principal Money and Interest secured by the said Mortgage; and the said Master found that upon Execution of the last-mentioned Indenture the said Term of One thousand Years vested in the said *Joseph Walker* became attendant upon the Inheritance, and thereupon ceased; and the said Master found that the said *Margaret Hassall* intermarried on the Twenty-first Day of *February* One thousand eight hundred and thirty-seven with *Thomas Keay Hassall*, and that she had had Issue Three Children, and no more, (that was to say,) *Emily Mary Hassall*, *Charles Vernon Hassall*, and *Louisa Margaret Hassall*, the said *Emily Mary Hassall* having been born on the Seventeenth Day of *September* One thousand eight hundred and forty, and being then an Infant in her Thirteenth Year, and the said *Charles Vernon Hassall* having been born on the Twenty-fourth Day of *November* One thousand eight hundred and forty-one, and being then an Infant in his Twelfth Year, and the said *Louisa Margaret Hassall* having been born on the First Day of *January* One thousand eight hundred and forty-three, and being then an Infant in her Eleventh Year; and the said Master found that the said *Ann Williams* on the Sixth Day of *June* One thousand eight hundred and thirty-nine intermarried with *Arthur Yates Williams*, and she had had Issue Five Children, and no more, (that was to say,) *Arthur Monier Williams*, *George Reginald Williams*, *Ashton Williams*, *Matthew Henry Williams*, since deceased, and *Lucy Anne Williams*, the said *Arthur Monier Williams* having been born on the Thirtieth Day of *July* One thousand eight hundred and forty, and being then an Infant in his Thirteenth Year, and the said *George Reginald Williams* having been born on the Twenty-sixth Day of *November* One thousand eight hundred and forty-one, and being then an Infant in his Twelfth Year, and the said *Ashton*

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Williams having been born on the Twenty-sixth Day of *July* One thousand eight hundred and forty-three, and being then an Infant in his Tenth Year, and the said *Matthew Henry Williams* having been born on the Nineteenth Day of *January* One thousand eight hundred and forty-five, and having died on the Ninth Day of *February* One thousand eight hundred and forty-five, an Infant under the Age of Twenty-one Years, and without having been married, and that the Fifth of such Children of the said *Ann Williams* was the said *Lucy Anne Williams*, who was born on the Twenty-fourth Day of *July* One thousand eight hundred and forty-seven, and was then an Infant in her Sixth Year; and that the said Master found that the said *Jane Whitelock*, on the Twenty-eighth Day of *May* One thousand eight hundred and forty-four, intermarried with *Francis Whitelock*, and had had Issue Four Children, and no more, (that was to say,) *Francis Henry Whitelock*, *William Thomas Whitelock*, *Caroline Mary Whitelock*, and *Charlotte Proby Whitelock*, and that the said *Francis Henry Whitelock* was born on the Twenty-sixth Day of *August* One thousand eight hundred and forty-five, and was then an Infant in his Eighth Year, and the said *William Thomas Whitelock* was born on the Thirteenth Day of *April* One thousand eight hundred and forty-seven, and was then an Infant in his Sixth Year, and the said *Caroline Mary Whitelock* was born on the Second Day of *July* One thousand eight hundred and forty-eight, and was then an Infant in her Fifth Year, and the said *Charlotte Proby Whitelock* was born on the Twenty-third Day of *September* One thousand eight hundred and fifty-one, and was then an Infant in her Second Year; and the said Master found that *Bourne's* Fourth was therefore vested by virtue of the Will of the said *John Bourne* and the said Indenture of the Sixteenth Day of *October* One thousand eight hundred and fifty-two in the said *Cornelius Bourne*, *John Bury Bourne*, *James Thomas Bourne*, and *Thomas Rymer Bourne*, in Fee Simple, but subject to the Trusts of the Will of the said *John Bourne*, and to the raising thereout the said Three Sums of Six thousand Pounds for the Benefit of the said *Margaret Hassall*, *Ann Williams*, and *Jane Whitelock*, and their respective Children and Issue, as in the said Will and therein-before mentioned; and subject thereto in trust for the said *Cornelius Bourne*, *John Bury Bourne*, *James Thomas Bourne*, and *Thomas Rymer Bourne*, equally, as Tenants in Common; and their respective Executors, Administrators, and Assigns, and that all the Persons then in being and interested in *Bourne's* Fourth were Parties to One or more of the above-mentioned Suits; and as to *Benison's* Fourth he found that by an Indenture bearing Date the Ninth Day of *November* One thousand eight hundred and forty-two, and made between *Henry Worsley Benison* of the First Part, *Mary Seymour Worsley Benison* (since deceased), then *Mary Seymour Smedmore*, of the Second Part,

and

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and *Nathaniel Worsley* and *Richard Stevenson* of the Third Part, (being the Settlement made in contemplation of the Marriage of the said *Henry Worsley Benison* with the said *Mary Seymour Worsley Benison*), the said *Henry Worsley Benison* being then seised of an Estate in Tail Male in possession in One undivided Fourth Part of the *Mowbrick* Estate, conveyed the same unto the said *Nathaniel Worsley* and *Richard Stevenson*, and their Heirs, to hold the same, free from the said Estate Tail and all other Estates Tail, and all Remainders and Reversions expectant thereon or to take effect in defeazance thereof, to the Use (from and after the Solemnization of the said then intended Marriage) of the said *Henry Worsley Benison* and his Assigns for his Life, with Remainder to the Use of the same Trustees during his Life, in order to preserve contingent Remainders, with Remainder to the Use that the said *Mary Seymour Worsley Benison* should receive a Rentcharge of Three hundred Pounds a Year during her Life, in case she should survive the said *Henry Worsley Benison* (which Event did not happen), and subject thereto to the Use of the said *Nathaniel Worsley* and *Richard Stevenson*, their Executors and Administrators, for the Term of Five hundred Years, to be computed from the Decease of the said *Henry Worsley Benison*, without Impeachment of Waste, upon the Trusts declared concerning the same, with Remainder to the Use of all and every the Child and Children of the said *Henry Worsley Benison* by *Mary Seymour* his Wife, as Tenants in Common in Fee, and in case all such Children but One should die under the Age of Twenty-one Years, and without having lawful Issue living at their respective Deceases, or if there should be originally but One such Child, then to the Use of such One or only Child, his or her Heirs or Assigns, for ever, and in case there should be no such Child, or being such Child or Children he or they should die under the Age of Twenty-one Years without leaving lawful Issue living at his, her, or their Decease or respective Deceases, then to the Use of the said *Henry Worsley Benison*, his Heirs and Assigns, for ever; and by that Indenture it was declared that the said Term of Five hundred Years was upon trust in the first place to permit the Person for the Time being entitled to the Reversion, Freehold, and Inheritance of the said Share expectant on the Determination of the said Term to receive the Rents and Profits thereof for his and their own Use, until Default in Payment of the said Rentcharge provided for the said *Mary Seymour Worsley Benison*, and in the next place upon trust to secure in manner therein mentioned the said Rentcharge and the Trusts of the said Term of Five hundred Years as are therein declared in manner following; (that was to say,) “ And upon further trust that
“ in case at the Decease of the said *Henry Worsley Benison* there
“ shall be any Child or Children of the said intended Marriage who
“ shall be under the Age of Twenty-one Years, then that they the said
“ *Nathaniel*

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“ *Nathaniel Worsley* and *Richard Stevenson*, and the Survivor of them,
 “ his Executors or Administrators, do and shall, subject and without
 “ Prejudice to the aforesaid Trusts, apply the annual Rents and Profits,
 “ or a Proportion of the same answering to the Share or respective
 “ Shares of such Child or Children in the said Shares and Heredita-
 “ ments, or so much thereof as the said Trustees or Trustee in
 “ their or his Discretion shall think proper, in or towards the Main-
 “ tenance of such Child or Children, in such Manner as the said Trus-
 “ tees or Trustee shall deem expedient, or shall and do, if the said
 “ Trustees or Trustee shall prefer so to do, pay such Rents and Profits,
 “ or Share or Shares thereof, to the Guardian or Guardians for the
 “ Time being of such Child or Children respectively; and upon further
 “ Trust that the said Trustees or Trustee shall and do lay out and
 “ invest the unapplied Part of any of the Rents and Profits in their or
 “ his Names or Name in some or One of the Parliamentary or Public
 “ Stocks or Funds of *Great Britain*, for the Benefit of the said Child
 “ or Children from whose Share or respective Shares the same shall
 “ have arisen, with Power, nevertheless, if it shall be deemed expedient
 “ by the said Trustees or Trustee, to apply such accumulated Fund,
 “ or any Part thereof, in or towards the Maintenance or Education
 “ of the Child or Children respectively to whom the same shall
 “ belong, at any subsequent Period of his, her, or their Minority or
 “ respective Minorities; and as to so much of the said accumulated
 “ Fund as shall not be so applied, upon trust that the said Trustees
 “ or Trustee shall pay over and transfer the same to the Child
 “ or Children or other Person or Persons respectively entitled
 “ thereto, when and as soon as he, she, or they shall be competent
 “ to give an effectual Discharge for the same, and shall permit and
 “ suffer the Person or Persons to whom the next immediate Rever-
 “ sion or Remainder expectant upon the Determination of the said
 “ Term of Five hundred Years in the said Premises shall for the Time
 “ being belong to receive the Residue or Surplus of the Rents and
 “ Profits which shall remain after and not be applied in or towards
 “ the Execution and Performance of the aforesaid Trusts;” and, after
 the Trusts aforesaid, the said Settlement contained a Proviso for
 Cesser of the said Term thereby limited when all the Trusts therein-
 before declared concerning the same Term should have been per-
 formed or satisfied, or have become unnecessary, or incapable of taking
 effect, and the Costs and Charges of the said Trustees of the said
 Term respectively, and their respective Executors, Administrators, or
 Assigns, in or about the Execution and Performance of the said Trusts,
 should have been fully paid or satisfied; and by the same Indenture
 it was provided, that in case the said *Mary Seymour Worsley Benison*
 should die in the Lifetime of the said *Henry Worsley Benison* (which
 Event happened), it should be lawful for him, by any Deed or Deeds
 by

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by him sealed and delivered in the Presence of and attested by Two or more credible Witnesses, (but subject, nevertheless, and without Prejudice to the said Term of Five hundred Years and the Trusts thereof,) to appoint unto and to the Use of any Woman whom he might marry, for her Life, a yearly Rentcharge not exceeding the Sum of Three hundred Pounds, without Deduction, to be charged upon the said settled Hereditaments, and with such Powers and Remedies for recovering all Costs and Expenses occasioned by the Nonpayment thereof as to the said *Henry Worsley Benison* should seem meet, and to appoint all or any of the said Hereditaments for such Term or Terms of Years for better securing the due Payment thereof, to take effect immediately or at any Time after his Decease, as to him should seem meet, so as such Term or Terms of Years should be made determinable on the ceasing of the Rentcharge thereby secured, and the Payment of all Arrears thereof, and all Costs, Charges, and Expenses occasioned by the Nonpayment thereof; and it was also declared that it should be lawful for the said *Henry Worsley Benison*, by any Deed or Deeds, to be by him sealed and delivered and attested as aforesaid, or by his last Will and Testament in Writing, (but subject and without Prejudice to the said Term of Five hundred Years and the Trusts thereof,) to subject and charge all or any of the said Shares and Hereditaments to and with the Payment of any Sum or Sums of Money for the Portion or Portions of the Child or Children of the said *Henry Worsley Benison* by any future Wife or Wives whom he should marry after the Decease of the said *Mary Seymour Worsley Benison*, not exceeding in the whole the Sum of Five thousand Pounds of lawful Money of *Great Britain*, with Interest for the same at any Rate not exceeding Four Pounds for every One hundred Pounds by the Year, to be paid or shared and divided between or among the Child or Children respectively for whom the same should be provided, at such Age or Ages, Days or Times, and, if more than One, in such Shares and Proportions, and charged with such annual Sum or Sums of Money, Conditions, Restrictions, and Limitations over, (such annual Sums and Limitations over being for the Benefit of One or more of such Child or Children respectively,) as the said *Henry Worsley Benison* should direct or appoint, and for the Purpose of raising such Sum or Sums of Money not exceeding as aforesaid, and Interest for the same as aforesaid, it should be lawful for the said *Henry Worsley Benison*, by the same or any other Deed or Deeds, so sealed and delivered and attested as aforesaid, or by his last Will and Testament, (but subject and without Prejudice as lastly therein-before was mentioned,) to limit or appoint all or any of the said Shares and Hereditaments so to be charged as aforesaid to any Person or Persons whomsoever, for any Term or Number of Years, without Impeachment of Waste; and the said Indenture contained a Power for the said *Nathaniel*

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Worsley and Richard Stevenson, after the Decease of the said *Henry Worsley Benison* and *Mary Seymour Worsley Benison*, at their or his Discretion, during the Minority of any Child of the said then intended Marriage, to sell and to make or join in making a Partition of the said settled Hereditaments in manner therein mentioned, and with the usual Powers for those Purposes, and the usual Clause making the Receipts of the Trustees good Discharges; and the said Master found that the foregoing Indenture was duly enrolled in the Court of Chancery on the Thirty-first Day of *January* One thousand eight hundred and forty-three, pursuant to the Provisions of the Fines and Recoveries Act; and the said Master found that the Marriage of the said *Henry Worsley Benison* and *Mary Seymour Worsley Benison* was duly solemnized, and that there had been Issue of that Marriage One Child, and no more, (that was to say,) *Henry Worsley Seymour Worsley Benison* commonly called *Henry Seymour Worsley Benison*, who was born on the Fourteenth Day of *August* One thousand eight hundred and forty-five, and was an Infant in his Eighth Year; and the said Master found that the said *Mary Seymour Worsley Benison* died on the Nineteenth Day of *August* One thousand eight hundred and forty-five, and was buried on the Twenty-fifth Day of *August* One thousand eight hundred and forty-five; and the said Master found that by an Indenture bearing Date the Twenty-fourth Day of *December* One thousand eight hundred and forty-six, and made between the said *Henry Worsley Benison* of the First Part, *Elizabeth Worsley Benison*, then *Elizabeth Thoresby*, of the Second Part, and the Reverend *Thomas Elisha Thoresby* and *Frederick Wills* of the Third Part, (being a Settlement made in contemplation of the Marriage of the said *Henry Worsley Benison* with the said *Elizabeth Worsley Benison*;) it was witnessed, that the said *Henry Worsley Benison*, in pursuance of the Power in that Behalf given to him by the said Marriage Settlement of the Ninth Day of *November* One thousand eight hundred and forty-two, and of every other Power enabling him in that Behalf, did by that Deed; which was executed and attested in accordance with the said Power, (but subject, nevertheless, and without Prejudice to the Term of Five hundred Years and the Trusts thereof, and to a Power of leasing and other Powers contained in the said First Marriage Settlement,) but so, nevertheless, that the Charge thereby created should have Priority to any Charge of Portions under the said Powers, and any Term for securing the same, appoint unto the said *Elizabeth Worsley Benison* and her Assigns during her Life, in case the said then intended Marriage should take effect, and the said *Elizabeth Worsley Benison* should survive him, the yearly Sum of Three hundred Pounds, to be charged upon the said settled Hereditaments, and to be payable to her as therein mentioned, with usual Powers of Distress and Entry and Perception of Rents and Profits for securing the said Rentcharge; and the said *Henry Worsley Benison* thereby, in further pursuance of
the

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the said Power, (and subject and without Prejudice as aforesaid,) appointed and demised the said settled Hereditaments unto the said *Thomas Elisha Thoresby* and *Frederick Wills*, their Executors, Administrators, and Assigns, for the Term of Ninety-nine Years from the Day of the Decease of the said *Henry Worsley Benison*, without Impeachment of Waste, upon trust for securing the said Rentcharge in manner therein mentioned, and there was contained therein a Proviso for Cesser of the said Term of Ninety-nine Years, after Payment of the said Rentcharge, and all Costs of recovering the same; and the said Master found that the Marriage between the said *Henry Worsley Benison* and *Elizabeth Worsley Benison* was duly solemnized on the First Day of *January* One thousand eight hundred and forty-seven; and the said Master found that by an Indenture bearing Date the Twenty-seventh Day of *March* One thousand eight hundred and forty-seven, and made between the said *Henry Worsley Benison* of the one Part, and the Reverend *Robert May* and *Thomas James* of the other Part, the said *Henry Worsley Benison*, in pursuance of the Power given to him by his said First Marriage Settlement of the Ninth Day of *November* One thousand eight hundred and forty-two, did by the then stated Deed, which was executed and attested in accordance with the said Power, (but subject, nevertheless, and without Prejudice to the said Term of Five hundred Years and the Trusts thereof, and to the aforesaid yearly Rentcharge of Three hundred Pounds, and to the said Term of Ninety-nine Years for securing the same, and to the Trusts of the said last-mentioned Term, and to the Powers of leasing and otherwise contained in the said First Marriage Settlement,) subject and charge the said settled Hereditaments to and with the Payment of the said Sum of Five thousand Pounds, with Interest at Four *per Centum*, to be computed from the Decease of the said *Henry Worsley Benison*, for the Portions of his Children by his said then Wife *Elizabeth Worsley Benison*, such Portions, in case there should be Two or more of such Children, to be payable to them or such of them in such Shares and at such Times and subject to such Conditions and in such Manner as the said *Henry Worsley Benison* should by Deed or Will appoint, and, subject to such Appointment, to all such Children equally, the Shares of Sons to become vested and transmissible Interest at their respective Ages of Twenty-one, or upon Death under that Age, leaving lawful Issue living at their respective Deceases, with usual Clauses of Survivorship and Accruer and Hotchpot, and for Maintenance and Education, out of the Interest of the said Portions; and the said *Henry Worsley Benison* thereby, in further pursuance of the same Power (and subject and without Prejudice as aforesaid), appointed and demised the said settled Hereditaments unto the said *Robert May* and *Thomas James*, their Executors, Administrators, and Assigns, for the Term of Five hundred
Years

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Years from the Decease of the said *Henry Worsley Benison*, without Impeachment of Waste, upon trust for securing the said Portions and the Interest thereon in manner therein mentioned; and the same Indenture contained a Proviso for the Cesser of the said Term thereby granted upon the Trusts thereof being fully performed or becoming unnecessary, and when the Trustees thereof should have been paid all their Costs and Expenses; and the said Master found that there had been Issue of the Marriage of the said *Henry Worsley Benison* with the said *Elizabeth Worsley Benison* Four Children and no more, (that was to say,) *Francis Thoresby Worsley Benison* (who was born on the Thirteenth Day of *May* One thousand eight hundred and forty-eight, and was then an Infant in his Fifth Year,) *Arthur Henry Worsley Benison* and *Frederick Henry Worsley Benison* (who were both born on the Nineteenth Day of *April* One thousand eight hundred and fifty, and who were then Infants in their Third Year), and *Charles Henry Worsley Benison*, who was born on the Twenty-first Day of *October* One thousand eight hundred and fifty-one, and who died an Infant on the Second Day and was buried on the Seventh Day of *October* One thousand eight hundred and fifty-two; and the said Master found that on the Thirteenth Day of *March* One thousand eight hundred and fifty-two the said *Henry Worsley Benison* died, and that he was buried on the Twentieth Day of the same Month, having previously made his Will, bearing Date the Seventeenth Day of *April* One thousand eight hundred and fifty-one, whereby he appointed the Reverend *Joseph Smedmore* Guardian of the said *Henry Seymour Worsley Benison*, and he thereby charged his Real Estate with Debts and Legacies in aid of his Personal Estate, and after referring to his said First Marriage Settlement, and to the Jointure and Portions charged under the Powers therein contained, the said *Henry Worsley Benison* continued as follows; (that was to say,) “ And whereas
“ I have other Real Estate belonging to me in Fee Simple, consisting
“ wholly or principally of the Estate or Property known as the *Pilling*
“ Estate in the County of *Lancaster*, or my Share thereof; and
“ whereas Doubts are or may be entertained as to the true Construc-
“ tion and Effect of the said Settlement made on my said First Mar-
“ riage, in reference to the Amount of Provision which my said eldest
“ Son, the Issue of that Marriage, may be entitled under the said
“ Settlements during his Minority, and upon attaining his Age of
“ Twenty-one Years, and how far my said present Wife and Children
“ of my present Marriage may become entitled in possession to the
“ said Provisions so by me made for them, during the Minority of
“ or in competition with my said eldest Son; now I do hereby
“ declare it to be my Wish and Desire, that all the Estate and
“ Hereditaments or Share of Hereditaments comprised in or which
“ may by any Means have become or may become subject to the
“ Uses

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“ Uses or Limitations of the said Settlement made on my said First
 “ Marriage, (and which I hereafter designate as my *Mowbrick*
 “ Estate,) shall go with and be considered as Part of my Real Estate
 “ divisible by this my Will in Fee Simple in possession to and
 “ for the Trusts and Purposes herein-after mentioned, as if I had
 “ never made or executed such Settlement nor such Charges in favour
 “ of my said present Wife and Children of my said present Marriage,
 “ and be brought into Hotchpot with my other Real Estate, so that
 “ all my Children, as well my said Son of my said First Marriage as
 “ all other my Children, may have and take an equal Part and Share
 “ of and in all such Estates respectively as herein-after expressed,
 “ but the same being (as One Estate) considered as subject to and
 “ charged with such or the like Jointure Rentcharge of Three hundred
 “ Pounds *per Annum* to and for the Benefit of my said Wife for her
 “ Life, and with such and the same Powers and Remedies and Terms
 “ of Years for securing the same, as are contained or expressed in the
 “ said Deed by which such Rentcharge is now secured to and charged
 “ in her Favour upon the Property herein-before in that Behalf men-
 “ tioned, and that (subject only to such Rentcharge computed and
 “ reckoned from my Decease, and payable in the Manner expressed
 “ in the said Deed whereby the same is secured as aforesaid,) all
 “ such Real Estates, settled and unsettled, shall as from my Decease
 “ be considered in Equity brought into Hotchpot, and as belonging to
 “ and held in trust for my Children in manner herein-after men-
 “ tioned ; and I do hereby accordingly give and devise all the Real
 “ Estate, whatsoever and wheresoever, which I at my Decease shall or
 “ may be seised of or in any way entitled to, or have any Power to
 “ dispose of by this my Will, in possession, reversion, or otherwise, and
 “ all such Right and Interest in and to the same as I have or shall
 “ have Power to dispose of, subject to the Provisions herein-before
 “ contained, unto and to the Use of *Nathaniel Worsley of Bishopstone*
 “ near *Swansea* in the County of *Glamorgan*, Esquire, the Reverend
 “ *Thomas Elisha Thoresby of Claremont Square, Pentonville*, in the
 “ County of *Middlesex*, the Reverend *Joseph Smedmore of Leicester*
 “ in the County of *Leicester*, and *Thomas James of Katesgrove,*
 “ *Reading*, in the County of *Berks*, Gentleman, my Executors, herein-
 “ after appointed, and their Heirs, upon and for the Trusts and Pur-
 “ poses following; (that is to say,) upon the Trust and to the Intent
 “ and Purpose that all my Real Estate so hereby devised by me,
 “ together with the said Property which I designate my *Mowbrick*
 “ Estate, shall and may, and as by way of Hotchpot, as from my
 “ Decease, subject nevertheless and charged as herein-before in
 “ that Behalf contained, be and be considered as in Equity subject
 “ to and charged with the said Jointure Annuity or Rentcharge to
 “ my said Wife for her Life in manner aforesaid, and subject thereto

[*Private.*]

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“ in trust for all and every my Children living at or born in due Time
“ after my Decease who shall live to attain the Age of Twenty-one
“ Years, or die under that Age leaving lawful Issue of their respec-
“ tive Bodies living at their respective Deceases or born in due Time
“ afterwards, if more than One, equally, Share and Share alike, as
“ Tenants in Common, and not as Joint Tenants, their respective
“ Heirs and Assigns, for ever, and if there shall be but One such
“ Child who shall attain such Age, or die under such Age leaving
“ such Issue as aforesaid, then for such One Child, his or her Heirs
“ and Assigns, absolutely, and in case there should be no such Child
“ who shall attain such Age, or die under that Age leaving such
“ Issue as aforesaid, then in trust for my own right Heirs, in such
“ Manner as the same would go by Law if I had been the actual
“ First Purchaser thereof in my own Person, and died intestate seised
“ thereof;” and after the Dispositions aforesaid the said Will con-
tained Provisions for the Maintenance of the said Testator’s said
Children during their Minorities out of the annual Income of their
respective contingent Shares in the said Real Estates, and for the
Accumulation and Investment of the Surplus thereof as therein men-
tioned, and Power to the Trustees of the said Will, in case by any
Means it should become necessary to fix or determine the Value or
Amount of the Benefits which should in the meantime or otherwise
from his Decease had been had and taken by his the said Testator’s
Children respectively, or their respective Representatives, under the
said Settlement and Charge of and upon the said *Mowbrick* Estate
and under that his Will respectively, to ascertain, fix, and deter-
mine the respective Values as therein mentioned, and likewise a Direc-
tion that all the Powers and Provisions of that his Will should be
and be considered as applicable to his said Property called his
Mowbrick Estate, as well as his other Real Estate; and the said
Will also contained certain other Suggestions expressive of the said
Testator’s Desire that his Object might be carried into effect without
Litigation or Contest, as therein mentioned, and likewise Powers of
Leasing, Sale, and Exchange and Partition of the said Real Estates, and
Provisions giving full Effect to the Receipts of the Trustees for the
Time being of his said Will, and Provisions for the Investment of the
Trust Monies, and Variation and Change of the Trust Funds as therein
mentioned, and likewise Power for the Appointment of new Trustees
of the said Will; and the said Testator thereby appointed the said
Nathaniel Worsley, Thomas Elisha Thoresby, Joseph Smedmore, and
Thomas James Executors of his said Will; and the said Testator
thereby appointed his said Wife during her Life, and after her De-
cease his legal personal Representative or Representatives (that was
to say, his Executors or Administrators for the Time being), Guar-
dian or Guardians of all and every his Children, except his said eldest
Son,

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Son, during their respective Minorities, that was to say, as to Sons, until their Age of Twenty-one Years, and as to Daughters, until their Age of Twenty-one Years or Marriage; and the said Master found that by an Order made by the late Vice-Chancellor *Parker* on the Fourteenth Day of *July* One thousand eight hundred and fifty-two, on the Hearing of a Claim wherein the said *Elizabeth Worsley Benison*, *Francis Thoresby Worsley Benison*, *Arthur Henry Worsley Benison*, *Frederick Henry Worsley Benison*, and *Charles Henry Worsley Benison* (since deceased) were Plaintiffs, and the said *Nathaniel Worsley*, *Richard Stevenson*, *Thomas Elisha Thoresby*, *Frederick Wills*, *Robert May*, *Thomas James*, *Joseph Smedmore*, and *Henry Worsley Seymour Worsley Benison* were Defendants, it was declared, that the said *Henry Worsley Seymour Worsley Benison* was, under the said Indenture of Settlement of the Ninth Day of *November* One thousand eight hundred and forty-two, entitled to the Benefit of the Trusts of the Term of Five hundred Years thereby created, and that the said *Elizabeth Worsley Benison*, Widow of the said *Henry Worsley Benison*, was entitled to have her Jointure Rent-charge of Three hundred Pounds a Year under the Deed of the Twenty-fourth Day of *December* One thousand eight hundred and forty-six charged on the Estate comprised in the said Term called the *Mowbrick* otherwise the *Mowbreck* Estate, commencing from the Day of the Death of her said Husband, subject and without Prejudice to the said Term and the Trusts thereof, and that it would be for the Benefit of the said *Henry Worsley Seymour Worsley Benison* that so much of the Rents and Profits of the said Estate as should not be applied for his Maintenance and Education should be applied in and towards Payment of the said Jointure, without Prejudice to the Rights of the said *Henry Worsley Seymour Worsley Benison*, or his legal personal Representative, to stand in the Place of the said *Elizabeth Worsley Benison* as against the said Estate, subject to the Trusts of the said Term, in respect of any Payment that might have been made to her in and towards Satisfaction of the said Jointure, in case of the Death of the said *Henry Worsley Seymour Worsley Benison* under the Age of Twenty-one Years; and it was ordered that the said *Nathaniel Worsley* and *Richard Stevenson*, the Trustees of the said Term, should, out of the Rents of the said Estate, pay to the said *Joseph Smedmore*, the Guardian of the said *Henry Worsley Seymour Worsley Benison*, for his Maintenance and Education during his Minority, or until further Order, such a Sum as they in their Discretion should deem proper; and it was ordered that the said Trustees should apply the surplus Rents of the said Estate, or a competent Part thereof, in and towards Payment of the said Jointure of Three hundred Pounds; and it was ordered that the said Trustees should invest the surplus Rents, after

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after Payment of One Moiety of the Costs therein-after mentioned, according to the Trusts of the said Term; and it was ordered that the said *Nathaniel Worsley, Thomas Elisha Thoresby, Thomas James, and Joseph Smedmore*, the Trustees of the Will of the said *Henry Worsley Benison*, should, out of the Rents and Profits of the *Pilling* Estate, pay to the said *Elizabeth Worsley Benison*, the Mother of the said Testator's younger Children, for their Maintenance and Education during their respective Minorities, or until further Order, such a Sum, not exceeding Four Pounds *per Centum per Annum* on the Amount of their respective Portions under the Deed of the Twenty-seventh Day of *March* One thousand eight hundred and forty-seven, as they in their Discretion should think proper; and it was ordered that the said Trustees should invest the Surplus of the Rents and Profits of the said *Pilling* Estate, after Payment of the Moiety of the Costs therein-after directed, according to the Trusts of the said Will; and after providing for the Payment of the said Costs as therein named, the said Order was to be without Prejudice to any Question of Election whether any of the Parties should take under the Indenture of Settlement of the Ninth Day of *November* One thousand eight hundred and forty-two, or under the said Testator's Will; and the said Master found that the said *Nathaniel Worsley, Thomas Elisha Thoresby, Joseph Smedmore, and Thomas James*, the Executors and Trustees of the said Will of the said *Henry Worsley Benison*, were the same as the Four Persons of those Names therein-before mentioned, and that by virtue of the last-mentioned Will the whole of the said *Henry Worsley Benison's* Interest in the *Mowbrick* otherwise *Mowbreck* Estate which did not cease with his Life became legally vested in them; and the said Master found that *Benison's* Fourth was therefore vested, by virtue of the said Indenture of the Ninth Day of *November* One thousand eight hundred and forty-two, and of the Enrolment thereof, and by virtue of the said Indentures of the Twenty-fourth Day of *December* One thousand eight hundred and forty-six and the Twenty-seventh Day of *March* One thousand eight hundred and forty-seven, and by virtue of the Will of the said *Henry Worsley Benison*, in the said *Nathaniel Worsley* and *Richard Stevenson*, for the Residue of the first-mentioned Term of Five hundred Years, upon the Trusts declared in that Behalf in the said Indenture of the Ninth Day of *November* One thousand eight hundred and forty-two, and subject thereto to the Use that the said *Elizabeth Worsley Benison* might receive a Rentcharge of Three hundred Pounds *per Annum* for her Life, and subject thereto, in the said *Thomas Elisha Thoresby* and *Frederick Wills*, for the Residue of the said Term of Ninety-nine Years, upon the Trusts declared in that Behalf in the said Indenture of the Twenty-fourth Day of *December* One thousand eight hundred and

and

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and forty-six, and subject thereto in the said *Robert May* and *Thomas James*, for the Residue of the secondly-mentioned Term of Five hundred Years, upon the Trusts declared in that Behalf by the said Indenture of the Twenty-seventh Day of *March* One thousand eight hundred and forty-seven, and subject thereto in the said *Henry Worsley Seymour Worsley Benison* in Fee, with an executory Limitation over in case of his Death under Twenty-one, and without leaving Issue to survive him, to the Use of the said *Nathaniel Worsley, Thomas Elisha Thoresby, Joseph Smedmore, and Thomas James*, and their Heirs, upon the Trusts declared in that Behalf by the Will of the said *Henry Worsley Benison*, and that all Persons having any Interest in *Benison's* Fourth were Parties to One or more of the above-mentioned Suits, and as to *Ralph's* Fourth he found that by an Indenture of Release bearing Date the Twelfth Day of *February* One thousand eight hundred and twenty, and founded on a previous Lease for a Year, and made between *Agnes Bickerstaffe Ralph* (then *Agnes Bickerstaffe Ramsden*) of the First Part, *John Rhodes Ralph* of the Second Part, the Reverend *Richard Ramsden, Richard Harrison, Thomas Ramsden, and Thomas Hanson Peile* of the Third Part, (being the Settlement made in contemplation of the Marriage of the said *Agnes Bickerstaffe Ralph* with the said *John Rhodes Ralph*,) the said *Agnes Bickerstaffe Ralph*, who was then seised in Fee Simple of an undivided Fourth Part of the *Mowbrick* otherwise *Mowbreck* Estate in reversion immediately expectant on the Death of one *Rowland Ramsden*, conveyed the same unto the said *Richard Ramsden, Richard Harrison, Thomas Ramsden, and Thomas Hanson Peile*, and their Heirs, to hold the same, from and after the Solemnization of the said intended Marriage, to the Use of the said *Richard Ramsden, Richard Harrison, Thomas Ramsden, and Thomas Hanson Peile*, and their Heirs, in trust during the joint Lives of the said *Agnes Bickerstaffe Ralph* and *John Rhodes Ralph* for the separate Use of the said *Agnes Bickerstaffe Ralph*, without Power of Anticipation, and if the said *Agnes Bickerstaffe Ralph* should survive the said *John Rhodes Ralph*, then upon trust to convey the same to her and her Heirs, but if she should die in the Lifetime of the said *John Rhodes Ralph*, then in trust for the said *John Rhodes Ralph* and his Assigns for his Life, and after his Death upon trust to convey the same as the said *Agnes Bickerstaffe Ralph* should by Will appoint, and subject thereto upon trust to convey the same to the Heir or Heirs at Law of the said *Agnes Bickerstaffe Ralph*, in the same Way as the same would have descended to him, her, or them if she had been seised thereof in Fee Simple at the Time of her Decease, and that the said Settlement contained Powers of Leasing, Partition, Sale, and Exchange, with the usual Clauses consequential on such Powers, and for making the Receipts

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of the Trustees good Discharges, and Powers for the Appointment of new Trustees; and the said Master found that the Marriage of the said *Agnes Bickerstaffe Ralph* with the said *John Rhodes Ralph* was duly solemnized on the Seventeenth Day of *February* One thousand eight hundred and twenty; and the said Master found that the said *Rowland Ramsden* died, and was buried on the First Day of *January* One thousand eight hundred and thirty-six, whereby the reversionary Interest conveyed and settled by the said Indenture of the Twelfth Day of *February* One thousand eight hundred and twenty became an Interest in possession; and the said Master found that the said *Richard Ramsden* died, and was buried on the Twenty-third Day of *November* One thousand eight hundred and thirty-one, and that the said *Richard Harrison* died, and was buried on the Twenty-sixth Day of *December* One thousand eight hundred and thirty-six, and that the said *Thomas Ramsden* died, and was buried on the Twenty-fifth Day of *September* One thousand eight hundred and fifty-one; and the said Master found that by an Indenture bearing Date the Fourteenth Day of *May* One thousand eight hundred and fifty-two, and made between the said *Agnes Bickerstaffe Ralph* of the First Part, the said *Thomas Hanson Peile* of the Second Part, and the said *Thomas Hanson Peile*, and *John Rhodes Ralph* the younger, *Rowland Westby Ralph*, and *James Stansfeld* of the Third Part, the said *John Rhodes Ralph* the younger, *Rowland Westby Ralph*, and *James Stansfeld* were, in pursuance of the Powers in that Behalf contained in the said Indenture of the Twelfth Day of *February* One thousand eight hundred and twenty, duly appointed Trustees of that Indenture, in conjunction with the said *Thomas Hanson Peile*, and the said settled Hereditaments were thereby conveyed by the said *Thomas Hanson Peile* so as to vest the same in himself and the said *John Rhodes Ralph* the younger, *Rowland Westby Ralph*, and *James Stansfeld* as Joint Tenants in Fee Simple, upon the Trusts and subject to the Provisions of the said Indenture of the Twelfth Day of *February* One thousand eight hundred and twenty; and the said Master found that *Ralph's* Fourth therefore was, by virtue of the said Indenture of the Twelfth Day of *February* One thousand eight hundred and twenty, and of the previous Lease for a Year, and of the said Indenture of the Fourteenth Day of *May* One thousand eight hundred and fifty-two, legally vested in the said *Thomas Hanson Peile*, *John Rhodes Ralph* the younger, *Rowland Westby Ralph*, and *James Stansfeld* in Fee Simple, upon the Trusts therein-before stated as being declared of and concerning the same, from and after the Marriage of the said *Agnes Bickerstaffe Ralph* and *John Rhodes Ralph*, and that all the Persons interested in *Ralph's* Fourth were Parties to One or more of the above-mentioned Suits, and as to *Westby's* Fourth he found that *Thomas Westby*,
being

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being seised in Fee Simple in possession of One undivided Fourth Part in the said *Mowbrick* Estate, by his Will bearing Date the Twenty-eighth Day of *January* One thousand eight hundred and twelve, devised the same unto the Reverend *Hugh Hornby* and *William Harrison*, and their Heirs, to certain Uses which by subsequent Events had either not arisen or had become extinguished, and subject thereto to the Use of *George Westby* and his Assigns for his Life, with Remainder to Trustees to preserve contingent Remainders, with Remainder to the Use of the First and every other Sons of the said *George Westby*, severally, successively, and in remainder one after another, in Order and Course as they should be in Priority of Birth, and of the several and respective Heirs Male of the Body and Bodies of such Sons, with Remainders over, as therein mentioned, and that it was thereby declared that it should be lawful for the said *George Westby*, when he should become entitled in possession to the said devised Estates, to charge the same, in case of his Marriage, with any Sum or Sums not exceeding Two thousand Pounds for a Portion or Portions of a Daughter or Daughters, younger Son or younger Sons, with Interest at Four *per Centum per Annum*, and to limit or create any Term or Terms of Years of and in the said Estates and Premises, for securing and better raising the said Portion or Portions and Interest; and the said Master found that the said *George Westby* married, on the Eighth Day of *September* One thousand eight hundred and twenty-seven, at *Saint John's* Church, *Belize*, in the Bay of *Honduras* in the *West Indies*, and that he had Four Sons, and no more, the eldest of whom was *Joscelyn Tate Westby*, who was born on the Nineteenth Day of *August* One thousand eight hundred and thirty-one, and had since attained his Age of Twenty-one Years, and was a Bachelor; and the said Master found that the said *George Westby* had also Two Daughters, and no more, (that was to say,) *Mary Virginia Ann Westby* (commonly called *Mary Virginia Westby*) and *Matilda Julia Westby*, and that the said *Mary Virginia Ann Westby* was born on the Twenty-seventh Day of *October* One thousand eight hundred and twenty-eight, and had since attained her Age of Twenty-one Years, and was a Spinster, and that the said *Matilda Julia Westby* was born on the Fifteenth Day of *July* One thousand eight hundred and thirty, and had attained her Age of Twenty-one Years, and was a Spinster; and the said Master found that by a Deed Poll bearing Date the Sixteenth Day of *October* One thousand eight hundred and forty-one, and executed by the said *George Westby*, who was then in actual Possession of the said demised Hereditaments and Premises, the said *George Westby*, in exercise of the Power in that Behalf given to him by the said Will of the said *Thomas Westby*, and of all other Powers, appointed all and singular the said demised Hereditaments unto *Raymond Gasquet* and *Matilda Tate*, their Executors, Administrators,

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trators, and Assigns, for Five hundred Years, to be computed from the Day of the Date of the said Deed Poll, without Impeachment of Waste, upon trust, after the Decease of the said *George Westby*, or in his Lifetime, if he should by any Writing under his Hand direct, to raise, by the Means therein mentioned, the Sum of Two thousand Pounds Sterling for the Portions of the said *Mary Virginia Westby* and *Matilda Julia Westby*, and to pay and divide the said Sum of Two thousand Pounds between the said *Mary Virginia Westby* and *Matilda Julia Westby* in equal Shares, on their respectively attaining Twenty-one Years, or marrying, with such Consent as therein mentioned, and it was provided that the said Portions should vest in the said Daughters respectively on their respectively attaining Twenty-one, or marrying, with such Consent as aforesaid, which should first happen, and upon further trust after the Decease of the said *George Westby* to raise for the Maintenance of the said Daughters, being Minors, Interest upon the said Portions, not exceeding the Rate of Four *per Centum per Annum*, and it was thereby provided that the said Trustees should not have recourse to the said Term until One of the said Portions should have become payable by virtue of the said Trusts, and that the Rents and Profits of the said Premises in the meantime should be taken by the Person in remainder or reversion, and there was a Proviso for Cesser of the said Terms of Five hundred Years on Satisfaction of the Trusts thereof, or in case of the same becoming unnecessary, and the said *George Westby* thereby, in further pursuance of the said Power, and of all other Powers in that Behalf, charged the said devised Hereditaments with the Sum of Two thousand Pounds, for raising which the said Term of Five hundred Years had been thereby created, for the Portions of the said Two Daughters of the said *George Westby*, to be payable as therein mentioned, with Interest at Four *per Centum per Annum* from the Death of the said *George Westby*; and the said Master found that the said *George Westby* died on the Thirtieth Day of *July* One thousand eight hundred and forty-two, and was buried on the Sixth Day of *August* One thousand eight hundred and forty-two; and the said Master found that by Indenture dated the Twenty-third Day of *August* One thousand eight hundred and fifty-two, being an Indenture of Mortgage disentailing Assurance, made and duly enrolled in Chancery on the Twenty-fourth Day of *August* One thousand eight hundred and fifty-two, in pursuance of an Act of Parliament passed in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, and made between the said *Joscelyn Tate Westby* of the One Part, and Sir *Henry Willock* Knight, *Raikes Currie* Esquire, *Charles Dashwood Bruce* Esquire, *Samuel Thornton* Esquire, and *Charles Otway Mayne* Esquire, of the other Part, in consideration of

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Five thousand Pounds paid to the said *Joscelyn Tate Westby*, as in the said Indenture is mentioned, the said *Joscelyn Tate Westby*, for the Purpose of barring, defeating, and destroying all Estates Tail, and in pursuance of the said Act of Parliament, did grant and convey the said Share of the said *Mowbrick* Estate unto and to the Use of the said *Sir Henry Willock, Raikes Currie, Charles Dashwood Bruce, Samuel Thornton, and Charles Otway Mayne*, their Heirs and Assigns, for ever, as Joint Tenants, by way of Mortgage for securing to them the said Sum of Five thousand Pounds; and the said Master found that by an Indenture dated the Twenty-fifth Day of *May* One thousand eight hundred and thirty-three, and made between the said *Mary Virginia Westby* (by her Description of *Mary Virginia Ann Westby*) and *Matilda Julia Westby* of the First Part, and the said *Joscelyn Tate Westby* of the Second Part, and *Sir Henry Willock, Raikes Currie, Charles Dashwood Bruce, Samuel Thornton, and Charles Otway Mayne* of the Third Part, after reciting that the said *Mary Virginia Ann Westby* and *Matilda Julia Westby* had severally attained Twenty-one, and that the Sum of Two thousand Pounds charged by the said Deed Poll of the Second Day of *October* One thousand eight hundred and forty-one had been secured and satisfied to them by the said *Joscelyn Tate Westby*, and that it had been agreed that the Term of Five hundred Years created by the said Deed Poll should cease, determine, and be void, it was witnessed, that in pursuance of the said Agreement, and in consideration of the Premises, the said *Mary Virginia Ann Westby* and *Matilda Julia Westby* released the said *Joscelyn Tate Westby*, and the said *Sir Henry Willock, Raikes Currie, Charles Dashwood Bruce, Samuel Thornton, and Charles Otway Mayne*, and also the said One Fourth of the said *Mowbrick* Estate, with the Appurtenances, from the said Sum of Two thousand Pounds, and all Interest in respect thereof, and all Claims, both at Law or in Equity, in respect of the same Sum and Interest; and the said Master found that by an Indenture dated the Twenty-sixth Day of *May* One thousand eight hundred and fifty-three, and made between the said *Sir Henry Willock, Raikes Currie, Charles Dashwood Bruce, Samuel Thornton, and Charles Otway Mayne* of the one Part, and the said *Joscelyn Tate Westby* of the other Part, after reciting that the Principal Sum of Five thousand Pounds remained due, and that the said *Joscelyn Tate Westby* was entitled under the said Will and Codicil of the said *Thomas Westby* to certain Hereditaments described in the Schedule to the now-stating Indenture, and also conveyed by the said Indenture of the Twenty-third Day of *August* One thousand eight hundred and fifty-two, and that the said *Sir Henry Willock, Raikes Currie, Charles Dashwood Bruce, Samuel Thornton, and Charles Otway Mayne* were satisfied that the other Hereditaments comprised in the same Indenture of the Twenty-third Day of *August* One thousand eight hundred and

[Private.]

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fifty-two were an ample Security for the Repayment of the Five thousand Pounds thereby secured, and had agreed, upon the Application of the said *Joscelyn Tate Westby*, to reconvey the said mortgaged Share of the said *Mowbrick* Estate, discharged from the said Sum of Five thousand Pounds, and all Interest, Claims, and Demands in respect thereof, it was witnessed, that in consideration of the Premises they the said *Sir Henry Willock, Raikes Currie, Charles Dashwood Bruce, Samuel Thornton, and Charles Otway Mayne* did release and convey unto the said *Joscelyn Tate Westby*, his Heirs and Assigns, for ever, the said One Fourth of the said *Mowbrick* Estate, with the Appurtenances, freed and absolutely discharged of and from the said Sum of Five thousand Pounds secured by the said Indenture of the Twenty-third Day of *August* One thousand eight hundred and fifty-two, and all Interest, Claims, and Demands on account of the same; and the said Master found that *Westby's* Fourth was, by virtue of the said Will of the said *Thomas Westby*, and of the said Indenture and disentailing Deed of the Twenty-third Day of *August* One thousand eight hundred and fifty-two, and the said Indentures bearing Date respectively the Twenty-fifth and Twenty-sixth Days of *May* One thousand eight hundred and fifty-three, vested in the said *Joscelyn Tate Westby* in Fee Simple, and that all the Persons interested in *Westby's* said Fourth were Parties to One or more of the above-mentioned Suits; and the said Master found that by an Indenture bearing Date the Seventh Day of *May* One thousand seven hundred and thirty-two, and made between *Robert Westby* of the one Part, and *Francis Loggin, Vincent Eyre, and Christopher Parker* of the other Part, the Entirety of the said *Mowbrick* Estate was demised to the said *Francis Loggin, Vincent Eyre, and Christopher Parker* for the Term of One thousand Years, to be computed from the Time of the Decease of the said *Robert Westby*, and the Failure of Issue Male of his Body, (which Events happened simultaneously on the Twenty-third Day of *June* One thousand seven hundred and sixty-two,) and that with respect to *Bourne's* Fourth, *Ralph's* Fourth, and *Westby's* Fourth, this Term of One thousand Years had clearly ceased to exist, but that it was doubted whether or no it was in existence as regards *Benison's* Fourth; and he found that on the Third Day of *November* One thousand eight hundred and eighteen *James Hayes*, in whom the said Term of One thousand Years (if existing at all) was then vested, made his Will, and appointed *Thomas Day, Thomas Edgley, and Edward Rowland Pickering* the Executors thereof, and that such Will was duly proved after the Death of the said *James Hayes* by his said Three Executors in the Prerogative Court of *Canterbury*; and the said Master found that the said *Thomas Edgley* died, and was buried on the Seventeenth Day of *November* One thousand eight hundred and twenty-one, and that

the

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the said *Thomas Day* died, and was buried on the Twenty-eighth Day of *March* One thousand eight hundred and twenty-seven, and that the said Term of One thousand Years therefore was (if existing at all) then vested in the said *Edward Rowland Pickering* alone, and that it had long since been satisfied and attendant upon the Inheritance of *Benison's* Fourth, and that all Persons interested in the said *Mowbrick* otherwise *Mowbreck* Estate, in respect of the said Term of One thousand Years, were Parties to One or more of the above-mentioned Suits; and the said Master found that, except as aforesaid, there was no Person having any Interest in the said *Mowbrick* otherwise *Mowbreck* Estate, nor was any Person who had an Interest therein an Infant, nor was there any Incumbrance thereon; and on Consideration of the Statements and Evidence, and of all the Facts and Circumstances therein-before fully set forth in detail, the said Master found that the Lands, Tenements, and Hereditaments in the Pleadings of the Causes mentioned consisted of the Particulars set forth in the Schedule annexed to that his Report, and that the Tenure thereof was Freehold of Inheritance, and that the above-mentioned *Cornelius Bourne*, *John Bury Bourne*, *James Thomas Bourne*, *Thomas Rymer Bourne*, *Thomas Robert Wilson Efrance*, *Thomas Keay Hassall* and *Margaret* his Wife, *Emily Mary Hassall*, *Charles Vernon Hassall*, *Louisa Margaret Hassall*, *Ann Williams*, *Arthur Yates Williams*, *Arthur Monier Williams*, *George Reginald Williams*, *Ashton Williams*, *Lucy Anne Williams*, *Francis Whitelock* and *Jane* his Wife, *Francis Henry Whitelock*, *William Thomas Whitelock*, *Caroline Mary Whitelock*, *Charlotte Proby Whitelock*, *Nathaniel Worsley*, *Richard Stevenson*, *Thomas Elisha Thoresby*, *Joseph Smedmore*, *Thomas James*, *Frederick Wills*, *Robert May*, *Henry Worsley Seymour Worsley Benison* commonly called *Henry Seymour Worsley Benison*, *Francis Thoresby Worsley Benison*, *Arthur Henry Worsley Benison*, *Frederic Henry Worsley Benison*, *John Rhodes Ralph* and *Agnes Bickerstaffe* his Wife, *Thomas Hanson Peile*, *John Rhodes Ralph* the younger, *Rowland Westby Ralph*, *James Stansfeld*, *Joscelyn Tate Westby*, and *Edward Rowland Pickering* were respectively the Persons who were interested therein or entitled thereto, and that their respective Estates and Interests, and the divers Assurances and Acts in the Law by which they became interested therein or entitled thereto, were therein-before particularly set forth and described, and that the Charges or Incumbrances upon such Estates and Interests, as also the Shares of the said Parties in the same Estates, were therein-before fully set forth, and that *Emily Mary Hassall*, *Charles Vernon Hassall*, *Louisa Margaret Hassall*, *Arthur Monier Williams*, *George Reginald Williams*, *Ashton Williams*, *Lucy Anne Williams*, *Francis Henry Whitelock*, *William Thomas Whitelock*, *Caroline Mary Whitelock*,
Charlotte

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Agreement
for Parti-
tion, dated
28th July
1853.

Charlotte Proby Whitelock, Henry Worsley Seymour Worsley Benison commonly called *Henry Seymour Worsley Benison, Francis Thoresby Worsley Benison, Arthur Henry Worsley Benison, and Frederic Henry Worsley Benison* were the only Persons interested in the said Lands, Tenements, and Hereditaments who were Infants, and that they were respectively born at the Times and were of the respective Ages therein-before set forth, and that all the Parties so interested in or entitled to the said Lands, Tenements, and Hereditaments were Parties to the Suits: And whereas by an Agreement bearing Date the Twentieth-eighth Day of *July* One thousand eight hundred and fifty-three, and made between the said *Cornelius Bourne, John Bury Bourne, James Thomas Bourne, and Thomas Rymer Bourne* of the First Part, the said *Nathaniel Worsley, Richard Stevenson, Elizabeth Worsley Benison, Thomas Elisha Thoresby, Joseph Smedmore, and Thomas James* of the Second Part, the said *Thomas Hanson Peile, John Rhodes Ralph the younger, Rowland Westby Ralph, James Stansfeld, John Rhodes Ralph the elder and Agnes Bickerstaffe* his Wife, of the Third Part, and the said *Joscelyn Tate Westby* of the Fourth Part, after reciting the State of the Title to the same Effect as in the said Report mentioned, and reciting that the said Suits were nearly ready to be heard for further Directions, when it was expected that the Court would decree a Partition of the said *Mowbrick* otherwise *Mowbreck* Estate, and would appoint a Commission, with the usual Powers for that Purpose, but that it was the anxious Desire of the Parties thereto to avoid the Expense and Delay of such a Commission, and to effect the contemplated Partition by the Means therein-after provided; and reciting that *William Henry Dean* of *Stratford* in the County of *Essex, Edward Roberts* of *Sixteen, Holles Street, Cavendish Square*, in the County of *Middlesex, Alexander Begbie* of *Lytham* in the County of *Lancaster, and Barton Fletcher Allen* of *Preston* in the said County of *Lancaster*, were all Land Surveyors, Land Agents, and Land Valuers, and Persons of Skill and Experience in the Survey and Valuation of Landed Property, and were all thoroughly trustworthy and competent to effect the said contemplated Partition, and that the said Parties thereto had nominated and agreed upon those Four Persons to act for them in the Matter of the said Partition, (that was to say,) the said Parties thereto of the First Part had nominated the said *William Henry Dean*, and the said Parties thereto of the Second Part had nominated the said *Edward Roberts*, and the said Parties thereto of the Third Part had nominated the said *Alexander Begbie*, and the said Party thereto of the Fourth Part had nominated the said *Barton Fletcher Allen*, and that the said *William Henry Dean, Edward Roberts, Alexander Begbie, and Barton Fletcher Allen* had agreed to act as Referees in the Matter aforesaid; and reciting that it had

also

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also been agreed between the Parties thereto, that in case any Matter of Difference arose between the said Referees, such Matter should be referred to the final Decision and Umpirage of some Fifth Person to act as such Umpire, to be nominated by them the said *William Henry Dean, Edward Roberts, Alexander Begbie, and Barton Fletcher Allen*, by their Endorsement on that Agreement, before they should enter upon the Matters thereby referred to them; and reciting that the Particulars comprised in the Second Part of the Schedule thereto were not in their Nature susceptible of actual Division, and could not conveniently be held in divided Shares, and it had been accordingly agreed that the same should be dealt with in manner therein-after mentioned; it was agreed that for the Considerations, aforesaid the several Parties thereto thereby severally and collectively agreed, each with all, and each with every one of the others of them, their several and respective Heirs, Executors, Administrators, and Assigns, that the said Four Referees should thereby receive Authority to divide the said *Mowbrick* otherwise *Mowbreck* Estate into Four Portions, in such Manner as to them should seem equal and just, and to allot the several Portions to the several Parties thereto, to be held by them respectively in Severalty, according to their Rights and Interests therein respectively; and it was agreed that with respect to the Particulars comprised in the Second Part of the said Schedule thereto the said Referees should not proceed to divide any One of such Particulars, but should allot each One of such Particulars in Entirety, to whichever of the said Parties thereto they should deem it expedient and just so to do, and should compensate the others or other of such Parties by making a Difference in the Quantities of Land allotted, or by directing Money by way of Equality of Partition to be paid to such Extent and in such Manner as they should in their Discretion think fit; and it was agreed that the said Referees should decide and determine whether any and what Sum of Money should be paid for Equality of Partition, and by whom and to whom: And whereas the Particulars comprised in the Second Schedule to the said Agreement consisted of certain Rents, Dues, Compositions, and other incorporeal Hereditaments in the said Report mentioned as forming Parcel of the said *Mowbrick* otherwise *Mowbreck* Estate: And whereas an Umpire was duly appointed by the said Referees, in accordance with the Provisions of the said Agreement; but no Occasion arose for the Interference of such Umpire: And whereas the said Referees, in pursuance of their Powers and Duties under the said Agreement, carefully surveyed and valued the said *Mowbrick* otherwise *Mowbreck* Estate, and separated the same into Four Divisions, being as nearly equal in point of Value as the said Referees found it practicable to make them, which Divisions, with the Money Payments receivable and payable in respect of each, were particularly specified in the Four Schedules marked (A.),

Arbitration
and Award,
dated 9th
February
1854.

[Private.]

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(B.)

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Deed Poll,
dated 9th
February
1854.

(B.), (C.), and (D.), and appended to the Award herein-after mentioned: And whereas by a Deed Poll bearing Date the Ninth Day of *February* One thousand eight hundred and fifty-four, under the Hands and Seals of the said *William Henry Dean, Edward Roberts, Alexander Begbie, and Barton Fletcher Allen*, the said Four Referees made their final Award and Determination concerning the Premises in manner following; (that was to say,) they did thereby award the Premises comprised in Schedule (A.) to the said Award annexed, which were also particularly delineated in the Plans marked (A 1.) and (A 2.) to the said Award annexed, and which in such Plans were distinguished by the Yellow Colour, should thenceforth be taken as and in lieu and in satisfaction of *Westby's* Fourth of the said *Mowbrick* otherwise *Mowbreck* Estate, and that the said *Joscelyn Tate Westby* should hold and enjoy the same, subject to all such Payments and Liabilities as were in the said Schedule (A.) mentioned in that Behalf, according to his Rights and Interests therein, and as he was then entitled to One undivided Fourth Part of the said *Mowbrick* otherwise *Mowbreck* Estate, and they did thereby award and direct that the said *Joscelyn Tate Westby* should, upon the Completion of the Partition thereby contemplated, pay the Sum of Sixty-three Pounds Twelve Shillings and Ninepence to the said *Nathaniel Worsley* and *Richard Stevenson*; and it was further awarded that the Premises comprised in Schedule (B.) to the said Award annexed, which were also particularly delineated in the Plan marked (B 1.) and (B 2.) to the said Award annexed, and in such Plans were distinguished by the Red Colour, should thenceforth be taken as and in lieu and satisfaction of *Bourne's* Fourth of the said *Mowbrick* otherwise *Mowbreck* Estate, and that the Persons entitled to *Bourne's* Fourth should hold and enjoy the same, with the Money Payment mentioned in the said Schedule (B.) in that Behalf, and subject to such Payments and Liabilities as in the same Schedule were mentioned in that Behalf, according to their several Rights and Interests therein, and as they were then entitled to One undivided Fourth Part of the said *Mowbrick* otherwise *Mowbreck* Estate; and they did thereby further award that the Premises comprised in Schedule (C.) to the said Award annexed, which were also particularly delineated in the Plan marked (C 1.) and (C 2.) to the said Award annexed, and in such Plans were distinguished by the Green Colour, should thenceforth be taken as in lieu and satisfaction of *Ralph's* Fourth of the said *Mowbrick* otherwise *Mowbreck* Estate, and that the Persons entitled to *Ralph's* Fourth should hold and enjoy the same, subject to all such Payments and Liabilities as in the same Schedule (C.) were mentioned in that Behalf, according to their several Rights and Interests therein, and as they were then entitled to One undivided Fourth Part of the said

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said *Mowbrick* otherwise *Mowbreck* Estate; and they did thereby further award and direct that the said *Thomas Hanson Peile*, *John Rhodes Ralph* the younger, *Rowland Westby Ralph*, and *James Stansfeld* should, upon the Completion of the said Partition thereby contemplated, pay the Sum of Forty-four Pounds Thirteen Shillings and Fourpence to the said *Cornelius Bourne*, *John Bury Bourne*, *James Thomas Bourne*, and *Thomas Rymer Bourne*, and the further Sum of Thirteen Pounds Eight Shillings and Fourpence to the said *Nathaniel Worsley* and *Richard Stevenson*; and they did thereby further award that the Premises comprised in the Schedule (D.) to the said Award annexed, and which were also particularly delineated in the Plans marked (D 1.) and (D 2.) to the said Award annexed, and in such Plans were distinguished by the Blue Colour, should thenceforth be taken as and in lieu and satisfaction of *Benison's* Fourth of the said *Mowbrick* otherwise *Mowbreck* Estate, and that the Persons entitled to *Benison's* Fourth should hold and enjoy the same, with the Money Payment mentioned in the said Schedule (D.) in that Behalf, according to their several Rights and Interests therein, and as they were then entitled to One undivided Fourth Part of the said *Mowbrick* otherwise *Mowbreck* Estate: And whereas the said *Sir Thomas Brancker* died on the Thirteenth Day of *February* One thousand eight hundred and fifty-three, leaving the said *Thomas Robert Wilson Ffrance* him surviving, and the said *Thomas Robert Wilson Ffrance* died on the Seventh Day of *October* One thousand eight hundred and fifty-three, having previously made his Will, which was proved in the Prerogative Court of *Canterbury* by *Mary Wilson Ffrance*, *Robert Wilson Ffrance*, and the Reverend *William Hornby*, the Executrix and Executors thereof: And whereas the said *Arthur Yates Williams* died on the Second Day of *July* One thousand eight hundred and fifty-three: And whereas by an Order of the High Court of Chancery bearing Date the Fourth Day of *July* One thousand eight hundred and fifty-four the said *Thomas Keay Hassall* was appointed Guardian of the said *Arthur Monier Williams*, *George Reginald Williams*, *Ashton Williams*, and *Lucy Anne Williams*, the Infant Children of the said *Arthur Yates Williams* deceased: And whereas the Plaintiffs in the said Suit of *Bourne* versus *Hassall* presented their Petition to the Court of Chancery, intituled in that Suit, and praying that the said Award might be carried into effect, instead of a Commission for a Partition being issued: And whereas the said Suit of *Bourne* versus *Hassall* came on to be heard for further Directions, together with the said Petition, before his Honour Vice-Chancellor *Kindersley*, on the Second Day of *May* One thousand eight hundred and fifty-four, when it was decreed as follows; (that was to say,) " This Court being of opinion that it is for the Benefit of
 " all Parties who are or may become interested in the Premises that
 " the

Decree on
 further Di-
 tions, dated
 2d May 1854.

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“ the Lands, Tenements, and Hereditaments in the Pleadings men-
 “ tioned, which in the Master’s Report of the Twenty-sixth Day of
 “ *July* One thousand eight hundred and fifty-three are called by
 “ the general Name of the *Mowbrick* otherwise *Mowbreck* Estate,
 “ should be partitioned, divided, and allotted in the Manner awarded
 “ by and according to the said Deed Poll or Award dated the Ninth
 “ Day of *February* One thousand eight hundred and fifty-four, doth
 “ establish and confirm such Partition, and doth decree that the said
 “ Lands, Tenements, and Hereditaments be henceforth for ever held
 “ and enjoyed in Severalty according thereto and to the Declarations
 “ herein-after contained, and doth declare that the Hereditaments
 “ specified in Schedule (A.) to the said Award annexed ought to be
 “ vested in the Defendant *Joscelyn Tate Westby* in Fee Simple; and
 “ it is ordered that the said Defendant *Joscelyn Tate Westby* do pay
 “ the Sum of Sixty-three Pounds Twelve Shillings and Ninepence to
 “ the Defendants *Nathaniel Worsley* and *Richard Stevenson*, the
 “ same to be applied in the Manner herein-after in that Behalf
 “ directed; and this Court doth declare that the Hereditaments
 “ specified in Schedule (B.) to the said Award annexed ought to be
 “ vested in the Plaintiffs *Cornelius Bourne*, *John Bury Bourne*,
 “ *James Thomas Bourne*, and *Thomas Rymer Bourne*, as Joint
 “ Tenants in Fee Simple, upon the subsisting Trusts of the Will of the
 “ Testator *John Bourne*, in the said Report mentioned; and this Court
 “ doth declare that the Hereditaments specified in Schedule (C.) to
 “ the said Award annexed ought to be vested in the Defendants
 “ *Thomas Hanson Peile*, *John Rhodes Ralph* the younger, *Rowland*
 “ *Westby Ralph*, and *James Stansfeld*, as Joint Tenants in Fee
 “ Simple, upon the subsisting Uses and Trusts of the Indenture
 “ of the Twelfth Day of *February* One thousand eight hundred and
 “ twenty, in the said Report mentioned; and it is ordered that the
 “ Defendant *John Rhodes Ralph* do pay the Sum of Forty-four
 “ Pounds Thirteen Shillings and Fourpence to the Plaintiffs *Cornelius*
 “ *Bourne*, *John Bury Bourne*, *James Thomas Bourne*, and *Thomas*
 “ *Rymer Bourne*, and the further Sum of Thirteen Pounds Eight
 “ Shillings and Fourpence to the Defendants *Nathaniel Worsley* and
 “ *Richard Stevenson*, the Two last-mentioned Sums to be respec-
 “ tively applied as herein-after directed; and this Court doth declare
 “ that the Hereditaments specified in Schedule (D.) to the said
 “ Award annexed ought to be vested in the Defendants *Nathaniel*
 “ *Worsley* and *Richard Stevenson*, as Joint Tenants in Fee Simple,
 “ to, for, upon, and subject to the Uses and Trusts to, for, and upon,
 “ and subject to which, by virtue of the Indenture of the Ninth Day
 “ of *November* One thousand eight hundred and forty-two, and the
 “ Indentures of the Twenty-fourth Day of *December* One thousand
 “ eight hundred and forty-six and the Twenty-seventh Day of *March*
 “ One

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“ One thousand eight hundred and forty-seven, and the Will of the
 “ late Defendant *Henry Worsley Benison*, in the said Report respec-
 “ tively mentioned, the Fourth Part of the said *Mowbrick* otherwise
 “ *Mowbreck* Estate, late belonging to the said *Henry Worsley*
 “ *Benison* deceased, does or but for this Decree would stand
 “ limited and subject, and having regard to the Order made on the
 “ Claim *Benison* versus *Worsley*, and dated the Fourteenth Day of
 “ *July* One thousand eight hundred and fifty-two, in the said Report
 “ mentioned; and this Court being of opinion that it is also for the
 “ Benefit of all Parties who are or may become interested in the
 “ Premises that an Act of Parliament should be obtained for the
 “ Purpose of carrying into effect the Partition hereby established, it
 “ is ordered that the Plaintiffs do take proper Proceedings for obtain-
 “ ing an Act for that Purpose; and it is ordered that it be referred
 “ to the Master to whom these Causes stand referred to settle the
 “ Draft of the Bill for such Act; and it is ordered that the Defen-
 “ dants *Nathaniel Worsley* and *Richard Stevenson* be at liberty to
 “ apply for the Delivery up to them of the several Title Deeds and
 “ Writings relating to the said partitioned Estate which were by
 “ the said late Defendant *Henry Worsley Benison* in his Life
 “ deposited, on behalf of all Parties interested in the said Estate, in
 “ the Hands of Messrs. *Pilkington* and *Walker*; and it is ordered
 “ that all such of the Title Deeds and Writings (if any) as are or
 “ shall be in the Custody or Power of any of the Parties, and which
 “ relate to such Part alone of the said *Mowbrick* otherwise *Mowbreck*
 “ Estate as is comprised in any single Allotment or undivided Share
 “ in respect whereof the same is allotted, are to belong and be
 “ delivered to or remain in the Custody of the Person or Persons
 “ in whom such Allotment is to be vested, according to this
 “ Decree, and that such Deeds and Writings as relate to the
 “ Entirety of the said *Mowbrick* otherwise *Mowbreck* Estate, and
 “ not to any undivided Share thereof only, which are now in, or
 “ which, according to this Decree, may come into the Custody of any
 “ of the Parties to these Suits, shall remain in the Custody of such
 “ Party or Parties respectively; and if the Parties differ respecting
 “ the Custody of any Deeds or Writings in anywise relating to the
 “ said Estate, it is hereby referred to the said Master to ascertain and
 “ decide to whom and in whose Custody they are respectively to
 “ belong, be delivered, and remain; and this Court doth declare
 “ that all Persons interested in any allotted Share of the same
 “ Estate are to be entitled from Time to Time to require, but at their
 “ own Expense, Production and attested or other Copies, Abstracts,
 “ and Extracts of and from all Deeds and Writings relating either to
 “ the Entirety or to any undivided Share of the same Estate, at the
 “ Hands of the Person or Persons having for the Time being the

[*Private.*]

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“ Custody

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“ Custody of such Deeds and Writings respectively; and it is
 “ ordered that it be referred to the proper Taxing Master of this
 “ Court to tax the Defendant *Edward Rowland Pickering* his Costs
 “ of these Suits as between Solicitor and Client; and it is ordered
 “ that such Costs be paid as follows;—One Fourth Part by the
 “ Plaintiffs *Cornelius Bourne, John Bury Bourne, James Thomas*
 “ *Bourne, and Thomas Rymer Bourne*, One other Fourth Part by
 “ the Defendant *John Rhodes Ralph*, One other Fourth Part by the
 “ Defendant *Joscelyn Tate Westby*, and the remaining Fourth Part
 “ by the Defendants *Nathaniel Worsley and Richard Stevenson*;
 “ and this Court doth declare, that, except as regards the Share
 “ of the said *Joscelyn Tate Westby*, the Costs, and Costs, Charges,
 “ and Expenses, of all Parties, of and incident to these Suits and
 “ consequent thereon, including the said Petition, and the Agreement
 “ for Partition, and the Partition and Award thereunder, and the
 “ obtaining and passing said proposed Act of Parliament, and
 “ including the Costs to be paid to the said Defendant *Edward*
 “ *Rowland Pickering*, and the Sums of Forty-four Pounds Thirteen
 “ Shillings and Fourpence and Thirteen Pounds Eight Shillings and
 “ Fourpence to be paid for Equality of Partition as aforesaid, are
 “ to be respectively Charges on the respective Allotments made in
 “ respect of the several undivided Shares in which such Parties
 “ respectively had an Interest in favour of the Person or Persons
 “ paying the same respectively, with Interest for the same respec-
 “ tively at the Rate of Four Pounds *per Centum per Annum*
 “ from the Time or respective Times of Payment thereof; and it is
 “ ordered that such Charges shall respectively have Priority over
 “ the respective Estates and Interests of all Parties respectively
 “ interested in the said several Allotments; and it is ordered that
 “ the respective Amounts of the said Charges and Interest shall
 “ respectively be raised by Mortgage or Sale of the said several
 “ Allotments or competent Parts thereof respectively; and this
 “ Court doth order and declare, that the Costs of and incident to
 “ the obtaining and passing the proposed Act of Parliament are to
 “ be divided into Four equal Parts, and One Fourth Part of such
 “ last-mentioned Costs are to be paid by the said Defendant
 “ *Joscelyn Tate Westby*, and the remaining Three Fourth Parts
 “ thereof are to be borne, paid, and charged in the same Manner
 “ as the other Costs, and Costs, Charges, and Expenses herein-
 “ before mentioned; and it is ordered that the Plaintiffs *Cornelius*
 “ *Bourne, John Bury Bourne, James Thomas Bourne, and Thomas*
 “ *Rymer Bourne* (they by their Counsel consenting thereto), pay
 “ their own Costs, and Costs, Charges, and Expenses, and also the
 “ Costs, and Costs, Charges, and Expenses, of the other Plaintiffs,
 “ and of the Defendants *Thomas Keay Hassall, Emily Mary Hassall,*
 “ *Charles*

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“ *Charles Vernon Hassall, Louisa Margaret Hassall, Arthur Yates*
 “ *Williams* (since deceased), *Arthur Monier Williams, George*
 “ *Reginald Williams, Ashton Williams, Francis Whitelock, Francis*
 “ *Henry Whitelock, William Thomas Whitelock, Lucy Anne Wil-*
 “ *liams, Caroline Mary Whitelock, and Charlotte Proby Whitelock;*
 “ and it is ordered that it be referred to the said Taxing Master
 “ to tax such Costs, and Costs, Charges, and Expenses; and the
 “ said Plaintiffs *Cornelius Bourne, John Bury Bourne, James*
 “ *Thomas Bourne, and Thomas Rymer Bourne* are to be at liberty
 “ to apply the said Sum of Forty-four Pounds Thirteen Shillings
 “ and Fourpence, herein-before directed to be paid to them for
 “ Equality of Partition as aforesaid, in satisfaction *pro tanto* of such
 “ last-mentioned Costs, and Costs, Charges, and Expenses; and it
 “ is ordered that the Defendant *John Rhodes Ralph* (he by his
 “ Counsel consenting thereto) pay his own Costs, and Costs,
 “ Charges, and Expenses, and the Costs, and Costs, Charges, and
 “ Expenses of the said Defendants *Thomas Hanson Peile, John*
 “ *Rhodes Ralph* the younger, *Rowland Westby Ralph, and James*
 “ *Stansfeld*, and also of the late Defendant *Thomas Ramsden*; and
 “ it is ordered that it be referred to said Taxing Master to tax
 “ such last-mentioned Costs, and Costs, Charges, and Expenses;
 “ and it is ordered that the Defendant *Joscelyn Tate Westby* (he
 “ by his Counsel consenting thereto) do pay his own Costs, and
 “ Costs, Charges, and Expenses, and also the Costs of the De-
 “ fendants *Raymond Gasquet, Matilda Tate, Mary Virginia Westby,*
 “ *Matilda Julia Westby*, and also of the late Defendant *Hugh*
 “ *Hornby*; and it is ordered that it be referred to said Taxing
 “ Master to tax such last-mentioned Costs, the Costs of the said
 “ *Hugh Hornby* to be taxed as between Solicitor and Client; and
 “ it is ordered that the Defendants *Nathaniel Worsley and Richard*
 “ *Stevenson* (they by their Counsel consenting thereto) pay their
 “ own Costs, and Costs, Charges, and Expenses, and also the Costs,
 “ and Costs, Charges, and Expenses of the Defendants *Henry*
 “ *Worsley Benison* deceased, and *Mary Seymour* his Wife, also
 “ deceased, *Henry Worsley Seymour Worsley Benison* commonly
 “ called *Henry Seymour Worsley Benison, Elizabeth Worsley Beni-*
 “ *son, Thomas Elisha Thoresby, Frederick Wills, Robert May,*
 “ *Thomas James, Francis Thoresby Worsley Benison, Arthur*
 “ *Henry Worsley Benison, Frederic Henry Worsley Benison,*
 “ *Charles Henry Worsley Benison* deceased, and *Joseph Smedmore*;
 “ and it is ordered that it be referred to said Taxing Master to tax
 “ such last-mentioned Costs, and Costs, Charges, and Expenses;
 “ and the said Defendants *Nathaniel Worsley and Richard Ste-*
 “ *venson* are to be at liberty to apply the said Two Sums of Sixty-
 “ three Pounds Twelve Shillings and Ninepence and Thirteen
 “ Pounds.

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“ Pounds Eight Shillings and Fourpence, making together the Sum
 “ of Seventy-seven Pounds One Shilling and One Penny respec-
 “ tively, herein-before directed to be paid to them for Equality of
 “ Partition as aforesaid, in satisfaction *pro tanto* of such last-men-
 “ tioned Costs, and Costs, Charges, and Expenses ; and it appearing
 “ that the Defendants *Raymond Gasquet, Matilda Tate, Mary Vir-*
 “ *ginia Westby, Matilda Julia Westby, and Edward Rowland*
 “ *Pickering* have ceased, or will, by and after this Decree, cease to
 “ have any Interest in the said Estate, and that the Term of One
 “ thousand Years created by the Indenture of the Seventh Day of
 “ *May* One thousand seven hundred and thirty-two, in the Pleadings
 “ in these Causes mentioned, is a satisfied Term, it is ordered that
 “ all further Proceedings against them respectively be stayed, and
 “ any of the Parties are to be at liberty to apply to this Court as
 “ there shall be Occasion :” And whereas the said Sum of Sixty-three
 Pounds Twelve Shillings and Ninepence has been paid by the said
Joscelyn Tate Westby, and the said Two Sums of Forty-four
 Pounds Thirteen Shillings and Fourpence and Thirteen Pounds
 Eight Shillings and Fourpence have been paid by the said *John*
Rhodes Ralph the elder, in accordance with the last-mentioned
 Decree : And whereas the said Award was made in Four original
 Parts, which were respectively delivered by the said Arbitrators to
 the respective Classes of Persons interested in the said *Mowbrick*
 Estate, and to each of such Parts was annexed a Schedule, containing
 a particular Description of the Parcels allotted to the Class to whom
 that Part was delivered, and to each of such Parts there were also
 annexed Two Plans, one of such Plans being a coloured Map of so
 much of the said Lands as was allotted to the Class to whom that
 Part was delivered, and the other of such Plans being a Ground Plan
 of *Kirkham* Church, partially coloured, the coloured Portion repre-
 senting Pews or sitting Room in *Kirkham* Church allotted to the
 Class to whom that Part was delivered : And whereas in the Schedule
 appended to this Act is contained all the Hereditaments and Premises
 comprised in the said Four Schedules annexed to the said Award,
 Division (A.) of the said Schedule appended to this Act corre-
 sponding with the said Schedule (A.) to the said Award, Division
 (B.) with the said Schedule (B.), Division (C.) with the said Sche-
 dule (C.), and Division (D.) with the said Schedule (D.) : And
 whereas *Richard Richards* Esquire, the said Master to whom the said
 Causes stand referred, made his Report pursuant to the said Order of
 the Second Day of *May* One thousand eight hundred and fifty-four,
 and bearing Date the Twenty-ninth Day of *May* One thousand eight
 hundred and fifty-four, whereby he certified that he had settled a
 Draft Bill laid before him, being the Bill for this Act, and that the
 Preamble thereof had been proved before him, and he had approved
 of

Master's
 Report,
 dated 29th
 May 1854.

The Mowbrick Estate Partition Act, 1854.

of the said Bill as a proper Bill for the Purposes mentioned in such Order, and in testimony of such his Approval he had signed his Allowance at the Foot thereof: And whereas the Purposes of the said Decree cannot be fully carried into effect without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Cornelius Bourne, John Bury Bourne, James Thomas Bourne, Thomas Rymer Bourne, Thomas Keay Hassall* and *Margaret* his Wife, the said *Thomas Keay Hassall* on his own Behalf and on behalf and as the Father and Guardian of the said *Emily Mary Hassall, Charles Vernon Hassall, and Louisa Margaret Hassall*, and also on behalf and as the Guardian of the said *Arthur Monier Williams, George Reginald Williams, Ashton Williams, and Lucy Anne Williams*, the said *Ann Williams*, the said *Francis Whitelock* and *Jane* his Wife, the said *Francis Whitelock* on his own Behalf and on behalf and as the Father and Guardian of the said *Francis Henry Whitelock, William Thomas Whitelock, Caroline Mary Whitelock, and Charlotte Proby Whitelock, Nathaniel Worsley, Richard Stevenson, Thomas Elisha Thoresby, Joseph Smedmore, Thomas James, Frederick Wills, Robert May, Elizabeth Worsley Benison*, the said *Joseph Smedmore* as well on his own Behalf as on behalf and as Guardian of the said *Henry Worsley Seymour Worsley Benison* commonly called *Henry Seymour Worsley Benison*, and the said *Elizabeth Worsley Benison* as well on her own Behalf as on behalf and as the Mother and Guardian of *Francis Thoresby Worsley Benison, Arthur Henry Worsley Benison, and Frederic Henry Worsley Benison, John Rhodes Ralph and Agnes Bickerstaffe* his Wife, *Thomas Hanson Peile, John Rhodes Ralph* the younger, *Rowland Westby Ralph, James Stansfeld, and Joscelyn Tate Westby*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen'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,)

I. That the Partition of the said *Mowbrick* Estate so decreed as aforesaid be confirmed and established. Partition confirmed.

II. That the Hereditaments and Premises comprised and described in Division (A.) of the Schedule appended to this Act shall be henceforth vested in the said *Joscelyn Tate Westby*, his Heirs and Assigns, for an Estate in Fee Simple in Severalty, subject to the Payment and Liabilities in the said Division (A.) mentioned, but freed and for ever discharged of and from all and singular other Uses, Trusts, Powers, and Limitations whatsoever, other than the Estates, Rights, Titles, and Interests saved by the Ninth Section of this Act in the same Hereditaments and Premises. Premises, &c. in Division (A.) of Schedule to be vested in J. T. Westby.

[Private.]

III. That

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Premises, &c.
in Division
(B.) of Sche-
dule to be
vested in
C. Bourne,
J. B. Bourne,
J. T. Bourne,
and T. R.
Bourne.

III. That the Hereditaments and Premises comprised and described in Division (B.) of the Schedule appended to this Act shall be henceforth vested in the said *Cornelius Bourne, John Bury Bourne, James Thomas Bourne,* and *Thomas Rymer Bourne,* and their Heirs, as Joint Tenants in Fee Simple in Severalty, upon such Trusts as are declared by the Will of the said *John Bourne* of the undivided Fourth Part of the said *Mowbrick* Estate thereby devised, and subject to the Payments and Liabilities in the said Division (B.) mentioned, but freed and discharged of and from all other Uses, Trusts, Powers, and Limitations whatsoever, other than the Estates, Rights, Titles, and Interests saved by the Ninth Section of this Act in the same Hereditaments and Premises.

Premises, &c.
in Division
(C.) of Sche-
dule to be
vested in
T. H. Peile,
J. R. Ralph,
R. W. Ralph,
and J. Stans-
feld.

IV. That the Hereditaments and Premises comprised and described in Division (C.) of the Schedule appended to this Act shall be henceforth vested in the said *Thomas Hanson Peile, John Rhodes Ralph* the younger, *Rowland Westby Ralph,* and *James Stansfeld,* and their Heirs, as Joint Tenants in Fee Simple in Severalty, upon the Trusts and subject to the Powers and Provisions expressed in the said Indenture of the Twelfth Day of *February* One thousand eight hundred and twenty concerning the undivided Share of the said *Mowbrick* Estate comprised therein, subject to the Payments and Liabilities in the said Division (C.) mentioned, but freed and discharged of and from all other Uses, Trusts, Powers, and Limitations whatsoever which exist or can or may arise, other than the Estates, Rights, Titles, and Interests saved by the Ninth Section of this Act, in the same Hereditaments and Premises.

Charges on
Premises,
&c. in Divi-
sion (C.) of
Schedule.

V. That the said *Thomas Hanson Peile, John Rhodes Ralph* the younger, *Rowland Westby Ralph,* and *James Stansfeld,* and the Survivors and Survivor of them, and the Heirs and Assigns of such Survivor, shall nevertheless have full Power and Authority, by Sale or Mortgage of the whole or any Part of the last-mentioned Hereditaments and Premises, to raise, in priority to all other Charges thereon, a sufficient Sum of Money to pay and discharge the Costs, and Costs, Charges, and Expenses, and other Monies paid for Equality of Partition as aforesaid, which by the said Decree of the Second Day of *May* One thousand eight hundred and fifty-four are declared to be a Charge on the last-mentioned Hereditaments and Premises, with Interest thereon, according to the said Decree; and that the Receipts of the said *Thomas Hanson Peile, John Rhodes Ralph* the younger, *Rowland Westby Ralph,* and *James Stansfeld,* or the Survivors or Survivor of them, or of the Heirs or Assigns of such Survivor, shall be good Discharges to all Persons paying Money to him or them in pursuance of the Power hereby created, and shall exonerate all such Persons from
seeing

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seeing to the Application of their Money, and from the Burden of ascertaining whether the Amount so raised is really due or not.

VI. That the Hereditaments and Premises comprised and described in Division (D.) of the Schedule appended to this Act shall be henceforth vested in the said *Nathaniel Worsley* and *Richard Stevenson*, and their Heirs, as Joint Tenants in Fee Simple in Severalty, to, for, upon, and subject to the Uses and Trusts to, for, and upon and subject to which, by virtue of the Indenture of the Ninth Day of *November* One thousand eight hundred and forty-two, and the Indentures of the Twenty-fourth Day of *December* One thousand eight hundred and forty-six and the Twenty-seventh Day of *March* One thousand eight hundred and forty-seven, and the Will of the late Defendant *Henry Worsley Benison*, in the said Report respectively mentioned, the Fourth Part of the said *Mowbrick* otherwise *Mowbreck* Estate, late belonging to the said *Henry Worsley Benison* deceased, now does or but for the said Decree or this Act would stand limited and subject, and having regard to the Order made in the Claim of *Benison* versus *Worsley*, and dated the Fourteenth Day of *July* One thousand eight hundred and fifty-two, in the said Report mentioned, but subject to the Payments and Liabilities in the said Division (D.) mentioned, but freed and discharged of and from all other Uses, Trusts, Powers, and Limitations whatsoever, other than the Estates, Rights, Titles, and Interests saved by the Ninth Section of this Act, in the same Hereditaments and Premises.

Premises,
&c. in Division (D.) of Schedule to be vested in N. Worsley and R. Stevenson.

VII. That the said *Nathaniel Worsley* and *Richard Stevenson*, and the Survivor of them, and the Heirs and Assigns of such Survivor, shall nevertheless have full Power and Authority, by Sale or Mortgage of all or any Part of the last-mentioned Hereditaments and Premises, to raise, in priority to all other Charges thereon, a sufficient Sum of Money to pay and discharge the Costs, and Costs, Charges, Expenses, and other Monies, which by the said Decree of the Second Day of *May* One thousand eight hundred and fifty-four are declared to be a Charge on the last-mentioned Hereditaments and Premises, with Interest thereon according to the said Decree, and that the Receipts of the said *Nathaniel Worsley* and *Richard Stevenson*, or of the Survivor of them, or of the Heirs or Assigns of such Survivor, shall be good Discharges to all Persons paying Money to him or them, in pursuance of the Power hereby created, and shall exonerate all such Persons from seeing to the Application of their Money, and from the Burden of ascertaining whether the Amount so raised is really due or not.

Charges on Premises, &c. in Division (D.) of Schedule.

VIII. That all Persons interested in any allotted Share of the said *Mowbrick* Estate are to be entitled from Time to Time to require, but at their own Expense, Production and attested or other Copies, Abstracts,

Deeds and Documents to be produced by Persons

The Mowbrick Estate Partition Act, 1854.

having the
Custody of
them.

Abstracts, and Extracts of and from all Deeds and Writings relating either to the Entirety or to any undivided Share of the same Estate, at the Hands of the Person or Persons having for the Time being the Custody of such Deeds and Writings respectively.

General
Saving of
Rights.

IX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, their respective Heirs, Successors, and Administrators, (other than the said *Cornelius Bourne, John Bury Bourne, James Thomas Bourne, Thomas Rymer Bourne, Mary Wilson Efrance, Robert Wilson Efrance*, the Reverend *William Hornby, Thomas Keay Hassall* and *Margaret* his Wife, *Emily Mary Hassall, Charles Vernon Hassall, Louisa Margaret Hassall*, and all and every other the Children and Issue born or to be born of the said *Margaret Hassall, Ann Williams, Arthur Monier Williams, George Reginald Williams, Ashton Williams, Lucy Anne Williams*, and all and every other the Children and Issue born or to be born of the said *Ann Williams, Francis Whitelock* and *Jane* his Wife, *Francis Henry Whitelock, William Thomas Whitelock, Caroline Mary Whitelock, Charlotte Proby Whitelock*, and all and every other the Children and Issue born or to be born of the said *Jane Whitelock, John Rhodes Ralph*, and *Agnes Bickerstaffe* his Wife, and any Person or Persons to become entitled under or by virtue of the Will of the said *Agnes Bickerstaffe Ralph, Thomas Hanson Peile, John Rhodes Ralph* the younger, *Rowland Westby Ralph, James Stansfeld, Joscelyn Tate Westby, Nathaniel Worsley, Richard Stevenson, Henry Worsley Seymour Worsley Benison* commonly called *Henry Seymour Worsley Benison, Elizabeth Worsley Benison, Thomas Elisha Thoresby, Frederick Wills, Robert May, Thomas James, Francis Thoresby Worsley Benison, Arthur Henry Worsley Benison, Frederic Henry Worsley Benison, Thomas Elisha Thoresby*, and *Joseph Smedmore*, and all other Persons whose Interests are bound by force only of the Decrees in the said Suit of *Bourne versus Hassall*,) such Estate, Right, Title, and Interest in and to the said *Mowbrick Estate* or any Part thereof as any of them would have had in case this Act had not been passed,

Short Title.

X. That for all Purposes of Citation or Reference with respect to this Act it shall be sufficient to call it "The *Mowbrick Estate Partition Act, 1854.*"

Act as
printed by
Queen's
Printers to
be Evidence.

XI. That this Act shall not be a Public Act, but shall be printed by the several Printers to the Queen'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.

SCHE-

The Mowbrick Estate Partition Act, 1854.

SCHEDULE referred to by the foregoing Act.

DIVISION (A.)

Particulars of the Hereditaments vested in Joscelyn Tate Westby.

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.		
			A.	R.	P.
Long Field	Robert Blacoe	Medlar-cum-Wesham in the County of Lancaster.	2	1	10
Moss and Moss Dales	Ditto	Ditto	6	3	19
Copy	Ditto	Ditto	7	0	27
Wilderness	Ditto	Ditto	2	1	27
Moss below Barley	Ditto	Ditto	4	0	21
Barley Field	Ditto	Ditto	12	1	6
Long Moor	Ditto	Ditto	17	0	20
Mere Field	Ditto	Ditto	9	3	18
Hall Dales (now in Two Pieces)	Ditto	Ditto	27	2	25
Garden	Ditto	Ditto	0	1	15
Further Tommy's Field	Ditto	Ditto	1	2	30
Three Nooks and Road	Ditto	Ditto	0	3	6
Nearer Tommy's Field	Ditto	Ditto	1	1	16
Moss Dale and Road	Ditto	Ditto	1	1	26
Croft	Ditto	Ditto	1	0	31
Little Green	Ditto	Ditto	3	0	36
House Field and East Fields	Ditto	Ditto	4	2	11
Great Green	Ditto	Ditto	9	1	12
Lower Piece	Ditto	Ditto	1	1	24
Watch Croft	Ditto	Ditto	3	0	5
Lane to Hall Dales	Ditto	Ditto	0	3	14
Kiln Field	Ditto	Ditto	16	2	20
Moss Shoot	Ditto	Ditto	17	0	36
Four Acres	Ditto	Ditto	8	0	30
Five Acres	Ditto	Ditto	11	2	30
Old Marl Field	Ditto	Ditto	15	0	29
Rakes	Ditto	Ditto	3	1	20
Stack Yard	Ditto	Ditto	0	0	15
Waste Site and Lane from Wesham Gate to Treales Township.	Ditto	Ditto	4	3	2
Front Back Yard and Site	Ditto	Ditto	0	1	30
Stack Yard	Ditto	Ditto	0	0	27
Old Garden	Ditto	Ditto	3	1	14
Back Garden	Ditto	Ditto	0	1	32
Front	Ditto	Ditto	0	0	32
North Orchard	Ditto	Ditto	0	1	17
Middle Orchard	Ditto	Ditto	0	0	37
Front Garden	Ditto	Ditto	0	1	19
Courts	Ditto	Ditto	0	3	2
Meadow, Back of Garden	Ditto	Ditto	2	3	30
Well Acre	Ditto	Ditto	2	1	14
Broad Meadow	Ditto	Ditto	5	2	10
Nursery Top of Meadow	Ditto	Ditto	0	1	1
Top End of Carr Meadow	Ditto	Ditto	0	3	36
Townhill	Ditto	Ditto	18	3	30
Lane to Carrs	Ditto	Ditto	0	3	20
Wood Heads	Ditto	Ditto	7	0	30
Murther Dale	Ditto	Ditto	22	1	9
Whinney Brown	Ditto	Ditto	4	3	30

. [Private.]

*The Mowbrick Estate Partition Act, 1854.*SCHEDULE.—Division (A.)—*continued.*

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.		
			A.	R.	P.
Yellow Carr Meadow	Robert Blacoe	Medlar-cum-Wesham	6	2	18
		<i>—continued.</i>			
West Housom Botton	Ditto	Ditto	2	1	28
Further West Housam otherwise Rouson, and Yellow Carrs other- wise Further Yellow Carr.	Ditto	Ditto	5	2	1
Higher West Rouson	Ditto	Ditto	14	0	0
Lower ditto	Ditto	Ditto	5	3	39
Whinney Brow Bottom	Ditto	Ditto	3	0	33
Garden Site and Lane, and Farm- house and Farm Buildings.	Ditto	Ditto	0	2	28
Garden and Site, Farmhouse and Outbuildings.	Ditto	Ditto	0	1	14
New Garden	Ditto	Ditto	0	0	14
Moss Nook	Ditto	Ditto	1	2	35
Moss Lane Field	Ditto	Ditto	2	0	17
Further Field	Ditto	Ditto	2	2	20
Garden Field	Ditto	Ditto	2	3	34
Mere Meadow	Ditto	Ditto	2	1	30
Moss Dale	Ditto	Ditto	2	2	14
Broad Meadow Bottom	Ditto	Ditto	2	0	36
Broad Meadow	Ditto	Ditto	3	3	26
Barn Field	Ditto	Ditto	1	3	10

All that Manor or Lordship or reputed Manor or Lordship of Mowbrick otherwise Mowbreck in the said County of Lancaster, with the Rights, Members, and Appurtenances thereto belonging or reputed to belong (except such of the Demesne Lands thereof as are included in the other Divisions of this Schedule); also all those Three Pews or Sitings in the Parish Church of Kirkham in the said County of Lancaster, distinguished in the said Plan marked (A^s) annexed to the said Award of the 9th Day of February 1854 by the Yellow Colour.

The Hereditaments comprised in this Division (A.) are to be subject to the Repair of that Part of the Roof, Walls, and Fabric of Kirkham Church, as now rebuilt, where formerly stood the ancient Chapel called Mowbrick otherwise called Mowbreck Chapel.

Also to the Payment of a certain annual Modus of 1*l.* 3*s.* 2*d.*, hitherto borne by or imposed upon the Demesne Lands of Mowbrick, payable to the Vicar of Kirkham.

Also to the Payment of a Mortuary of 10*l.* payable to the Vicar of Kirkham on the Death of the Lord of the Manor of Mowbrick aforesaid.

Also to the Rentcharge payable to the Vicar of Kirkham in lieu of Tithes in respect of Lands other than the Demesne Lands of the said Manor of Mowbrick.

Also to the Payment to the Rector of Kirkham of an annual Modus of 1*l.* 3*s.* 4*d.* in respect of the Demesne Lands of the said Manor of Mowbrick.

Also to the Payment of a Mortuary or Sum of 10*l.* payable on the Death of the Lord of the said Manor of Mowbrick, also payable to the Rector of Kirkham.

And also to the Payment to the Trustees of John Bourne, Esq., of a Crown Rent of 18*s.* per Annum; and also of 8*s.* 6*d.* per Annum, called Martin's Rent or Crown Rent; and to a Land Tax of 4*l.* 5*s.* 11*d.* per Annum, now paid in respect of the Premises comprised in Division (A.), and other Premises in the Occupation of the said Robert Blacoe.

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DIVISION (B.)

Particulars of the Hereditaments vested in Cornelius Bourne, John Bury Bourne, James Thomas Bourne, and Thomas Rymer Bourne.

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.		
			A.	R.	P.
Greens	Richard Walker	Medlar-cum-Wesham aforesaid.	11	3	16
Great Rood Lands	Ditto	Ditto	10	1	38
Little Rood Lands	Ditto	Ditto	6	0	6
Plantation	Ditto	Ditto	1	3	38
Rue Rib Moss	Ditto	Ditto	3	1	12
Plantation	Ditto	Ditto	2	3	20
Moss Piece	Ditto	Ditto	2	1	11
Moss Piece	Ditto	Ditto	4	3	35
Moss Piece	Ditto	Ditto	2	3	38
Ramper	Ditto	Ditto	0	2	38
Moss Piece	Ditto	Ditto	2	3	30
Higher Pasture, 5A.1R.38P. North End - 7A.1R.32P. South End -	Ditto	Ditto	12	3	30
Ducks Pitt	Ditto	Ditto	6	2	18
Long Gate	Ditto	Ditto	3	1	16
Three Nooks	Ditto	Ditto	6	2	31
Rowlinson Moss	Ditto	Ditto	4	0	18
Moss next Rowlinson	Ditto	Ditto	2	0	7
Pool Hill	Ditto	Ditto	2	0	20
Further Pool	Ditto	Ditto	9	3	0
Pool Bottom	Ditto	Ditto	3	2	22
Freckleton Acre	Ditto	Ditto	3	0	37
Hill Dale	Ditto	Ditto	3	1	8
Chadwick's Moss Dale	Ditto	Ditto	2	2	17
Ramper	Ditto	Ditto	0	1	2
Cowels Moss	Ditto	Ditto	1	3	36
Cowels Marled Field	Ditto	Ditto	7	1	39
Pit Field	Ditto	Ditto	15	0	26
Heatley's Field	Ditto	Ditto	9	1	12
Little Meadow	Ditto	Ditto	1	1	13
West Field	Ditto	Ditto	5	3	36
Lane to the House	Ditto	Ditto	1	2	27
Plantation	Ditto	Ditto	0	1	36
Backside Field	Ditto	Ditto	10	2	37
Cowels Field	Ditto	Ditto	8	2	24
Whinny Hill	Ditto	Ditto	2	3	22
Great Barn Field	Ditto	Ditto	11	3	34
Occupation Lane	Ditto	Ditto	0	1	2
Garden	Ditto	Ditto	0	1	15
Stack Yard	Ditto	Ditto	0	1	8
Lane, Waste, and Site and Farm Buildings.	Ditto	Ditto	1	1	5
Gardens	Ditto	Ditto	0	1	21
Garden	Ditto	Ditto	0	1	0
Field before Door	Ditto	Ditto	10	3	8
Nearer Pool	Ditto	Ditto	11	2	28
Cole Seed Field	Ditto	Ditto	9	3	10
Priest's Moss	Ditto	Ditto	4	1	7
Moss East of Pool	Ditto	Ditto	2	0	33
Meadow	Ditto	Ditto	4	1	20

*The Mowbrick Estate Partition Act, 1854.*DIVISION (B.)—Particulars of the Hereditaments, &c.—*continued.*

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.		
			A.	R.	P.
Potato Field - - -	Richard Walker -	Medlar-cum-Wesham	9	0	12
		<i>—continued.</i>			
Croft - - - -	Ditto - - -	Ditto - - -	1	3	28
Nearer Moat - - -	Ditto - - -	Ditto - - -	3	1	14
Further Moat - - -	Ditto - - -	Ditto - - -	2	3	9
Higher Flodden - - -	Ditto - - -	Ditto - - -	6	3	18
Lower - ditto - - -	Ditto - - -	Ditto - - -	5	3	16
Long - ditto - - -	Ditto - - -	Ditto - - -	2	1	38
Further and Nearer West Fields -	Ditto - - -	Ditto - - -	9	3	6
Croft - - - -	Ditto - - -	Ditto - - -	0	1	15
Meadow - - - -	Ditto - - -	Ditto - - -	1	2	14
Parrock - - - -	Ditto - - -	Ditto - - -	1	0	10
Potatoe Croft - - -	Ditto - - -	Ditto - - -	1	0	8
House Field - - -	Ditto - - -	Ditto - - -	6	3	32
Little Flodden - - -	Ditto - - -	Ditto - - -	1	0	29
Stoney Flodden - - -	Ditto - - -	Ditto - - -	3	3	27
Garners Field - - -	Ditto - - -	Ditto - - -	10	0	6
Wood - - - -	Ditto - - -	Ditto - - -	1	0	37
Carrot Field - - -	Ditto - - -	Ditto - - -	3	0	10
Vetch Field - - -	Ditto - - -	Ditto - - -	7	0	14
Dear Bought - - -	Ditto - - -	Ditto - - -	5	2	11
Pit Field - - - -	Ditto - - -	Ditto - - -	9	1	29
Further Field - - -	Ditto - - -	Ditto - - -	6	1	39
Garden and Site - - -	Ditto - - -	Ditto - - -	0	1	6
Garden and Site - - -	Edward Marquis -	Ditto - - -	0	1	21
Sandy Field - - -	Ditto - - -	Ditto - - -	1	3	17
Lower Field - - -	Ditto - - -	Ditto - - -	3	0	28
Mellings Field - - -	Ditto - - -	Ditto - - -	5	0	32
Barn Field - - -	Ditto - - -	Ditto - - -	2	3	38
Garden and Site and Farmhouse -	Ditto - - -	Ditto - - -	0	1	14
Little Croft - - -	Ditto - - -	Ditto - - -	0	0	19
Croft - - - -	Ditto - - -	Ditto - - -	0	2	32
Garden Field - - -	Ditto - - -	Ditto - - -	3	3	23
Moss Hey - - - -	Ditto - - -	Ditto - - -	1	2	12
Lower Meadow - - -	Ditto - - -	Ditto - - -	2	2	0
Higher Meadow - - -	Ditto - - -	Ditto - - -	2	1	12
Moss Dale - - - -	Ditto - - -	Ditto - - -	1	0	9
Garden and Site and Cottage - - -	Ditto - - -	Ditto - - -	0	0	24
Site and Cottage and Kiln - - -	Ditto - - -	Ditto - - -	0	0	12
Garden and Site - - -	Ditto - - -	Ditto - - -	0	1	0
Uninclosed Waste Land - - -	Unoccupied - - -	Ditto - - -	0	0	12
Ditto - ditto - - -	Ditto - - -	Ditto - - -	0	0	38
Ditto - ditto - - -	Ditto - - -	Ditto - - -	0	0	4
Ditto - ditto - - -	Ditto - - -	Ditto - - -	0	0	22
Ditto - ditto - - -	Ditto - - -	Ditto - - -	0	0	12
Moss - - - -	Edward Ward - - -	Ditto - - -	2	1	20
Moss - - - -	Ditto - - -	Ditto - - -	2	0	15
Further Bars - - -	Ditto - - -	Ditto - - -	7	3	25
Moss - - - -	Ditto - - -	Ditto - - -	1	3	28
Further Bars - - -	Ditto - - -	Ditto - - -	5	0	18
Cottages and Garden - - -	Ditto - - -	Kirkham in the County of Lancaster.	0	2	1
Garden - - - -	Ditto - - -	Ditto - - -	0	0	33
Garden and Site and Public House	Thompson - - -	Medlar-cum-Wesham aforesaid.	0	1	6
Lower Cardwells Field - - -	Ditto - - -	Ditto - - -	1	2	34
Higher Cardwells Field - - -	Ditto - - -	Ditto - - -	5	1	6
Orchard - - - -	Ditto - - -	Ditto - - -	0	1	0
Occupation Lane - - -	Ditto - - -	Ditto - - -	0	2	12

*The Mowbrick Estate Partition Act, 1854.*DIVISION (B.)—Particulars of the Hereditaments, &c.—*continued.*

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.		
			A.	R.	P.
Cardwell Field, Cardwell Meadow, and Occupation Road.	Thompson -	Medlar-cum-Wesham	3	1	4
Waste - - - - -	Ditto - - -	<i>--continued.</i> Ditto - - -	0	0	14
Garden - - - - -	} Ditto - - -	} Warton in the County of Lancaster - - -	0	2	24
Croft - - - - -					
Part of Reedy Meadow - - -	Ditto - - -	Ditto - - -	1	0	30

And also all that Manor or Lordship or reputed Manor or Lordship of Much Urswick in the said County of Lancaster, with the Appurtenances thereunto belonging, or therewith occupied, held, and enjoyed, or reputed so to be; also the customary Rents and Carriage Money, amounting to 2*l.* 12*s.* 7½*d.* per Annum, arising and payable from Westby Lands in the said Manor of Much Urswick.

And also the customary Fines receivable from the said Westby Lands in the said Manor of Much Urswick.

And also all the Rent of 2*l.* 13*s.* 4*d.* annually arising and payable out of the Manor of Heaton in the said County of Lancaster.

And also all those Three Pews or Sittings in the said Parish Church of Kirkham, distinguished in the Plan marked B² annexed to the said Award of the 9th Day of February 1854 by the Red Colour.

A Part of the Lands comprised in this Division (B.) are subject to the Payment of 1*d.* per Annum, Part of the Payment of a Modus of 3*s.* 4*d.* heretofore payable to the Lords of Mowbrick, but under this Partition allotted to Division (C.)

And to a Land Tax of 3*l.* 9*s.* per Annum, and also of 9*d.* per Annum for Wood.

And to the Payment of 1*l.* 13*s.* 4*d.* per Annum to the Parish Clerk of Kirkham aforesaid.

And to an annual Payment of 7*s.* for Land Tax.

DIVISION (C.)

Particulars of the Hereditaments vested in Thomas Hanson Peile, John Rhodes Ralph the younger, Rowland Westby Ralph, and James Stansfeld.

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.		
			A.	R.	P.
Homestead, Garden, and Site House and Outbuildings.	Langtree and others	Greenhalgh-cum-This- leton in the County of Lancaster.	0	3	28
Garden and Site, Cottage and Out- buildings.	Ditto - - -	Ditto - - -	0	2	7
Badgers Croft - - - - -	Ditto - - -	Ditto - - -	0	1	25
Bridge Field - - - - -	Ditto - - -	Ditto - - -	3	3	12
Further Pasture - - - - -	Ditto - - -	Ditto - - -	3	3	15
Occupation Lane - - - - -	Ditto - - -	Ditto - - -	0	1	30
Nearer Pasture - - - - -	Ditto - - -	Ditto - - -	4	1	15
Occupation Lane - - - - -	Ditto - - -	Ditto - - -	0	1	14
Acre Hey - - - - -	Ditto - - -	Ditto - - -	3	0	22
Further Acre Hey - - - - -	Ditto - - -	Ditto - - -	2	1	25
Colt Holme - - - - -	Ditto - - -	Ditto - - -	3	2	4
Lower Colt Holme - - - - -	Ditto - - -	Ditto - - -	3	0	3
Ten Acre Meadow - - - - -	Ditto - - -	Ditto - - -	3	3	24
Further Meadow - - - - -	Ditto - - -	Ditto - - -	4	2	38

[*Private.*]

The Mowbrick Estate Partition Act, 1854.

SCHEDULE.—Division (C.)—continued.

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.			
			A.	R.	P.	
Higher Long Lands - - -	Langtree and others	Greenhalgh-cum-This- tleton—continued.	5	1	27	
Great Long Lands - - -	Ditto - - -	Ditto - - -	7	3	10	
Further Long Lands - - -	Ditto - - -	Ditto - - -	8	1	8	
Nearer Moss - - -	Ditto - - -	Ditto - - -	3	3	4	
Parish Moss - - -	Ditto - - -	Ditto - - -	2	2	30	
Further Moss - - -	Ditto - - -	Ditto - - -	2	1	28	
Nearer Hey Butts - - -	Ditto - - -	Ditto - - -	3	0	36	
New Hey - - -	Ditto - - -	Ditto - - -	2	2	38	
Nearer Townend Hey - - -	Ditto - - -	Ditto - - -	6	0	20	
Middle Townend Hey - - -	Ditto - - -	Ditto - - -	6	2	3	
Further Townend Hey - - -	Ditto - - -	Ditto - - -	4	3	4	
Townend Hey Meadow - - -	Ditto - - -	Ditto - - -	3	0	8	
Higher Field Hey - - -	Ditto - - -	Ditto - - -	3	2	27	
Lower Field Hey - - -	Ditto - - -	Ditto - - -	2	3	16	
Middle Field Hey - - -	Ditto - - -	Ditto - - -	2	2	20	
Nearer Cross Flatt - - -	Ditto - - -	Ditto - - -	5	0	25	
Further Cross Flatt - - -	Ditto - - -	Ditto - - -	2	1	17	
Cod Piece - - -	Ditto - - -	Ditto - - -	0	3	27	
Great Meadow - - -	Ditto - - -	Ditto - - -	4	1	10	
Great Moor Hey - - -	Ditto - - -	Ditto - - -	5	1	15	
Middle Moor Hey - - -	Ditto - - -	Ditto - - -	2	2	4	
Lower or Middle Moor Hey - - -	Ditto - - -	Ditto - - -	}	1	3	30
Homestead, Garden, and Site - - -	Ditto - - -	Ditto - - -		0	2	20
Little Croft, Cottage, and Out- buildings. - - -	Ditto - - -	Ditto - - -	}	2	0	36
Great Croft - - -	Ditto - - -	Ditto - - -				
Croft - - -	Ditto - - -	Ditto - - -				
Garden - - -	Ditto - - -	Ditto - - -	}	0	1	16
Garden and Site and Cottage - - -	Ditto - - -	Ditto - - -				
Nearer Wadman's Moor Hey - - -	Ditto - - -	Ditto - - -	}	4	0	5
Further - ditto - ditto - - -	Ditto - - -	Ditto - - -				
Halls Moor Hey and Moss End. - - -	Ditto - - -	Ditto - - -	4	2	21	
Great Moss - - -	Ditto - - -	Ditto - - -	6	0	24	
Hollow Moor Hey - - -	Ditto - - -	Ditto - - -	5	2	20	
Carter's Great Moor Hey - - -	Ditto - - -	Ditto - - -	}	6	1	30
Carter's Little Moor Hey - - -	Ditto - - -	Ditto - - -				
North Moor Hey - - -	Ditto - - -	Ditto - - -	2	3	10	
Carr Meadow - - -	Ditto - - -	Ditto - - -	2	2	14	
Roe Meadow - - -	Ditto - - -	Ditto - - -	1	3	21	
Nearer Moor Hey - - -	Ditto - - -	Ditto - - -	8	0	30	
Great Moor Hey - - -	Ditto - - -	Ditto - - -	8	0	36	
Carr - - -	Ditto - - -	Ditto - - -	5	1	6	
Garden and Site, and Cottage - - -	Ditto - - -	Ditto - - -	0	2	1	
Croft - - -	Ditto - - -	Ditto - - -	0	3	19	
Garden and Site, and Cottage and Outbuildings. - - -	Ditto - - -	Ditto - - -	0	1	27	
Croft - - -	Ditto - - -	Ditto - - -	1	1	10	
Meadow and Lane at Top - - -	Ditto - - -	Ditto - - -	1	1	20	
Cap Thorn - - -	Ditto - - -	Ditto - - -	1	2	16	
Moss - - -	Ditto - - -	Ditto - - -	2	3	14	
Carr - - -	Ditto - - -	Ditto - - -	4	0	32	
Wadman's Carr - - -	Ditto - - -	Ditto - - -	1	1	3	
Garden and Site and Cottage - - -	Ditto - - -	Ditto - - -	0	1	2	
Little Meadow - - -	Ditto - - -	Ditto - - -	1	0	31	
One Half of Mean Meadow - - -	Ditto - - -	Ditto - - -	0	3	33	
Little Carr - - -	Ditto - - -	Ditto - - -	2	0	36	

The Mowbrick Estate Partition Act, 1854.

SCHEDULE.—Division (C.)—continued.

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.			
			A.	R.	P.	
Homestead and Garden, &c., House and Outbuildings.	Langtree and others	Greenhalgh-cum-This- tleton—continued.	0	2	0	
Green Hey	Ditto	Ditto	2	3	16	
Mount House Field	Ditto	Ditto	3	1	17	
Wheat Flat	Ditto	Ditto	2	0	24	
Syke Field	Ditto	Ditto	3	0	24	
Nearer Marsh Piece	Ditto	Ditto	1	1	36	
Furthest Marsh Piece	Ditto	Ditto	3	0	22	
Nearer Croft	Ditto	Ditto	0	1	17	
Further Croft	Ditto	Ditto	0	1	24	
Moor Hey	Ditto	Ditto	4	2	30	
Half Acre	Ditto	Ditto	0	3	22	
Higher Carr and Road	Ditto	Ditto	2	1	16	
Lower Carr	Ditto	Ditto	2	2	21	
Hankinson Carr and Road	Ditto	Ditto	5	3	37	
Long Carr	Ditto	Ditto	4	2	20	
Little Moss	Ditto	Ditto	1	1	4	
Homestead and Garden and Cottage.	Ditto	Ditto	0	0	17	
Garden	Ditto	Ditto	0	0	19	
Backside Field	Ditto	Ditto	}	3	0	10
Rangert	Ditto	Ditto				
Nearer Green Hey	Ditto	Ditto	}	2	2	20
Further Green Hey	Ditto	Ditto				
Waste Land	Ditto	Ditto	0	3	38	
New Scale Moor	Moore and Hodg- kinson.	Newton-cum-Scales in the County of Lan- caster.	1	1	7	
Wallett	Ditto	Ditto	0	3	10	
New Hey	Ditto	Ditto	4	3	28	
Well Meadow	Ditto	Ditto	1	2	26	
Farmhouse	Ditto	Ditto	0	0	3	
Garden	Ditto	Ditto	0	1	27	
Barn and Outbuildings	Ditto	Ditto	0	0	28	
Whitehead's Littlecroft	Ditto	Ditto	0	2	11	
Parrock	Ditto	Ditto	0	0	34	
Back of Town Croft	Ditto	Ditto	2	0	34	
Carr Gate	Ditto	Ditto	2	1	30	
Ditto	Ditto	Ditto	4	0	26	
Greedy Butts	Ditto	Ditto	4	1	0	
Lea Moss	Ditto	Ditto	2	1	18	
Moor Hey	Ditto	Ditto	5	3	24	
Goose Hey	Ditto	Ditto	2	2	32	
Marsh Hey	Ditto	Ditto	4	1	38	
Little Carr Hey	Ditto	Ditto	2	1	16	
Great Carr or Cowhey	Ditto	Ditto	4	2	37	
Old Field	Ditto	Ditto	3	0	20	
Old Fields	Ditto	Ditto	3	0	37	
Carr Field	Ditto	Ditto	3	3	10	
Clover Croft, Two Cottages and Garden.	Ditto	Ditto	1	3	8	
Carrs	Ditto	Ditto	2	2	24	
Croft before House	Ditto	Ditto	0	1	11	
Cottage and Garden	Ditto	Ditto	0	2	17	
Waste Land enclosed from Road	Ditto	Ditto	0	1	34	
Six Marsh Gates on Newton Marsh.						
Nearer Pasture Field	William Davies	Freckleton in the County of Lancaster.	2	3	10	

*The Mowbrick Estate Partition Act, 1854.*SCHEDULE.—Division (C.)—*continued.*

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.		
			A.	R.	P.
Middle Pasture Field - - -	William Davies - - -	Freckleton in the County of Lancaster.	2	3	2
Further - ditto - - -	Ditto - - -	Ditto - - -	2	3	14
Swanfield - - -	Edward Marquis - - -	Medlar-cum-Wesham aforesaid.	2	1	34
Meadow - - -	Ditto - - -	Ditto - - -	2	0	35
Wesham Field - - -	Ditto - - -	Ditto - - -	2	3	23
Garden Field - - -	Ditto - - -	Ditto - - -	2	1	28
Meadow - - -	Ditto - - -	Ditto - - -	2	3	5
Rye Root - - -	Ditto - - -	Ditto - - -	5	2	18
Middle Field - - -	Ditto - - -	Ditto - - -	3	1	30
Lime Moor - - -	Ditto - - -	Ditto - - -	8	2	4
Pasture Field, Barn, and Outbuild- ings.	Ditto - - -	Ditto - - -	2	2	26
North Moor - - -	Ditto - - -	Ditto - - -	2	0	30
Moor Barn Field - - -	Ditto - - -	Ditto - - -	4	1	20
Little Moor Barn Field - - -	Ditto - - -	Ditto - - -	2	1	34
Great ditto - ditto - - -	Ditto - - -	Ditto - - -	4	3	14
Long Worm Field - - -	Ditto - - -	Ditto - - -	7	2	21
Humphrey's Acre - - -	Ditto - - -	Ditto - - -	10	1	2
Little Rye Roots - - -	Ditto - - -	Ditto - - -	3	0	10
Long Moor - - -	Ditto - - -	Ditto - - -	9	0	31
Garden and Site, Cottage and Smithy.	Ditto - - -	Ditto - - -	0	0	32
Garden - ditto - and Cottage.	Ditto - - -	Ditto - - -	0	0	23
Garden - ditto - and Cottage.	Ditto - - -	Ditto - - -	0	1	36
Mill Ring and Garden - - -	Ditto - - -	Ditto - - -	0	2	13
Mill Meadow - - -	Ditto - - -	Ditto - - -	2	0	35
Mill Field - - -	Ditto - - -	Ditto - - -	2	0	38
Garden and Site, Cottage and Shippon.	Ditto - - -	Ditto - - -	0	1	18

And also all those Three Pews or Sittings in the Parish Church of Kirkham aforesaid, distinguished in the Plan marked C^s, annexed to the Award of the 9th Day of February 1854, by the Green Colour.

And also the several Rentcharges in lieu of Great Tithes heretofore receivable by the Lords of Mowbrick from Lands in the Township of Medlar-cum-Wesham.

And also all those annual Moduses or prescriptive Money Payments of 4s., 3s. 9d., 5s., 11d., 7d., 3s. 11d., and 3s. 4d., heretofore payable to the Lords of Mowbrick in lieu of Tithe Hay in respect of Lands in the Township of Medlar-cum-Wesham.

The Hereditaments comprised in this Division (C.) in the Occupation of Edward Marquis are subject to an apportioned Payment of 17s. 4d. for Land Tax.

The Mowbrick Estate Partition Act, 1854.

DIVISION (D.)

Particulars of the Hereditaments vested in Nathaniel Worsley and Richard Stevenson.

Description of Premises.	Occupier.	Parish, Township, or-Place.	Quantity, more or less, Statute Measure:		
			A.	R.	P.
Further Carr	Thomas Hornby	Medlar-cum-Wesham aforesaid.	3	1	12
Middle Carr	Ditto	Ditto	3	0	19
Bottom Carr	Ditto	Ditto	1	1	37
Nearer Carr	Ditto	Ditto	1	1	39
Carr Lane Meadow	Ditto	Ditto	4	0	0
Further Field	Ditto	Ditto	3	3	37
Star End Dale	Ditto	Ditto	4	1	28
Far End Gate Dale	Ditto	Ditto	3	0	30
Barley Field	Ditto	Ditto	6	1	37
Star End Dale	Ditto	Ditto	3	1	38
Sport	Ditto	Ditto	3	1	12
Stone Lands	Ditto	Ditto	4	3	35
Further Loxam	Ditto	Ditto	7	1	6
Nearer Loxam	Ditto	Ditto	5	2	23
Cud's Field	Ditto	Ditto	4	3	14
Old Wives' Field	Ditto	Ditto	5	2	25
Gasgell	Ditto	Ditto	5	2	21
Carr Lane	Ditto	Ditto	1	3	8
Nixon's Meadow	Ditto	Ditto	3	0	36
Hill	Ditto	Ditto	3	2	34
Occupation Lane	Ditto	Ditto	0	0	36
Hey	Ditto	Ditto	2	3	20
Croft	Ditto	Ditto	0	2	26
Garden and Sites and Farmhouse	Ditto	Ditto	0	1	22
Garden	Ditto	Ditto	0	0	19
Garden	Ditto	Ditto	0	0	39
Croft	Ditto	Ditto	0	1	30
Croft	Ditto	Ditto	0	1	13
Occupation Lane	Ditto	Ditto	0	1	5
Garden	Ditto	Ditto	0	1	7
Waste and Sites, and Farm Build- ings.	Ditto	Ditto	0	0	11
Parrock	Ditto	Ditto	1	0	36
Parrock	Ditto	Ditto	1	1	23
Nearer Rood Lands	Ditto	Ditto	9	0	15
Further Rood Lands	Ditto	Ditto	9	1	17
Further Green	Ditto	Ditto	7	0	20
Part of Rue Ribs Moss	Ditto	Ditto	0	2	20
Moss Meadow	Ditto	Ditto	1	1	30
Claytonshey	Ditto	Ditto	1	3	28
Moss Lane	Ditto	Ditto	0	1	11
Nearer Moss Land	} Ditto	Ditto	3	1	4
Further Moss Land					
Moss	Ditto	Ditto	1	2	28
Moss	Ditto	Ditto	0	2	4
Moss Land	Ditto	Ditto	0	0	17
Moss	Ditto	Ditto	0	3	28
Moss	Ditto	Ditto	0	3	2
Moss	Ditto	Ditto	1	0	34
Nearer Bars	Ditto	Ditto	7	3	0
Waste and Sites, and Farm Build- ings.	William Noblet	Ditto	0	0	10
Scholar Bridge Carr	Ditto	Ditto	1	3	3
Further Carr	Ditto	Ditto	1	1	36

[Private.]

The Mowbrick Estate Partition Act, 1854.

SCHEDULE.—Division (D.)—continued.

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.		
			A.	R.	P.
Nearer Carr Meadow	William Noblett	Medlar-cum-Wesham aforesaid,	1	2	30
Nearer Carr	Ditto	Ditto	2	2	2
Nearer Watery Carr	Ditto	Ditto	2	1	23
Sweet Tooth	Ditto	Ditto	1	2	28
Ox Hey	Ditto	Ditto	0	3	24
Gamsgate	Ditto	Ditto	3	3	3
Further Gamsgate	Ditto	Ditto	3	2	34
Marlfield	Ditto	Ditto	4	3	10
Marl Meadow	Ditto	Ditto	2	2	8
Gamsgate	Ditto	Ditto	8	0	5
Little Gamsgate	Ditto	Ditto	2	0	7
Lower Meadow	Ditto	Ditto	4	0	6
Higher Meadow	Ditto	Ditto	4	0	0
Old Marlfield	Ditto	Ditto	4	3	10
Kilnfield	Ditto	Ditto	3	3	7
Field Back of House	Ditto	Ditto	6	0	7
Cuddy Field and Backside Field	Ditto	Ditto	9	3	20
Cuddy's Field	Ditto	Ditto	3	1	14
Garden	Ditto	Ditto	0	0	20
Little Garden (Part)	Ditto	Ditto	0	0	18
Lanewaste and Site Farmhouse (Part)	Ditto	Ditto	0	1	30
Croft	Ditto	Ditto	0	2	14
Garden	Ditto	Ditto	0	1	0
Waste adjoining	Ditto	Ditto	0	0	17
Garden	Ditto	Ditto	0	1	24
Wate and Sites, Part Farm-Build- ings.	Ditto	Ditto	0	0	10
Calf Croft	Ditto	Ditto	0	0	39
Occupation Lane to Medlar Moss	Ditto	Ditto	0	1	6
Nearer Barrs	Ditto	Ditto	1	3	23
Further Barrs	Ditto	Ditto	2	3	16
Long Moss	Ditto	Ditto	1	2	4
Building and Front	Ditto	Ditto	0	0	4
Further Carr	Robert Catterall	Ditto	2	0	14
Further Watery Carr and Carr	Ditto	Ditto	5	1	32
Great Ox Hey	Ditto	Ditto	7	1	28
Little Ox Hey	Ditto	Ditto	3	1	32
Sweet Tooth	Ditto	Ditto	1	0	7
Ox Hey	Ditto	Ditto	5	0	26
Further Ox Hey Carr	Ditto	Ditto	4	1	4
Further Ox Hey	Ditto	Ditto	5	0	20
Ox Hey Carr	Ditto	Ditto	2	1	30
Middle Ox Hey	Ditto	Ditto	5	0	16
Gamsgate	Ditto	Ditto	1	3	8
Gamsgate Bottom	Ditto	Ditto	1	2	33
Higher Ox Hey	Ditto	Ditto	3	0	30
Lower Ox Hey	Ditto	Ditto	1	3	25
Nine Lands Carr	Ditto	Ditto	2	1	6
Nine Lands	Ditto	Ditto	3	3	26
Long Field	Ditto	Ditto	1	3	20
North Cow Hey	Ditto	Ditto	4	3	8
South Cow Hey } in one	Ditto	Ditto	4	3	30
Little Cow Hey }					
Hill	Ditto	Ditto	2	0	5
Lane from Gate and Waste	Ditto	Ditto	0	2	21
Croft	Ditto	Ditto	0	3	21

The Mowbrick Estate Partition Act, 1854.

SCHEDULE.—Division (D.)—continued.

Description of Premises.	Occupier.	Parish, Township, or Place.	Quantity, more or less, Statute Measure.		
			A.	R.	P.
Kiln Field	Robert Catterall	Medlar cum-Wesham aforesaid.	4	0	32
Garden and Site and Farmhouse	Ditto	Ditto	0	0	22
Road	Ditto	Ditto	0	2	39
Garden Sites and Road and Farm Buildings.	Ditto	Ditto	2	0	37
Orchard, Meadow, and Road	Ditto	Ditto	2	1	0
Hill Field Carr	Ditto	Ditto	5	2	35
Lamasike	Ditto	Ditto	12	1	0
Greenhills Field	Ditto	Ditto	3	3	30
Greenhills Carr	Ditto	Ditto	0	1	15
Croft	Edward Ward	Ditto	0	2	15
Garden	Ditto	Ditto	0	2	6
Garden and Site	Ditto	Ditto	0	0	28
Garden	Ditto	Ditto	0	3	18
Rue Ribs Moss	Ditto	Ditto	2	0	20
Barn Field Carr	Ditto	Ditto	1	3	38
Further Jacks Carr	Ditto	Ditto	1	0	24
Middle ditto	Ditto	Ditto	1	3	18
Nearer ditto	Ditto	Ditto	4	0	22
Old Marl Field	Ditto	Ditto	5	1	10
Barn Field	Ditto	Ditto	0	1	29
Lane	Ditto	Ditto	2	2	6
North Sandy Field	Ditto	Ditto	3	3	30
South Sandy Field	Ditto	Ditto	4	3	30
Kiln Field	Ditto	Ditto	0	2	6
Garden	Ditto	Ditto	0	0	31
Mire Field	Ditto	Ditto	0	0	17
Garden and Site and Farmhouse	Ditto	Ditto	2	1	34
Waste and Site and Farm Buildings	Ditto	Ditto	3	2	23
Orchard at Barn End	Ditto	Ditto	2	1	4
Meadow Back of Barn	Ditto	Ditto	3	0	24
Meadow Hill	Ditto	Ditto	1	2	30
Middle Low Meadow	Ditto	Ditto	3	0	26
Wold Field	Ditto	Ditto	4	2	18
Wold Field Hill	Ditto	Ditto	4	1	2
Low Meadow	Ditto	Ditto	5	2	12
Cow Hey	Ditto	Ditto	6	1	34
Nearer Barrs	Ditto	Ditto	3	2	32
Nearer High Pasture	Ditto	Ditto	1	3	30
Wold Field	Ditto	Ditto	1	1	6
Hanging Field	Ditto	Ditto	1	3	24
Nearer Wilderness	Ditto	Ditto	2	1	30
Middle Wilderness	Ditto	Ditto	4	3	38
Further ditto	Ditto	Ditto	5	1	10
Little Long Gate	Ditto	Ditto	9	0	26
Great Meadow	Ditto	Ditto	4	1	4
Burnt Field	Ditto	Ditto	6	0	20
Higher Pasture	Ditto	Ditto	3	2	4
Middle Bar	Ditto	Ditto	3	2	20
Three Nook and Vetch Field	Robert Lambert	Ditto	1	2	29
Pit Field	Ditto	Ditto	3	2	26
Broad Field	Ditto	Ditto	2	3	30
Acre	Ditto	Ditto			
Croft Meadow before Door	Ditto	Ditto			
Hill Meadow	Ditto	Ditto			
Lane and Barn Field	Ditto	Ditto			
Garden	Ditto	Ditto			

The Mowbrick Estate Partition Act, 1854.

SCHEDULE.—Division (D.)—*continued.*

And also all those Three Pews or Sitings in the Parish Church of Kirkham aforesaid, distinguished in the Plan marked D² annexed to the Award of the 9th Day of February 1854 by the Colour Blue.

The Hereditaments comprised in this Division (D.) are to be subject to the Payment of 3s. 3d., Part of the annual Modus of 3s. 4d., in lieu of Tithe Hay heretofore payable to the Lords of Mowbrick, but under this Partition allotted to Division (C.)

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