

ANNO SECUNDO & TERTIO

VICTORIAE REGINAE.

Cap. 42.

An Act for authorizing the Sale of the Real Estate devised by the Will of Henry Boulton Esquire, deceased, and for the Application of the Monies [29th July 1839.] to arise thereby.

HEREAS Henry Boulton late of Givons Grove in the Will of Parish of Leatherhead in the County of Surrey, Esquire, Henry Boulton, Esq. ton, Esq. deceased, duly made and published his last Will and Testa- 9th January ment in Writing, bearing Date the Ninth Day of January One 1822. thousand eight hundred and twenty-two, and thereby, after directing that all his just Debts (except such as were or might become specifically charged upon his Real Estates), and the Expences of his Funeral, and the Costs of proving his Will, be paid, as soon as conveniently might be after his Decease, out of such Parts of his Personal Estate as were not therein-after and should not be by any Codicil to his Will specifically disposed of, he the said Henry Boulton gave and devised all that his Manor of Leatherhead in the County of Surrey, with the several Messuages, Lands, Tenements, and Hereditaments thereunto belonging, and all that his Capital Messuage and Farm called Givons Grove, with the Appurtenances, and all that his Freehold Estate which he the said Testator lately purchased of Miss Wade (subject and chargeable as therein-after mentioned), and all and singular other his Freehold Messuages, Farms, Lands, Tene-[Private.] ments,

ments, and Hereditaments, of or to which he, or any Person or Persons in Trust for him, was or were seised for any Estate of Inheritance, situate in the said County of Surrey, with their and every of their Appurtenances, (but subject to such Charges and Incumbrances as then affected the same respectively, and as he might at any Time or Times thereafter make and execute concerning the same or any Part or Parts thereof,) to the Use of his the said Testator's eldest Son Richard Boulton, and his Assigns, for his Life, without Impeachment of Waste; with Remainder to the Use of George Pearkes Barclay and Richard Fuller, and their Heirs, during the Life of the said Richard Boulton, in Trust to preserve contingent Remainders; with Remainder to the Use of his the said Testator's Sons-in-Law John Henry Pelly and William Henley Raikes, their Executors, Administrators, and Assigns, for the Term of One thousand Years, to commence and be computed from the Day of the Death of the said Testator's said Son Richard Boulton, and to be from thence next ensuing, without Impeachment of Waste, but nevertheless upon the Trusts and under and subject to the Provisoes and Agreements therein-after expressed and declared, and herein-after recited, concerning the same; and after the Expiration or other sooner Determination of the said Term of One thousand Years, and in the meantime subject thereto and to the Trusts thereof, to the Use of the First Son of the Body of the said Richard Boulton lawfully to be begotten, and of the Heirs of the Body of such First Son lawfully issuing; and for default of such Issue, to the Use of the Second, Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of the said Richard Boulton lawfully to be begotten, severally and successively in Tail; and for default of such Issue, to the Use of the Testator's Son Charles Boulton and his Assigns for his Life; with Remainder to the Use of the said George Pearkes Barclay and Richard Fuller, and their Heirs, during the Life of the said Testator's said Son Charles Boulton, upon Trust to preserve contingent Remainders; with Remainder to the Use of the First Son of the Body of his the said Testator's said Son Charles Boulton lawfully to be begotten, and of the Heirs of the Body of such First Son lawfully issuing; and for default of such Issue to the Use of the Second, Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of his the said Testator's Son Charles Boulton lawfully to be begotten, severally and successively in Tail; and for default of such Issue to the Use of the said George Pearkes Barclay and Richard Fuller, their Heirs and Assigns, upon the Trusts, and for the Ends, Intents, and Purposes therein-after declared; and as to, for, and concerning the said Term of One thousand Years therein-before limited to the said John Henry Pelly and William Henley Raikes, the said Testator did thereby declare that the same was so limited to them upon the Trusts, and under and subject to the Provisoes, Declarations, and Agreements therein-after limited and declared of and concerning the same; (that is to say,) upon Trust, from and immediately after the Death of his said Son Richard Boulton, by and out of the Rents, Issues, and Profits of the Manor, Messuages, Farms, Lands, Tenements, and Hereditaments comprised in the said Term, or by Sale, Mortgage, or other Disposition of same Hereditaments, or any Part or Parts thereof, for all or any Part of the said Term, or by any other lawful Ways and Means whatsoever, to raise and

and levy the full and clear Sum of Ten thousand Pounds of lawful Money of Great Britain, together with Interest for the same from the Day of the Decease of his said Son Richard Boulton after the Rate of Five Pounds per Centum per Annum; and as to, for, and concerning the ultimate Remainder of and in his the said Testator's devised Estates, therein-before limited to the said George Pearkes Barclay and Richard Fuller, their Heirs and Assigns, the said Testator did thereby declare that the same was so limited to them upon the Trusts, and under and subject to the Powers, Provisoes, Declarations, and Agreements thereinafter limited and declared concerning the same; (that is to say,) upon Trust that they the said George Pearkes Barclay and Richard Fuller, or the Survivor of them, or the Heirs or Assigns of such Survivor, should, as soon as conveniently might be after the said Remainders should have fallen into Possession by Failure or Determination of all the preceding Estates therein-before limited, absolutely make Sale and dispose of all his the said Testator's Manor, Messuages, Farms, Lands, Hereditaments, and Premises therein-before devised, either by public Auction or private Contract, and either altogether or in Parcels, for the best Price or Prices that could be had or gotten for the same, and should in the meantime until such Sale demise, let, and manage the said Estates as therein mentioned; and as to the Monies which should be produced as well by Sale of the said Estates as from the Rents and Profits thereof in the meantime, the said Testator's Will was, that his said Trustees, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, should, by and out of the same Monies, in the first place, retain to and reimburse themselves and himself all such Costs, Charges, and Expences as they or he should incur or sustain by reason of such Sale or Sales, Letting, and Management as aforesaid, or preparatory thereto, or in anywise relating thereto or to the Execution of the Trusts of that his Will; and, in the second place, should pay and satisfy such Sum and Sums of Money as might be then due for Principal and Interest on such Mortgage or Mortgages as might affect the said devised Estates respectively, any or either of them, including the Sum of Seven thousand eight hundred and twenty-eight Pounds therein-after mentioned, and the Interest thereof, in case the same should have been secured by a Mortgage according to the Condition of the Bond therein-after referred to; and, in the third place, should pay and satisfy such Sum or Sums of Money as might be then due for Principal and Interest on the said Bond (being an Obligation under his the said Testator's Hand and Seal, dated the Ninth Day of March One thousand eight hundred and twenty, whereby he the said Testator became bound in the penal Sum of Fifteen thousand six hundred and fifty-six Pounds,) for securing the Payment of the said Principal Sum of Seven thousand eight hundred and twenty-eight Pounds unto his the said Testator's Daughters, Sophia Boulton and Louisa Boulton (now Louisa Raikes, Wife of the said William Henley Raikes), or either of them, their or either of their Executors, Administrators, or Assigns, at such Place and at such Time as are mentioned in the Condition of the said Obligation, if the same should not have been previously secured by a Mortgage, in which Case the Payment of the same was therein-before provided for; and as to the Residue and Surplus of all such Monies as aforesaid (after full Payment and Satisfaction of all such

such Costs, Charges, Debts, and Incumbrances as aforesaid) upon Trust, and the said Testator's Will was, that the same should be divided into Ten equal Parts or Shares, and One of such Parts or Shares should belong to each of his the said Testator's Children who should be then living (but as to the Share of his the said Testator's Son Henry Boulton, if he should be then living, the same should be paid to the said John Henry Pelly and William Henley Raikes, or the Survivor of them, his Executors or Administrators, upon the Trusts thereinafter declared,) and One of such Ten Parts or Shares should also belong to the Child or Children or Issue then living of such of his the said Testator's said Children (if any) as should be then dead, the same to be equally divided between such Children or Issue if more than One, and such Issue to take per Stirpes and not per Capita; and if any One or more of the said Children being then dead should not have left any such Child or Children or Issue as aforesaid then living, then, as to the Share or Shares of his the said Testator's said Child or Children so dead without leaving Issue as aforesaid, the said Testator directed that the same should go and be divided unto and between or amongst the several Parties entitled to the several other Parts or Shares of and in the said Trust Monies by way of Survivorship or Accruer; and the said Testator thereby declared that they the said John Henry Pelly and William Henley Raikes, their Executors, Administrators, and Assigns, should stand possessed of the said Sum of Ten thousand Pounds, and such Sum and Sums of Money as might from his the said Testator's Son Henry Boulton's Share of any of the Trust Funds therein-before directed to be divided, and the Interest thereof as aforesaid, upon such Trusts and to and for such Intents and Purposes as were therein-after expressed and declared concerning the same, for the Benefit of the said Testator's Son Henry Boulton, since deceased, and his Issue; (that is to say,) upon Trust that they the said John Henry Pelly and William Henley Raikes, or the Survivor of them, his Executors, Administrators, or Assigns, should from Time to Time lay out and invest the said Sum of Ten thousand Pounds, and all such other Sum and Sums of Money as aforesaid, as soon as conveniently might be after the Receipt thereof, in their or his Names or Name in some of the Public Stocks or Funds of Great Britain, or in or upon Government or Real Securities at Interest, and should stand and be possessed of the said Trust Monies, and the Stocks, Funds, and Securities in or upon which the same should be so invested, upon certain Trusts for the Benefit of the said Testator's said Son Henry Boulton, but which have now determined by his Death, and from and after the Decease of his said Son Henry Boulton, or such earlier Period as therein mentioned, then and from thenceforth should stand possessed of the said Trust Monies, Stocks, Funds, and Securities in Trust for the said Testator's Three Grandchildren, Henry Edward Boulton, Charles Raymond Boulton, and Richard Boulton, (the Sons of his said Son *Henry Boulton*,) equally to be divided between or amongst them, Share and Share alike, the Shares of such his said lastnamed Grandsons to be paid or transferred to or become vested Interests in them respectively on their respectively attaining the Age of Twenty-one Years, with Benefit of Survivorship as to the Share or Shares of such of his said Grandsons as should die under the Age of Twenty-one Years to or in favour of the Survivors or Survivor and others

others or other of them; and the said Testator directed that the Dividends, Interest, and annual Proceeds of the said last-mentioned Trust Fund which should arise after the Determination of his said Son Henry Boulton's Estate and Interest therein, and until the Capital should become payable or transferrable and divisible under the Trusts aforesaid, or a competent Part of such Dividends, Interest. and yearly Proceeds, should be paid and applied for or towards the Maintenance and Education of his said Three Grandchildren thereinbefore named, or the Survivors or Survivor of them, according and in proportion to their or his presumptive Shares or Share, Rights, and Interests in the Capital; and such Part of the said Dividends, Interest, and yearly Proceeds (if any) as should not be so applied should be added to the Capital, and invested in the same Manner, and form an Accumulation and Addition thereto, and should from thenceforth go along with such Capital as Part thereof; and in case all and every the before-named Sons of the said Testator's Son Henry Boulton should die without acquiring a vested Interest in the said Trust Fund, then the said Trust Monies, Stocks, Funds, and Segurities, and all Accumulations thereof, after the Determination of such of the aforesaid Trusts as should arise and take effect, should go and be divided unto and between or amongst all and every the said Testator's next of Kin who should be living at the Time of the Decease of the Survivor of his said Son Henry Boulton and his said Three Sons, according to the Statute for the Distribution of Intestates Effects; and the said Testator thereby appointed his said Sons Richard Boulton and Charles Boulton, and his Son-in-law the said John Henry Pelly, Executors of that his Will: And whereas the said Testator died in or about the Month of May One thousand eight hundred and twenty-eight without having revoked or altered his said Will: And whereas the said Richard Boulton the Son and Charles Boulton, on or about the Thirtieth Day of May One thousand eight hundred and twenty-eight, duly proved the said Will in the Prerogative Court of the Archbishop of Canterbury, Power being reserved for the said John Henry Pelly to come in and prove the same: And whereas the said Richard Boulton the Son, and the First Devisee for Life named in the said Will, has no Son, and the said Charles Boulton, the Second and next Devisee for Life named in the said Will, has Issue Frederick Dalton Boulton his First and eldest Son, and Four other Sons, videlicet, John Boulton, Charles George Boulton, William Raymond Boulton, and Augustus Joseph Boulton, who are all Infants under the Age of Twenty-one Years, and no other Male Issue: And whereas all the said Testator's Children except the said Henry Boulton the Son are now living, and the said Testator hath also now living very many Grandchildren, residing in different Parts of the World, but the said Daughters of the said Testator and their Children are only interested in the said Testator's Real Estate on the Failure of Issue Male of the said Richard Boulton and Charles Boulton, and then only, in the Proceeds of any Sale which may be made thereof under the Trusts for that Purpose contained in the said Testator's Will hereinbefore recited: And whereas, over and above the said Sum of Ten thousand Pounds, charged by the said Testator Henry Boulton upon his said Real Estate in favour of his the said Testator's said Son Henry Boulton, and of the Three Sons of the last-named Henry Boulton, the [Private.] said 13 2

said Testator's said Real Estate is also liable to pay and make good

other large Sums of Money; that is to say, the Sum of Ten thousand.

Order of the Chancery, 12th March 1839, and Proceeding

Court of

thereupon.

Sess. 2.

six hundred and sixty-seven Pounds Four Shillings and One Penny, being the Balance of Payments made by the said Richard Boulton and Charles Boulton as the Executors of the said Testator in respect of his the said Testator's Debts beyond the Amount of the Testator's Personal Estate not specifically bequeathed, the Sum of Seven thousand eight hundred and twenty-eight Pounds and Eight-pence, due on the said Testator's Bond, bearing Date the Ninth Day of March One thousand eight hundred and twenty, to the said Sophia Boulton and Louisa the Wife of William Henley Raikes, and the Sum of Three thousand and forty-eight Pounds Four Shillings and Ten-pence, secured by the Bond of the said Testator, bearing Date the Twentyfifth Day of December One thousand eight hundred and twenty-nine, to the said Richard Boulton, together with a large Arrear of Interest thereon, and that the said Sums will exhaust or nearly exhaust the said Real Estate: And whereas the said Sum of Ten thousand Pounds is not raisable until after the Death of the said Richard Boulton, and then only by means of a Term of One thousand Years, but if the Purchase Money to be received by Sale of the said Testator's Real Estate, after satisfying the aforesaid several Debts now payable out of the said Testator's Real Estate, shall in the meantime be re-invested in the Purchase of Land, such Re-investment will cause very great additional Expence and Inconvenience to the said Parties when the said Sum of Ten thousand Pounds shall become raisable and payable: And whereas by an Order of the High Court of Chancery, bearing Date the Twelfth Day of March One thousand eight hundred and thirty-nine, made in a certain Cause then and there depending, in which the said William Henley Raikes and Louisa his Wife, Sophia Boulton, and William Stanley Clarke, are Plaintiffs, and the said Richard Boulton the Son, Charles Boulton, Frederick Dalton Boulton, John Henry Pelly and Emma his Wife, George Pearkes Barclay and Maria his Wife, Henry Boulton, since deceased, Henry Edward Boulton, Charles Raymond Boulton, and Richard Boulton, together with Frances Fuller, Henry Raleigh Knight and Juliana his Wife, and William Sadlier Bruere and Harriet his Wife, are Defendants, it was ordered, that it be referred to the Master to whom the said Cause stood transferred to inquire and state to the Court of what Real Estate the Testator Henry Boulton died seised, and which passed by his Will; and whether the said Testator died seised of any Real Estate which did not pass by his said Will; and whether the said Testator Henry Boulton was at the Time of his Death a Trader within the Intent and Meaning of the Statute made and passed in the Second Session of the Forty-seventh Year of the Reign of King George the Third, 47 G. 3. c. 74. intituled An Act for more effectually securing the Debts of Traders; and whether it would be for the Benefit of all Parties interested in the Real Estates devised by the Will of the said Testator Henry Boulton that the same or any and what Part thereof should be sold; and whether the Contract therein referred to, entered into by the Defendants, the said Richard Boulton and Charles Boulton, with Felix Calvert Ladbroke, bearing Date the Twelfth Day of June One thousand eight hundred and thirty-five, was a beneficial Contract for the Persons so interested in the said Testator's Real Estate; and whether 1t

it would be proper that the said Contract should be as far as possible carried into execution; and whether it would be for the Benefit of all the said Parties that it should not be essential to lay out the Purchase. Money to arise from the said Sale in the Purchase of Land, but that the same should be laid out and invested in Three Pounds per Cent. Bank Annuities or on Real Securities, with Power only to lay out the same in the Purchase of Land if the same should be considered desirable; and whether it would be for the Benefit of the said Parties that Application should be made to Parliament for an Act to enable such Sale or Sales and. Investment or Investments; and whether the Power of Sale to be contained in the said proposed Act should extend to all the Lands which might from Time to Time be subject to the Trusts of the said Testator's Will under the Execution of any of the Powers to be contained in such Act; and whether the said proposed Act should provide that the Income of all Monies to arise by any Sale under such Act, and of the Stocks, Funds, or Securities in which such Monies might be invested, and the Rents and Profits of all Land to be purchased under the Powers to be contained in such Act, should respectively from Time to Time be paid and applied as the Rents and Profits of the Land so sold, exchanged, or made partition of would respectively have been payable or applicable if such Sale had: not been made; and whether it would be for the Benefit of all Parties. interested as aforesaid that the proposed Act shall contain all and. every the Powers and Provisions aforesaid, or any and which of them, or any other and what Clauses, Powers, and Provisions for carrying: the Purposes aforesaid into effect, or for any other Purpose; but the said Master was to state his Reasons for approving of any of the Provisions to be comprised in the said proposed Act, if he should approve of an Application to Parliament; and after the said Master should have made his Report such further Order should be made as should be just: And whereas in pursuance of the last-mentioned. Order the said Master made his Report, bearing Date the Twentyseventh Day of April One thousand eight hundred and thirty-nine, and thereby certified that the Real Estate of which the said Testator Henry Boulton died seised, and which passed by his Will, consisted: of the several Particulars therein and in the said First and Second Schedules hereto particularly mentioned; and he found that the said, Testator did not die seised of any Real Estate which did not pass by his said Will; and he further found that the said Testator Henry Boulton was not at the Time of his Death a Trader within the Intent: and Meaning of the Statute made and passed in the Second Session of the Forty-seventh Year of the Reign of King George the Third, intituled An Act for more effectually securing the Debts of Traders, 47 G. 3. c. 74. but that the said Testator was, for many Years previous to and up Sess. 2. to or about the Time of his making his said Will, in the Pleadings of this Cause mentioned, in Trade as a Norway Merchant, and that, all or most of the Debts due and owing from the said Testator at the Time of his Death, and particularly that all the said Testator's Specialty Debts, were contracted by the said Testator whilst he was so in Trade as last aforesaid; and the said Master certified that he was of opinion that it would be for the Benefit of all Parties interested in the said Real Estates devised by the said Will of the said Testator Henry Boulton that the same should be sold, when and as Oppor-

tunities

tunities of advantageously selling the same should present themselves, and that the said Contract entered into by the said Defendants Richard Boulton and Charles Boulton with the said Felix Calvert Ladbroke, bearing Date the Twelfth Day of June One thousand eight hundred and thirty-five, was a beneficial Contract for the Persons so interested in the said Testator's Real Estate, and that it would be proper that the said Contract should be as far as possible carried into execution; and that it would be for the Benefit of all the said Parties that it should not be essential to lay out the Purchase Money to arise from the said Sale in the Purchase of Land, but that the same should be laid out and invested in the Three Pounds per Centum Bank Annuities or on Real Securities under the Direction of the said Court, but that Power only should be given to lay out the same in the Purchase of Land if the same should be considered desirable; and the said Master certified that he was of opinion that it would be for the Benefit of the said Parties that Application should be made to Parliament for an Act to enable such Sale or Sales and Investment or Investments, and that the Power of Sale to be contained in the said proposed Act should extend to all the Lands which might from Time to Time be subject to the Trusts of the said Testator's said Will under the Execution of any of the Powers to be contained in such Act, and that for the Reasons therein stated the said proposed Act should provide that the Income of all Monies to arise by any Sale under such Act, and of the Stocks, Funds, or Securities in which such Monies might be invested, as well as the Rents and Profits of all Land to be purchased under the Powers to be contained in such Act, should respectively from Time to Time be paid and applied as the Rents and Profits of the Land so sold would respectively have been payable or applicable if such Sale had not been made; and that it would be for the Benefit of all Parties interested as aforesaid that the proposed Act should contain all and every the Powers and Provisions aforesaid, and all other Clauses, Powers, and Provisions which might be necessary for carrying the Purposes aforesaid into effect: And whereas by an Order of the said Court of Chancery, bearing Date the Seventh Day of May One thousand eight hundred and thirty-nine, made in the said Cause, it was ordered that the lastrecited Report should be confirmed, and that the said Defendants Richard Boulton the elder and Charles Boulton might be at liberty to sell the Real Estates of the said Testator when and as Opportunities of selling the same advantageously might present themselves, and particularly that the said Defendants Richard Boulton the elder and Charles Boulton might be at liberty to carry the said Contract so entered into by them with the said Felix Calvert Ladbroke, bearing Date the Twelfth Day of June One thousand eight hundred and thirty-five, into execution; and that they might be at liberty to apply to Parliament for an Act to authorize and enable such Sale or Sales, and to lay out and invest the Purchase Monies to arise from such Sale or Sales; and that they might be at liberty, in soliciting the said Act of Parliament, to apply that it might not be made essential by the said Act to lay out the Purchase Money to arise from any such Sale or Sales in the Purchase of Land, but that the same might be laid out and invested in the Three per Centum Bank Annuities or upon Real Securities, under the Direction of the said Court, and that Power only might be given by the said Act to lay out the same in the

the Purchase of Land in case the same might be considered desirable; and that the Act so to be applied for might extend to all the Lands which might from Time to Time be subject to the Trusts of the said Testator's Will under the Execution of any of the Powers which might be contained in such Act; and that the said Act might also contain a Power authorizing the Payment and Application of the Income of all Monies to arise by any Sale under such Act, and of the Stocks, Funds, or Securities in which such Monies might be invested, as well as the Rents and Profits of all Land to be purchased under the Powers to be contained in such Act respectively from Time to Time, in like Manner as the Rents and Profits of the Land so sold would respectively have been payable or applicable if such Sale had not been made; and that the said Act might contain, in addition to the Powers and Provisions aforesaid, all other Clauses, Powers, and Provisions which might be necessary for carrying the Purposes aforesaid into effect: And whereas the Manor, Lands, and Hereditaments contracted to be sold to the said Felix Calvert Ladbroke as aforesaid are mentioned in the First Schedule hereto: Wherefore Your Majesty's most dutiful and loyal Subjects the said Richard Boulton the elder, the Son of the said Testator, and Charles Boulton, on behalf of himself and his said infant Son Frederick Dalton Boulton, as to their said respective beneficial Interests in the said devised Estate of the said Testator, and the said John Henry Pelly and William Henley Raikes, as Trustees as aforesaid, 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, That it shall be lawful for the said Power to sell Richard Boulton the elder and Charles Boulton, and the Survivor of the devised them, his Executors and Administrators, at any Time or Times after Estates. the passing of this Act, but with the Consent in Writing of the Person or Persons who by virtue of the said Will of the said Testator and this Act, or either of them, shall for the Time being be beneficially entitled in Possession to the Rents and Profits of the Hereditaments to be affected by the Exercise of this Power, if such Person or Persons shall be of the Age of Twenty-one Years, but if not then with the Consent in Writing of the Guardian or Guardians for the Time being of such Person or Persons respectively, to make Sale and dispose of all or any Part of the Hereditaments devised by the said Will of the said Testator Henry Boulton deceased, with the Appurtenances, and the Inheritance thereof in Fee Simple, either together or in Parcels, and by public Auction or private Contract, to any Person or Persons whomsoever, for such Price or Prices in Money, and upon such Terms, and under such Stipulations as to the Title or Evidence of Title, as to them the said Richard Boulton the elder and Charles Boulton, or the Survivor of them, his Executors or Administrators, shall seem reasonable, with Liberty to buy in the said Hereditaments or any Part thereof which may be offered for Sale at any Auction, and to re-sell the same either by Auction or private Contract, without being answerable for any Loss which may happen by such Re-sale, and to do all Things requisite or proper for the Purpose of effectuating every such Sale; and upon every such Sale the said Richard Boulton the elder and Charles Boulton, or the Survivor of them, his Executors or Administrators, upon [Private.] Payment 13 K

Payment into the Bank of England in manner herein-after directed of the Purchase Monies of the Hereditaments so to be sold, shall convey and assure the Hereditaments so to be sold, and the Freehold and Inheritance thereof, in Fee Simple in Possession, to such Person or Persons and in such Manner as shall be deemed expedient in order to effect such Sale, freed and discharged from all and every the Uses, Estates, Trusts, Powers, Provisions, and Declarations in and by the said Will of the said Testator limited, expressed, declared, and contained concerning the same or any Part thereof.

Power to complete the Sale of Part to Mr. Ladbroke.

II. Provided always, and be it further enacted, That at any Time within the Space of Two Years after the passing of this Act, upon Payment into the Bank of England in manner herein-after directed, by the said Felix Calvert Ladbroke, his Heirs, Executors, or Administrators, of the Sum of Nineteen thousand five hundred and thirty Pounds, or whatever less Sum it may ultimately be agreed upon between the said Felix Calvert Ladbroke and Richard Boulton and Charles Boulton, or the Survivor of them, his Executors or Administrators, with the Sanction of the said Court of Chancery, shall be paid and taken as and for the Purchase Money for the Hereditaments so contracted for, should any Diminution, on the Investigation of Title or otherwise, be deemed necessary and expedient, it shall be lawful for the said Richard Boulton the elder and Charles Boulton, or the Survivor of them, his Executors or Administrators, of their or his proper Authority, and without requiring the Concurrence or Consent of any Person beneficially interested in the said Real Estate or any Part thereof, to convey and assure all and singular the Hereditaments comprised in the said First Schedule to this Act, with their Rights, Members, and Appurtenances, and the Freehold and Inheritance thereof in Fee Simple in Possession, unto and to the Use of the said Felix Calvert Ladbroke, his Heirs and Assigns, or as he or they shall direct, freed and discharged from all and every the Uses, Estates, Trusts, Powers, Provisions, and Declarations in and by the said Will of the said Testator limited, expressed, declared, and contained concerning the same or any Part thereof.

Purchase paid into the Bank of England.

III. And be it further enacted, That the said Sum of Nineteen Money to be thousand five hundred and thirty Pounds, or other the Purchase Money as aforesaid, in case the said Sale to the said Felix Calvert Ladbroke shall take effect, and all Monies which shall arise from every Sale to be made in pursuance of this Act, shall be paid by the Person or Persons respectively to or with whom such Sale shall be made into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there "ex parte the Purchasers of the devised Estates late of Henry Boulton Esquire, deceased," pursuant to the Method prescribed by the Act of Parliament of the Twelfth Year of the Reign of King George the First, Chapter Thirty-two, and the general Orders of the said Court, and without Fee or Reward, according to the Directions of the Act of the Twelfth Year of King George the Second, Chapter Twenty-four; and the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of One of the Cashiers of the Bank of England to be thereto

What shall be deemed a sufficient Discharge.

thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, or Office Copies thereof respectively, of the Payment into the Bank of England of any Monies by this Act directed to be so paid, shall be an effectual Discharge or effectual Discharges to the Persons respectively paying the same, and to his, her, or their respective Heirs, Executors, Administrators, and Assigns, for the Monies aforesaid, or so much thereof as in such Certificate or Certificates and Receipt or Receipts respectively shall be expressed to be received; and after the filing as aforesaid of such Certificate or Certificates and Receipt or Receipts the Persons respectively paying such Monies shall not be bound to see to the Application, or be answerable for any Loss, Misapplication, or Nonapplication of such Monies, or any Part thereof.

IV. And be it further enacted, That all Monies which shall be Application paid into the Bank in manner herein-before directed shall and may of the Purbe paid and applied, under the Control and Direction of the said chase Money. Court of Chancery, to be obtained on Petition to be preferred to the said Court in a summary Way, or upon such other Application as the said Court shall see fit, as follows; (that is to say,) in the Payment of the Costs, Charges, and Expences preparatory to and attending the soliciting and applying for, and preparing, obtaining, and passing this Act, and also the Costs, Charges, and Expences which shall have been incurred in relation to the Sale or Sales hereby authorized, and the Execution of the Powers and Authorities hereby created, and subject thereto in or towards paying and discharging any Mortgage or Mortgages, or Charge or Charges, or Incumbrance or Incumbrances, if any such there are, affecting the Hereditaments mentioned in the said Schedules hereto, or any Part thereof, and in or towards paying and discharging such unsatisfied Debts of the said Testator, and replacing and making good such Personal Estate, if any, of the said Testator, by his said Will specifically bequeathed, and in paying such Costs, Charges, and Expences of and attendant on the Administration of the Real and Personal Estates of the said Testator respectively and of the said Suit, and the several Proceedings had or to be had therein, and of all the Parties thereto, as the said Court shall, upon Petition or otherwise as aforesaid, order or direct to be thereout paid; and that the clear Surplus of the Monies which shall be so paid into the Bank, and also so much of the said Monies as from Time to Time shall or may not be required for paying and discharging such Costs, Charges, Expences, Mortgages, Charges, and Incumbrances, and Debts, and for replacing and making good such Personal Estate as aforesaid, or for any of such Purposes, shall and may forthwith, by and under the Control and Direction of the said Court, to be obtained as aforesaid, be laid out by the said Accountant General in the Purchase of Three Pounds per Centum Bank Annuities: Provided always, that it shall and may be lawful for the said Court Power to inof Chancery, upon Petition to be preferred to the said Court in a summary Way, or upon such other Application as the said Court shall on Real Securities. see fit, by the Person or Persons who by virtue of the said Will of the said Testator would for the Time being have been beneficially entitled in Possession to the Rents and Profits of the Hereditaments from the Sale whereof such Monies respectively shall have arisen if such Sale

vest Surplus

had

2° & 3° VICTORIÆ, Cap. 42.

had not been made, (but if any such Person or Persons shall be under the Age of Twenty-one Years, then of his, her, or their Guardian or Guardians for the Time being, in his, her, or their Behalf,) to direct the Monies which shall be so paid into the Bank as aforesaid, or so much thereof as from Time to Time may not be required for paying and discharging such Costs, Charges, Expences, Mortgages, Charges, and Incumbrances, and Debts, and for replacing and making good such Personal Estate respectively as aforesaid, or for any of such Purposes, or any Part of such Monies, to be invested, or to direct the Bank Annuities which may be so purchased as aforesaid, or any Part thereof respectively, to be sold, and the Produce thereof invested, in the Name or Names of the Trustees or Trustee for the Time being of the said Will of the said Testator, at Interest in Real Securities in England or Wales, with Power for such Trustees or Trustee from Time to Time, under the Direction of the said Court of Chancery, to be obtained on Petition or otherwise as aforesaid, to call in, vary, or dispose of such Securities, and to re-invest the Money arising by such calling in, Variation, or Disposition at Interest upon Real Securities of the like Nature, or to pay such Money again into the Bank, in the Name and with the Privity of the said Accountant General, to be by him again laid out in the Purchase of Three Pounds per Centum Bank Annuities, and so on from Time to Time as often as the said Court shall direct.

Application of the Interest and Dividends of the Produce of the Sales, and of the Securities on which the same shall be invested.

V. And be it further enacted, That the Interest, Dividends, and annual Produce of all and every the Monies to be paid into the Bank as aforesaid, or of the Bank Annuities or Securities wherein such Monies respectively shall for the Time being be laid out or invested as herein-before directed or authorized, shall from Time to Time, under the Direction of the said Court of Chancery, to be obtained on Petition or otherwise as aforesaid, go and be paid to such Person or Persons, and be applied to and for such Uses, Intents, and Purposes, and in such Manner, as the Rents and Profits of the Hereditaments from the Sale whereof such Monies respectively shall have arisen would have gone and been payable or applicable if such Sale had not been made.

Power to lay out the Produce of the Lands sold in the Purchase of Land to be settled to the same Uses.

VI. Provided always, and be it further enacted, That, at any Time or Times after any Monies shall have been paid into the Bank as herein-before is directed, it shall be lawful for the said Court of Chancery, upon Petition to be preferred thereto in a summary Way, or upon such other Application as the said Court shall see fit, by the Person or Persons who, by virtue of the said Will of the said Testator, would for the Time being have been beneficially entitled in Possession to the Rents and Profits of the Hereditaments from the Sale whereof such Monies respectively shall have arisen if such Sale had not been made, but if any such Person or Persons shall be under the Age of Twenty-one Years, then by his, her, or their Guardian or Guardians for the Time being, in his, her, or their Behalf, to direct so much of such Monies respectively as shall not be required for defraying the Purposes aforesaid, or any Part thereof, to be laid out, or to direct the Bank Annuities or Securities whereon such Monies respectively shall be invested, or any Part thereof, to be converted into

into Money, and the Monies produced by such Conversion to be laid out in the Purchase of Messuages, Lands, Tenements, or Hereditaments in England or Wales of a clear and indefeasible Estate of Inheritance in Fee Simple in Possession (whereof any Part may, if the said Court shall think fit, be Copyhold of Inheritance); and upon or immediately after every such Purchase the Hereditaments therein comprised shall be conveyed, surrendered, settled, and assured to, for, and upon such Uses, Trusts, Intents, and Purposes, and with, under, and subject to such Powers, Provisions, and Declarations, as under the said Will of the said Testator and this Act, or either of them, the Hereditaments from the Sale whereof the Monies laid out in such Purchase shall have arisen would have stood or been limited or subject to if the same had not been sold, or as near thereto as Circumstances will permit.

VII. And be it further enacted, That at any Time or Times after The Court of any Monies shall have been paid into the Bank as herein-before is Chancery directed it shall be lawful for the said Court of Chancery, upon authorized to Petition to be preferred thereto in a summary Way, or upon such Produce of other Application as the said Court shall see fit, by any Person or Persons who, by virtue of the said Will of the said Testator and this paid to the Act, or either of them, shall then be absolutely entitled to such Monies solutely enor any Part thereof, (but if any such Person or Persons shall be under titled thereto. the Age of Twenty-one Years, then by his, her, or their Guardian or Guardians for the Time being, in his, her, or their Behalf,) to direct such Monies or any Part thereof to be paid, or the Bank Annuities or Securities wherein the same or any Part thereof shall then be invested to be transferred or assigned, to the Person or Persons so entitled, or to such Person or Persons and in such Manner as the said Court shall think fit.

Sale to be Persons ab-

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Court of Chancery, upon any such Petition or other Application as aforesaid, from Time to Time to make such direct the Orders as the said Court shall think fit for taxing or settling all Costs, Taxation and Charges, and Expences which shall have been incurred in or about Payment of the said Suit and Proceedings in Chancery, and in preparing, soliciting, applying for, and obtaining and passing this Act, and preparatory thereto, and in making the several Applications to the said Court in pursuance hereof, and in making and completing any Sale hereby authorized, and investing all or any of the Monies which under this Act shall be paid into the Bank in Bank Annuities, or on Real or other Securities, or in the Purchase of Lands and Hereditaments under the Powers herein contained, or otherwise in carrying the Trusts and Purposes of this Act into execution, and also from Time to Time to make such Orders as the said Court shall think fit for Payment such Costs, Charges, and Expences out of the Monies which shall be paid into the Bank as aforesaid, and also from Time to Time to make such other Order or Orders in or about the Execution of the Act as the said Court shall think fit.

The Court of Chancery authorized to

IX. Provided always, and be it further enacted, That all or so much of the Monies which shall arise by any Sale of Real Estate under this Act, Land to be [Private.] and

The Produce of Sale of

subject to the same Trusts as the Land itself was.

and the Stocks, Funds, or Securities whereon such Monies or any Part thereof may be invested as shall not be applied in the Payment of Costs, Charges, and Expences, Mortgages, Charges, and Incumbrances, and Debts, and in replacing and making good Personal Estate, as herein-before is authorized, or any of such Purposes, shall be subject to the same Trusts, Powers, and Authorities as such Real Estate would have been subject to if such Sale had not been made, and shall, as to any transmissible beneficial Interest therein under the said Will of the said Testator of any Person who shall die under the Age of Twenty-one Years, be considered as Real Estate, and as such shall be transmissible to the Representative or Representatives of such Person so dying.

This Act not to affect certain Parties until their have been enrolled in the Court of Chancery.

X. And whereas the said Henry Edward Boulton is now on his Passage to Hudson's Bay as Chief Officer of the Ship "Prince of Wales," belonging to the Hudson's Bay Company, and the said Charles Consent shall Raymond Boulton and Richard Boulton, the younger are now with their respective Regiments in the Province of Bengal in the East Indies, and the said Henry Edward Boulton, Charles Raymond Boulton, and Richard Boulton the younger, being respectively interested under the said Testator's Will as aforesaid, and their respective Consents to this Act not having been proved; be it therefore enacted, That this Act shall not, nor shall any of the Provisions herein contained, operate or be of any Effect as against the said Henry Edward Boulton, Charles Raymond Boulton, and Richard Boulton the younger, so interested as aforesaid respectively, until the said Henry Edward Boulton, Charles Raymond Boulton, and Richard Boulton the younger shall respectively signify their Consent to this Act by Writing under their Hands, attested respectively by One or more credible Witness or Witnesses; and such Writing shall be enrolled in Her Majesty's High Court of Chancery within Three Years after the passing of this Act; and from and after the Enrolment of such Consent the same shall be deemed and taken as Part and Parcel of this Act, and shall be as conclusive and binding upon the said Henry Edward Boulton, Charles Raymond Boulton, and Richard Boulton the younger, and all Persons claiming or to claim by, from, through, or under them, or any or either of them, as if such Consent had been obtained and proved before the passing of this Act; and such Consent may be given in the Form or to the Effect following; (that is to say,)

Form of Consent.

- 'I [or We] do hereby consent to an Act of Parliament passed in the Year of the Reign of Queen Victoria, do hereby consent to an Act of Parlia-
- ' intituled An Act for authorizing the Sale of the Real Estate devised by
- ' the Will of Henry Boulton Esquire, deceased, and for the Application ' of the Monies to arise thereby. Given under my Hand \[\int \text{or our} \]
- Day of in the Year of our Lord ' Hands the
- 'One thousand eight hundred and

General Saving.

XI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Persons and Person, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the said Richard Boulton, the Son and Executor of the said Testator, Charles Boulton, Frederick Dalton Boulton, Henry Edward Roulton, Charles Raymond

Raymond Boulton, Richard Boulton the Son of the said Henry Boulton deceased, William Henley Raikes and Louisa his Wife, Sophia Boulton, John Henry Pelly and Emma his Wife, George Pearkes Barclay and Maria his Wife, Frances Fuller, Richard Fuller, Henry Raleigh Knight and Juliana his Wife, and William Sadlier Bruere and Harriet his Wife, and their respective Heirs, Executors, and Administrators, and all and every other Person and Persons lawfully or equitably claiming or to claim any Estate, Use, Trust, Interest, or Benefit of, in, or out of the said Hereditaments devised as aforesaid under or by virtue of the said Will,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the same Hereditaments and Premises, and every or any Part thereof, as they, every or any of them, had before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not been passed.

XII. And be it further enacted, That this Act shall be printed This Act as by the several Printers to the Queen's most Excellent Majesty duly printed by authorized to print the Statutes of the United Kingdom; and a Copy Printers to thereof so printed by any of them shall be admitted as Evidence be Evidence. thereof by all Judges, Justices, and others.

the Queen's

/ The FIRST SCHEDULE referred to by the foregoing Act;

COMPRISING

Such Part of the Hereditaments devised by the Testator as are comprised in the Contract for Sale to Felix Calvert Ladbroke, Esquire.

New Pond Farm.

Number on Plan of New Pond.			·				·						
1 2 3 4 5	Meadow Cottage and G Meadow Ditto Ditto	arden						Meadow Meadow Ditto Ditto		- - -	A. 2 0 4 3 5	0 1 1 0	P. 29 34 0 27 24 34
	•		\boldsymbol{C}	herkley	Wood	, &c.		•					

Number on Plan of Cherkley.		<u> </u>			<u></u>		
3 and 4 - 1, 6, 7, 8, } and 9.	Cherkley Wood Cherkley Fields			· •	Wood Rough Pasture -	27 29	R. P. 2 2 3 37
				-		57 ——c	1 39

Highland Farm and Part of late Wade's.

Number on Plan of Highland and Wade's Farm.				
1 2 3 4 5 6 7 8 9	Highland Farm House and Homestead Drying Ground Barn Field Fourteen Acres Furze Hill Close Fourth Highland Field A Shaw The Coppice Third Highland Field A Shaw	Pasture Ditto Ditto Arable Ditto Wood Arable Arable Wood - Arable - Arable -	A. R. P. 2 0 20 1 0 3 5 0 35 12 0 23 10 0 4 9 1 27 0 2 22 1 2 4 7 3 25 1 0 9	

			المراجع المراج)
Number on Plan of Highland and Wade's Farm.		-	-	
1 1	Second Wighland Field	Arable -	а. п. р. 3 3 39	•
]]	Second Highland Field	Dia.	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	
12	Part of Ditto in Ashtead	XX7 3	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	
13	A Shaw	5	1 1 36	
14	Part of the First Highland Field in Ashtead	Arable		
15	Part of Ditto, Leatherhead	Ditto -	5 3 15	
16	A Shaw	Wood -	$\begin{array}{cccc} 1 & 0 & 32 \\ \hline \end{array}$	İ
17	Little Puncheon	Arable -	7 1 17	
18	A Shaw and Lane leading to Headley -	Wood, &c.	3 0 27	<u></u>
19	Great Puncheons -,	Arable -	17 2 24	}
	A. R. P.			
20	The Hiel • - 18 2 167			
9, 10, 11,	Three Fields, late Wade's - 16 3 8	Arable -	50 0 21	
22 and 24	First and Second Redfields - 14 2 37			•.
21	Piece adjoining Down	Pasture -	5 2 33	
23	The Meadow	Ditto -	3 2 13	
25	Third Redfield	Arable -	11 3 29	
26	Tibley Field	Ditto -	1 2 15	
27	Shepherd's Close	Ditto -	10 0 30	1
4/	A. R. P.			1
28	Down's Close 2 0 28 }			
6 ·	Porter's Field - 2 0 33 }	Ditto -	4 1 21	
7		Ditto -	7 2 25	j
<i>1</i>	Long Dean -	Ditto -	5 3 16	
8	Down's Close	Pasture -	4 2 36	
12	Red Gap	137004	0 3 3	1
13	Hamfield Rough	Dankasan	5 1 23	į.
14	Ditto old House	Pasture -	0 1 25	
15	House, Barn, &c	Ducture	l'	
16	Park	Pasture -	3 0 17	
		T 1	010 0 97	
	TT:	Inclosures	210 0 37	
29 to 42	Fourteen Pieces originally belonging to Hi		37 0 22	
		· A. R. P.		- Court of the
43 to 105	Sixty Pieces originally Part of Highland	} 291 1 36 }	200 0 0	South of the Turnpike Road
	Farm	, ,	388 0 27	Z Turnpike Koad
13 to 81	Sixty-nine Pieces purchased of Miss Wade	e 96 231J		to London.
		•	635 2 6	
	The Right of Pasturage over Leatherh	ead Downs, ?	298 2 32	
	containing -	5	200 202	
				= }
	1			•

THE MANOR.

The Manor is co-extensive with the Parish, and contains Three thousand five hundred Acres, divided nearly as follows:

Freehold Property about	A. 1,100 350	в. 0 0	P. O O	Acres.
Leasehold held of Merton College Other Land Proprietors, of which about Four hundred and sixty-five Acres is Copyhold and the Remainder Freehold	1,300	0	0	
The Common Downs	300 400 50	0	0 0 0	
Lanes, Bed of River, and other Waste Ground		- (3,500

Cha. Ranken Vickerman.

The SECOND SCHEDULE referred to by the foregoing Act;

COMPRISING

All such Parts of the Hereditaments devised by the Testator as are not comprised in the First Schedule.

Number on Plan dated 1816	Names of Fields, &c.	Culture.	Contents.		
31 32	Givons Grove. Common Meadow Long Meadow	Meadow - Ditto -	A. R. P 2 3 12 23 1 37		
33 34 35 36	Bridge Cut Meadow Part of the River Mole South April North April	Ditto - Meadow - Ditto -	$egin{array}{cccccccccccccccccccccccccccccccccccc$		
37 38 39 40 41	Garbage Dean Fir Plantation Givons Grove Ridley Bank Shaw	Arable - Wood - Ditto - Arable - Wood -	$egin{array}{cccccccccccccccccccccccccccccccccccc$		
42 43 44 45	The Links Garden, Gardener's House, et cetera Little Tibley Field Barn, Field, and Roger's Ham	Arable - Arable - Meadow -	$ \begin{array}{cccccccccccccccccccccccccccccccccccc$		
46 and 47 48 and 49 50 51	Mansion House, Offices, et cetera Shaws Skeets Cockley Lane Lower Gorse Hill	Wood Arable	$\begin{array}{cccccccccccccccccccccccccccccccccccc$		
52 53 54	Mount Skippet 5A. 2R. 25P. } Ditto in Mickleham - 13A. 2R. 35P. }	Arable - Ditto -	10 3 24 19 1 20		
55 56 57 58 59	Upper Gorse Hill	Ditto - Arable - Ditto -	19 0 32 0 1 26 2 3 36 4 2 16		
J J	Latt Of Dane near Midley Bank		A. 216 1 6		
	Part of the Property late Miss Wad	le's.	•		
1 and 2 3 4 and 5 17 18	Upper and Lower Stoney Down, now together Tibley Little Cockley and the Ridings South Meadow Little Meadow	Pasture - Arable Ditto - Meadow - Ditto -	12 1 8 6 3 1 9 3 2 0 3 0 0 3 23		

Number on Plan dated 1816.	Names of Fields, &c. Culture	•	Contents.			
	Bocket's Farm.					
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 29 30	Bocket's Farm-house, Barns, et cetera Barn Field The Eleven Acres Fir Plantation Shaw Ditto Ditto Wellhouse Field The Thirteen Acres Fir Plantation Fir Plantation Upper Eight Acres Ditto The Mickleham Upper Eight Acres Ditto The Mickleham Upper Eight Acres Ditto Ditto The Mickleham Upper Eight Acres Ditto Dit		A. 128 A. 128 A. 128	R· 0 2 3 2 2 2 3 3 0 0 2 0 3 2 2 2 2 1 1 3 3 3 0 0	P. 25 37 13 22 12 14 15 15 23 29 16 7 20 21 25 27 27	
-	Cottages.	<u></u> j	<u> </u>	_ ,		
John Jardine James Billin	A small House and Premises also let to Mr. Jardine, the Occupation of Mrs. Roberts, his Undertenant		£ 26 6 10	5	-	
Thomas Tidy - Dwelling House, Smith's Shop and Premises, let to Thomas Tidy - A new-built House and Premises in and including the Pit adjoining the Swan - Thomas Tidy - A new-built House and Premises in and including the Pit adjoining the Swan					0	
James Harriott A Cottage and Premises in Leatherhead called Glory Castle A House, Garden, and Premises let to J. Brown -					0 0 0	

Cha. Ranken Vickerman.

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