



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. 7.

An Act to extend and amend *Ward Jackson's* Estate Act, 1853 ; and for other Purposes.

[31st July 1868.]

WHEREAS *William Ward Jackson*, late of *Normanby* in the County of *York*, Esquire, now deceased (in this Act called the Testator), was, at the Dates of his Will and Death in this Act specified, seised or entitled in Fee Simple of or to (among other Hereditaments) Real Estates of considerable Extent in the Townships or Parishes of *Normanby*, *Eston*, *East* and *West Upsal*, *Morton*, and *Ormesby*, in the said County, subject only to the Trusts of his Marriage Settlement, which have since been fully executed, and to a certain Deed of Indemnity which has since been satisfied :

Seisin of Testator of Estates at Normanby, &c.

And whereas the Testator made his Will dated the Third Day of *May* One thousand eight hundred and thirty-two, duly executed and attested, and thereby (after devising his Trust and Mortgage Estates and certain Parts of his own Real Estates therein specified) devised (among other Hereditaments) his Mansion House at *Normanby*, with the Appurtenances, and all other his Real

Will of Testator, 3d May 1832.

[*Private.*]

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Estates

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Estates in the said Townships or Parishes, unto and to the Use of Sir *Gregory Allnutt Lewin*, *Robert Surtees*, *Joseph Scott*, and *Edwin Martin Atkins*, their Heirs and Assigns, subject to the Trusts of his said Marriage Settlement, and directed that they and their Heirs should be seised of and interested in (among other Hereditaments) the said Real Estates in the said Townships or Parishes (in this Act referred to as the Settled Estate), subject to the Trusts therein-before declared concerning the same (meaning the Trusts of his said Marriage Settlement), in trust for the Testator's eldest Son *George Edwin Ward Jackson* and his Assigns for his Life, and from his Decease in trust for his First Son and the Heirs Male of the Body of such First Son, and in default of such Issue in trust for his Second and other Sons successively and the respective Heirs Male of the Bodies of such Sons, and in default of such Issue in trust for the Testator's Son *William Ward Jackson* and his Assigns for his Life, without Impeachment of Waste, and from his Decease in trust for his First Son and the Heirs Male of the Body of such First Son, and in default of such Issue in trust for his Second and other Sons successively and the respective Heirs Male of the Bodies of such Sons, and in default of such Issue in trust for the Testator's Son *Ralph Ward Jackson* and his Assigns for his Life, without Impeachment of Waste, with Remainder in trust for his First and other Sons successively and the Heirs Male of their respective Bodies, with divers Remainders over, and with an ultimate Remainder in trust for the Testator's own right Heirs; and the Testator's Will contained a Proviso and Declaration, that although he, the Testator, had not by his Will made the several Estates for Life and in Entail therein-before given without Impeachment of Waste, yet it was his Wish and Intention that the Parties in possession of his said Entailed Estates (meaning the Settled Estate) should have the Power of cutting, felling, and disposing of such Trees and Wood on the said Estate, or any Part thereof, as might be necessary or deemed expedient for the judicious thinning of the said Wood and Culture and Improvement thereof, not committing any wilful Waste, or interfering with the Timber and Timber-like Trees until Symptoms or Appearances of Decay should have begun to manifest itself in them; and in the Testator's Will is contained a Power for his said Sons, as and when they should respectively be in the present Perception of the Rents of the Settled Estate by Deed executed and attested as therein mentioned, to appoint any annual Rent not exceeding Two hundred Pounds to be issuing thereout, with the usual Powers of Distress and Entry, and a Term for better securing the same, unto any Women whom they might respectively marry, as well before as after Marriage, to take effect only during the Lives of such

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such Women, and to be in full for or in part of their Jointures; and in the Testator's Will is also contained a Power for the said Trustees and the Testator's said Sons to demise all or any Part or Parts of the Settled Estate for any Term not exceeding Twenty-one Years in possession; so as the Lessees be not made dispunishable of Waste; and the Testator declared that if the said Sir Gregory Allnutt Lewin, Robert Surtees, Joseph Scott, and Edwin Martin Atkins, or any of them, should die, or refuse or decline to act in the Trusts of his Will, then a new Trustee or Trustees might be appointed by the surviving or continuing Trustee or Trustees; and the said Trust Estate and Premises should in that Case be conveyed so as to be vested in such new and surviving or continuing Trustees upon the same Trusts and with the same Powers as were therein-before mentioned and declared, and so from Time to Time as often as that should happen; and the Testator appointed the said Sir Gregory Allnutt Lewin, Robert Surtees, Joseph Scott, and Edwin Martin Atkins Executors of his Will:

And whereas the Testator made a Codicil, dated the Twenty-first Day of *January* One thousand eight hundred and thirty-three, relative to the Deed of Indemnity aforesaid, the Contents of which Codicil in the Events that have happened have become immaterial:

Codicil,
21st January
1833.

And whereas on the First Day of *February* One thousand eight hundred and forty-two the Testator died without having revoked his said Will, and without having altered it as regards the Settled Estate, except as far as it was temporarily affected by the said Codicil:

Death of
Testator,
1st February
1842.

And whereas on the Twenty-sixth Day of *April* One thousand eight hundred and forty-two the said Sir Gregory Allnutt Lewin and Edwin Martin Atkins proved the Testator's said Will and Codicil (with another Codicil which was unattested) in the Exchequer and Prerogative Court of *York*:

Probate of
Will and
Codicil, 26th
April 1842.

And whereas the Testator's Three Sons named in his Will, as recited in this Act, survived him, *George Edwin Ward Jackson* being his eldest Son and Heir-at-Law:

Sons at Tes-
tator's Death,

And whereas on the Sixth Day of *June* One thousand eight hundred and forty-three *George Edwin Ward Jackson*, the Testator's eldest Son, married *Sarah Marshall Watson* Spinster, having by an Indenture dated the Fifth Day of *June* One thousand eight hundred and forty-three, in execution of the Power given to him by the Testator's Will, appointed to her and her Assigns during her Life, in case the then intended Marriage should take effect and she should survive him, a yearly Rentcharge of Two hundred Pounds to be for her Jointure and in bar of Dower, and to commence at the Expiration of Six Calendar Months next after his Death, with

Eldest Son's
Marriage,
Death with-
out Issue,
&c.

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the usual Powers of Distress and Entry and other Powers; and by the same Indenture, for better securing the Payment thereof in further pursuance of the Power aforesaid, he appointed and demised certain Parts of the Settled Estate to Trustees for the Term of Five hundred Years from the Day of his Decease, without Impeachment of Waste, and on the Eighth Day of *February* One thousand eight hundred and fifty-four he died without having had any Issue, and leaving his said Wife, who is still living, him surviving, and having by his Will dated the Twenty-first Day of *August* One thousand eight hundred and forty-three devised all his Real Estate to her and her Heirs for her and their own absolute Use and Benefit:

Second Son's
Marriage
and Birth of
Tenant in
Tail, &c.

And whereas on the Tenth Day of *February* One thousand eight hundred and sixty-three the First and then Wife of *William Ward Jackson*, the Testator's Second Son, died without Issue by him, and on the Twenty-second Day of *November* One thousand eight hundred and sixty-six he married *Charlotte Minchin* Spinster, having by an Indenture dated the Twenty-first Day of *November* One thousand eight hundred and sixty-six, in execution of the Power given to him by the Testator's Will, appointed to her and her Assigns during her Life, in case the then intended Marriage should take effect and she should survive him, a yearly Rentcharge of Two hundred Pounds to be for her Jointure and in bar of Dower, and to commence at the Expiration of Six Calendar Months next after his Death, with the usual Powers of Distress and Entry and other Powers; and by the same Indenture, for better securing the Payment thereof in further pursuance of the Power aforesaid, he appointed and demised certain Parts of the Settled Estate to Trustees for the Term of Five hundred Years from the Day of his Decease, without Impeachment of Waste, and he has Issue by his said Second Wife One Son, namely, *William Ward Jackson*, who was born on the Tenth Day of *January* One thousand eight hundred and sixty-eight, and is now equitable Tenant in Tail in Remainder of the Settled Estate:

Third Son's
Marriage,
&c.

And whereas *Ralph Ward Jackson*, the Testator's Third Son, on the Thirtieth Day of *December* One thousand eight hundred and twenty-nine married *Susannah Swainson*, and has had Issue Two Sons only, namely, *William Charles Ward Jackson* born on the Twenty-ninth Day of *March* One thousand eight hundred and thirty-three, and now living, and *Ralph Ward Jackson* who died on the Twelfth Day of *July* One thousand eight hundred and forty-two:

Death of
Robert Sur-
tees.

And whereas *Robert Surtees*, nominated as a Trustee and Executor in the Testator's Will, died in the Testator's Lifetime:

Disclaimer
of Joseph
Scott.

And whereas *Joseph Scott*, nominated as a Trustee and Executor in the Testator's Will, never acted in the Trusts thereof, and by
Deed

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Deed Poll, dated the Third Day of *March* One thousand eight hundred and forty-three, renounced and disclaimed the Trusts thereof:

And whereas the said Sir *Gregory Allnutt Lewin* died in *October* One thousand eight hundred and forty-five: Death of Sir G. A. Lewin.

And whereas by an Indenture dated the Thirteenth Day of *May* One thousand eight hundred and forty-six, and made between the said *Edwin Martin Atkins* of the one Part and *Henry Everett* Esquire and *Isaac Henry Tyas* Gentleman of the other Part, the said *Edwin Martin Atkins*, the then only surviving acting Trustee of the Testator's Will, in exercise of the Power to him thereby given, appointed the said *Henry Everett* and *Isaac Henry Tyas* to be Trustees thereof jointly with himself; and by the same Indenture the Settled Estate as it then existed was assured unto and to the Use of the said *Edwin Martin Atkins*, *Henry Everett*, and *Isaac Henry Tyas*, their Heirs and Assigns, upon and for the Trusts, Intents, and Purposes expressed and contained of or concerning the same in or by the Testator's Will, or such thereof as were then capable of being performed or exercised: Appointment of new Trustees, 13th May 1846.

And whereas in or before *August* One thousand eight hundred and fifty-three the said *Henry Everett* retired from the Trusts of the Testator's Will: Retirement of Henry Everett from Trusts.

And whereas by an Indenture dated the Twentieth Day of *August* One thousand eight hundred and fifty-three, and made between the said *Edwin Martin Atkins* and the said *Isaac Henry Tyas* of the First Part, the said *Henry Everett* of the Second Part, and *Thomas Emerson Forster* Coal Viewer of the Third Part, the said *Edwin Martin Atkins* and *Isaac Henry Tyas*, as the continuing Trustees of the Testator's Will, in exercise of the Power thereby given to them, appointed the said *Thomas Emerson Forster* to be a Trustee thereof jointly with themselves; and by the same Indenture the Settled Estate was assured unto and to the Use of the said *Edwin Martin Atkins*, *Isaac Henry Tyas*, and *Thomas Emerson Forster*, their Heirs and Assigns, upon and for the Trusts, Intents, and Purposes expressed and contained of or concerning the same in or by the Testator's Will, or such thereof as were then capable of being performed or exercised: Appointment of new Trustees, 20th August 1853.

And whereas the said *Edwin Martin Atkins* died in *May* One thousand eight hundred and fifty-nine: Death of Edwin Martin Atkins.

And whereas by an Indenture dated the First Day of *January* One thousand eight hundred and sixty-six, and made between the said *Isaac Henry Tyas* and *Thomas Emerson Forster* of the one Part, and *James Stovin Pennyman* Esquire and *John Brewster* Gentleman of the other Part, the said *Isaac Henry Tyas* and *Thomas Emerson Forster*, in exercise of the Power to them given Appointment of new Trustees, 1st January 1866.

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by the Testator's Will, appointed the said *James Stovin Pennyman* and *John Brewster* to be Trustees thereof jointly with themselves; and by the same Indenture the Settled Estate (as it then existed) was assured unto and to the Use of the said *Isaac Henry Tyas*, *Thomas Emerson Forster*, *James Stovin Pennyman*, and *John Brewster*, their Heirs and Assigns, upon and for the Trusts, Intents, and Purposes expressed and contained of or concerning the same in or by the Testator's Will, or such thereof as were then capable of being performed or exercised:

Discovery of Mines.

And whereas after the Testator's Death it was ascertained that valuable Mines, Veins, or Beds of Iron Ore and other Minerals underlie Parts of the Settled Estate:

Estate Act of 1853.

And whereas in the Year One thousand eight hundred and fifty-three an Act of Parliament relative to the Settled Estate was passed with the Short Title of "*Ward Jackson's Estate Act, 1853*" (which is in this Act referred to as the Estate Act of 1853):

Power under Act of 1853 to grant Mining Leases of Lands in Second Schedule thereto, and Leases for mining Purposes of Lands in Third Schedule.

And whereas by the Estate Act of 1853 (Section Three) Power was given to the then Trustees of the Testator's Will, and the Survivors and Survivor of them, and other the Trustees and Trustee for the Time being, of that Will (who are in that Act referred to as the said Trustees and Trustee), to grant Mining Leases in respect of such Parts of the Settled Estate as are specified in the Second Schedule to that Act, and also to grant Leases of such Parts of those Lands, or of the other Portion of the Settled Estate specified in the Third Schedule to that Act, as it might be thought expedient to lease with Mines or Minerals:

Payment into Court of Produce of Mining Leases.

And whereas by the Estate Act of 1853 it was enacted (Section Eleven) to the Effect that the said Trustees and Trustee (after Payment of certain Costs, Charges, and Expenses which have been since paid), as regards such of the Rents reserved by Mining Leases as should become due and payable during the Life of an equitable Tenant for Life in possession, should pay into the Bank Three equal Fourth Parts of the clear net Amount thereof, and as regards such of those Rents as should become due and payable during the Life of an equitable Tenant in Tail in possession being a Minor should pay into the Bank Three equal Fourth Parts of the clear net Amount thereof:

Payment of Residue to Tenant in possession.

And whereas by the Estate Act of 1853 it was enacted (Section Twelve) to the Effect that such Parts of the Rents reserved on Mining Leases as were not directed to be paid into the Bank should be paid to *George Edwin Ward Jackson* or his Assigns during his Life, and after his Decease to the Person for the Time being entitled in possession to the Settled Estate if of the Age of Twenty-one Years, or, if not, to his Guardian:

And

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And whereas by the Estate Act of 1853 it was enacted (Sections Thirteen and Seventeen) to the Effect that the said Trustees and Trustee might from Time to Time open Mines in or under Lands specified in the Second Schedule thereto, and win and dispose of Minerals found within the Mines so opened, and should apply the net Profits of working those Mines as if the same were Rents received on Mining Leases :

Power to open Mines.

And whereas by the Estate Act of 1853 it was enacted (Section Twenty) to the Effect that the said Trustees and Trustee might from Time to Time grant Building or Improving Leases of the Lands specified in the Third Schedule thereto :

Building Leasing Power over Lands in Third Schedule.

And whereas by the Estate Act of 1853 it was enacted (Section Forty-five) to the Effect that the Rents reserved on Building or Improving Leases should be paid to the Person for the Time being entitled in possession if of the Age of Twenty-one Years, or, if not, to his Guardian :

Payment of Rents on Building Leases to Tenant in possession.

And whereas by the Estate Act of 1853 it was enacted (Section Fifty-five) to the Effect that all Money by that Act directed to be paid into the Bank should be paid by the said Trustees and Trustee into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there "*Ex parte* the Persons interested in the Settled Estates of *William Ward Jackson* deceased," in the Method therein referred to :

Mode of Payment into Court.

And whereas by the Estate Act of 1853 it was enacted (Section Fifty-seven) to the Effect that on Application to the Court of Chancery in a summary Way by any Person interested in the Settled Estate or in the Money in the Bank, or by the Guardian of any such Person being an Infant, the Court should order the Money in the Bank, or so much as should not be ordered to be applied in Payment of Costs, Charges, and Expenses, to be from Time to Time laid out in such Manner as the Court should direct 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 Settled Estate, or in or towards draining, building on, or otherwise substantially improving the same, or in the Purchase of Freehold or Copyhold Lands in *England* or *Wales* :

Application under Orders of Court of Money in Court.

And whereas by the Estate Act of 1853 it was enacted (Section Fifty-eight) to the Effect that the Lands from Time to Time purchased under that Act should be conveyed unto and to the Use of the Trustees or Trustee for the Time being of the Testator's Will, their or his Heirs or Assigns, upon Trusts corresponding to those then subsisting in respect of the Settled Estate :

Settlement to like Uses of Lands purchased.

And whereas the said Trustees and Trustee have from Time to Time exercised the Power conferred on them by the Estate Act of 1853,

Exercise of Powers and Fund in Court.

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1853, or some of them, and have dealt with the Money received by reason of the Exercise of those Powers in manner prescribed by that Act, and the Proportion of the Rents reserved on the Mining Leases granted by them under that Act which has been paid into the Bank has amounted in the aggregate to the Amount of Thirty-four thousand Pounds or thereabouts, and there have been paid thereout and out of the Accumulations thereof, under Orders of the Court of Chancery, the Sum of Nine thousand Pounds in discharge of a Mortgage Debt charged on the Settled Estate, and the Sum of Seven hundred Pounds expended in the rebuilding of a Farmhouse with other Buildings on the Settled Estate, and there is now remaining in the Bank to the Credit of the Account created under that Act the Sum of Twenty-four thousand Pounds or thereabouts, which has been temporarily invested in pursuance of the Directions of that Act in Exchequer Bills in the Name of the Accountant General of the Court of Chancery, the same being wholly produced by the Rents of the Mining Leases aforesaid and the Accumulations thereof :

Suit of Jackson v. Tyas.

And whereas on the Twenty-seventh Day of *December* One thousand eight hundred and sixty-four the Testator's Third Son *Ralph Ward Jackson*, and his Son *William Charles Ward Jackson*, filed in the Court of Chancery their Bill of Complaint, which was amended and re-amended, and as re-amended was against the following Persons as Defendants, namely, the said *Isaac Henry Tyas*, *Thomas Emerson Forster*, *James Stovin Pennymann*, and *John Brewster*, and the Testator's Second Son *William Ward Jackson*, and *John George Swan*, *Henry Van Straubenzee*, *John Wind Coates*, and *George Newcomen* (which Four last-named Persons were made Defendants in respect of a certain Lease or intended Lease, but as against them the Bill was dismissed by Order before the Hearing) :

Prayer of Bill.

And whereas the Bill in the said Suit (in this Act referred to as the Suit of *Jackson* versus *Tyas*) as re-amended, after stating (among other things) the Testator's Will and first-mentioned Codicil, his Death, the Proof of his Will and Two Codicils, the State of his Family, and the Devolution of the Trusteeship, prayed in the Words following :

"1. That so far as is necessary the Trusts of the Will of the said Testator *William Ward Jackson* may be carried into execution by and under the Direction of this Honourable Court, and that the true Construction of the said Will, especially with reference to the Powers of the successive Tenants for Life when in possession to commit Waste, may be ascertained and declared ;

"2. That it may be declared that all Woods and Plantations thrown down by or cut down in consequence of the working of the said Mines under the *Normanby* Estate (meaning the Settled Estate, or Part thereof,) ought hence-

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henceforward to be sold or accounted for, and that the Proceeds of such Sale ought to be received by the Trustees of the said Will, and invested by them for the Benefit of the several Persons interested in the said Estate, and that the Value of all Woods and Plantations which may hereafter be thrown or cut down in consequence of the working of the said Mines may be secured and invested accordingly ;

“3. That for the Purposes aforesaid all necessary Accounts, including an Account of all yearly and Tonnage Rents received from the Lessees of the Mines, and of all Monies arising from the Sale of Portions of the *Normanby* Estate and of the Application thereof respectively, may be taken, Inquiries made, and Directions given ;

“4. That the Plaintiffs may have such further or other Relief as the Nature of the Case may require :”

And whereas on the Twenty-fifth Day of *February* One thousand eight hundred and sixty-seven the Vice-Chancellor Sir *William Page Wood* made a Decree in the said Suit, which, after formal Statements, proceeded as follows :

Decree in
Jackson v.
Tyas.

“And this Court being of opinion that the Defendant *William Ward Jackson*, the Tenant for Life in possession of the Estates devised by the Will of *William Ward Jackson* the Testator in the Plaintiff's Bill named, is not impeachable for Waste, doth order that so much of the Plaintiff's Bill do stand dismissed as seeks for a Declaration that the Power of such Tenant for Life to commit Waste is limited by the subsequent Proviso contained in the said Will as to the restricted Mode of cutting Timber ; and it appearing that no ornamental Timber has been cut and fallen on the said Estates, it is ordered that so much more of the said Bill as seeks any Relief, except so far as it prays the Accounts herein-after directed, do also stand dismissed ; and it is ordered that the following Accounts be taken :

“1. An Account of all yearly and Tonnage Rents received by the Defendants *Isaac Henry Tyas* and *Thomas Emerson Forster*, *James Stovin Pennymann* and *John Brewster*, as Trustees of the Will, or any of them, from the Lessees of the Mines comprised in the Leases dated the First Day of *October* One thousand eight hundred and fifty-three and Thirty-first Day of *December* One thousand eight hundred and sixty-three, in the Pleadings mentioned, from the Fifth Day of *May* One thousand eight hundred and fifty-nine, the Day of the Death of *Edwin Martin Atkins*, in the Plaintiff's Bill named, and of the Application thereof ;

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“ 2. An Account of all Monies (if any) received by the said last-named Defendants, or any of them, arising from the Sale of the *Normanby Estates*, Part of the said Estates, since the Fifth Day of *May* One thousand eight hundred and fifty-nine, and of the Application thereof; and it is ordered, that the Plaintiffs *Ralph Ward Jackson* and *William Charles Ward Jackson* do pay to the said Defendants *Isaac Henry Tyas*, *Thomas Emerson Forster*, *James Stovin Pennyman*, *John Brewster*, and the Reverend *William Ward Jackson* their Costs of this Suit up to and including the Hearing, and including therein the Costs of the Motion for an Injunction on the Tenth Day of *February* One thousand eight hundred and sixty-five, to be taxed by the Taxing Master; and it is ordered that the further Consideration of this Cause be adjourned, and any of the Parties interested are to be at liberty to apply as they shall be advised:”

Order of
Court as to
Infant
Tenant in
Tail.

And whereas by an Order made in the said Suit of *Jackson* versus *Tyas* on the Sixteenth Day of *April* One thousand eight hundred and sixty-eight it was ordered that the Plaintiffs *Ralph Ward Jackson* and *William Charles Ward Jackson* do have the Benefit, as against the said *William Ward Jackson*, the Infant, of the said Decree and the Proceedings thereunder, and that the said *Ralph Ward Jackson* and *William Charles Ward Jackson* should be at liberty to carry on and prosecute the further Proceedings in such Suit against the said *William Ward Jackson*, the Infant, in like Manner as if the said Infant had been born previously to the said Decree, and had originally been made a Defendant to the said Suit:

Appearance
and Guar-
dian of
Infant.

And whereas the said *William Ward Jackson*, the Infant, has duly appeared in the said Suit, and by an Order of the said Court made therein, and dated the Twenty-fourth of *April* One thousand eight hundred and sixty-eight, *Charles Henry Minchin* was assigned the Guardian of the said *William Ward Jackson*, by whom he might defend the said Suit:

Approval of
Judge of
Court of
Chancery.

And whereas the Draft of the Bill for this Act was settled in the Chambers of the Vice-Chancellor *Giffard*, the Judge of the Court of Chancery to whose Court the said Suit of *Jackson* versus *Tyas* was attached, and was approved by him, and signed by him on the Eighth Day of *May* One thousand eight hundred and sixty-eight in testimony of such Approval:

Order of
Court for
Promotion
of Bill.

And whereas by an Order of the Court of Chancery, dated the Eighth Day of *May* One thousand eight hundred and sixty-eight, made in the said Suit of *Jackson* versus *Tyas*, upon the Application in Chambers of the Defendants *Isaac Henry Tyas*, *Thomas Emerson Forster*, *James Stovin Pennyman*, and *John Brewster*, the Trustees of

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of the Settled Estates of *William Ward Jackson*, the Testator in the Pleadings of that Cause mentioned, and hearing the Solicitors for the Applicants and Counsel for the Plaintiffs and for the Defendant *William Ward Jackson*, and reading the Affidavits therein stated, and by Consent of all Parties except the Infant Defendant, and the several Instruments, Statements, Facts, and Events recited in the Preamble of the Draft Bill therein-after mentioned having been proved in that Cause to the Satisfaction of the Judge, it was ordered that a Bill, intituled "An Act to amend and extend *Ward Jackson's Estate Act, 1853*, and for other Purposes," the Draft of which Bill had been settled in Chambers, and approved by the Judge, and signed by him on that Eighth Day of *May* One thousand eight hundred and sixty-eight in testimony of such Approval, be promoted by the Defendant the Reverend *William Ward Jackson* in Parliament, and that all further Proceedings in that Cause be stayed:

And whereas it is expedient that the Provisions of the Bill so approved of by the Court of Chancery as aforesaid be carried into effect; but the same cannot be done without the Authority of Parliament:

Expediency of Enactments according to Bill approved of by the Court

Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Isaac Henry Tyas, Thomas Emerson Forster, James Stovin-Pennyman, and John Brewster*, as Trustees of the Testator's Will, and the Testator's Second and eldest surviving Son *William Ward Jackson* for and on behalf of himself and his Infant Son *William Ward Jackson*, and the Testator's Third Son *Ralph Ward Jackson*, and his Son *William Charles Ward Jackson*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as *The Ward Jackson's Estate Act, 1868*, and this Act and the Estate Act of 1853 may be cited together as *The Ward Jackson's Estate Acts of 1853 and 1868*.

Short Titles.

2. This Act shall be read as One with the Estate Act of 1853, and the Purposes of this Act and the Powers and Discretions conferred by this Act shall be deemed to be Purposes of that Act, and to be Powers and Discretions conferred by that Act, and accordingly the Term "this Act" where used in the Estate Act of 1853 shall be deemed to include the present Act, and Words in this Act have the same Meaning as in the Estate Act of 1853.

Acts to be read as One.

3. The Estate Act of 1853 shall have Effect as if Mines, Beds, Veins, and Seams of Gypsum and Salt had been comprised in the

Interpretation of Mines and Minerals.

Interpre-

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Interpretation of the word Mines in that Act, and as if Gypsum and Salt had been comprised in the Interpretation of the Word Minerals in that Act.

Extension
of Leasing
Powers of
Act of 1853.

4. The Estate Act of 1853. shall have Effect as if the Contents of the Second and Third Schedules thereto had been as follows; namely,

As if there had been specified in the Second Schedule so much of the Settled Estate as is bounded on the South by the Road from *Ormesby to Redcar*;

As if there had been specified in the Third Schedule the following Parts of the Settled Estate; namely, first, so much thereof as is bounded on the North by that Road, on the West by the *Cleveland Railway*, and on the South by the Northern Boundary of the Mining Lease granted to *Isaac Lowthian Bell, Thomas Bell, and John Bell*, dated the Thirty-first Day of *December* One thousand eight hundred and sixty-three; and, secondly, so much thereof as is bounded on the South by the Road from *Ormesby to Guisborough*, and on the North and North-east by the Southern Fence of the *Great Western Plantation*, the *Cleveland Railway*, and the Fence running in continuation of that Southern Fence Eastwards to that Railway, and passing to the South of the Farmyard and Buildings there situate adjoining or near to that Railway.

Proportion of
Mining Rents
to be brought
into Court
during Es-
tate for Life
without Im-
peachment of
Waste.

5. Notwithstanding anything in Section Eleven of the Estate Act of 1853, the said Trustees and Trustee shall, from and after the passing of this Act, as regards such of the Rents reserved by Mining Leases of Parts of the Settled Estate as become due and payable during the Life of any Person for the Time being entitled in possession to the Settled Estate as equitable Tenant for Life, without Impeachment of Waste, pay into the Bank One equal Fourth Part (and no more) of the clear net Amount from Time to Time received by them and him of those Rents, and accordingly so much of the same Section as relates to the Case of a Tenant for Life shall extend and apply only to the Case of a Tenant for Life whose Estate is not limited, without Impeachment of Waste.

Power of
Sale and
Exchange.

6. The said Trustees and Trustee shall have a Power of Sale and Exchange over so much of the Settled Estate as is bounded on the South by the Road from *Ormesby to Redcar* (without Prejudice to any Sale or Agreement for Sale of any Part thereof already made); and Sections One, Two, Three, and Nine of the Act of the Session of the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and forty-five, "to give to Trustees, Mortgagees, and others certain Powers now usually inserted in Settlements,

23 & 24 Vict.
c. 145.

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Settlements, Mortgages, and Wills," shall have Effect as if the Power of Sale and Exchange by this Section given had been contained in the Testator's Will, and that Will had been executed after the passing of the last-mentioned Act.

7. The said Trustees and Trustee on any Sale or Exchange under this Act may, if they and he think fit, reserve any Minerals, Rights, Easements, or Privileges out of, in, through, over, upon, or under any Land sold or exchanged, and may make any Sale or Exchange of the Surface apart from or with any Part of the Subsoil, or of the Subsoil apart from or with any Part of the Surface, or of any Estate or Interest less than the Fee Simple. Power to reserve Minerals, &c. on Sale or Exchange.

8. The said Trustees and Trustee shall pay into the Bank Money received by them and him on any Sale or Exchange under this Act, after paying thereout the Expenses preliminary to and of and incidental to such Sale or Exchange and Receipt of such Money. Application of Money received from Sale or Exchange.

9. Notwithstanding anything in Section Fifty-seven of the Estate Act of 1853, the Court of Chancery, with respect to Money paid into the Bank in pursuance of that Act and remaining there at the passing of this Act, shall, on such Application as in that Section mentioned, order as follows; namely, Application of Par of present Fund in Court.

That there be paid thereout the Costs of and incidental to the Suit of *Jackson* versus *Tyas*, including the Costs by the Decree therein directed to be paid by the Plaintiffs:

That there be paid thereout the Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act:

That Three equal Fourth Parts of the Residue be paid to the Testator's Son *William Ward Jackson*, the equitable Tenant for Life in possession of the Settled Estate, for his own Use absolutely.

10. The making of new Roads, and the altering or improving of Roads for the Time being existing, shall be deemed substantial Improvements within Section Fifty-seven of the Estate Act of 1853. Application of Money in Court for new Roads, &c.

11. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all Persons and Bodies Politic and Corporate, and their respective Heirs, Executors, Administrators, and Successors (other than the Persons by this Act expressly excepted out of this General Saving), all such Estate, Right, Title, Interest, Claim, and Demand whatsoever of, in, to, or out of the Settled Estate, or any Part or Share of or in the same, as they or any of General Saving.

[*Private.*]

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them had before the passing of this Act, or would or might have had if this Act had not been passed;

Persons excepted from General Saving, and accordingly bound by this Act.

12. The following Persons are excepted out of the General Saving in this Act contained, and they accordingly are the only Persons bound by this Act; (that is to say,)

1. The said *Isaac Henry Tyas*, *Thomas Emerson Forster*, *James Stovin Pennymann*, and *John Brewster*, as Trustees of the Testator's Will, their Heirs and Assigns, and other the Trustees and Trustee for the Time being of the same Will.

2. The said *William Ward Jackson*, the Testator's Son, and his Assigns, and the said *William Ward Jackson*, the Testator's Grandson, and his Assigns, and all other the Sons of the said *William Ward Jackson*, the Testator's Son, and the Heirs Male of the Bodies of the said *William Ward Jackson*, the Testator's Grandson, and of such other Sons respectively:

3. The said *Ralph Ward Jackson* and his Assigns, and the said *William Charles Ward Jackson* and his Assigns, and all other the Sons of the said *Ralph Ward Jackson*, and the Heirs Male of the Bodies of the said *William Charles Ward Jackson*, and of such other Sons respectively:

4. Every Person from Time to Time claiming under any of the Limitations in remainder in the said Will after the Estate thereby limited to the First Son of the said *Ralph Ward Jackson*, and the Heirs Male of the Body of such First Son.

Act not Public but to be Evidence.

13. 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.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1868.