



CHAP. 2.

An Act for making better provision respecting the disposition of the Estate of the late Joseph Crossley of Halifax, deceased ; and for other purposes. A.D. 1869.
[12th July 1869.]

WHEREAS Joseph Crossley, late of Halifax, deceased, for many years before his death, which happened in September one thousand eight hundred and sixty-eight, carried on business at Halifax in partnership with his brothers John Crossley and Francis Crossley, now Sir Francis Crossley, Baronet, one of the knights of the shire for the northern division of the west riding of the county of York :

And whereas shortly before the year one thousand eight hundred and sixty-one the said John Crossley, being entitled in fee simple in possession to certain freehold land situate on Skircoat Moor in the parish of Halifax, began the erection thereon of a building intended by him to be devoted to educational purposes :

And whereas in the year one thousand eight hundred and sixty-one the said Joseph Crossley and Sir Francis Crossley joined the said John Crossley in a design for the appropriation of the said building and its site to the purposes of an orphan home and school, and on the fourteenth day of December one thousand eight hundred and sixty-one, on the occasion of the annual stock-taking of the partnership, the said Joseph Crossley and Sir Francis Crossley were each debited in the partnership accounts with the sum of six thousand eight hundred and fifty-one pounds eight shillings and threepence as one third part of the then value of the said building and site, the other one third part thereof being left to the credit of the said John Crossley :

And whereas the site of the said building having been enlarged by the addition thereto of a piece of common land on Skircoat Moor acquired by the said John Crossley, the said building was completed, fitted up, and furnished at the joint and equal expense of the said John Crossley, Joseph Crossley, and Sir Francis Crossley, the cost

A.D. 1869. thereof (including the value of the site) being estimated at upwards of fifty-six thousand pounds :

And whereas the said building has been and is devoted to charitable purposes as an orphan home and school :

Indenture
dated 30th
Jan. 1868.

And whereas with a view to the effectual establishment of the orphan home and school an indenture, dated the thirtieth day of January one thousand eight hundred and sixty-eight, was made between the said John Crossley of the first part, the said Joseph Crossley of the second part, the said Sir Francis Crossley of the third part, and Wright Mellor and James Bowman of the fourth part, and was sealed and delivered by the several persons parties thereto in the presence of two witnesses (which indenture is in this Act referred to as the deed of foundation of the orphan home and school) :

And whereas the deed of foundation of the orphan home and school recited (among other things) to the effect that the said John Crossley, Joseph Crossley, and Sir Francis Crossley (therein-after called the founders) had agreed and determined on founding at their joint and equal expense as a perpetual charity an orphanage to be called The Crossley Orphan Home and School, and that the founders had agreed and determined that a piece of land on Skircoat Moor, in the parish of Halifax, containing eight acres two roods and eight perches, or thereabouts, then belonging to the said John Crossley, and whereon the founders had recently erected and fitted up as the orphan house a large building with offices and outbuildings at an expense to themselves of fifty-six thousand pounds and upwards, should, with the orphan house thereon, be appropriated for the purposes of the charity, and that they would endow the charity as therein-after appearing, and that the founders had agreed to enter into and execute that deed by way of deed of foundation of the charity as therein-after appearing :

And whereas the deed of foundation of the orphan home and school witnessed that in order to the foundation of the charity, and for the considerations therein appearing, each of the said John Crossley, Joseph Crossley, and Sir Francis Crossley did thereby for and in respect of the acts and defaults of himself, his heirs, executors, and administrators, covenant with the said Wright Mellor and James Bowman, their executors and administrators, as therein followed :

And whereas such of the provisions of the deed of foundation of the orphan home and school as are material for the purposes of this Act are in the words or to the effect following ; that is to say,

First. The founders will found and endow in manner herein-after appearing a perpetual charity for the lodging, boarding,

clothing, educating, and apprenticing, or otherwise placing out in life of orphan children of both sexes.

Fiftiethly. The founders will forthwith apply for and use their best reasonable endeavours to obtain a royal charter for establishing the charity and incorporating the governors with such powers and provisions as the founders deem expedient, including powers for the governors to take and hold, lease, sell, exchange, and otherwise dispose of lands and landed property for the purposes of the charity.

Fifty-first. If the charter be obtained, then forthwith thereafter the said John Crossley, with the concurrence of the said Joseph Crossley and Sir Francis Crossley, will convey to the governors the land on Skircoat Moor, containing eight acres two roods eight perches, or thereabouts, and the orphan house and outbuildings thereon, which they have agreed and determined to appropriate for the purposes of the charity.

And whereas the deed of foundation of the orphan home and school was duly enrolled in the Court of Chancery on the ninth day of April one thousand eight hundred and sixty-eight :

And whereas Her Majesty the Queen was graciously pleased to grant in favour of the orphan home and school a charter or letters patent of incorporation, dated the eleventh day of September one thousand eight hundred and sixty-eight (in this Act called the charter) :

And whereas the charter recited to the effect that Her Majesty's trusty and well-beloved subjects John Crossley, Joseph Crossley, and Sir Francis Crossley had by their petition humbly represented to Her Majesty, that being desirous of founding at their joint and equal expense, as a perpetual charity, an orphanage to be called The Crossley Orphan Home and School, they had agreed to appropriate for the purposes of such charity a piece of land on Skircoat Moor, in the parish of Halifax, containing eight acres two roods and eight perches, or thereabouts, belonging to the said John Crossley, upon which they had then recently erected and fitted up as the orphan house a large building with offices and outbuildings, at an expense to themselves of fifty-six thousand pounds and upwards, and that for further effectuating such desire as aforesaid, by a deed dated the thirtieth day of January one thousand eight hundred and sixty-eight, and enrolled in the Court of Chancery on the ninth day of April following (being the deed of foundation of the orphan home and school) the petitioners had covenanted and it was provided as in the charter recited :

And whereas the charter further recited to the effect that the petitioners therefore humbly prayed Her Majesty that she would be

A.D. 1869. — graciously pleased to grant Her royal charter for incorporating the petitioners and such persons as might become or be elected governors of the said charity, under or in pursuance of the provisions contained in the therein-recited deed, for the purpose of establishing the charity so agreed to be founded by the petitioners, with such powers and provisions as to Her Majesty might seem meet :

And whereas the charter, after declaring that Her Majesty, taking the premises into Her royal consideration and being desirous to promote so good and laudable an establishment, was graciously pleased to gratify the petitioners request, made known therefore to the effect that Her Majesty being always ready to give Her royal countenance and encouragement to all useful and charitable works did by virtue of Her prerogative royal and of Her especial grace and certain knowledge and mere motion thereby, for Her Majesty, Her heirs and successors, give, grant, and ordain that the said John Crossley, Joseph Crossley, and Sir Francis Crossley, and all such other persons as might from time to time become or be elected governors of the aforesaid charity, under or in pursuance of the provisions in that behalf contained in the therein recited deed, should be one body politic and corporate by the name of the Governors of the Crossley Orphan Home and School, by which name such body politic should sue and be sued, implead and be impleaded, and answer and be answered unto in every court of Her Majesty or Her successors, and should have perpetual succession, with a common seal, which might be by them changed or varied at their pleasure ; and Her Majesty did thereby declare that the custody of the said common seal, and the affixing the same to any document should be determined by the said John Crossley, Joseph Crossley, and Sir Francis Crossley, or any two of them, during their respective lives, and after the decease of two of them by the governors for the time being or a committee of such governors not less than five in number :

And whereas by the charter Her Majesty did will and ordain further to the effect that by the same name the governors and their successors should be able and capable in law to take, purchase, and hold to them and their successors any goods, chattels, or personal property whatsoever ; and should also be able and capable in law, notwithstanding the statutes of mortmain, to take, purchase, and hold to them and their successors as well the piece of land in Skircoat Moor, in the parish of Halifax, and the orphan house, offices, and out-buildings thereon, agreed to be appropriated for the purposes of the charity as aforesaid, as any other lands, buildings, hereditaments, and possessions whatsoever, situate within the United Kingdom of Great Britain and Ireland, not exceeding the annual value of one thousand pounds over and above the interest of any charge or

incumbrance affecting the same, such annual value to be calculated and ascertained at the period of taking, purchasing, or acquiring the same, and that they and their successors should be able and capable in law to grant, demise, exchange, sell, alien, or otherwise dispose of all or any of the property, real or personal, belonging to the said charity, when not wanted for the purposes thereof, or when such sale might be expedient for the interest thereof, and also to do all other matters incidental or appertaining to a body corporate; and further, Her Majesty did thereby will and ordain that they and their successors might take any lands or hereditaments, in addition to what they were thereby authorized to take, as and for their security by way of mortgage for the repayment of any monies belonging to the said charity, subject to certain restrictions therein expressed:

And whereas by the charter Her Majesty did further will and grant to the effect that the said body politic and corporate should consist of the said John Crossley, Joseph Crossley, and Sir Francis Crossley, who should be the first governors of the said charity, and after the decease of two of them, then of three family governors and fifteen elected governors, and that such family and elected governors should from time to time become or be elected governors, in accordance with the provisions in that behalf contained in the therein recited deed, and that the said John Crossley, Joseph Crossley, and Sir Francis Crossley, and the survivors and survivor of them, during their and his lives and life, and after the decease of the survivor the family governors for the time being, should be the visitors of the charity:

And whereas by the charter Her Majesty did lastly for Herself and Her heirs and successors grant and declare to the effect that that Her royal charter, or the enrolment or exemplification thereof, should be in and by all things valid and effectual in law according to the true intent and meaning of the same, and should be recognized by all Her Majesty's courts and judges in Great Britain and Ireland, or elsewhere, and that the same should be construed and adjudged in the most favourable and beneficial sense for the said corporation and their successors as well in Her Majesty's courts as elsewhere, notwithstanding any non-recital, mis-recital, uncertainty, or imperfection in that Her royal charter:

And whereas the said Joseph Crossley continuously until his death took a strong personal interest in the operations of the orphan home and school, frequently attending committee meetings for the management thereof, and otherwise directing and watching the details of arrangement and expenditure connected therewith:

And whereas down to the death of the said Joseph Crossley the current charges of the orphan home and school were borne by the said three founders thereof in equal shares:

A.D. 1869.

And whereas, in and after the year one thousand eight hundred and sixty-two, the said Joseph Crossley was entitled in fee simple in possession to a certain plot of freehold land in the town of Halifax, containing about eleven thousand four hundred and thirty-five square yards :

And whereas the said Joseph Crossley, at his own expense, erected on part of the said plot of land twenty-one messuages, to be used as almshouses :

Indenture
dated 11th
Dec. 1863.

And whereas an indenture dated the eleventh day of December one thousand eight hundred and sixty-three was made between the said Joseph Crossley of the one part and Edward Crossley (his eldest son), the said John Crossley and Sir Francis Crossley, Josiah Aked, Frederick Hungerford Bowman, Joseph Henry Dickinson, William Murgatroyd, William Tinker Posgate, Joshua Armitage Riley, Samuel Shaw, Henry Sugden, John Ebenezer Whitewood, John Whitley, Nathan Whitley, and John Hodgson Wright of the other part, and was sealed and delivered by the several persons parties thereto in the presence of two witnesses (which indenture is in this Act referred to as the deed of foundation of the almshouses):

And whereas the deed of foundation of the almshouses, after reciting (among other things) the seisin of the said Joseph Crossley of that part of the said plot of land which formed the site of the said almshouses, and the building by him of those almshouses thereon, proceeded to recite to the effect that he had erected the same with the intention of devoting them to the charitable purposes therein-after expressed in testimony of his gratitude to Almighty God, and with the view of benefiting those of his industrious fellow townsmen and others who might be in need of the assistance intended to be provided for them as therein-after mentioned, and that he had determined for effectuating the purposes aforesaid to convey the said site and almshouses to trustees in manner therein-after appearing to be held by them as almshouses, and upon and for the trusts, intents, and purposes therein-after expressed and declared, and to grant and secure to the same trustees in manner therein-after appearing a perpetual yearly rentcharge of four hundred and thirty-five pounds, charged and issuing out of the hereditaments described in the schedule thereunder written, for the endowment and maintenance of the almshouses :

And whereas the deed of foundation of the almshouses witnessed to the effect that for effectuating the said intention of the said Joseph Crossley in that behalf, and for a nominal consideration, the said Joseph Crossley did thereby grant, bargain, sell, convey, and confirm to the several persons, parties thereto of the second part, their heirs and assigns, the said site (being therein particularly described), and twenty-one almshouses with their rights, members,

and appurtenances, to have and to hold the same to the several persons parties thereto of the second part, and their heirs, to the use of them, their heirs and assigns for ever, upon and for the trusts, intents, and purposes, and with, under, and subject to the provisoes, agreements, and declarations therein-after expressed and contained of and concerning the same :

And whereas the deed of foundation of the almshouses proceeded to declare trusts of the said site and almshouses to the effect following ; (namely,) that the several persons parties thereto of the second part, and the survivors and survivor of them, and the heirs of such survivor, and their or his assigns, or other the trustees for the time being of that indenture, should call the almshouses Joseph Crossley's Almshouses, and suffer them to be used and occupied as and for almshouses by such persons as should be nominated and chosen to be occupants thereof, under the provisions therein-after contained; and should permit the offices, yards, gardens, and appurtenances to be used and enjoyed by the occupants and inmates of the almshouses (subject to the rules therein-after contained, and to be made as therein-after mentioned), and for no other use or purpose :

And whereas the deed of foundation of the almshouses further witnessed to the effect that for effectuating the intention of the said Joseph Crossley he did thereby give, grant, and confirm unto the several persons parties thereto of the second part, their heirs and assigns, the yearly rentcharge of four hundred and thirty-five pounds, for ever thereafter to be charged upon and payable out of the hereditaments described in the schedule thereunder written, situated in the parishes of Flixton and Oulton, in the county of Suffolk, with powers of distress and entry for recovery thereof, and by the same deed trusts of the application of the rentcharge were declared, being in substance trusts for the maintenance of the said almshouses, and the support of the occupants and inmates thereof :

And whereas the deed of foundation of the almshouses also witnessed to the effect that for further effectuating the intention of the said Joseph Crossley he thereby declared and directed, and it was thereby agreed that the rules and regulations there following should be the rules and regulations for the government and enjoyment of the charity :

And whereas the deed of foundation of the almshouses was duly enrolled in the Court of Chancery on the second day of February one thousand eight hundred and sixty-four :

And whereas the said twenty-one almshouses continued to be managed and maintained under the deed of foundation thereof, and under the personal direction of the said Joseph Crossley until his death ;

A.D. 1869.

And whereas about the end of the year one thousand eight hundred and sixty-seven, the said Joseph Crossley had plans prepared for, and commenced the extension of the almshouses on the said plot of land by additional buildings to be of corresponding style with that of the twenty-one almshouses already erected by him, and to form therewith three sides of a square, covering, with the gardens and appurtenances, the whole of the said plot of land, which addition he intended to comprise twenty-seven almshouses, and a chapel to serve as a common place of worship for the inmates of all the forty-eight almshouses, and the said Joseph Crossley entered into contracts for the principal portion of the works to the amount of about eleven thousand pounds, and during the spring and summer of one thousand eight hundred and sixty-eight he made considerable progress in the erection of one of those additional wings :

And whereas the said Joseph Crossley died on the fourteenth day of September one thousand eight hundred and sixty-eight :

And whereas in consequence of the death of the said Joseph Crossley questions have arisen respecting the operation and effect of the deed of foundation of the orphan home and school as regards such interest as the said Joseph Crossley had acquired in the building of the charity and its site, and it is expedient that all ground for such questions be removed :

And whereas the said Joseph Crossley died without having executed the deed by law requisite for completing the foundation of the said intended forty-eight almshouses and chapel, by the express dedication to the purposes of the charity of the two intended additional wings, and of that part of the said plot of land which forms the site thereof with the garden and appurtenances :

And whereas the said Edward Crossley is willing to complete the works of the said intended additional twenty-seven almshouses and chapel, and to provide an adequate endowment for the additional twenty-seven almshouses, so as to carry into effect the intentions of his father the said Joseph Crossley, and it is expedient that the whole of the said plot of land with the almshouses and buildings thereon, and with its rights, members, and appurtenances, be effectually vested in the trustees of Joseph Crossley's almshouses :

Will of
J. Crossley,
dated 31st
Aug. 1865.

And whereas the said Joseph Crossley had duly made his last will, with a codicil thereto, dated respectively the thirty-first day of August one thousand eight hundred and sixty-five, and the twenty-seventh day of September one thousand eight hundred and sixty-six, which will and codicil have since his death been duly proved in the principal registry of Her Majesty's Court of Probate :

And whereas the said Joseph Crossley by his said will, after bequeathing to his wife Elizabeth Walker Crossley the sum therein

mentioned, to be paid to her for her immediate use, and after bequeathing to her absolutely the wearing apparel, carriages and horses, consumable articles, and other things therein described, and after bequeathing unto each of three persons therein named the sum therein mentioned, gave, devised, and bequeathed unto his brothers John Crossley and Sir Francis Crossley, and to his friends John Whitley, Nathan Whitley, and James Malcolm Bowman, his messuage and lands at Broomfield, and also all his furniture and other things therein mentioned in that house at the time of his decease, and also his messuage and lands at Bermerside, to hold the same unto and to the use of the said John Crossley, Sir Francis Crossley, John Whitley, Nathan Whitley, and James Malcolm Bowman, their heirs, executors, administrators, and assigns, upon the trusts and for the intents and purposes therein stated, being in substance trusts for the purpose of providing a home for his said wife during her widowhood, and for his infant sons and daughters, and for the letting of part of the same, and subject thereto on trust for sale, the net proceeds to be disposed of in manner thereafter directed, with regard to the proceeds of his residuary, real, and personal estate, with a proviso for pre-emption by his sons in succession :

And whereas the said Joseph Crossley by his said will gave and devised all his messuages, lands, hereditaments, and real estate, not therein-before devised, except estates vested in him as trustee or mortgagee, and gave and bequeathed all the residue of his personal estate and effects whatsoever, not therein-before disposed of, unto his said brothers John Crossley and Sir Francis Crossley, and the said John Whitley and Nathan Whitley, and James Malcolm Bowman, their heirs, executors, administrators, and assigns respectively, upon trust to sell his said residuary real estate, either together or in parcels, by public auction or private contract, or partly by one mode and partly by the other, and for such price or prices as could or might be reasonably had for the same, with power to make any special conditions as to title or evidence of title, or otherwise, and with power to buy in the said premises, or any part thereof, at any public sale, and to rescind either on terms or gratuitously any contract or contracts for sale thereof, and to resell the said premises, without being answerable for any loss which might thence arise; and he directed that the proceeds of the said sale should fall into and constitute part of his residuary personal estate, and that until the whole of the said hereditaments should be so sold, the rents and profits thereof, or of the unsold part thereof, for the time being, should be applied in the same manner as thereafter directed, respecting the income of his said residuary estate,

A.D. 1869.

and upon further trust to get in and receive, and convert into money so much of his said residuary personal estate as should not consist of ready money, or of such investments in stocks, funds, or securities (whether of the description contemplated by the trust for investment therein-after contained, or not), as his said trustees, or the survivors or survivor of them, his executors or administrators, should think it desirable to retain or continue :

And whereas the said Joseph Crossley by his said will declared that as to the ready money or cash constituting at his decease part of his residuary personal estate, and as to the monies to be got in as aforesaid, and to arise from the disposition, under the trust therein-before contained, of any part or parts of his said residuary personal estate, his will was, and he thereby directed and ordered that his said trustees, or the survivors or survivor of them, his heirs, executors, or administrators, or other the trustees or trustee for the time being of that his will, should, in the first place, with and out of the same, and if not sufficient, then with and out of any other part or parts of his personal estate given or bequeathed to his said trustees, pay all his debts and funeral and testamentary expenses, and such pecuniary legacies as were bequeathed by that his will, or as he might bequeath by any codicil or codicils thereto, and after payment or satisfaction thereof, his will was that his said trustees or trustee for the time being should lay out and invest the residue of the said trust monies, and also the monies to arise from the sale of his said real estate in their or his names or name, in or upon any of the public stocks or funds, or Government securities of the United Kingdom, or upon any real securities in England or Wales, but not in Ireland, or in or upon shares, bonds, or debentures of the company, called John Crossley and Sons, Limited, or in or upon the bonds or debentures of any railway, dock, or canal company or companies in Great Britain, established or sanctioned by Act of Parliament, and paying dividends, with power to vary investments :

And whereas the said Joseph Crossley by his said will further declared his will was that all the trust monies, stocks, funds, and securities aforesaid should be held upon and for the trusts and purposes therein-after declared and expressed concerning the same, being in the first place to the effect following ; (that is to say,) as to or concerning so much or such part of the said trust monies, stocks, funds, and securities as would from time to time provide, by and from the interest, dividends, and annual proceeds to arise there-out, the clear annual sum therein mentioned, upon trust to pay unto his said wife, during her life, if she so long continued his widow and unmarried, but not otherwise, the clear annuity or yearly sum in manner therein mentioned ; and as to or concerning so

much or such part of the said trust monies, stocks, funds, and securities as would from time to time provide by and from the interest, dividends, and annual proceeds to arise thereout, the several clear annuities next therein-after mentioned, upon trust thereout to pay to Edward Leighton and Frances his wife, during their joint lives, and during the life of the survivor of them, the respective annuities therein mentioned; and upon trust out of the said trust monies, stocks, funds, and securities to pay unto his son Edward Crossley the sum therein mentioned: A.D. 1869.

And whereas the said Joseph Crossley by his said will declared his will was as to or concerning the stocks, funds, and securities set apart to provide the annuity for his wife, and the respective annuities for Edward Leighton and his wife, and the survivor of them, from and after the decease of the respective annuitants, and subject to the trusts therein-before declared thereof for their respective benefit, and as to or concerning all other the principal monies, stocks, funds, and securities constituting his residuary estate, and the interest, dividends, and annual proceeds thereof respectively, that his said trustees or trustee for the time being should stand possessed of and interested in the same in trust for all his children, who being a son or sons should at his decease have attained or should live to attain the age of twenty-one years, or being a daughter or daughters should at his decease have attained or should live to attain that age, or marry with his own consent or with the consent of their respective guardians for the time being, and to be divided between them in such shares or proportions that the share of each of his sons should be double or twice the amount of the share of each of his daughters, or in the proportion of two to one, and so that the shares of his said sons should be equal as between themselves, and that the shares of his said daughters should also be equal as between themselves:

And whereas the said Joseph Crossley by his said will further declared with regard to the share to which each of his said sons should become entitled in his said residuary estate under the trust aforesaid, his will further was that the same should be retained and held by his said trustees or trustee for the time being until such son should attain the age of twenty-five years (the interest, dividends, and annual proceeds thereof being paid to him in the meantime,) and that on his attaining the said age of twenty-five years, three equal fourth parts of the said share and of the monies, stocks, funds, and securities constituting the same, should be paid, transferred, or assigned to such son, his executors, administrators, for his and their own use and benefit, and that after he should so have attained the said age of twenty-five years the remaining fourth part of his said

A.D. 1869. share should still be retained by his said trustees or trustee, and the interest, dividends, and annual proceeds thereof should be paid to him during his life for his own use and benefit, and that after his decease the said remaining fourth part of his share in the said residuary estate, or in the event of his dying under the age of twenty-five years, then the whole of his said share therein, and the interest, dividends, and annual proceeds thereof, should be in trust for all his children, who being a son or sons should attain the age of twenty-one years, or being a daughter or daughters should attain that age or marry, which might first happen, to be divided among them equally if more than one, and if only one, then the whole to belong to him or her absolutely; and in case any of his sons should not have a child who should live to obtain a vested interest under the trusts last aforesaid in his (such son's) share of his said residuary estate, then and in such case the said remaining fourth part, or the whole, as the case might be, of such his son's share in his said residuary estate, and any accruing share or shares therein by or under that or any other provisions of that his will, and the interest, dividends, and annual proceeds thereof should, after his decease and such failure of issue as aforesaid, go and be divisible in equal portions among the others of his said children who should live to obtain vested interests in his said residuary estate, under the trusts therein-before declared, such their respective portions therein nevertheless to be held upon the same trusts and in the same manner in all respects as their respective original shares in his said residuary estate:

And whereas the said Joseph Crossley by his said will further declared with regard to the share to which each of his said daughters should become entitled in his residuary estate under the trusts therein-before contained, his will further was that the same should be retained and held by his said trustees or trustee for the time being, upon trust to pay the interest, dividends, and annual proceeds thereof unto such his daughter during her life for her sole and separate use and benefit, and not to be subject to the debts, engagements, or control of any husband with whom she might intermarry, nor to her own disposition while under coverture in the way of anticipation, and her receipts alone, but during coverture not by anticipation, to be sufficient discharges for the said interest, dividends, and annual proceeds; and from and after the decease of such his daughter, then as well with respect to the principal as the income of her said share in his said residuary estate, in trust for all her children, who being a son or sons should attain the age of twenty-one years, or being a daughter or daughters should attain that age or marry, which might first happen, to be divided among

them equally if more than one, and if only one the whole to belong to him or her absolutely; and in case any of his said daughters should not have a child who should live to obtain a vested interest under the trust last aforesaid in her (such daughter's) share of his said residuary estate, then and in such case his daughter's share in his said residuary estate as well original as accruing under or by virtue of the provisions of that his will, and the future income thereof should, after her decease and such failure of his issue as aforesaid, go and be divisible in equal proportions among the others of his said children who should live to obtain vested interests in his said residuary estate under the trusts therein-before declared, such their respective portions therein, nevertheless, to be held upon the same trusts and in the same manner in all respects as their respective original shares of his said residuary estate:

And whereas in the said will of the said Joseph Crossley there was contained a proviso and declaration that his will further was that in case any of his said sons previously to attaining the age of twenty-five years should be outlawed, or become and be declared bankrupt, or should make an assignment of his effects or any part thereof for the benefit of his creditors, or make any arrangement or composition with them in regard to his debts or liabilities, or should do, commit, or suffer any act, default, or process whatsoever which but for this present proviso would have the effect of vesting in any other person or persons than such his son the right to receive the whole or any part of the principal or income of the share or shares as well original as accruing therein-before directed to be paid, transferred, or assigned to him of and in his said residuary estate, then and in any of the said cases the three fourth parts of the principal of the same share or shares therein-before directed to be paid, transferred, or assigned to such his son on attaining the age of twenty-five years should, immediately upon his so becoming outlawed or being declared bankrupt, or upon his making any such assignment, arrangement, or composition, or doing, committing, or suffering any such act, default, or process as aforesaid, be retained by his said trustees or trustee, and with the income thereof should be held and applied upon the trusts and in the manner following; that is say, in trust during the remainder of the life of his said son to pay, apply, and dispose of the income of the said three fourth parts in such manner for and in the maintenance and support, or otherwise for the benefit of such his son, and of his wife and children, or any of them, exclusively of the others or other of them, or for the benefit of any other or others of his own children or of their respective issue to the exclusion of the rest of them, as his said trustees or trustee for the time being should or might from time to time, at their or his

A.D. 1869.

discretion, think proper or expedient; and from and after the decease of such his son as aforesaid, in trust to pay the income of the said three fourth parts to his widow, if he left a widow, during her widowhood for the maintenance, support, and benefit of herself and of any child or children of his said son who might survive him; and subject and without prejudice to the trusts last aforesaid during the life of his said son and of his widow, if any, in trust both as to the principal and income of the said above-mentioned three fourth parts and premises for and for the benefit of such of the children or such only child of his said son, and in such manner in all respects, and in default of any such child of his, then for and for the benefit of such others or other of his own children, and in such manner and with such remainders over in all respects as should or might after his said son's decease become entitled under the trusts therein-before declared to the remaining one fourth part of his said son's share or shares original and accruing in his said residuary estate; provided also, that in case any of his sons, either before or after attaining the age of twenty-five years, should be outlawed or become bankrupt, or do, commit, or suffer any such act, default, or process as aforesaid which but for that present proviso would have the effect of vesting in any other person or persons than such his son the right to receive the income during his life of the remaining one fourth part of his share or shares, whether original or accruing, of and in his said residuary estate, then and in any of such cases the income of or to arise from such remaining one fourth part during the remainder of his said son's lifetime should, immediately upon his so becoming outlawed or bankrupt, or upon his doing, committing, or suffering any such act, default, or process as aforesaid, be paid, applied, and disposed of by his said trustees or trustee in such and the same manner as in the like event was therein-before directed with regard to the income to arise during the same period from the first three above-mentioned fourth parts of his said son's share or shares original and accruing of and in his said residuary estate:

And whereas in the said will of the said Joseph Crossley was contained a further proviso and declaration that his will further was that his said trustees or trustee for the time being should pay and apply the whole or such part or parts as to them or him should seem meet of the interest, dividends, and annual proceeds of the share or shares in his residuary estate to which any of his said children or any of their respective issue should or might for the time being be entitled in expectancy under the trusts therein-before declared, for or towards the maintenance and education, apprenticing, or otherwise preparing for any trade, profession, or business, of such child, children, or issue respectively, or otherwise for the benefit of such

child or children or issue respectively, in the meantime, until his, her, or their then expectant share or shares should become vested with such power respecting the application thereof as in the said will specified, and should, during such suspense of absolute vesting, accumulate all the residue (if any) of the said interest, dividends, and annual proceeds as therein mentioned, for the benefit of the person or persons who under the trusts therein contained should become entitled to the principal trust premises, from which the same respectively should have proceeded, with power for his said trustees or trustee to resort to the accumulation of any preceding year or years, and to apply the same as therein mentioned; and the testator thereby provided for the addition to his residuary estate, and the debiting to his children respectively of any money advanced by him to them during his life:

And whereas the said Joseph Crossley by his said will gave and devised to his said brothers John Crossley and Sir Francis Crossley, and to his said friends John Whitley, Nathan Whitley, and James Malcolm Bowman, their heirs and assigns, all real estates which at the time of his decease might be vested in him as trustee, or by way of mortgage, to be held upon the trusts and subject to the equities of redemption to which such estates respectively should at the time of such his decease be subject or liable; and he nominated and appointed the same persons executors of that his will, and he thereby empowered them and each of them to pay any debts owing by him or claimed from him, upon any evidence which they or he might think proper, and to accept any security, real or personal, for any debt or debts owing to him, and to allow such time for the payment thereof as to them or him might seem reasonable; and he empowered them, or any or either of them, to investigate, arrange, and settle all accounts and transactions between him and any person or persons whomsoever which might be subsisting at the time of his decease; and he thereby nominated and appointed his said wife, while she should continue his widow and unmarried, the said John Crossley, Sir Francis Crossley, John Whitley, Nathan Whitley, and James Malcolm Bowman, and the survivors and survivor of them, to be guardians and guardian of such of his children as should be under age and discoverd at the time of his decease, during the time of their respective minorities and discoveritures:

And whereas the said codicil to the will of the said Joseph Crossley related exclusively to estates, rights, and interests in the mill works, dwelling houses, warehouses, lands, buildings, tenements, and hereditaments which were specified in the schedule to a declaration of trust therein described, and which were vested in him as a trustee for the company called John Crossley and Sons, Limited:

A.D. 1869.
Deed Poll
dated in
March 1869.

And whereas by deed poll dated in March one thousand eight hundred and sixty-nine, under the hands and seals of the said John Whitley, Nathan Whitley, and James Malcolm Bowman, reciting (among other things) to the effect that the said John Crossley, Sir Francis Crossley, John Whitley, Nathan Whitley, and James Malcolm Bowman had all been cited pursuant to the Act therein mentioned to take probate of the said will and codicil by writ issued from Her Majesty's Court of Probate, and that the said John Whitley, Nathan Whitley, and James Malcolm Bowman did not appear to such citation, and that probate of the said will and codicil was granted to the said John Crossley and Sir Francis Crossley only, the said John Whitley, Nathan Whitley, and James Malcolm Bowman absolutely disclaimed and renounced all the real and personal estate and effects devised or bequeathed by the said will and codicil, and the offices of trustee and executor thereof, and all trusts, powers, and authorities by the said will expressed, and also if any by the said codicil implied to be, or otherwise imposed on or given to them, their heirs, executors, administrators, and assigns, and all rights and privileges belonging or annexed to the same, or in anywise relating thereto :

And whereas the said Joseph Crossley left him surviving his wife, named in his said will, and the following ten children, and no others ; (that is to say,)

1. The said Edward Crossley ;
2. Henry Crossley ;
3. Catherine, wife of Titus Salt the younger ;
4. Isabella Crossley ;
5. Clement Crossley ;
6. Arnold Crossley ;
7. Margaret Crossley ;
8. Herbert Crossley ;
9. Ethel Frances Crossley ;
10. Mary Winifred Crossley :

And whereas all the said children are living :

And whereas the said Edward Crossley is married and has no issue :

And whereas the said Henry Crossley has never been married :

And whereas the said Catherine, daughter of the said Joseph Crossley, was never married before her marriage with the said Titus Salt the younger, and there is issue of that marriage two children and no more, namely, Gordon Locksley Salt, an infant of the age of three years or thereabouts, and Harold Crossley Salt, an infant under one year of age :

And whereas the said Isabella Crossley has never been married :

And whereas the said Clement Crossley, Arnold Crossley, Margaret Crossley, Herbert Crossley, Ethel Frances Crossley, and Mary Winifred Crossley respectively are infants under the age of twenty-one years, and have never been married :

And whereas by indenture dated the nineteenth day of March one thousand eight hundred and sixty-nine, and made between the said John Crossley of the first part, the said Sir Francis Crossley of the second part, the said John Crossley and Sir Francis Crossley of the third part, the said Elizabeth Walker Crossley, widow, and Edward Crossley, Henry Crossley, and Titus Salt, of Baildon House, near Bradford, in the said county of York, worsted manufacturer, and Catherine his wife, and Isabella Crossley, spinster, of the fourth part, and the Governors of the Crossley Orphan Home and School of the fifth part, reciting (among other things) as or to the effect in this Act recited, and further reciting to the effect that the parties thereto of the first, second, and fourth parts were desirous that the said piece of land on Skircoat Moor should be vested in the Governors of the Orphan Home and School, and for effectuating such object, so far as the same could be lawfully effected, the said John Crossley, with the concurrence of the parties thereto of the second, third, and fourth parts, had agreed to execute such conveyance of that piece of land as was therein-after contained, it being the intention of the parties thereto of the first, second, third, and fourth parts to endeavour to obtain an Act of Parliament confirming the conveyance intended to be thereby made, so far as it affected or was intended to affect the share, estate, and interest of the said Joseph Crossley of and in the said piece of land, it was by the indenture now in recital witnessed to the effect that for effectuating the purposes aforesaid, and in consideration of the premises, the said John Crossley, with the concurrence of the said Sir Francis Crossley, acting as well in his own right as in his character of co-trustee with the said John Crossley, under the will of the said Joseph Crossley and as one of the guardians of his infant children, and with the approbation of the parties thereto of the fourth part (being the only persons interested in the residuary estate of the said Joseph Crossley who were capable of giving their consent to that indenture) did thereby grant and convey, and the said Sir Francis Crossley, according to his share, estate, and interest of and in the premises, did thereby release and convey, and the said John Crossley and Sir Francis Crossley, as the acting trustees of the will of the said Joseph Crossley, according to the share, estate, and interest vested in them as such trustees, and so far as they lawfully could, did and each of them did thereby release and convey unto the Governors of the Orphan Home and School the

A.D. 1869.

said piece of land on Skircoat Moor, and the orphan home and school being thereon, with the rights, members, and appurtenances, to have and to hold the same unto and to the use of those governors, their successors and assigns, in trust for the charity :

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

Therefore, Your Majesty's most dutiful and loyal subjects, the said John Crossley, Sir Francis Crossley, Elizabeth Walker Crossley, widow, Edward Crossley, Henry Crossley, Catherine, wife of Titus Salt the younger, and Isabella Crossley, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Provision
respecting
orphan home
and school.

1. The said indenture of the nineteenth day of March one thousand eight hundred and sixty-nine is hereby confirmed, so far as it affected or was intended or purported to affect the share, estate, and interest of the said Joseph Crossley of and in the hereditaments therein comprised, and the piece of land on Skircoat Moor in that indenture particularly described, and the orphan home and school being thereon, with the rights, members, and appurtenances of the same, are, as to all such share, estate, and interest therein as belonged to the said Joseph Crossley at his death, hereby vested in the Governors of the Crossley Orphan Home and School, their successors and assigns, in trust for that charity, freed and absolutely discharged from all estate, interest, claim, and demand of the said Joseph Crossley, his heirs, devisees, executors, and administrators, and all others claiming through or under him.

Provisions
respecting
almshouses.

2. The said John Crossley and Sir Francis Crossley, devisees in trust under the will of the said Joseph Crossley, may, by an indenture to be executed by them in the presence of two or more witnesses, and to be, within six months after the execution thereof, by them enrolled in the Court of Chancery, convey for a nominal consideration so much of the said plot of land in the town of Halifax as is not already vested in the trustees of Joseph Crossley's Almshouses, in such manner that the same, with the messuages and buildings thereon, and its rights, members, and appurtenances, shall vest in or belong to those trustees in trust for the charity of Joseph Crossley's Almshouses, which indenture, when so enrolled, shall immediately and thenceforth have full and final operation and effect, notwithstanding anything in any statute of mortmain or other Act, and the hereditaments therein comprised shall be held by the trustees for the time being of Joseph Crossley's Almshouses,

on trusts corresponding as nearly as may be to the trusts by the recited deed of the eleventh day of December one thousand eight hundred and sixty-three (being the deed of foundation of the almshouses), declared with respect to the twenty-one almshouses therein comprised, and the site thereof. A.D. 1869.

3. 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 estate or effects of the said Joseph Crossley, or any part or share of or in the same, as they or any of them had before the passing of this Act, or would or might have had if this Act had not been passed. General saving.

4. 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,) Persons excepted from general saving, and accordingly bound by this Act.

- (1.) The said John Crossley and Sir Francis Crossley, as devisees in trust under the will of the said Joseph Crossley, and their successors or successor, trustees or trustee, for the time being of the said will :
- (2.) The said Elizabeth Walker Crossley, widow :
- (3.) The said Edward Leighton and Frances his wife :
- (4.) The said Edward Crossley and his issue :
- (5.) The said Henry Crossley and his issue :
- (6.) The said Catherine, wife of Titus Salt the younger, and the said Titus Salt, and her husband for the time being, and the said Gordon Locksley Salt and Harold Crossley Salt and other her issue :
- (7.) The said Isabella Crossley and her husband for the time being and her issue :
- (8.) The said Clement Crossley and his issue :
- (9.) The said Arnold Crossley and his issue :
- (10.) The said Margaret Crossley and her husband for the time being and her issue :
- (11.) The said Herbert Crossley and his issue :
- (12.) The said Ethel Frances Crossley and her husband for the time being and her issue :
- (13.) The said Mary Winifred Crossley and her husband for the time being and her issue :
- (14.) The respective heirs, executors, administrators, and assigns of the several persons aforesaid :
- (15.) The heirs, executors, and administrators of the said Joseph Crossley.

A.D. 1869.

Expenses of Act.

5. The costs, charges, and expenses, preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid out of the residuary real and personal estate of the said Joseph Crossley.

Act as printed by Queen's printers to be evidence.

6. 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.

Short title.

7. This Act may be cited as Joseph Crossley's Estate Act, 1869.