



CHAPTER 2.

An Act for giving further effect to a Compromise of certain opposing Claims affecting the Estates of William Sydney, Earl of Leitrim, deceased, in the counties of Leitrim, Donegal, Galway, and Kildare in Ireland; and for giving effect to a further arrangement respecting the said Estates. A.D. 1880.

[9th July 1880.]

WHEREAS by the Leitrim Estates Act, 1879, (which received the Royal Assent on the 21st day of July 1879,) after reciting (amongst other things) a will, dated the 3rd day of July 1875, of William Sydney, Earl of Leitrim, deceased, and after recitals showing that the persons then living and claiming to be entitled under the limitations in the said will to the real estates of the said testator in the counties of Leitrim, Donegal, Galway, and Kildare in Ireland in possession or remainder were— 42 & 43 Vict.
c. 7. (Priv.)

- (A.) Henry Theophilus Clements;
- (B.) Henry John Beresford Clements, then the only son of the said Henry Theophilus Clements, and a minor;
- (C.) John Madden;
- (D.) John Clements Waterhouse Madden, elder son of the said John Madden, and Gerald Hugh Charles Madden, younger son of the said John Madden, and both minors;

and that the persons then unborn and who might become entitled under the said limitations to the said real estates were—

- (A.) Other issue male of the said Henry Theophilus Clements;
- (B.) Other issue male of the said John Madden;

and after recitals showing that the said Robert Bermingham, Earl of Leitrim (the heir-at-law and one of the next of kin of the said testator), disputed the validity of the said will, and as one of the next of kin of the said testator had lodged a caveat against the probate of the said will in the Principal Registry of the Probate and Matrimonial Division of the High Court of Justice in Ireland, and that an action was then pending in the said division, in which the

A.D. 1880. — said Henry Theophilus Clements was plaintiff and the said Robert Bermingham, Earl of Leitrim, was defendant, to try the validity of the said will; and reciting an agreement dated the 14th day of February 1879, and made between the said Robert Bermingham, Earl of Leitrim, of the one part, and the said Henry Theophilus Clements of the other part, for the purpose of effecting a compromise of the said disputes; and after further recitals showing that the said compromise had been approved of by the Lord Chancellor of Ireland on behalf of the said Henry John Beresford Clements, who had been then duly made and is now a ward of the Chancery Division of the High Court of Justice in Ireland, it was (among other things) enacted as follows:

(Section 2.) “ The said will of the late William Sydney, Earl
 “ of Leitrim, dated the 3rd day of July 1875, shall forthwith,
 “ after the passing of this Act, be proved in common form
 “ only, and letters of administration with the said will annexed
 “ shall be granted to the said Henry Theophilus Clements
 “ or such other person or persons as may be nominated in
 “ his place for the purpose by the Lord High Chancellor of
 “ Ireland: Provided always, that such administration or this
 “ Act shall not in any wise prejudice or affect, or be taken
 “ as any admission or evidence to prejudice or affect, the
 “ said Robert Bermingham, Earl of Leitrim, his heirs, exe-
 “ cutors, administrators, or assigns, or the said Reverend
 “ Henry George Clements, his heirs, executors, administrators,
 “ or assigns, or John Marcus Clements (the elder brother
 “ of the said Henry George Clements), his heirs, executors,
 “ administrators, or assigns, in any litigation which may at
 “ any time arise with the said John Madden or any of his
 “ issue, or any person claiming through him, them, or any
 “ of them, in relation to the estates or property expressed to
 “ be dealt with by the said will.

(Section 3.) “ Upon the granting of the said letters of adminis-
 “ tration with the said will annexed, all the trusts and
 “ provisions of the said will shall be carried out in accordance
 “ with the terms thereof, save as to the Donegal estates as
 “ herein-after defined.

(Section 4.) “ Upon the granting of the said letters of adminis-
 “ tration with the said will annexed, all the lands, tenements,
 “ and hereditaments of every tenure in the county of Donegal
 “ which were the property of the said William Sydney, Earl
 “ of Leitrim, at the time of his death, and which are specified
 “ or referred to in the schedule to this Act, except the
 “ mansion-house and demesne of Manor Vaughan, including
 “ in such demesne all such lands as actually formed part

“ thereof at the death of the said William Sydney, Earl of
“ Leitrim, together with all the offices, farm buildings, and
“ gardens to the said mansion-house belonging, which said
“ lands, tenements, and hereditaments in the county of
“ Donegal (except as aforesaid) are in this Act called the
“ Donegal estates, shall be and from the death of the said
“ William Sydney, Earl of Leitrim, shall be deemed to have
“ been and are by this Act limited to the following uses ;
“ that is to say, To the use of the said Robert Bermingham,
“ Earl of Leitrim, and his assigns for his life ; and from and
“ after his decease to the use of the first and every other son
“ of the said Robert Bermingham, Earl of Leitrim, succes-
“ sively in remainder one after the other according to their
“ respective seniorities, and the heirs male of their respective
“ bodies ; and in default of such issue to the use of all the
“ daughters of the said Robert Bermingham, Earl of Leitrim,
“ and the heirs of their respective bodies in equal shares as
“ tenants in common ; and if and so often as any of the said
“ daughters shall die without issue, then as well as to her
“ original share as to the share or shares that shall have
“ survived or accrued to her or to the heirs of her body to the
“ use of the others of the daughters of the said Robert
“ Bermingham, Earl of Leitrim, and the heirs of their respec-
“ tive bodies in equal shares as tenants in common ; and if
“ all the daughters of the said Robert Bermingham, Earl of
“ Leitrim, except one shall die without issue, then as to the
“ entirety of the Donegal estates to the use of such one
“ daughter of the said Robert Bermingham, Earl of Leitrim,
“ and the heirs of her body ; and in default of such issue
“ to the use of the said Henry Theophilus Clements and
“ his assigns for his life ; and from and after his decease
“ to the use of the first and every other son of the said Henry
“ Theophilus Clements successively in remainder one after
“ the other according to their respective seniorities, and
“ the heirs male of their respective bodies ; and in default
“ of such issue to the use of all the daughters of the said
“ Henry Theophilus Clements, and the heirs of their respective
“ bodies in equal shares as tenants in common ; and if and
“ so often as any of the said daughters shall die without
“ issue, then as well as to her original share as to the share
“ or shares that shall have survived or accrued to her or
“ to the heirs of her body to the use of the others of the
“ daughters of the said Henry Theophilus Clements, and the
“ heirs of their respective bodies in equal shares as tenants

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“ in common; and if all the daughters of the said Henry
 “ Theophilus Clements except one shall die without issue,
 “ or if there shall be only one daughter of the said Henry
 “ Theophilus Clements, then as to the entirety of the Donegal
 “ estates to the use of such one or only daughter of the said
 “ Henry Theophilus Clements and the heirs of her body;
 “ and in default of such issue to the use of the said John
 “ Madden and the heirs male of his body; and in default
 “ of such issue to the use of the said Robert Bermingham,
 “ Earl of Leitrim, his heirs and assigns for ever.

(Section 5.) “ Saving always to the Queen’s most Excellent
 “ Majesty, her heirs and successors, and to all persons and
 “ bodies politic and corporate soever, and to their respective
 “ heirs, successors, executors, and administrators (other than
 “ the persons who by this Act are expressly excepted out of
 “ this general saving), all estates, rights, titles, interests,
 “ claims, and demands whatsoever, both at law and in equity,
 “ and which they respectively now have or would have if this
 “ Act were not passed.

(Section 6.) “ Provided that the following persons are excepted
 “ out of the general saving in this Act contained, and accord-
 “ ingly are the only persons bound by this Act; that is to
 “ say,

- “ (1.) The said Henry Theophilus Clements, his heirs,
 “ executors, administrators, and assigns;
- “ (2.) The said Henry John Beresford Clements, his heirs,
 “ executors, administrators, and assigns;
- “ (3.) Each and every other son of the said Henry Theo-
 “ philus Clements and his issue male;
- “ (4.) The said Robert Bermingham, Earl of Leitrim, his
 “ heirs, executors, administrators, and assigns;
- “ (5.) Each and every son of the said Robert Bermingham,
 “ Earl of Leitrim, and his issue male:”

And whereas letters of administration with the said will annexed of the said William Sydney, Earl of Leitrim, deceased, were accordingly on the 19th day of September 1879, granted forth of the Principal Registry of the Probate and Matrimonial Division of the High Court of Justice in Ireland to the said Henry Theophilus Clements in common form:

And whereas the said Henry Theophilus Clements has had another son born to him since the passing of the said Act, namely, Marcus Louis Stewart Clements, who was born on the 29th day of September 1879:

And whereas the said Robert Bermingham, Earl of Leitrim, has a son, namely, the Honourable Charles Clements, commonly called

Charles Viscount Clements, who was born on the 23rd day of June 1879 and before the said Act received the Royal Assent: A.D. 1880.

And whereas by articles of agreement dated the 19th day of December 1879, and made between the said Robert Bermingham, Earl of Leitrim, of the first part, the said Henry Theophilus Clements of the second part, and the said John Madden of the third part; after reciting (amongst other things) the principal matters herein-before recited, including the Leitrim Estates Act, 1879, and that the said John Madden was desirous upon the part of himself and his said sons and their issue to avoid any further litigation in relation to the therein lastly-recited will (being the said will dated the 3rd day of July 1875), and accordingly the parties thereto had agreed to enter into the family arrangement and compromise therein-after contained and on the conditions and in manner therein-after appearing, it was agreed between the parties thereto as follows:

- “ 1. The said Robert Bermingham, Earl of Leitrim, shall forth-
 “ with present a petition to the Lord Chancellor of Ireland to
 “ make his son the said Charles Lord Clements a ward of Court,
 “ and all necessary and proper proceedings shall be taken and
 “ prosecuted by the said Robert Bermingham, Earl of Leitrim,
 “ without delay to obtain the approval of the Lord Chancellor
 “ of Ireland on behalf of the said Charles Lord Clements of
 “ the said arrangement and compromise and of the Bill to be
 “ presented to Parliament to effectuate the same.
- “ 2. The said Henry Theophilus Clements shall forthwith take
 “ and prosecute all necessary and proper proceedings for the
 “ purpose of obtaining the approval of the Lord Chancellor of
 “ Ireland on behalf of the said Henry John Beresford Clements
 “ and Marcus Louis Stewart Clements of the arrangement and
 “ compromise hereby intended to be effected and of the Bill
 “ to be presented to Parliament to effectuate the same.
- “ 3. The said John Madden shall forthwith present a petition
 “ to the Lord Chancellor of Ireland to make his sons, the said
 “ John Clements Waterhouse Madden and Gerald Hugh
 “ Charles Madden, wards of Court, and all necessary and
 “ proper proceedings shall be taken and prosecuted by the
 “ said John Madden without delay to obtain the approval
 “ of the Lord Chancellor of Ireland on behalf of the said
 “ John Clements Waterhouse Madden and Gerald Hugh
 “ Charles Madden of the said arrangement and compromise
 “ and of the Bill to be presented to Parliament to effectuate
 “ the same.
- “ 4. A Bill to effectuate the said arrangement and compromise,
 “ and to carry out the several terms thereof, shall, if and so

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- “ soon as such approval as aforesaid of the Lord Chancellor
“ of Ireland shall have been obtained, be lodged in Parlia-
“ ment on the petition of the parties hereto, or such of
“ them or such other parties as may be deemed necessary,
“ and the necessary and proper proceedings to have the
“ same passed into law shall be taken and prosecuted with-
“ out delay, and the parties hereto and their solicitors shall
“ give every assistance in their power and in good faith to
“ the application for the said Act. The carriage of the said
“ Act shall be in the hands of the said Robert Bermingham,
“ Earl of Leitrim, and of such solicitors and parliamentary
“ agents as he may appoint, and a copy of the same as
“ prepared shall be submitted to the respective solicitors of
“ the said Henry Theophilus Clements and John Madden for
“ approval.
- “ 5. The said Act shall contain all necessary and proper clauses
“ to effectuate the arrangement and compromise, and to carry
“ out the terms hereby provided for.
- “ 6. Upon the passing of such Act the said lastly-recited will
“ of the testator shall be proved in solemn form, for which
“ purpose the heir and next of kin shall be cited, and all
“ the trusts and provisions thereof shall be carried out in
“ accordance with the terms thereof, save in so far as the
“ same are altered by the provisions and terms herein con-
“ tained.
- “ 7. All the landed estates and properties of every tenure which
“ were the property of the testator and were situate in the
“ county of Donegal (including the mansion-house and demesne
“ of Manor Vaughan, including in such demesne all such lands
“ as actually formed part thereof at the death of the said
“ William Sydney, Earl of Leitrim, together with all the offices,
“ farm buildings, and gardens to the said mansion-house
“ belonging) shall by the said Act be vested in the persons
“ and for the uses and estates specified in the 4th section of
“ the said Act herein-before recited, and in confirmation of
“ the said uses and estates absolutely so as to bind the said
“ John Madden, the said John Clements Waterhouse Madden,
“ and the said Gerald Hugh Charles Madden, and their
“ respective heirs, executors, and administrators, and each
“ and every other son of the said John Madden and his issue
“ male.
- “ 8. The said Act shall contain a power of sale and exchange,
“ and a power to grant building leases for any term of as
“ well any part of the said Donegal estates as of the other
“ estates in the counties of Leitrim, Galway, and Kildare

- “ devised by the said testator (except the house and demesne
“ of Manor Vaughan, and the house and demesne of Lough
“ Rynn, and the house and demesne of Killadoon, in the
“ county of Kildare), exerciseable by any adult tenant for life
“ in possession and by proper trustees to be appointed by the
“ said Act in relation to the Donegal estates, and by the
“ trustees or trustee for the time being of the said will in
“ relation to the said estates in the counties of Leitrim, Gal-
“ way, and Kildare, during the minority of any tenant for
“ life or tenant in tail male or in tail by purchase at the
“ best improved yearly rent without fine and in possession.
- “ 9. The said Act shall also provide that the settlement and
“ disposition of the said house and demesne of Manor Vaughan
“ to be effected by the said Act, and the transfer of the
“ possession of the said house and demesne, and of the control
“ over the same, consequent upon such settlement and dispo-
“ sition shall in nowise prejudice or render void any estates
“ and interests by the said will of the said testator of the
“ 3rd day of July 1875 created or given to any person or
“ persons in the estates in the counties of Leitrim, Galway,
“ and Kildare, or in the personal estate of the said testator.
- “ 10. The said Robert Bermingham, Earl of Leitrim, shall bring
“ in and lodge to the credit of the said minor matter of
“ ‘Madden’s Minors’ the sum of five thousand pounds, with
“ interest at five pounds per cent. from the 1st day of July
“ 1879, the interest of the said sum of five thousand pounds
“ to be paid to the said John Madden for life, and after his
“ death the principal to be paid to his first son who shall
“ attain or have attained the age of twenty-one years, but
“ if he shall have no son who shall attain the age of twenty-
“ one years, then to the daughters of the said John Madden
“ as tenants in common in equal shares to be vested at the
“ age of twenty-one years; but, with the consent of the said
“ John Madden and subject to the approval of the Lord
“ Chancellor, the said principal sum of five thousand pounds,
“ or any part or parts thereof, to be laid out in paying off
“ any charge or charges affecting the fee and inheritance of
“ the entailed estates of the said John Madden whereby same
“ shall thereupon merge.
- “ 11. On the passing of the said Act all litigation in relation to
“ the validity of the said will of the testator shall cease, and
“ shall not be renewed by any of the parties hereto or any
“ persons claiming through them, and the said will shall
“ remain in full force, save in so far as it is altered by the
“ said Acts.

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- “ 12. In case this agreement shall not be carried out so as to
“ bind the said John Madden and the said John Clements
“ Waterhouse Madden and Gerald Hugh Charles Madden,
“ and their respective heirs, executors, and administrators, and
“ each and every other son of the said John Madden and his
“ issue male, nothing herein contained shall in any way
“ prejudice the rights of the said Robert Bermingham, Earl
“ of Leitrim, or operate as any admission of the validity of the
“ said will of the 3rd day of July 1875 in any proceeding
“ which may in that event be taken by him in respect of the
“ estates or property of the said testator as against any person,
“ save and except the said Henry Theophilus Clements and
“ Henry John Beresford Clements and Marcus Louis Stewart
“ Clements, and their respective heirs, executors, administra-
“ tors, and assigns, and any other son of the said Henry
“ Theophilus Clements and his issue male; and in case the
“ said Lord Chancellor of Ireland shall refuse such approval
“ as aforesaid of the said arrangement and compromise, or if
“ Parliament shall not pass the Act herein-before provided for,
“ all parties shall be remitted to their present rights, and shall
“ be placed exactly in the same position in which they were
“ immediately before the execution of these presents, save as
“ regards costs, which have been agreed to be paid by the said
“ Earl of Leitrim.
- “ 13. Pending the carrying out of this arrangement no legal
“ proceedings in relation to the validity of the said will shall
“ be instituted by any of the parties to these presents, save in
“ so far as it may be necessary to complete the administration
“ with the said will annexed as provided for by the Leitrim
“ Estates Act, 1879.
- “ 14. All costs incurred by the said Henry Theophilus Clements
“ and John Madden since the 1st day of July 1879 for carry-
“ ing this agreement into effect, and of making the said
“ Marcus Louis Stewart Clements and the sons of the said
“ John Madden wards of the Chancery Division of the High
“ Court of Justice, and procuring the said Act, shall be borne by
“ the said Robert Bermingham, Earl of Leitrim, including any
“ proper and reasonable costs which the said Henry Theophilus
“ Clements and John Madden may incur in attending or
“ appearing by agents and, if necessary, by counsel in con-
“ nexion with the passing of the said Act.
- “ 15. Every question which may arise in the carrying out of this
“ arrangement and in the settlement of the said Bill to be
“ presented to Parliament, or of any other document for
“ effectuating the purposes hereof, and all other questions
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“ which it may be necessary to determine in the premises, and
 “ all or any differences and disputes which may arise touching
 “ these presents or the construction thereof, or of any clause
 “ or thing herein contained, or in anywise relating to the
 “ carrying out of this arrangement, shall be and are hereby
 “ referred, on the part of the said Robert Bermingham, Earl
 “ of Leitrim, to Francis T. L. Dames, Esq., Q.C., or, if he shall
 “ refuse or be unable to act, to such one of Her Majesty’s
 “ counsel in Ireland as shall be named by the said Robert
 “ Bermingham, Earl of Leitrim; and on the part of the said
 “ Henry Theophilus Clements to Mr. Serjeant J. Robinson,
 “ or, if he shall refuse or be unable to act, to such other of
 “ Her Majesty’s counsel in Ireland as the said Henry Theo-
 “ philus Clements shall name; and on the part of the said
 “ John Madden to John Francis Walker, Esq., Q.C., or, if he
 “ shall refuse or be unable to act, to such other of Her
 “ Majesty’s counsel in Ireland as the said John Madden shall
 “ name; and if the said counsel shall differ, the matter in
 “ dispute shall be referred to such one of Her Majesty’s
 “ counsel in Ireland as they shall select, and the award or
 “ decision in writing of the said referee or referees upon every
 “ or any such matter as aforesaid shall be binding and
 “ conclusive upon the parties hereto.”

And whereas on the 8th day of January 1880 the said Charles Viscount Clements, by the said Robert Bermingham, Earl of Leitrim, his father and next friend, presented his petition to the Right Honourable the Lord High Chancellor of Ireland, in which, after (amongst other things) shortly referring to the said recited Act and agreement for compromise, it was prayed that the said Charles Viscount Clements might be taken into wardship, and such further relief was sought as in such cases usual:

And whereas on the 17th day of January 1880 the said Marcus Louis Stewart Clements, by the said Henry Theophilus Clements his father and next friend, presented his petition to the said Lord High Chancellor of Ireland, whereby, after (amongst other things) shortly referring to the said will and proceedings and proposed compromise, it was prayed that the said Marcus Louis Stewart Clements might be taken into wardship and such further relief was sought as in such cases usual:

And whereas on the 27th day of January 1880 the said John Clements Waterhouse Madden and Gerald Hugh Charles Madden by the said John Madden, their father and next friend, presented their petition to the said Lord High Chancellor of Ireland, whereby, after (amongst other things) shortly referring to the said will and proceedings and proposed compromise, it was prayed that the said John Clements Waterhouse Madden and Gerald Hugh Charles

A.D. 1880. — Madden might be taken into wardship, and such further relief was sought as in such cases usual :

And whereas by an order made in the said [minor matter of " Charles Viscount Clements, a minor," dated the 29th day of January 1880, it was ordered that the said Robert Bermingham, Earl of Leitrim, should be appointed guardian of the person and fortune of the said minor, and it was further ordered as in such cases usual : And the Lord Chancellor, being of opinion that it was for the benefit of the said minor that such agreement for compromise as is expressed in the said articles of the 19th day of December 1879 should for him and on his behalf be adopted, did order and declare as follows : (1.) That it was beneficial for the minor that the terms of the compromise contained and expressed in the said agreement of the 19th of December 1879 should be carried out ; (2.) That the said Robert Bermingham, Earl of Leitrim, be authorised for and on behalf of the said minor to promote and obtain a private Act of Parliament to carry out the terms of the said compromise ; (3.) That the draft of such Bill be brought into the Lord Chancellor's chambers for his approval :

And whereas by an order of the Lord High Chancellor of Ireland made in the matter of the said Henry John Beresford Clements, a minor, dated the 2nd day of March 1880, it was ordered that the terms of the said compromise contained and expressed in the said articles of agreement of the 19th of December 1879 be approved for and on behalf of the said minor, and that the said Henry Theophilus Clements be authorised for and on behalf of the said minor to give all necessary consents on behalf of the said minor for the obtaining the said Act by the said Robert Bermingham, Earl of Leitrim :

And whereas by an order of the Lord High Chancellor of Ireland made in the said matter of Marcus Louis Stewart Clements, a minor dated the 2nd day of March 1880, it was ordered that the said Henry Theophilus Clements should be appointed guardian of the person and fortune of the said minor, and it was thereby further ordered as in such cases usual :

And whereas by an order of the Lord High Chancellor of Ireland made in the said matter of John Clements Waterhouse Madden and Gerald Hugh Charles Madden, minors, dated the 14th day of February 1880, it was ordered that the said John Madden should be appointed guardian of the persons and fortunes of the said minors, and it was thereby further ordered as in such cases usual :

And whereas by an order of the Lord High Chancellor of Ireland made in the said matter of Marcus Louis Stewart Clements, a minor, dated the 2nd day of March 1880, it was ordered that the terms of the said compromise contained and expressed in the said agreement of the 19th of December 1879 be approved for and on behalf of the

said minor, and that the said Henry Theophilus Clements be authorised for and on behalf of the said minor to give all necessary consents on behalf of the said minor for the obtaining the said Act by the said Robert Bermingham, Earl of Leitrim : A.D. 1880.

And whereas by an order of the Lord High Chancellor of Ireland made in the said matter of John Clements Waterhouse Madden and Gerald Hugh Charles Madden, minors, dated the 14th day of February 1880, it was ordered that the terms of the said compromise contained and expressed in the said agreement of the 19th of December 1879 be approved for and on behalf of the said minors, and that the said John Madden be authorised for and on behalf of the said minors to give all necessary consents on behalf of the said minors for the obtaining the said Act by the said Robert Bermingham, Earl of Leitrim :

And whereas the Chief Clerk of the Lord High Chancellor of Ireland made his certificate, dated the 23rd day of April 1880, in the said minor matter of Charles Viscount Clements, a minor, and thereby certified as follows :

“ In pursuance of the directions given by the Lord Chancellor I

“ certify as follows :

“ The minor, by the Earl of Leitrim, his guardian, attended
“ by his solicitor.

“ The draft of a Bill to be submitted to Parliament for an
“ Act for giving further effect to a compromise of certain
“ opposing claims affecting the estates of William Sydney,
“ Earl of Leitrim, deceased, in the counties of Leitrim,
“ Donegal, Galway, and Kildare in Ireland, and for giving
“ effect to a further arrangement respecting the said
“ estates, has been settled and approved of by the Lord
“ Chancellor for and on behalf of the said minor, and is
“ identified by my signature in the margin of the first
“ page thereof.

“ The several instruments, facts, and events recited in the
“ preamble of the said draft Bill immediately before the
“ recital therein of this certificate have been proved in
“ this matter so far as they relate to the said minor.

“ The evidence produced consisted of the said draft Bill, the
“ order of the 29th day of January 1880, and the agree-
“ ment of compromise dated the 19th of December 1879
“ in the said order mentioned.

“ Dated 23rd April 1880.

“ W. G. BROOKE,

“ Chief Clerk.

“ Approved 24th April 1880.

“ J. T. BALL,

“ C.”

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And whereas the said Chief Clerk of the Lord High Chancellor of Ireland made his certificate, dated the 23rd day of April 1880, in the said minor matter of Henry John Beresford Clements, a minor, and thereby certified as follows :

“ In pursuance of the directions given by the Lord Chancellor

“ I certify as follows :

“ The minor, by his guardian, and the Earl of Leitrim
“ attended by their respective solicitors.

“ The draft of a Bill to be submitted to Parliament for an
“ Act for giving further effect to a compromise of certain
“ opposing claims affecting the estates of William Sydney,
“ Earl of Leitrim, deceased, in the counties of Leitrim
“ Donegal, Galway, and Kildare in Ireland, and for giving
“ effect to a further arrangement respecting the said
“ estates, has been settled and approved of by the Lord
“ Chancellor for and on behalf of the said minor, and is
“ identified by my signature in the margin of the first
“ page thereof.

“ The several instruments, facts, and events recited in the
“ preamble of the said draft Bill immediately before the
“ recital therein of this certificate have been proved in
“ this matter so far as they relate to the said minor.

“ The evidence produced consisted of the said draft Bill, the
“ order of the 2nd day of March 1880, and the agreement
“ of compromise dated the 19th of December 1879 in the
“ said order mentioned.

“ Dated 23rd April 1880.

“ W. G. BROOKE,
“ Chief Clerk.

“ Approved 24th April 1880.

“ J. T. BALL.
“ C.”

And whereas the said Chief Clerk of the Lord High Chancellor of Ireland made his certificate, dated the 23rd day of April 1880, in the said minor matter of Marcus Louis Stewart Clements, a minor, and thereby certified as follows :

“ In pursuance of the directions given by the Lord Chancellor

“ I certify as follows :

“ The minor, by his guardian, and the Earl of Leitrim
“ attended by their respective solicitors.

“ The draft of a Bill to be submitted to Parliament for an
“ Act for giving further effect to a compromise of certain
“ opposing claims affecting the estates of William Sydney,
“ Earl of Leitrim, deceased, in the counties of Leitrim,
“ Donegal, Galway, and Kildare in Ireland, and for
“ giving effect to a further arrangement respecting the

“ said estates, has been settled and approved of by the Lord Chancellor for and on behalf of the said minor, and is identified by my signature in the margin of the first page thereof. A.D. 1880.

“ The several instruments, facts, and events recited in the preamble of the said draft Bill immediately before the recital therein of this certificate have been proved in this matter so far as they relate to the said minor.

“ The evidence produced consisted of the said draft Bill, the order of the 2nd day of March 1880, and the agreement of compromise dated the 19th December 1879 in the said order mentioned.

“ Dated 23rd April 1880.

“ W. G. BROOKE,

“ Chief Clerk.

“ Approved 24th April 1880.

“ J. T. BALL,

“ C.”

And whereas the said Chief Clerk of the Lord High Chancellor of Ireland made his certificate, dated the 23rd day of April 1880, in the said minor matter of John Clements Waterhouse Madden and Gerald Hugh Charles Madden, minors, and thereby certified as follows :

“ In pursuance of the directions given by the Lord Chancellor

“ I certify as follows :

“ The minors, by their guardian, and the Earl of Leitrim attended by their respective solicitors.

“ The draft of a Bill to be submitted to Parliament for an Act for giving further effect to a compromise of certain opposing claims affecting the estates of William Sydney, Earl of Leitrim, deceased, in the counties of Leitrim, Donegal, Galway, and Kildare in Ireland, and for giving effect to a further arrangement respecting the said estates, has been settled and approved of by the Lord Chancellor for and on behalf of the said minors, and is identified by my signature in the margin of the first page thereof.

“ The several instruments, facts, and events recited in the preamble of the said draft Bill immediately before the recital therein of this certificate have been proved in this matter so far as they relate to the said minors.

“ The evidence produced consisted of the said draft Bill, the order of the 14th day of February 1880, and the

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“ agreement of compromise dated the 19th December 1879
 “ in the said order mentioned.

“ Dated 23rd April 1880.

“ W. G. BROOKE,

“ Chief Clerk.

“ Approved 24th April 1880.

“ J. T. BALL,

“ C.”

And whereas it would be for the benefit of the parties who entered into the said articles of agreement of the 19th day of December 1879, as also of the said minors, Charles Viscount Clements, Henry John Beresford Clements, Marcus Louis Stewart Clements, John Clements Waterhouse Madden, and Gerald Hugh Charles Madden, that such effect as is by this Act given to the said articles of agreement should be given thereto :

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

Wherefore Your Majesty's most dutiful and loyal subject, Robert Bermingham, Earl of Leitrim, 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.

1. This Act may for all purposes be cited as the Leitrim Estates Act, 1880, and the Leitrim Estates Act, 1879, and this Act may for all purposes be cited together as the Leitrim Estates Acts, 1879 and 1880.

Will of
William
Sydney, Earl
of Leitrim, to
be proved
in solemn
form.

2. The said will of the said William Sydney, Earl of Leitrim, dated the 3rd day of July 1875, shall forthwith, after the passing of this Act, be proved in solemn form, for which purpose the heir-at-law and all the next of kin of the said William Sydney, Earl of Leitrim, shall be cited, and upon the said will being so proved all the limitations, trusts, and provisions thereof shall have effect and be carried out in accordance with the terms of the said will, save as to the “entire Donegal estates” as herein-after defined, and save in so far as the limitations, trusts, and provisions of the said will are altered by this Act.

Limitations
of the entire
Donegal
estates.

3. Upon the said will being so proved, all the lands, tenements, and hereditaments of every tenure in the county of Donegal which were the property of the said William Sydney, Earl of Leitrim, at the time of his death, and which are specified or referred to in the schedule to the Leitrim Estates Act, 1879, not excepting but together with the mansion-house and demesne of Manor Vaughan, including in such demesne all such lands as actually formed part

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thereof at the death of the said William Sydney, Earl of Leitrim, and with all the offices, farm buildings, and gardens to the said mansion-house belonging (all of which said lands, tenements, and hereditaments in the county of Donegal are in this Act called "the entire Donegal estates"), shall be and are hereby limited to the same uses to which the "Donegal estates" as defined by the 4th section of the Leitrim Estates Act, 1879, are thereby limited, and as regards the "Donegal estates" as defined by the said 4th section of the last-mentioned Act, this section of this Act is and shall be deemed to be a confirmation of the uses limited by the said 4th section of the Leitrim Estates Act, 1879: Provided always, and it is hereby enacted and declared, that neither the limitations hereinbefore contained of the said mansion-house and demesne of Manor Vaughan, including in such demesne all such lands as actually formed part thereof at the death of the said William Sydney, Earl of Leitrim, together with all the offices, farm buildings, and gardens to the said mansion-house belonging, nor the transfer of the possession thereof, and of the control over the same consequent upon such limitations, nor any of the limitations in this Act or in the said 4th section of the Leitrim Estates Act, 1879, of the "Donegal estates" as defined thereby, shall in anywise avoid, determine, or prejudicially affect, or be deemed to have avoided, determined, or prejudicially affected, or cause or be deemed to have caused to be avoided, determined, or prejudicially affected, any legal, equitable, beneficial, or other estate, right, or interest by the said will of the said William Sydney, Earl of Leitrim, dated the 3rd day of July 1875, limited or given to any person or persons in or to the manors, lands, tenements, and hereditaments situate in the counties of Leitrim, Galway, and Kildare, or elsewhere in Ireland (except in the county of Donegal), of or to which the said William Sydney, Earl of Leitrim, was at his death seized or entitled, or over which he at his death had a general power of appointment or disposition by will, or in or to the personal estate of the said testator or any part thereof, or any land purchased or to be purchased thereby, and no person by the said will made tenant for life of the hereditaments and premises thereby devised shall be required or be liable to maintain, amend, or keep or cause to be kept in repair, the said mansion-house and demesne of Manor Vaughan, with the members and appurtenances thereof.

4. The Right Honourable Thomas William Viscount Coke and Ynyr Henry Burges, of Parkanaur, in the county of Tyrone, Esquire, are hereby appointed trustees of "the entire Donegal estates" for the purposes herein-after mentioned.

Trustees of the entire Donegal estates.

5. It shall be lawful for the trustees or trustee for the time being of the said will of the said William Sydney, Earl of Leitrim, dated

Power of sale and exchange.

A.D. 1880. — the 3rd day of July 1875, as to all the lands and hereditaments therein comprised (except “the entire Donegal estates”), with the consent in writing of each tenant for life of the said lands and hereditaments under the said will for the time being in possession or receipt of the rents and profits thereof, and after the death of any such tenant for life, during the minority of any tenant in tail male by purchase who, if of full age, would be entitled to the possession or the receipt of the rents and profits of the same lands and hereditaments, at the discretion of the said trustees or trustee, and as to the entire Donegal estates for the said Thomas William Viscount Coke and Ynyr Henry Burges, or the survivor of them, or other the trustees or trustee for the time being of this Act, with the consent in writing of the tenant for life for the time being in possession or receipt of the rents and profits of the said estates, and during the minority of any tenant in tail male or in tail by purchase who, if of full age, would be entitled to the possession or the receipt of the rents and profits of the entire Donegal estates, or any part thereof, at the discretion of the said trustees or trustee, to sell or concur in selling all or any of the said hereditaments respectively, or any undivided share therein, except the said house and demesne of Manor Vaughan, and the house and demesne of Lough Rynn, and the house and demesne of Killadoon, or to exchange or concur in exchanging all or any of the said hereditaments respectively, or any undivided share therein, except as aforesaid, for other manors, lands, or hereditaments in England, Wales, or Ireland, and upon any such exchange to give or receive any money for equality of exchange: And it is hereby declared that any such sale as aforesaid may be made either by public auction or private contract, and that the said trustees or trustee respectively may make any stipulations as to title or evidence, or commencement of title or otherwise, in any conditions of sale or contract for sale or exchange of the said hereditaments respectively, or any part thereof (except as aforesaid), and may buy in or rescind or vary any contract for sale or exchange, and re-sell or re-exchange, without being responsible for any loss occasioned thereby: And it is hereby declared that for effecting any such sale or exchange it shall be lawful for the said trustees or trustee respectively for the time being, with such consent or at such discretion as aforesaid, by any deed or deeds to revoke all or any of the uses, trusts, and powers by the said will of the said William Sydney, Earl of Leitrim, or the Leitrim Estates Act, 1879, or this Act, respectively limited and declared concerning the said hereditaments respectively, or any part thereof, and by the same or any other deed or deeds to limit or appoint any uses, estates, or trusts of the said hereditaments respectively, or any part thereof, which shall be thought expedient, and generally for any such purpose as aforesaid

to execute and do all such assurances and things as they or he shall think fit: And it is hereby declared that the said trustees or trustee respectively for the time being shall receive all moneys which may become payable upon any such sale or exchange as aforesaid, and with all convenient speed invest the same in the purchase of other manors, lands, and hereditaments in England, Wales, or Ireland for an estate in fee simple or of lands of a leasehold or copyhold or customary tenure convenient to be held therewith, or with any hereditaments for the time being subject to the subsisting uses or trusts of the said will of the said William Sydney, Earl of Leitrim, or this Act, as the case may be, and according to the exercise of the power aforesaid, yet so that every such purchase shall be made with such consent of such tenant for life (if any) as aforesaid: And it is hereby declared that the said trustees or trustee for the time being of the said will and of this Act respectively, and the survivor of them, and the heirs, executors, or administrators of such survivor, shall settle and assure or cause to be settled and assured such of the manors, lands, and hereditaments so to be purchased or taken in exchange as aforesaid as shall be freeholds of inheritance to the uses, upon the trusts, and with and subject to the powers, provisoes, agreements, and declarations in and by the said will of the said William Sydney, Earl of Leitrim, and this Act respectively, as the case may be, limited, expressed, and declared concerning the said hereditaments therein comprised respectively, or as near thereto as the deaths of parties and other intervening circumstances will admit, and shall settle and assure or cause to be settled and assured such of the said manors, lands, and hereditaments so to be purchased or taken in exchange as aforesaid as shall be of leasehold or copyhold or customary tenure upon such trusts and with and subject to such powers, provisoes, agreements, and declarations as shall correspond with the uses, trusts, powers, provisoes, agreements, and declarations by the said will of the said William Sydney, Earl of Leitrim, deceased, and this Act respectively, as the case may be, limited, expressed, and declared of and concerning the said hereditaments therein comprised respectively, or as near thereto as the different tenure and quality of the premises and the rules of law and equity will admit, but so that such of the lands purchased or taken in exchange as shall be held by a lease for years, or any undivided share thereof, shall not vest absolutely in any tenant in tail male or in tail by purchase of the said premises unless he or she shall attain the age of 21 years, but on his or her death under that age shall go, devolve, and remain in the same manner as if they had been freeholds of inheritance and had been settled accordingly: Provided also that it shall be lawful for the trustees or trustee for the time being of the said will of the said testator and of this Act respectively,

A.D. 1880. — with such consent or at such discretion as aforesaid, to apply any money to arise by any such sale or exchange as aforesaid in or towards paying off or discharging any mortgage or other charge or incumbrance for the time being affecting all or any of the said respective hereditaments then subject to the subsisting uses or trusts of the said will or this Act respectively, and until the money to arise by any such sale or exchange as aforesaid shall be disposed of as herein-before directed the said trustees or trustee for the time being of the said will and this Act respectively, with such consent or at such discretion as aforesaid, may invest the same or any part thereof 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 real securities in England, Wales, or Ireland (but not in any other mode of investment), and may vary such stocks, funds, and securities; and the dividends, interest, and income of such stocks, funds, and securities shall be paid and applied to such person or persons, for such purposes, and in such manner as the rents and profits of the hereditaments to be purchased therewith as aforesaid would be payable or applicable in case such purchase and settlements as aforesaid were then actually made: And it is hereby declared that the receipts in writing of the said trustees and trustee respectively for any money payable to them or him by reason or in the exercise of any of the aforesaid powers or trusts shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the persons paying such money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

Power to grant building and mining leases.

6. It shall be lawful for every person by the said will of the said William Sydney, Earl of Leitrim, deceased, dated the 3rd day of July 1875, made tenant for life of the lands and hereditaments therein comprised, when in possession or receipt of the rents and profits of the said lands and hereditaments, except the entire Donegal estates, and after the death of any such tenant for life for the said trustees or trustee of the said will during the minority of any tenant in tail male or in tail by purchase of the said lands and hereditaments, except as aforesaid, who if of full age would be entitled to the possession or receipt of the rents and profits thereof, except as aforesaid, at their or his discretion, and for each tenant for life in possession of the entire Donegal estates under the Leitrim Estates Act, 1879, and this Act, and during the minority of any tenant in tail male or tenant in tail by purchase who if of full age would be entitled to the possession or the receipt of the rents and profits of the entire Donegal estates, or any undivided share thereof, for the trustees or trustee for the time being of this Act, at their or

his discretion, to appoint or concur in appointing from time to time by way of lease any part of the same hereditaments respectively (except the house and demesne of Lough Rynn, the house and demesne of Killadoon, and the house and demesne of Manor Vaughan), or any undivided share thereof, to any person or persons who shall improve the same by erecting or building thereon any new house, erection, or building, or by rebuilding, repairing, enlarging, or improving any house, erection, or building then standing thereon, or shall covenant or agree so to do within two years after the date of such appointment, for any term of years not exceeding 99 years, to take effect in possession or within six calendar months after the date of the appointment, so as there be reserved on every such appointment the best yearly rent or rents that can be reasonably gotten without taking anything in the nature of a fine or premium (but in case under this power any lease shall be made on the surrender of a former lease, the value of the lessee's interest under such surrendered lease may be taken into account in fixing the terms of the new lease), and so as there be contained in every such appointment a condition of re-entry for nonpayment, within a reasonable time to be therein specified, of the rent or rents thereby reserved, and so that the appointee or appointees do execute a counterpart thereof and do thereby covenant for the due payment of the rent or rents thereby reserved: Provided always, that a peppercorn rent, or any smaller rent than the rent to be ultimately made payable, may be made payable during all or any part of the first five years of any such term as aforesaid: And also to appoint or concur in appointing from time to time by way of lease all or any of the mines, minerals, coals, quarries, stones, clay, sand, and substances in, under, or upon the said respective hereditaments (except the said mansion-houses and demesnes as aforesaid), or any undivided share thereof, either with or without any messuages, buildings, lands, or hereditaments convenient to be held with the same respectively, and either with or without the surface of the lands in or under which the same or any part thereof respectively shall be, and whether the same have or have not been hitherto opened or worked for any term of years not exceeding sixty years, to take effect in possession or within six calendar months after the date of the appointment, together with all such liberties, licenses, powers, and privileges for searching for, working, getting, washing, smelting, burning, rendering merchantable, and disposing of the said mines, minerals, coals, quarries, stones, clay, sand, and substances as to the person or persons for the time being exercising this present power shall seem expedient, so as there be reserved on every such appointment the best rents, duties, tolls, royalties, or reservations, by the acre, ton, or otherwise, that can be reasonably

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gotten without taking anything in the nature of a fine or premium (but in case under this power any lease shall be made on the surrender of a former lease, the value of the lessee's interest under such lease may be taken into account in fixing the terms of a new lease), and so as there be contained in every such appointment a condition for re-entry for nonpayment or non-delivery, within a reasonable time to be therein specified, of the rents, tolls, duties, royalties, or reservations thereby reserved, and so as the appointee or appointees do execute a counterpart thereof and do thereby covenant for the due payment or delivery of the rents, tolls, duties, royalties, or reservations thereby reserved: Provided that the reservation of rents, tolls, duties, or royalties, the amount of which shall vary with or according to the acreage worked, or the minerals, coals, stones, clay, sand, or substances gotten, shall not be taken to be in the nature of a fine or premium, though the effect of such reservation may eventually be disadvantageous to the remainder man: Provided further, that as regards the rents, tolls, duties, royalties, and reservations reserved by such appointments by way of lease in respect of mines, minerals, coals, quarries, stones, clay, sand, and substances, three-fourth parts thereof shall respectively be reserved to the trustees or trustee of the said will or the trustees or trustee of this Act, as the case may be, to be by them or him respectively received, invested, and applied in the same manner as if the same were capital moneys arising from sales and exchanges made in pursuance of the powers for those purposes herein-before contained.

Power to
appoint new
trustees.

7. If the said trustees by this Act appointed, or either of them, or any trustee or trustees appointed as herein-after provided, shall die or be abroad, or desire to be discharged, or refuse or become incapable to act, then and in every such case it shall be lawful for the surviving or continuing trustees or trustee (and for this purpose any refusing or retiring trustee shall, if willing to act in the execution of this power, be considered a continuing trustee), or for the acting executors or executor, administrators or administrator, of the last surviving or continuing trustee (but during the lifetime of any tenant for life in possession of the entire Donegal estates with his consent in writing), to appoint a new trustee or trustees in the place of the trustee or trustees so dying or being abroad, or desiring to be discharged, or refusing or becoming incapable to act as aforesaid; and upon every or any such appointment the number of trustees may be augmented or reduced, but so that the number shall not be reduced below two; and (in addition to the ordinary indemnity and right to reimbursement by law given to trustees) the trustees for the time being of this Act shall be at liberty to dispense wholly or partially with the investigation or production of the

lessor's title as to leaseholds, or otherwise to accept less than a marketable title upon the purchase or taking in exchange of any hereditaments, and shall not be answerable for any loss thereby occasioned.

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8. Immediately after the passing of this Act the said Robert Bermingham, Earl of Leitrim, shall bring in and lodge to the credit of the said minor matter of "Madden's Minors" the sum of £5,000, and shall pay to the said John Madden interest at the rate of five pounds per cent. per annum on the said sum of £5,000 from the 1st day of July 1879 to the date of such lodgment.

£5,000 to be lodged by Lord Leitrim to the credit of "Madden's minors."

9. The said sum of £5,000 shall be forthwith invested in the purchase of Government new £3 per cent. stock, and transferred to the credit of the said minor matter of "Madden's Minors," and the dividends of the said stock so to be purchased shall be paid to the said John Madden and his assigns for his life, and after his death the said stock shall be transferred and paid to the first son of the said John Madden who shall attain or have attained the age of twenty-one years, but if the said John Madden shall have no son who shall attain the age of twenty-one years, then to such of the daughters of the said John Madden as shall attain the age of twenty-one years or marry under that age, and if more than one in equal shares; but if the said John Madden shall have no son who shall attain the age of twenty-one years and no daughter who shall attain that age or marry under that age, then the said stock and the dividends thereon shall be transferred and paid to the executors, administrators, or assigns of the said John Madden: Provided always, that on the application of the said John Madden, and with the approval of the Lord High Chancellor of Ireland (to be obtained on a petition to be presented in a summary manner), the said sum of stock, or any part thereof, may be laid out in paying off any charges or incumbrances affecting the fee and inheritance of the settled estates of the said John Madden situate in the counties of Monaghan, Fermanagh, Cavan, and Leitrim, and in such manner and upon such trusts as to the Lord High Chancellor of Ireland shall appear fit.

Trusts of the said sum of £5,000.

10. Upon the passing of this Act all litigation in relation to the validity of the said will, dated the 3rd day of July 1875, of the said William Sydney, Earl of Leitrim, shall cease, and shall not be renewed by any of the persons bound by this Act, or any person claiming through any of them, and the said will shall remain in full force, save in so far as it has been altered by the Leitrim Estates Act, 1879, and this Act.

Litigation as to the Will of William Sydney, Earl of Leitrim to cease on passing of Act.

11. Saving always to the Queen's most Excellent Majesty, her heirs and successors, and to all persons and bodies politic and

General saving.

A.D. 1880. corporate soever, and to their respective heirs, successors, executors, and administrators, other than the persons who by this Act are expressly excepted out of this general saving, all estates, rights, titles, interests, claims, and demands whatsoever, both at law and in equity, which they respectively now have or would have if this Act were not passed.

Persons
bound by
this Act.

12. Provided 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,

1. The said Henry Theophilus Clements, his heirs, executors, administrators, and assigns :
2. The said Henry John Beresford Clements, his heirs, executors, administrators and assigns :
3. The said Marcus Louis Stewart Clements, his heirs, executors, administrators, and assigns :
4. Each and every other son of the said Henry Theophilus Clements and his issue male :
5. The said John Madden, his heirs, executors, administrators, and assigns :
6. The said John Clements Waterhouse Madden, his heirs, executors, administrators, and assigns :
7. The said Gerald Hugh Charles Madden, his heirs, executors, administrators, and assigns :
8. Each and every other son of the said John Madden and his issue male :
9. The said Robert Bermingham, Earl of Leitrim, his heirs, executors, administrators, and assigns :
10. The said Charles Viscount Clements, his heirs, executors, administrators, and assigns :
11. Each and every other son of the said Robert Bermingham, Earl of Leitrim, and his issue male :
12. The trustees appointed by this Act, or other the trustees for the time being of the entire Donegal estates.

Act as
printed by
Queen's
printers 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 authorised 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.