



ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. 1.

An Act for enabling Mining Leases to be granted of an Estate in the North Riding of *Yorkshire* late of *Henry Darley* Esquire, deceased, and for other Purposes, and of which the Short Title is "*Darley's Estate Act, 1858.*"
[12th July 1858.]

WHEREAS by an Indenture of Settlement, dated the First Day of *March* One thousand eight hundred and thirty-two, between *Henry Darley* of *Aldby Park* in the County of *York*, Esquire, since deceased, of the First Part, *Henry Brewster Darley* of the same Place, Esquire, the eldest Son and Heir Apparent of the said *Henry Darley*, of the Second Part, *Harriet Louisa*, now the Wife of the said *Henry Brewster Darley*, then *Harriet Louisa Hudson* Spinster, of the Third Part, the Reverend *James Britton* of *Ware* in the County of *Hertford*, Clerk, and *George Bulmer* of the City of *York*, Gentleman, of the Fourth Part, *Harrington Hudson* of *Bessingby* in the County of *York*, Esquire, and the Reverend *George Townshend Hudson* of *Pagham* in the County of *Sussex*, Clerk, of the Fifth Part, and *William Ware* of *Skirpenbeck* in the County of *York*, Gentleman,

Indenture of Settlement, dated 1st March 1832.

[Private.]

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and

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and *John Brook* of the City of *York*, Gentleman, of the Sixth Part, (being the Settlement made in contemplation of the Marriage then intended and shortly afterwards solemnized between the said *Henry Brewster Darley* and the said *Harriet Louisa* his Wife,) the Manor or Lordship or reputed Manor or Lordship of *Spauntone* otherwise *Spaunton* otherwise *Spawnton* otherwise *Sponton*, and other Hereditaments in the County of *York*, were appointed, from and after the Solemnization of the then intended Marriage, to the Use, Intent, and Purpose that the said *Henry Brewster Darley* and his Assigns should, during the joint Lives of himself and the said *Henry Darley*, receive and take, by and out of the Rents, Issues, and Profits of the said Manor and Hereditaments, a yearly Rentcharge of One thousand Pounds, with usual Powers of Distress and Entry for the Recovery thereof, and subject thereto to the Use of the said *James Britton* and *George Bulmer*, their Executors, Administrators, and Assigns, for a Term of Two hundred Years, without Impeachment of Waste, upon the Trusts therein-after declared and herein-after recited, and subject thereto to the Use of the said *Henry Darley*, since deceased, and his Assigns, during his Life, with Remainder to the Use of the said *William Ware* and *John Brook* and their Heirs during the natural Life of the said *Henry Darley*, upon the usual Trust to preserve contingent Remainders, with Remainder to the Use and Intent that *Mary Ann Darley*, then the Wife and now the Widow of the said *Henry Darley*, and her Assigns, (in case she should survive him, which Event happened,) should, from the Time of his Decease, receive and take, during her natural Life, by and out of the Rents, Issues, and Profits of the said Manor and Hereditaments, a yearly Rentcharge of Six hundred Pounds, without any Deduction or Abatement whatsoever, to be payable half-yearly, with usual Powers of Distress and Entry for the Recovery of the said Rentcharge, which it was thereby declared was so limited to her in full for her Jointure and in bar of Dower and Thirds, and subject thereto to the Use of the said *Henry Brewster Darley* and his Assigns during his natural Life, without Impeachment of Waste, with Remainder to the Use of the said *William Ware* and *John Brook* and their Heirs during the natural Life of the said *Henry Brewster Darley*, upon the usual Trust to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of the said *Henry Brewster Darley* lawfully to be begotten on the Body of the said *Harriet Louisa* his Wife, or of any other Woman with whom at any Time or Times after her Decease he might happen to intermarry, severally, successively, and in remainder one after another in Order and Course as they should respectively be in Priority of Birth, and the Heirs Male of the Body and respective Bodies of all and every such Son and Sons issuing, the elder of such Sons and the Heirs Male of his Body issuing being always to take before and to be preferred to the younger of such Sons and the Heirs Male of his and their Body and respective Bodies issuing, with Remainder to the Use of

Charles

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Charles Albert Darley, the Second Son of the said *Henry Darley*, and his Assigns, for Life, without Impeachment of Waste, with Remainder to the Use of the same Trustees and their Heirs during the Life of the said *Charles Albert Darley*, upon the usual Trust to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of the said *Charles Albert Darley*, severally and successively in Tail Male, with Remainder to the Use of *Alfred Horatio Darley*, Third Son of the said *Henry Darley*, and his Assigns, during his Life, without Impeachment of Waste, with Remainder to the Use of the same Trustees and their Heirs during the Life of the said *Alfred Horatio Darley*, upon the usual Trust to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of the said *Alfred Horatio Darley*, severally and successively in Tail Male, with Remainders to the Use of the Fourth and every other Son of the said *Henry Darley* thereafter to be born, severally and successively in Tail Male, with Remainder to the Use of the First and every other Daughter of the said *Henry Brewster Darley*, severally and successively in Tail Male, with Remainder to the Use of the First and every other Daughter of the said *Charles Albert Darley*, severally and successively in Tail Male, with Remainder to the Use of the First and every other Daughter of the said *Alfred Horatio Darley*, severally and successively in Tail Male, with Remainder to the Use of *Helen Darley*, the eldest Daughter of the said *Henry Darley*, and her Assigns, during her Life, without Impeachment of Waste, with Remainder to the Use of the same Trustees and their Heirs during the Life of the said *Helen Darley*, upon the usual Trust to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of the said *Helen Darley*, severally and successively in Tail Male, with Remainder to the Use of *Arabella Sophia Darley*, Second Daughter of the said *Henry Darley*, and her Assigns, during her Life, without Impeachment of Waste, with Remainder to the Use of the same Trustees and their Heirs during the Life of the said *Arabella Sophia Darley*, upon the usual Trust to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of the said *Arabella Sophia Darley*, severally and successively in Tail Male, with Remainder to the Use of the Third and every other Daughter of the said *Henry Darley* thereafter to be born, severally and successively in Tail Male, with Remainder to the Use of the First and every other Daughter of the said *Helen Darley*, severally and successively in Tail Male, with Remainder to the Use of the First and every other Daughter of the said *Arabella Sophia Darley*, severally and successively in Tail Male, with the ultimate Remainder to the Use of the said *Henry Darley*, his Heirs and Assigns, for ever; and the Trusts of the said Term of Two hundred Years were thereby declared for further securing Payment of the said yearly Rent-charges of One thousand Pounds and Six hundred Pounds respectively, and subject thereto for permitting the Rents, Issues, and Profits of the Hereditaments comprised in that Term to be received by the Person or

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Persons

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Persons entitled in Remainder or Reversion expectant on that Term; and by the same Settlement Powers of leasing for Seven Years were conferred on the Person who should for the Time being be in the actual Possession of or entitled to the Rents and Profits of the said Manor and Hereditaments, and Powers of Sale and Exchange were conferred on the said *William Ware* and *John Brook*, and the Survivor of them, his Executors and Administrators; but the Settlement does not contain any Power for granting Mining Leases: And whereas on the Fifth Day of *March* One thousand eight hundred and thirty-two the Marriage between *Henry Brewster Darley* and *Harriet Louisa* his Wife, then *Harriet Louisa Hudson*, was duly solemnized in the Parish Church of *Bessingby* in the County of *York*: And whereas on the Twenty-fourth Day of *May* One thousand eight hundred and forty-six *Henry Darley*, the First Tenant for Life, departed this Life, leaving *Mary Ann Darley* his Widow and *Henry Brewster Darley* his eldest Son and Heir-at-Law, and *Charles Albert Darley*, *Alfred Horatio Darley*, *Helen Darley*, and *Arabella Sophia Darley*, his only other Children, respectively him surviving, and without having had any other Child born after the Day of the Date of the Settlement: And whereas there has been Issue of the Marriage of *Henry Brewster Darley* and *Harriet Louisa* his Wife, who is still living, Nine Children only, all of whom are now living, that is to say, *Ann Darley*, *Adelaide Darley*, *Henry Darley*, *Cecil Harrington Darley*, *Harriet Louisa Darley*, *James Vere Darley*, *Bertram Darley*, *Edmund Oswald Darley*, and *Florence Matilda Darley*: And whereas *Ann Darley* and *Adelaide Darley* are respectively of Age, but all the other Children of *Henry Brewster Darley* are Infants: And whereas none of the Children of *Henry Brewster Darley* is or has been married: And whereas *Charles Albert Darley*, then a Bachelor, intermarried on the Twenty-second Day of *August* One thousand eight hundred and thirty-six with *Marianne Mills Nesfield*, and their Marriage was duly solemnized in the Parish Church of *Brancepeth* in the County of *Durham*, and she is still living: And whereas no Settlement, or Agreement for a Settlement, on the Marriage of *Charles Albert Darley* and *Marianne Mills Nesfield* his Wife, affecting the Manor and Hereditaments or any Part thereof, has been made: And whereas there has been Issue of *Charles Albert Darley* Four Children only, that is to say, *Emily Marianne Darley*, *Albert Darley*, *Fanny Darley*, and *William Darley*, and all of them are now Infants, and none of whom is or has been married: And whereas *Alfred Horatio Darley*, then a Bachelor, intermarried on the Third Day of *July* One thousand eight hundred and thirty-eight with *Elizabeth Chaytor*, and their Marriage was duly solemnized in the Parish Church of *Spennithorne* in the County of *York*, and she is still living: And whereas no Settlement, or Agreement for a Settlement, on the Marriage of *Alfred Horatio Darley* and *Elizabeth* his Wife, affecting the Manor and Hereditaments or any Part thereof, has been made: And whereas there has been Issue of *Alfred Horatio Darley* One Child only, that is to say, *Alice Darley*, who is now an Infant and a Spinster:

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a Spinster: And whereas *Helen Darley*, then a Spinster, intermarried on the Eleventh Day of *November* One thousand eight hundred and thirty-six with *George Bridge*, now of *Upton Park, Slough*, in the County of *Buckingham*, Esquire, and their Marriage was duly solemnized in the Parish Church of *Bossall* in the County of *York*, and he is still living: And whereas no Settlement, or Agreement for a Settlement, on the Marriage of *George Bridge* and *Helen* his Wife, affecting the Manor and Hereditaments or any Part thereof, has been made: And whereas there has been Issue of the Marriage of *George Bridge* and *Helen* his Wife Ten Children only, that is to say, *Rosa Bridge, Clara Bridge, Walter Bridge, Augustus George Bridge, Henry Darley Bridge, Helen Bridge, George Bridge, Arthur Bridge, Ernest Bridge, and Gertrude Bridge*, all of whom are now Infants, and none of whom is or has been married: And whereas *Arabella Sophia Darley*, then a Spinster, intermarried on the Twenty-sixth Day of *November* One thousand eight hundred and thirty-nine with *Christopher William Carter Chaytor*, now of *Spennithorne* in the County of *York*, Esquire, and their Marriage was duly solemnized in the Parish Church of *Bossall* in the County of *York*, and he is still living: And whereas no Settlement, or Agreement for a Settlement, on the Marriage of *Christopher William Carter Chaytor* and *Arabella Sophia* his Wife, affecting the Manor and Hereditaments or any Part thereof, has been made: And whereas there has been Issue of the Marriage of *Christopher William Carter Chaytor* and *Arabella Sophia* his Wife Six Children only, that is to say, *Matilda Chaytor, Clerveaux Darley Chaytor, Mary Ann Chaytor, Henry Chaytor, Arabella Chaytor, and Emily Chaytor*, all of whom are now Infants, and none of whom is or has been married: And whereas *Mary Ann Darley* is still living, and entitled in possession to her Jointure Rentcharge of Six hundred Pounds a Year for her Life: And whereas, subject to that Jointure Rentcharge, and the Remedies for the same, and the Term of Two hundred Years, and the Trusts thereof for better securing the same, *Henry Brewster Darley* is now Tenant for Life, without Impeachment of Waste, in Possession, and *Henry Darley* his eldest Son, who is now an Infant, is the First Tenant in Tail Male in Remainder immediately expectant upon the Decease of *Henry Brewster Darley*, of the Manor and Hereditaments comprised in the Settlement: And whereas the said *George Bulmer* departed this Life on the Twenty-seventh Day of *October* One thousand eight hundred and forty-eight, leaving the said *James Britton* his Co-Trustee him surviving: And whereas the Lands specified in the Schedule to this Act annexed are Part of the Hereditaments comprised in the Settlement: And whereas since the Execution of the Settlement it has been ascertained that there are valuable Mines, Veins, or Beds of Iron Ore and other Ores, Minerals, Metals, or Fossils (in this Act called Minerals), within the Lands specified in the Schedule, but the precise Limits of the Minerals have not yet been ascertained: And whereas Mines have recently been opened in those Lands, but, in order to their being worked properly,

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properly, it would be requisite that a Lease thereof should be granted for such a Term of Years as might hold out to the Lessee a reasonable Prospect of his being remunerated for his Outlay thereon: And whereas Sixty Years is a usual Term for a Lease of Mines and Minerals in the District of *Cleveland* in the North Riding of *Yorkshire*, being the Mineral District which comprises or is adjacent to the Lands specified in the Schedule: And whereas it would greatly benefit *Henry Brewster Darley* and the other Persons beneficially interested in or to become interested in the Lands specified in the Schedule if Powers were created for granting such Mining Leases as are by this Act authorized: Wherefore Your Majesty's most dutiful and loyal Subject, *Henry Brewster Darley*, doth 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:

Short Title.

I. This Act may be cited for all Purposes as "*Darley's Estate Act, 1858.*"

Interpretation of Terms.

II. In this Act the following Expressions have the following Meanings; (that is to say,)

First, the Expression "the Trustees" means the Reverend *Edward Goddard* of *Cleveland Row, Saint James's Westminster*, Clerk, and *Joseph Henry Hudson* of 13, *Victoria Street, Westminster*, Esquire, and the Survivor of them, his Executors and Administrators, and other the Persons and Person who under this Act are and is from Time to Time the Trustees and Trustee thereof:

Secondly, the Expression "the Tenant for Life" means *Henry Brewster Darley* during his Life, and after his Decease such one of *Charles Albert Darley*, *Alfred Horatio Darley*, *Helen Bridge*, and *Arabella Sophia Chaytor* as from Time to Time is, under the Limitations of the Settlement, Tenant for Life in Possession, subject, if and when the same subsist, to the Jointure Rentcharge of Six hundred Pounds a Year to *Mary Ann Darley*, and the Remedies, Term, and Trusts for the Recovery thereof:

Thirdly, the Expression "the Reversioner" means the Person or Persons from Time to Time entitled to the Rent reserved, or to the Reversion immediately expectant on the Term granted by any Lease under this Act.

Power to grant Mining Leases.

III. The Tenant for Life, if and when there is a Tenant for Life, and if and when there is not a Tenant for Life then the Trustees, from Time to Time may lease all or any of the Minerals, whether opened or not, in all or any of the Lands specified in the Schedule to this Act annexed, and also any Part of the Lands which it may be thought expedient to lease

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lease with the Minerals for the better working of the same, unto any Person, for any Term of Years not exceeding, as regards Quarries of Stone, Coal Mines, and Seams of Coal, Forty-one Years, and not exceeding, as regards Iron Ore, Ironstone, and Coal accompanying the same, if found therewith, and other Minerals, Sixty Years, and respectively to take effect in possession within Three Months next after the making thereof respectively, and not otherwise in reversion or by way of other future Interest.

IV. Provided always, That the several Powers and Discretions by this Act conferred on the Trustees shall not be exerciseable, except with the Consent in Writing of the Person who from Time to Time is, under the recited Limitations of recited Marriage Settlement, entitled to the actual Possession or Receipt of the Rents and Profits of the Lands specified in the Schedule, if such Person be of full Age, or if he be under Age then with the Consent of his Guardian: Provided always, that any such Consent may be in general Terms, sanctioning, either absolutely or subject to any Terms or Conditions, the Exercise by the Trustees, at their Discretion, of the Powers and Discretions or any of them.

Powers, &c. of Act not exerciseable, except with Consent, as herein named.

V. There may be granted by any such Lease of Minerals to the Lessee, his Executors, Administrators, and Assigns, (who is and are comprised in the Expression "the Lessees" in this Act,) all or any of the following Privileges; to wit,

Power to grant Lessees of Minerals the Privileges herein named.

First, Licence and Authority to sink, dig, quarry, search, bore, try for, and win, work, raise, strip, take, get, burn, smelt, manufacture, use, carry away, and dispose of all such Minerals as shall be found in or upon the Lands specified in the Schedule, or in working, winning, or quarrying the same, and also all such Minerals as may be raised, quarried, or brought from any other Lands:

Secondly, Licence and Authority to dig, sink, make, and work such Pits, Grooves, Shafts, Tunnels, Adits, Levels, Cutwinds, Drifts, Trenches, Cuts, Canals, Sluices, Waygates, Watergates, and Watercourses, and to make, erect, set up, and work such Furnaces, Brick-kilns, Tile-kilns, Fire Engines, Steam Engines, Water Mills and other Mills, Gins, and other Engines and Machinery, Collieries, and other Works or Contrivances, whether in present Use or of future Invention, as shall be deemed necessary or convenient for finding, discovering, winning, quarrying, working, procuring, or conveying, burning, smelting, or manufacturing such Minerals or any of them:

Thirdly, Licence and Authority for making, burning, and manufacturing Coke, Bricks, and Tiles for the Use of any of such Furnaces and Works or otherwise, and for turning, bringing, and carrying Water for working the Machinery and other Works, and for avoiding and carrying away Water, foul Air, and Stench from and out of the Mines, Quarries, and Works respectively:

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Fourthly,

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Fourthly, Licence and Authority for Outstroke and Instroke into or from any adjoining Mines, Quarries, Pits, Shafts, or Workings :

Fifthly, Licence and Authority to take and use sufficient Ground-room, Heap-room, and Pit-room for depositing, laying, and placing and manufacturing all or any of the Minerals, Refuse, and Substances whatsoever that shall from Time to Time proceed from or be brought, dug, quarried, or gotten out of the Mines, Quarries, or Works, or from or out of any Furnaces, Brick-kilns, Manufactories, Works, or Collieries to be so erected, set up, or made, or that may be raised or brought or imported from any other Lands :

Sixthly, Licence and Authority to erect, build, and set up, and hold, occupy, and enjoy, in any convenient Places, all such Houses, Cottages,hovels, Lodges, Store-rooms, Heap-rooms, Coke-ovens, Coke-hearths, Engine-houses, Sheds, Stables, or other Buildings, Walls, Fences, Blast and other Furnaces, Steam and other Engines and Machinery, Collieries, Brick-kilns and other Works, with such Yards, Gardens, Curtilages, Stoneyards, and Places to be annexed to or enjoyed with such Houses, Cottages, and other Buildings, as shall from Time to Time be needful or desirable for more conveniently enjoying and working the Mines, Quarries, and Works respectively, or for the Habitation and Convenience of Agents, Workmen, and others, or for the Accommodation of Horses and other Cattle employed in or about the Mines, Quarries, or Works, or for storing, standing, laying, or placing Utensils or Implements, Minerals or Produce, to be respectively employed or used or gotten in or about the same :

Seventhly, Licence and Authority to dig, get, and use, without any Charge for the same, Lime and other Stones, Peat, Sand, Gravel, and other Substances whatsoever fit for the Purpose, for erecting, building, making, and repairing such Houses, Hovels, Sheds, Furnaces, Engines, or other Buildings, Walls and Fences, or any of them, or any Roads, Tramways, or Railways, Sideways, Inclined Planes, or other Ways, on the Lands specified in the Schedule :

Eighthly, Licence and Authority to have, use, and take (without Injury or Prejudice to the Rights of other Parties) all or any of the Water flowing or which shall or may flow or be made to flow in, upon, or over all or any of the Lands specified in the Schedule, (and without Prejudice as aforesaid) to turn and convey such Water into the Mines, Quarries, or Works, or for working any Machinery to be so erected, or for any other Purpose connected with the beneficial Working of the Mines, Quarries, or Works :

Ninthly, Licence and Authority to make, have, use, and enjoy such Stoneyards and other like Easements as will render the Occupation and Working of the Mines, Quarries, and Works, and the Deposit, Manufacture, Sale, and Carriage of the Minerals and other Produce, whether

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whether from the Lands specified in the Schedule or any other Lands, advantageous and convenient :

Tenthly, Licence and Authority to make, construct, and set up and to use, and to authorize any other Person or Persons to make, construct, and set up and to use, such Railways, Tramroads, Sideways, Batteries, Cuts, Inclined Planes, and other Roads or Ways or Watercourses, and to have and use such Wayleaves or Rights of Way, as may be necessary or convenient for carrying Minerals and other Things whatsoever to or from the Mines, Quarries, or Works, or to or from any Place whatsoever, whether on the Lands specified in the Schedule or on any other Lands, or for carrying and conducting Water to or from such Mines, Quarries, or Works, or any of them, and the same Licence and Authority to be for the Lessees and such other Person or Persons, to the Exclusion of all other Persons whomsoever, save only as regards the making or using of any Roads or Ways from Time to Time requisite for the Cultivation of any Part of the Lands specified in the Schedule, or for the convenient Occupation or Enjoyment of any Dwelling Houses or Cottages thereon :

Eleventhly, Licence and Authority to make, construct, and set up such Gates, Hedges, Mounds, Embankments, or other Fences as may be proper and sufficient for separating and fencing off any Surface Railway, Tramroads, Watercourses, or other Works from the Lands adjoining thereto :

Twelfthly, all such other Rights, Powers, Privileges, Easements, and Advantages whatsoever as may be deemed necessary or convenient and required by the Lessees for making, winning, quarrying, obtaining, or manufacturing, rendering merchantable or marketable, selling, carrying away, or otherwise disposing of the Minerals to be leased or to be raised, or brought or imported from any other Lands, or for any Purpose, Matter, or Thing connected therewith or relating thereto, or as may be usual or customary in the Working of the Mines, Quarries, or Works in the District of *Cleveland* in the North Riding of *Yorkshire*.

VI. The Rent reserved by every such Lease shall be made payable yearly or oftener during the Continuance of the Lease, and be incident to the Reversion immediately expectant on the Determination thereof, and shall be the best Rent, either in Money, or in the Duties, Royalties, or other Reservations, or partly in Money, and partly in Tolls, Duties, Royalties, or other Reservations, that can at the Time of the making of the Lease, and considering the Circumstances of the Case, and the Responsibility of the Lessee, be reasonably obtained, and without taking any Fine, Premium, or Foregift, or anything in the Nature thereof, but so that the Rents reserved wholly or partly in Money have reference to the Quantity of Minerals obtained, except that Part thereof, Rent to be reserved.

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if thought proper, may be made payable as a certain Money Rent, as is customary in Mining Leases, so as to induce the Lessees to work the Mines leased.

Covenants
and Provi-
sions in
Leases.

VII. In every such Lease there shall be contained Covenants by the Lessee for the due and punctual Payment or Delivery of the Rent thereby reserved, and of all Taxes, Rates, Assessments, Charges, Compositions, and Impositions whatsoever, other than Landlords Property Tax, affecting the demised Premises, and also a Condition or Power of Re-entry in case the Rent reserved be unpaid for any Period therein limited, not exceeding Forty Days after the Time appointed for Payment or delivering thereof, such Rent having been lawfully demanded during or after the Time so appointed, or in case of Breach of any Covenant by the Lessee in the Lease contained, and in that Behalf therein specified.

Provision for
enabling
Lessor to
purchase
Plant.

VIII. In every such Lease there shall be contained a Covenant by the Lessee that the Reversioner, or any other Person entitled beneficially or otherwise to the Rent reserved by the Lease, if he think fit, may, at the Termination of the Lease (Six Months previous Notice in Writing of his Intention so to do being first given), purchase all or any of the Rails, Tramplates, Engines, Tools, Implements, and Utensils used by the Lessees, and at the Time of the Notice being given being in, upon, or about the demised Premises, and also the unexpired Estate, Term, or Interest, if any, of the Lessees in any Wayleave over any other Lands used in connexion with or for the Purposes of the demised Premises, or at a Valuation, to be made as by this Act provided.

Valuation
for such
Purpose.

IX. The Valuation shall be made by Three indifferent Persons, or any Two of them, to be appointed within a Period by the Lease fixed, One of them by the Person so intending to purchase, another by the Lessees, and the Third by the Two Persons first appointed, and before they enter upon the Valuation; and by the Lease such Provision, in case of the Failure to appoint any such Person or to make an Award within a Time thereby limited, and for giving full Effect to the Submission to Arbitration and Valuation, shall be made as the Parties to the Lease agree on.

General
Conditions
of Leases.

X. Any such Lease may contain such other Covenants, Conditions, and Provisions as are not inconsistent with or tending to defeat any Covenant, Provision, Condition, or Provisions by this Act directed to be inserted therein, as the Parties to the Lease agree on.

Lease of
Lands to
cease with
Lease of
Mines.

XI. The Lease of all Lands leased with any Minerals, or given up or used for the Purpose of Wayleaves, Railways, Tramways, Sideways, Batteries, Cuts, Inclined Planes, or Watercourses, shall cease with the Lease of the Minerals.

XII. The

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XII. The Person to whom any such Lease is granted shall duly execute a Counterpart or Duplicate thereof. Counterparts to be executed.

XIII. The Reversioner, or other the Person by whom the net Rents reserved by any Lease of Minerals under this Act are received, shall from Time to Time pay into the Bank, as by this Act directed, the following Portion of the Amount or Value of those net Rents; to wit, with respect to such of the Rents as become due and payable during the Life of any Tenant for Life in possession, or during the Life of any Person from Time to Time entitled under those Limitations as Tenant in Tail in possession, and not being of full Age, there shall be paid into the Bank One equal Fourth Part of the Amount or Value of the net Rents so from Time to Time received. Proportion of Mining Rents to be paid into Bank.

XIV. Provided always, That no Part of any Rent reserved by any such Lease as a distinct and separate Rent, merely for the Occupation or User of the Surface of any Lands, shall be payable into the Bank. No Part of Surface Rents payable into Bank.

XV. Such Rents or Parts of Rents reserved by any Lease granted under this Act as are not by this Act directed to be paid into the Bank shall be paid or retained to or by the Tenant for Life, or the Reversioner entitled in possession under the Limitations of the Settlement, if such Person be of full Age, or, if he be under Age, to or by his Guardian. Residue of Rents to be paid to Tenant in possession.

XVI. The Tenant for Life, or, as the Case may be, the Trustees, may from Time to Time confirm any Lease purporting to be granted by virtue of this Act in any Case in which for some technical Error or Informality in making or granting it the Lease is or is apprehended to be void or voidable, or may grant any Lease pursuant to this Act in lieu of such Lease for any Term not exceeding the then Residue of the Term granted or purporting to be granted by such Lease, and at or under the same or any greater yearly Rent as was reserved by the original Lease. Power to confirm defective Leases.

XVII. Every Receipt from Time to Time given by the Tenant for Life or the Trustees for any Money received by him or them under the Authority or for any of the Purposes of this Act shall be a legal and conclusive Discharge to the Person paying the same, and effectually release him from all Liability, Claims, and Demands in respect thereof. Receipts of Tenants for Life or of Trustees to discharge.

XVIII. All Moneys by this Act directed to be paid into the Bank shall from Time to Time be paid 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 Persons Payment of Moneys into Bank.

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interested in the Settled Estates late of *Henry Darley* deceased," pursuant to the Method prescribed by the Act of the 12th Year of *George* the 1st, Chapter 32, and the General Orders of the Court, and without Fee or Reward, according to the Act of the 12th Year of *George* the 2nd, Chapter 24.

Receipts for
Moneys paid
into Bank.

XIX. The Receipt of any Cashier of the Bank for such Moneys, and the Certificate of the Accountant General annexed thereto and filed therewith in the Register Office of the Court, shall be an effectual and conclusive Discharge for the Money therein respectively acknowledged to be received, and after filing such Certificate and Receipt no Person liable to the Payment of such Money shall be answerable for the Misapplication or Nonapplication or be bound to see to the Application thereof.

Investment
of Moneys
paid into the
Bank in Pur-
chase of
Lands.

XX. Upon Petition or Motion to the Court in a summary Way by any Person interested in the Moneys paid into the Bank, or by the Guardian of any such Person, being a Minor, the Court may order the Moneys so paid to be from Time to Time laid out, in such Manner as the Court directs, in the Purchase or Redemption of Land Tax, or in or towards the Discharge of any Debts or other Incumbrances (being Charges on the Inheritance) affecting all or any Part of the Lands specified in the Schedule, or any other Hereditaments settled to like Uses, or in the Purchase of any Freehold Lands in *England* free from all Incumbrances, except Quitrents, Land Tax, and other Outgoings of like Nature.

Settlement
of Lands
purchased,
&c.

XXI. The Lands from Time to Time purchased under this Act shall immediately after the Purchase thereof be conveyed and settled to such Uses, upon such Trusts, and subject to such Powers and Provisions as will nearest correspond with the Uses, Trusts, Powers, and Provisions then affecting the Lands specified in the Schedule, but not so as to multiply or increase Charges.

Interim In-
vestment in
Exchequer
Bills.

XXII. All Moneys from Time to Time paid, pursuant to this Act, into the Bank, or so much thereof as is not ordered by the Court to be applied according to this Act in Payment of Costs, Charges, and Expenses, shall in the meantime, and until such Moneys be applied, invested, or laid out in or for any Purposes of this Act, be from Time to Time laid out, in the Name of the Accountant General, in the Purchase of Exchequer Bills, and the Interest on such Bills, subject to the Provisions of this Act, and the Money received for the same when paid off by Government, shall be laid out in his Name in the Purchase of other Exchequer Bills.

Exchange of
Exchequer
Bills.

XXIII. The Court may make such General or Special Order, if necessary, that whenever the Exchequer Bills of the Date of those in the
Hands

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Hands of the Accountant General are in course of Payment by the Government, and new Exchequer Bills are issued, such new Exchequer Bills may be received in exchange for those which are in course of Payment, and such Proceedings shall be had as shall be effectual for enabling such Receipt in exchange, and in that event the Interest of the new Bills shall, subject to the Provisions of this Act, be laid out as by this Act directed with respect to the Interest of the Bills paid off.

XXIV. All such Exchequer Bills shall be deposited in the Bank in the Name of the Accountant General, and shall there remain until the same be, upon Petition or Motion to the Court in a summary Way, ordered to be sold by the Accountant General for completing any Purchase, or for any other Purposes of this Act.

Deposit of
Exchequer
Bills in the
Bank.

XXV. If the Money arising by the Sale of any such Exchequer Bill exceed the Amount of the original Purchase Money laid out in the Purchase thereof, then in that Case alone the Surplus which remains after discharging the Expenses of the Application to the Court shall be paid to the Person who would be entitled to receive the Rents and Profits of the Lands directed to be purchased and settled pursuant to this Act, or to his Representatives.

Profits on
Sale of Ex-
chequer
Bills.

XXVI. The Court from Time to Time may, upon Petition or Motion in a summary Way, make such Orders as the Court think just for allowing, taxing, and settling all Costs, Charges, and Expenses from Time to Time incurred in making the several Applications to the Court in pursuance of this Act, and in paying into the Bank the Moneys by this Act directed to be so paid, and in taking any such Moneys out of the Bank, and discharging Incumbrances, or investing any such Moneys in any such Purchase, or otherwise as by this Act authorized, and in investigating the Title to the purchased Lands, or otherwise in carrying the Purposes of this Act into execution, and also may make such Orders as the Court think just for Payment of all such Costs, Charges, and Expenses out of the Moneys paid into the Bank, or out of the Moneys arising by the Sale of Exchequer Bills.

Court of
Chancery to
make Orders
for Payment
and Taxa-
tion of
Costs, &c.

XXVII. The Trustees, and their respective Heirs, Executors, and Administrators respectively, shall be charged for such Moneys only as they respectively actually receive by virtue of this Act, notwithstanding their respectively giving, signing, or doing, or joining in any Receipt or Act for the sake of Conformity, and no one of them shall be answerable for any other of them, or for involuntary Losses, and they respectively, out of any Moneys which come to their respective Hands by virtue of this Act, may retain for and reimburse themselves respectively, and allow to the others

Trustees to
be answer-
able only
for Moneys
actually
received.

of

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of them respectively, all Costs, Damages, and Expenses which they respectively pay or incur in or about the Execution of this Act.

Powers of recited Settlement not to be prejudiced.

XXVIII. Provided always, That this Act or anything therein shall not revoke, annul, suspend, lessen, or otherwise prejudicially affect any of the Powers and Discretions respectively created and conferred by the recited Settlement, except only so far as the same respectively may be defeated or affected by the Exercise of any of the Powers of this Act; and the Power by the recited Settlement created for appointing new Trustees thereof shall extend and apply to and may from Time to Time be exercised for the appointing of new Trustees of this Act.

General Saving.

XXIX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to every other Person and Body Corporate, and their respective Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the several Persons who are by this Act expressly excepted out of this General Saving,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever of, in, to, upon, or with respect to the Lands and Hereditaments specified in the Schedule to this Act annexed, or any Part thereof, as they, every or any of them, had before the passing of this Act, or could or might have had or enjoyed in case this Act had not been passed.

Persons herein named excepted from General Saving, and are bound by this Act.

XXX. Provided always, That the following Persons are excepted out of the General Saving in this Act contained, and accordingly are the only Persons bound by this Act; (that is to say,) first, *Mary Ann Darley*, her Executors, Administrators, and Assigns; secondly, *James Britton* and *George Bulmer*, as the Trustees under the recited Settlement of the Term of Two hundred Years, thereby limited, their Executors, Administrators, and Assigns; thirdly, *Henry Brewster Darley*, his Heirs and Assigns, and his First and other Sons, and the Heirs Male of their respective Bodies, and their respective Assigns, and his First and other Daughters, and the Heirs Male of their respective Bodies, and their respective Assigns; fourthly, *Charles Albert Darley* and his Assigns, and his First and other Sons, and the Heirs Male of their respective Bodies, and their respective Assigns, and his First and other Daughters, and the Heirs Male of their respective Bodies, and their respective Assigns; fifthly, *Alfred Horatio Darley* and his Assigns, and his First and other Sons, and the Heirs Male of their respective Bodies, and their respective Assigns, and his First and other Daughters, and the Heirs Male of their respective Bodies, and their respective Assigns; sixthly, *George Bridge* and *Helen* his Wife, and their Assigns, and her First and other Sons, and the Heirs Male of their respective Bodies, and their respective Assigns, and her First and other Daughters, and the Heirs Male of their respective

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respective Bodies, and their respective Assigns; seventhly, *Christopher William Carter Chaytor* and *Arabella Sophia* his Wife, and their Assigns, and her First and other Sons, and the Heirs Male of their respective Bodies, and their respective Assigns, and her First and other Daughters, and the Heirs Male of their respective Bodies, and their respective Assigns; eighthly, the Heirs and Assigns of *Henry Darley* deceased; ninthly, the Trustees of the recited Settlement for preserving contingent Remainders, their Heirs and Assigns.

XXXI. 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.

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

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The SCHEDULE to which the foregoing Act refers.

Parish.	Name or Description of Lands.	Quantity.		
		A.	R.	P.
Lastingham - -	Manor of Spaunton, Appleton Common, Hutton Common, Rosedale and Spaunton Moors, all in the Townships of Rosedale West, Spaunton, Hutton-le-Hole, and Appleton-le-Moors - - -	7,810	0	0

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1858.