



## CHAPTER 5.

An Act for giving further effect to a compromise of certain  
Opposing Claims affecting the Croker Estates in the  
county of Limerick in Ireland. A.D. 1881.  
[11th August 1881.]

**W**HEREAS under and by virtue of a common recovery suffered in the Court of Common Pleas in Ireland in Michaelmas term in the fourth year of the reign of his late Majesty King William the Fourth wherein James Worrall was demandant Richard Gabbett was tenant and Edward Croker vouchee and under and by virtue of an indenture dated the 13th day of May 1841 and made between John Croker herein-after called John Croker the first of the first part the said Edward Croker only son of the said John Croker the first of the second part the Earl of Rathdown and Lady Georgiana Ellen Croker then Lady Georgiana Ellen Monck spinster of the third part Daniel James Webb and Henry Croker of the fourth part and William Barlow Smythe and John Bagwell of the fifth part (being a settlement made in contemplation of a marriage then intended and shortly afterwards solemnized between the said Edward Croker and the said Lady Georgiana Ellen Croker) certain estates in the county of Limerick in Ireland known as the Croome and Ballynagarde estates together with the advowsons and perpetual presentations of the parishes of Croome Dromin and Athlacky were settled and assured (after the said marriage) subject to certain rentcharges which have long since determined to the use that in case the said Lady Georgiana Ellen Croker should survive the said Edward Croker she and her assigns might receive a yearly rentcharge of £600 with the usual powers of distress and entry and perception of the rents and profits of the same premises for recovering payment of the said rentcharge to her when in arrear and subject thereto to the use of the said William Barlow Smythe and John Bagwell their executors administrators and assigns for the term of 500 years from the date of the said indenture and subject and charged as aforesaid to the use of the said John Croker the first and his assigns

A.D. 1881. for his life without impeachment of waste except as therein mentioned with remainder to the use of the said Daniel James Webb and Henry Croker and their heirs during the life of the said John Croker the first upon trust to preserve contingent remainders with remainder to the use of the said Edward Croker and his assigns for his life without impeachment of waste with remainder to the use of the said Daniel James Webb and Henry Croker and their heirs during the life of the said Edward Croker upon trust to preserve contingent remainders with remainder to the use of the first and other sons of the said marriage successively in tail male with remainder to the use of the first and other sons of the said Edward Croker by any after taken wife successively in tail male with remainder to the use of the first and other daughters of the said marriage successively in tail male with remainder to the use of the first and other daughters of the said Edward Croker by any after taken wife successively in tail male with remainder to the use of the first and other sons of the said marriage successively in tail with remainder to the use of the first and other sons of the said Edward Croker by any after taken wife successively in tail with remainder to the use of the first and other daughters of the said marriage successively in tail with remainder to the use of the first and other daughters of the said Edward Croker by any after taken wife successively in tail with remainder to the use of Marianne Margaret Croker in the indenture now in statement called Mary Anne Croker eldest daughter of the said John Croker the first for life without impeachment of waste with remainder to the use of the said Daniel James Webb and Henry Croker and their heirs during the life of the said Marianne Margaret Croker upon trust to preserve contingent remainders with remainder to the use of the first and other sons of the said Marianne Margaret Croker successively in tail male with remainder to the use of Margaret Anne Croker in the indenture now in statement called Margaret Croker second daughter of the said John Croker the first for life without impeachment of waste with remainder to the use of the said Daniel James Webb and Henry Croker and their heirs during the life of the said Margaret Anne Croker upon trust to preserve contingent remainders with remainder to the use of the first and other sons of the said Margaret Anne Croker successively in tail male with remainder to the use of Henrietta Croker third daughter of the said John Croker the first for life without impeachment of waste with remainder to the use of the said Daniel James Webb and Henry Croker and their heirs during the life of the said Henrietta Croker upon trust to preserve contingent remainders with remainder to the use of the first and other sons of the said Henrietta Croker successively in tail male

with remainder to the use of Janet Croker in the indenture now in statement called Jane Croker fourth daughter of the said John Croker the first for life without impeachment of waste with remainder to the use of the said Daniel James Webb and Henry Croker and their heirs during the life of the said Janet Croker upon trust to preserve contingent remainders with remainder to the use of the first and other sons of the said Janet Croker successively in tail male with remainder to the use of the said Edward Croker his heirs and assigns for ever and the trusts of the said term of 500 years were thereby declared to be trusts for raising £5,184 for such purposes as the said John Croker the first should by writing under his hand or by will or codicil appoint and for further securing the rentcharges by the indenture now in statement limited and for raising £8,000 for the younger children of the said marriage. And whereas the said sums of £5,184 and £8,000 have been paid off and discharged and the only existing trust of the said term is for securing the payment of the said rentcharge of £600 to the said Lady Georgiana Ellen Croker :

And whereas there was issue of the said marriage John Croker the eldest son herein-after called John Croker the second Henry Stanley Monck Croker the second son and Frederick Edward Albert Croker Edward William Dunlo Croker Courtenay Le Poer Trench Croker, Charles de la Poer Beresford Croker Frances Mary Monck Croker now wife of Edmund John de la Poer Esquire Georgiana Croker Georgiana Ellen Monck Croker and Alma Louisa Geraldine Isabella Croker now the wife of Arthur Hamilton Esquire being the younger children of the said Edward Croker :

And whereas the said Marianne Margaret Croker died in the month of October 1874 without having been married :

And whereas the said Margaret Anne Croker married John Partridge Esquire who died in the year 1880 without leaving issue of the said marriage :

And whereas the said Henrietta Croker married Frederick John Partridge Esquire and has several children issue of the said marriage :

And whereas the said Janet Croker married Francis Walsh and has several children issue of the said marriage :

And whereas the said John Croker the first by his will dated the 13th day of January 1867 amongst other things devised the lands of Ballymacreese in the county of Limerick aforesaid to the said Daniel James Webb and Henry Croker or such other person or persons as at the time of his decease might be trustees of the said settlement of the 13th day of May 1841 to the same uses and upon the same trusts as therein limited concerning the hereditaments

A.D. 1881. — comprised in the said indenture and declared it to be his wish that after his death the said lands of Ballymacreese should be held so far as the rules of law would admit by the person or persons for the time being entitled to the said settled lands under the limitations in the said indenture of the 13th day of May 1841 :

And whereas the said John Croker the first died on the 1st of March 1858 :

And whereas the said John Croker the second attained his age of twenty-one years on the 16th day of March 1863 :

And whereas by an indenture dated the 30th day of January 1864 and expressed to be made between the said Edward Croker of the first part the said John Croker the second of the second part and John Stein and Edward Gabbett of the third part and enrolled in the Court of Chancery in Ireland on the 1st day of February 1864 as a disentailing assurance the said Croome and Ballynagarde estates and also the said lands of Ballymacreese (but not the said advowsons) were settled and assured or purported to be settled and assured as the said Edward Croker and John Croker the second should by deed limit or appoint and in default thereof to such uses as the same hereditaments stood limited to immediately before the execution of the same indenture :

And whereas the said John Croker the second married Harriet Croker formerly Harriet Donaldson spinster in or about the month of October 1864 :

And whereas the said Edward Croker and John Croker the second signed a memorandum of agreement dated the 5th day of November 1864 providing in manner therein mentioned for the re-settlement of the hereditaments so subject to the uses of the said indenture of the 13th day of May 1841 and the will of the said John Croker the first :

And whereas by an indenture dated the 24th day of April 1866 and expressed to be made between the said Edward Croker of the first part the said John Croker the second of the second part and John Stein Philip Jocelyn Newton and George Jocelyn Hore of the third part the said Edward Croker and John Croker the second in pursuance of the said power in that behalf contained in the said indenture of the 30th January 1864 did purport to limit and appoint and also to grant and confirm unto the parties thereto of the third part their heirs and assigns the said estates of Croome and Ballynagarde and the said lands of Ballymacreese (but not the said advowsons) to hold the same upon trust in the manner therein mentioned to raise such sums of money not exceeding in the whole the sum of £120,000 as should be required for the purposes therein mentioned to be applied in discharge of the encumbrances affecting

the said lands and upon the trusts declared by an indenture also dated the 24th day of April 1866 and expressed to be made between the said Edward Croker of the first part the said Lady Georgiana Ellen Croker of the second part the said John Croker the second of the third part and the said John Stein Philip Jocelyn Newton and George Jocelyn Hore of the fourth part :

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And whereas by an indenture also dated the 24th day of April 1866 and expressed to be made between the said Edward Croker of the first part the said Lady Georgiana Ellen Croker of the second part the said John Croker the second of the third part and the said John Stein Philip Jocelyn Newton and George Jocelyn Hore of the fourth part (being the indenture of even date referred to in the said indenture lastly herein-before stated) after certain trusts therein mentioned for the application of the moneys to be raised under and by virtue of the said indenture of the 24th day of April 1866 lastly herein-before mentioned and for the payment of certain annuities rentcharges annual sums and outgoings therein mentioned it was declared that the said trustees should hold all the said lands and hereditaments by the lastly herein-before recited indenture assured during the joint lives of the said Edward Croker and John Croker the second or until the said John Croker the second should marry any woman other than the said Harriet Donaldson (then the said Harriet Croker his wife) in the lifetime of the said Edward Croker with his consent upon the trusts therein-before declared concerning the same and in the event of such marriage of the said John Croker the second with such consent as aforesaid the said trustees should stand seised of the said lands and hereditaments or the unsold portion thereof without prejudice to the prior trusts charges and outgoings to such uses as the said Edward Croker and John Croker the second should by any deed of settlement to be executed by them in contemplation of or subsequent to such marriage with such consent as aforesaid jointly direct or appoint or in case the said John Croker the second should not marry during the life of the said Edward Croker with such consent as aforesaid then after the death of the said Edward Croker as to all the said lands and hereditaments subject as aforesaid to the use of the said John Croker the second and his assigns for his life without impeachment of waste with remainder to the use of the first and other sons of the said John Croker the second successively in tail male by any woman whom he might marry after the death of the said Edward Croker except the said Harriet Croker with remainder to the use of the said Henry Stanley Monck Croker for his life without impeachment of waste with remainder to the use of the first and other sons of the said Henry Stanley Monck Croker successively in tail male with divers remainders over :

A.D. 1881. And whereas there was issue of the said John Croker the second and Harriet Croker one child and no more that is to say John Monck Croker who is now an infant of the age of fourteen years or thereabouts :

And whereas the said John Croker the second died on the 19th day of February 1867 :

And whereas the said Croome estate was sold in the month of June 1872 in the late Landed Estates Court Ireland and out of the moneys arising from such sale (after discharging the costs of such sale) the encumbrances affecting the said estate were paid off and discharged :

And whereas the said John Monck Croker was made a ward of the late Court of Chancery in Ireland and by an order of the Right Honourable the Master of the Rolls dated the 16th day of May 1867 it was referred to William Brooke Esquire the Master in rotation to inquire and report the effect of the alleged indentures of the 24th day of April 1866 as regards the minor and his estates and the circumstances under which the same were obtained and executed and whether any and if so what proceedings should be taken in respect thereof :

And whereas the said Master made his report dated the 9th day of July 1867 in pursuance of the said order whereby in effect he questioned the validity of the said indentures, and stated that if funds could be supplied for the purpose it would be the duty of the guardian of the said minor to impeach the said deeds by suitable proceedings in the Court of Chancery provided upon due consideration of the evidence obtainable upon the subject such a proceeding should be advised by counsel :

And whereas by an order dated the 17th day of July 1867 made by the Right Honourable the Master of the Rolls in the said minor matter the report of the said Master was confirmed and the said Harriet Croker was appointed guardian of the person and fortune of the said John Monck Croker and it was thereby also ordered that she should be at liberty if so advised by counsel to take the necessary proceedings to impeach the said two indentures of the 24th day of April 1866 :

And whereas the said John Monck Croker an infant by the said Harriet Croker his mother and next friend as plaintiff filed an original bill on the 6th day of March 1868 and an amended bill on the 22nd day of December 1868 in the then High Court of Chancery in Ireland against the said Edward Croker and Lady Georgiana Ellen Croker Henry Stanley Monck Croker and others as defendants for the purpose of impeaching the said two indentures of the 24th day of April 1866 and praying that the said memorandum of the 5th day of November 1864 and the said two indentures of the 24th day of

April 1866 might be declared to be fraudulent and void and might be delivered up to be cancelled :

And whereas the said Edward Croker died on the 23rd day of March 1869 :

And whereas such proceedings were had in the said suit that by a decree of the Right Honourable the Vice-Chancellor of Ireland dated the 12th day of July 1869 the said bill was dismissed with costs :

And whereas the said John Monck Croker by the said Harriet Croker his mother and next friend on or about the 1st day of October 1869 presented an appeal against the said decree to the then Court of Appeal in Chancery in Ireland and by an order of the said Court of Appeal dated the 2nd day of March 1870 the said decree of the Vice-Chancellor was reversed and it was by the said order (amongst other things) declared that the said memorandum of the 5th day of November 1864 was fraudulent and void and ought to be delivered up to be cancelled and further that the said two deeds of the 24th day of April 1866 were and each of them was void in equity against the plaintiffs save in so far as the same were security to the creditors (if any) of the said John Croker the second for such (if any) of the sums expressed to be secured thereby as were bonâ fide paid to or received by the said John Croker the second and also save so far as the same were a security to William Henry Lyons for the sum secured by the indenture therein referred to :

And whereas the said John Monck Croker by the said Harriet Croker his mother and next friend as plaintiff on the 10th day of March 1870 filed a supplemental bill in the said High Court of Chancery in Ireland against the said John Stein Philip Jocelyn Newton Lady Georgiana Ellen Croker and Henry Stanley Monck Croker as defendants praying (amongst other things) for the appointment of a receiver over the said Ballynagarde estates and the lands of Ballymacreese and for the several accounts therein mentioned :

And whereas by an order of the Vice-chancellor made in the said supplemental suit and dated the 14th day of March 1870 it was ordered that a receiver should be appointed over the said lands as prayed for by the said supplemental bill and a receiver has been duly appointed in pursuance of the said order and is now in receipt of the rents and profits of the said lands :

And whereas the Provincial Bank of Ireland on the 1st day of December 1866 presented a petition in the name of Thomas Hewat public officer of the Provincial Bank to the said Landed Estates Court for the sale of the said Ballynagarde estate and of the said

A.D. 1881. lands of Ballymacreese in respect of an alleged encumbrance on the said premises :

And whereas for the purpose of avoiding further litigation it was agreed between the said Henry Stanley Monck Croker John Monck Croker by the said Harriet Croker his guardian and the said Harriet Croker in her own right to compromise all the matters connected with the said suits in manner herein-after particularly mentioned :

And whereas for the purpose of the said compromise a memorandum was drawn up in the words and figures following :—

- “ Croker v. Croker Croker v. Stein Croker a minor and Croker’s  
 “ estate. Suggestions for the settlement of the litigation.
- “ No. 1. In the event of the decease of the minor Mrs. John  
 “ Croker to be paid out of the rents of the estate an annuity  
 “ for her life after the death of the minor of £300. Same to be  
 “ paid quarterly ;
- “ No. 2. Mr. Mecredy’s costs in Croker v. Croker and those in  
 “ Croker v. Stein and Croker a minor and Croker’s estate  
 “ including the carrying out of this compromise and the deeds  
 “ dated the 31st day of May and 26th day of July 1869 to be  
 “ paid as between solicitor and client out of the accumulations  
 “ and accruing rents of the estate in priority to any claim of  
 “ the Croker family under this arrangement and in the event  
 “ of the death of the minor the said costs to be secured upon  
 “ and paid out of the rents accruing after the decease of the  
 “ said minor so far as said costs shall not have been previously  
 “ paid and so far as the accumulations shall be insufficient to  
 “ pay the same the taxing master in taxing said costs to have  
 “ regard with the approval of the court to the several matters  
 “ in the schedule to the arrangement mentioned and to the  
 “ opinion and directions of counsel taken in pursuance of the  
 “ order of the 17th July 1867 in the matter of Croker a minor  
 “ and allow such sum as he may deem just with reference to  
 “ said several matters and that in determining the remuneration  
 “ to the solicitor for the guardian and next friend of the minor  
 “ for his services that the said taxing master do also have  
 “ regard to the skill labour and responsibility involved in said  
 “ suit.
- “ No. 3. Mr. Mecredy to be paid a sum of £185 as and for interest  
 “ on the cash advances out of the rents which have accrued  
 “ since the death of Edward Croker said sum of £185 having  
 “ been ascertained as accurately as it is possible having regard  
 “ to the dates of the respective advances :



- “ No. 4. Messrs. Reeves to be paid the costs of Henry Stanley  
“ Monck Croker in the cause of Croker v. Croker and Croker v.  
“ Stein and the carrying out of this arrangement as between  
“ solicitor and client out of the rents of the minor’s estate  
“ after the payments herein-before provided for and after the  
“ payment of the other annual charges and interest on encum-  
“ brances affecting the estate and the minor’s maintenance for  
“ the time being and Mr. Henry Flood to be paid a sum of  
“ £800 out of the rents of said estate (next in priority after  
“ the payment of the costs of Messrs. Reeves) in lieu of the  
“ costs and expenses incurred by the defendant Lady Georgiana  
“ Croker and her younger children and by the late Edward  
“ Croker in the said suits.
- “ No. 5. A sum of £10,000 to be paid to the Croker family (of  
“ which £3,000 is to be paid to said Henry Stanley Monck  
“ Croker) out of such fund and subject to such arrangements  
“ and provisions as the master shall approve of with interest  
“ at 5 per centum thereon from the date hereof until paid  
“ (subject to the payments herein-before referred to).
- “ No. 6. During the minority Henry Stanley Monck Croker his  
“ mother brothers and sisters to be permitted to occupy the  
“ mansion house and that part of the demesne of Ballynagarde  
“ at present in possession of Henry Stanley Monck Croker  
“ at the rent of £120 per annum same to be applied under the  
“ direction of the court in keeping the mansion house and  
“ premises in proper repair and condition and in having the  
“ plantations garden and pleasure grounds properly cared as  
“ the master shall approve.
- “ No. 7. All proceedings towards prosecuting an appeal to the  
“ House of Lords and the account sought for against Henry  
“ Stanley Monck Croker in the cause of Croker v. Stein and  
“ others to be abandoned The master in chancery to be at  
“ liberty to approve of terms necessary to the security and  
“ protection of the said minor and in order to carry out this  
“ arrangement either by Act of Parliament or otherwise the  
“ said Henry Stanley Monck Croker to execute a disentailing  
“ deed.
- “ No. 8. These heads to be considered as suggestions for the  
“ arrangement of the litigation as between the family The  
“ master to have full power to take into consideration all  
“ matters notwithstanding these suggestions and to consider  
“ generally on behalf of the minor whether it would be for his  
“ benefit that any and if so what compromise or arrangement  
“ should be entered into and the terms thereof and how same

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“ could be carried out Mr. Mecredy the solicitor for said  
 “ guardian and next friend of said minor to have the carriage  
 “ of this arrangement schedule referred to in No. 2 of the  
 “ foregoing suggestions. The costs and expenses incurred by  
 “ the guardian of the minor in employing a solicitor in England  
 “ in consequence of certain of the defendants residing in  
 “ England £29 11s. 0d. to be allowed. Also the costs incurred  
 “ in the employment of a local solicitor in Cork where the  
 “ late John Croker died £8 17s. 0d. Also the shorthand  
 “ writers fees reporting in said cause and proportion of  
 “ printing the Vice-Chancellor’s judgment £84 2s. 0d. and  
 “ viva voce examination. Instructions for briefs pleadings  
 “ and petition of appeal index to briefs and printer’s charges  
 “ therefor copies correspondence for the Court of Appeal also  
 “ of shorthand writers notes for counsel. The number of  
 “ counsel employed during the progress of the suit. Solicitor  
 “ inspecting upwards of eight hundred documents in hands of  
 “ Messrs. Flood and Barlow and selecting such as he deemed  
 “ material to be put in issue. Consultation of counsel. The  
 “ paragraphs of defendants answer read as affidavits pursuant  
 “ to orders dated 11th February 1869 to be allowed as such.  
 “ Registering the suit as a *lis pendens*. Dated this 13th day  
 “ of December 1870.”

And whereas by an order of the Lord Chancellor of Ireland in the said minor matter and dated the 11th day of January 1871 it was referred to the said William Brooke Esquire the master in the said matter to inquire and report whether it would be for the benefit of the said minor that certain suggestions (being the suggestions herein-before mentioned and contained in the memorandum marked A in the said order referred to and initialed by the registrar and which memorandum marked A is identical with the memorandum herein-before stated) or any or what modification thereof should be carried out and adopted and if so in what way :

And whereas the said master duly made his report on the said order of reference which said report was filed on the 17th day of May 1871 and found that it would be for the benefit of the minor that a compromise of the litigation theretofore existing between the minor and the members of the Croker family should be carried out upon (amongst others) the following terms. That a sum of £10,000 with interest at the rate of £5 per centum per annum from the said 13th day of December 1870 until paid be paid as such compromise out of the rents of the said minor’s estate and that portion of said sum of £10,000 namely the sum of £3,000 should be paid to the said Henry Stanley Monck Croker out of the first balances upon

the receiver's accounts after providing for payment of the annual charges and interest upon incumbrances the minor's maintenance the costs of the guardian and next friend of the said minor as provided for by the said suggestions and the contingent annuity of £300 therein-after referred to upon the said Henry Stanley Monck Croker executing a deed barring the estate tail created by the said settlement of the 13th day of May 1841 and also a deed releasing the minor's estate from all claims and demands save so far as he might be interested in the said sum of £8,000 for younger children created by the said settlement of the 13th day of May 1841 it being intended that the said sum of £10,000 should be paid in addition to the said sum of £8,000 and that the said sum of £7,000 (being the balance of the said sum of £10,000) should be paid to such trustees as the court might approve of out of the balances of the rents and profits of the minor's estate after providing for the said prior payments as aforesaid the said sum of £7,000 to be settled under the direction and with the approval of the court in such manner that the said sum of £7,000 should not be paid over until the estate tail under the said indentures of the 24th day of April 1866 and the 24th day of April 1866 respectively should have been barred by a tenant in tail under the said deeds who should have attained the age of twenty-one years and who should have released the minor's estates from all claims under the said respective deeds and until then the said sum of £7,000 should be so limited that the yearly produce thereof should be paid to the said Henry Stanley Monck Croker for his life and after his death to his issue and in default thereof to the brothers of the said Henry Stanley Monck Croker and their issue who under the limitations of the said deeds would for the time being be entitled to the rents and profits of the said estates under the said respective deeds had they been valid and subject in all respects to the same power of jointuring and providing portions in all respects as were thereby conferred on the said Henry Stanley Monck Croker so far as the same could be applied thereto and in case the first tenant in tail under the said deeds who should attain the age of twenty-one years and be of disposing power should refuse to bar and should not bar the said estate tail and effectually release the said minor's estate then that the said sum of £7,000 should go over and become the property of the said minor his executors administrators and assigns and as a further part of the said compromise the said master found that in the event of the minor dying leaving his mother him surviving an annuity of £300 a year therein-before referred to should be paid to the mother of the said minor during her life by the then owner of the estate for the time being, the same to be paid quarterly from the day of the decease of the said minor in priority to any

A.D. 1881. payment in respect of the costs therein-after referred to and in the event of the then owner of the estate not paying the said annuity and not securing the same as a charge upon the estate that the said annuity was to be charged upon and payable out of the said sum of £7,000 and the deed of release to be executed by the said Henry Stanley Monck Croker was to contain a provision charging the said annuity upon the said estates in the event of his becoming entitled thereto by reason of the death of the said minor and was to contain all proper provisions for making the said annuity a charge upon the said sum of £7,000 and as a further part of the said compromise the said master found that the costs specified in the third head of the said suggestions should be paid or secured to the said Messieurs Reeves and Mr. Henry Flood in the manner and priority in the said suggestions mentioned:

And whereas the said report was confirmed by an order of the Lord Chancellor made in the said minor matter and dated the 3rd day of June 1871 and it was thereby referred to the said master to settle and approve of proper deeds for the purpose of carrying into effect the said compromise:

And whereas no deed of settlement of the aforesaid sum of £7,000 has as yet been settled or approved of by the late Court of Chancery in Ireland or any master thereof or by the Chancery Division of the High Court of Justice in Ireland pursuant to the said report of 17th of May 1871 and the said order confirming the same:

And whereas by an indenture dated the 9th day of December 1871 and made between the said Henry Stanley Monck Croker of the one part and Robert Mecredy of the other part and enrolled in the said Court of Chancery in Ireland as a disentailing assurance and which said indenture was approved of by the said master as certified by his endorsing his signature thereon for the purpose of carrying into effect the said compromise the said Henry Stanley Monck Croker did assure unto the said Robert Mecredy and his heirs the said Ballynagarde estate the said advowsons and perpetual presentations of and in the said parishes of Croome Dromin and Athlacky and the said lands of Ballymacreese to hold unto the said Robert Mecredy his heirs and assigns subject and without prejudice to the charges and encumbrances in the same indenture particularly mentioned and also subject and without prejudice to the uses and estates respectively limited by the said indenture of the 13th day of May 1841 which were prior to the estate in tail male to which the said Henry Stanley Monck Croker was entitled in remainder expectant on failure of issue male of the said John Monck Croker and to the powers annexed to such preceding uses and estates and the uses and estates limited in exercise of such powers but freed and discharged from the

said estates in tail male and all other the estates tail of the said Henry Stanley Monck Croker and all remainders reversions estates rights titles interests and powers to take effect after the determination or in defeazance of such estates upon such trusts and with under and subject to such powers provisoes and declarations as the said Henry Stanley Monck Croker should by a deed then already engrossed and intended to bear even date with the indenture now being stated and made or intended to be made between the said Henry Stanley Monck Croker of the first part the said John Monck Croker by the said Harriet Croker his mother and guardian of the second part the said Harriet Croker of the third part and Andrew William McCreight and James Francis Hartley of the fourth part (meaning the indenture next herein-after stated) direct limit and appoint and subject thereto to the uses upon the trusts and with under and subject to the powers provisoes and agreements which under or by virtue of the said indenture of the 13th day of May 1841 or by reference thereto were capable of taking effect immediately before the execution of the indenture now being stated so as to restore and confirm the same :

And whereas by an indenture dated the 9th day of December 1871 and expressed to be made between the said Henry Stanley Monck Croker of the first part the said John Monck Croker by the said Harriet Croker his mother and guardian of the second part the said Harriet Croker of the third part and the said Andrew William McCreight and James Francis Hartley of the fourth part and approved of by the said master (testified by his signature thereto) for the purpose of carrying into effect the said compromise and for the considerations aforesaid and in exercise of the powers for this purpose by the said indenture of even date therewith given as herein-before mentioned and of every or any other power in anywise enabling him in that behalf the said Henry Stanley Monck Croker did thereby appoint that in case the said Harriet Croker should survive the said John Monck Croker and the said Henry Stanley Monck Croker or any issue of the said Henry Stanley Monck Croker or any assignee of him or them should become and be entitled in any way to the possession of the said lands therein-after expressed to be thereby granted she the said Harriet Croker and her assigns for her life might from the death of the said John Monck Croker and during any such estate of the said Henry Stanley Monck Croker and his issue or of any assignee of him or them receive the yearly rent-charge of £300 to be charged upon and payable out of the said advowsons and right of presentation of the parishes of Croome Dromin and Athlacky and the said Ballynagarde estate and the said lands of Ballymacreese to be considered as accruing from day to day but to be payable by equal quarterly payments without any deduction

A.D. 1881. — except succession duty the first of such quarterly payments to be made at the end of three calendar months after the death of the said John Monck Croker if the said rentcharge be still subsisting by virtue of the indenture now being stated and by the same indenture in further exercise of the power for this purpose given to the said Henry Stanley Monck Croker by the said indenture of even date therewith and of every or any other power in anywise enabling the said Henry Stanley Monck Croker in this behalf he the said Henry Stanley Monck Croker did thereby appoint the said hereditaments charged with the said annuity unto and to the use of the said Andrew William McCreight and James Francis Hartley their executors administrators and assigns for the term of 200 years to be computed from the day of the decease of the said John Monck Croker provided the estate of the said Henry Stanley Monck Croker or of the issue or of any assignee of him shall so long last without impeachment of waste upon usual trusts for raising the said annuity when in arrear. And by the indenture now being stated the said Henry Stanley Monck Croker did charge and encumber all his life estate and interest in the said sum of £7,000 with the payment of the said rentcharge of £300 Provided always that the said hereditaments therein-before assured should be primary security for the payment of the said rentcharge and that the estate and interest for life of the said Henry Stanley Monck Croker in the said sum of £7,000 should only be resorted to by the said Harriet Croker and her assigns in case the owner for the time being of the said hereditaments should refuse or neglect to pay the said rentcharge And by the same indenture for the purpose and consideration aforesaid he the said Henry Stanley Monck Croker did thereby release the said John Monck Croker his heirs executors and administrators estates and effects and also the said hereditaments therein-before charged and granted respectively from all actions suits claims and demands whatsoever and covenanted that he would not prosecute the said appeal to the House of Lords or the account be sought for in the said suit of Croker v. Stein and others but that he would (so far as he legally could and his estate and interest in the said lands and premises would enable him so to do) carry into effect the terms and arrangements set forth in the report of William Brooke Esquire filed 17th day of May 1871 herein-before stated Provided always that the said release therein contained should not affect in anywise nor extend to the estates and interest of the said Henry Stanley Monck Croker in the said sums of £8,000 and £10,000 or the estate in tail male or otherwise in remainder of the said Henry Stanley Monck Croker expectant on the death of the said John Monck Croker without issue male or on the failure of such issue male :

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And whereas by an order of the Right Honourable the Vice-Chancellor of Ireland made in the said supplemental suit and dated the 12th day of February 1872 it was ordered that the receiver in the said cause after payment of certain costs therein mentioned should pay to the said Henry Stanley Monck Croker the sum of £500 less income tax being one year's interest at the rate of £5 per centum per annum from the 13th day of December 1870 to the 13th day of November 1871 on the sum of £10,000 in the said masters report mentioned and (after payment of a sum of £800 and £5 costs to Henry Flood therein mentioned) should pay to the said Henry Stanley Monck Croker from time to time until further order half-yearly on every 13th day of June and 13th day of December interest at the rate of £5 per centum per annum on the said sum of £10,000 and lastly to Messieurs Reeves and Sons the solicitors for the said Henry Stanley Monck Croker their costs when taxed and ascertained :

And whereas by an order of the Right Honourable the Master of the Rolls dated the 29th day of November 1871 and made in the matter of the trusts of the deed of settlement of the 13th day of May 1841 executed by John Croker and Edward Croker and of the trusts of the will of John Croker the first dated the 13th day of January 1857 and in the matter of the Trustee Acts 1850 and 1852 the said Henry Stanley Viscount Monck and Sir David Vandeleur Roche Baronet were duly appointed trustees of the said indenture of the 13th of May 1841 and of the will of the said John Croker the first in the room of the said Daniel James Webb and Henry Croker deceased and by the said order the hereditaments then remaining subject to the uses of the same indenture and will were vested in the said Viscount Monck and Sir David Vandeleur Roche as joint tenants to the uses and upon the trusts of the said indenture and will respectively :

13 & 14 Vict.  
c. 60. and  
15 & 16 Vict.  
c. 55.

And whereas by a report made by William Brooke Esquire then one of the masters of the late Court of Chancery in Ireland "In the matter of John Monck Croker a minor" and filed the 13th day of June 1872 the said master found (amongst other things) that the amount due on foot of encumbrances affecting the said minor's estate was about a sum of £50,000 and that it would be for the benefit of the said minor that a sum of money should be borrowed for the purpose of discharging the same and that for that purpose the said Viscount Monck and Sir David Vandeleur Roche as such respective trustees as aforesaid should be at liberty to submit to the Judge of the then Landed Estates Court in a matter then pending in the said Court relating to the said minor's estate in which Thomas Hewat was petitioner a proposal for the purchase of the said minor's estate as set forth in the rental prepared and settled in the said Court in the

A.D. 1881. — said matter and subject as therein for a sum of £90,000 or such other sum as the Judge of the said Court should approve of and that upon such proposal being accepted the said trustees should be at liberty to borrow from the Representative Church Body of Ireland such a sum of money as with the respective sums therein-after mentioned would be sufficient to discharge the amount due on foot of the said encumbrances and the costs expenses and other demands properly payable out of and chargeable upon the said minor's estate and the said master found that there was then to the credit of the said matter in the Landed Estates Court the sum of £5,532 6s. 0d. Government new 3 per centum stock set apart by the Judge of the said court out of the produce of the purchase-money of the said Croome estate sold therein and that Marianne Margaret Croker and Margaret Anne Croker were entitled under the will of the said John Croker the first to the interest and dividends thereof for the term of their respective lives and of the life of the survivor of them and that at the death of such survivor without male issue of either of them the principal of the said sum would merge in the said minor's estate and the said master further found that the said Marianne Margaret Croker and Margaret Anne Croker were entitled in like manner and for the like estate under the said will of the said John Croker the first to the sum of £1,846 3s. 2d. then charged upon the said minor's estate and that they and the trustees of the said will had agreed to lend the said sum of £5,532 6s. 0d. stock equivalent in cash to the sum of £5,055 18s. 6d. upon the security of the said minor's estate with interest at the rate of £4 10s. 0d. per centum per annum and also to leave outstanding or to re-lend upon the said estate the said sum of £1,846 3s. 2d. and that the said respective sums should be next in priority to the loan proposed to be obtained from the said Representative Church Body and the said master likewise found that it would be for the benefit of the said minor that the said trustees should be at liberty to apply to the judge of the said Landed Estates Court for permission to lodge to the credit of the said matter the money proposed to be borrowed from the said Representative Church Body and that he should apply the same and the said sum of £5,532 6s. 0d. Government stock the said sum of £1,846 3s. 2d. and also the sum of £672 11s. 4d. like stock the balance of the purchase-money of the Croome estate then in the said Landed Estates Court and equivalent in cash to the sum of £614 12s. 10d. in discharge of the said encumbrances affecting the minor's estate and of the costs and expenses aforesaid and that the said trustees should be at liberty to apply to the said judge for absolute credit for the balance of the said purchase-money and for a conveyance of the said minor's estate subject firstly to the jointure of £600 to which Lady Georgiana Ellen Croker was



entitled under the trusts of the said settlement secondly to the money so to be borrowed from the said Representative Church Body and thirdly to the said sums of £5,532 6s. 0d. stock and £1,846 3s. 2d. and to the trusts in respect of the same declared in and by the will of the said John Croker the first and subject as aforesaid that the said estates should be held upon the trusts of the said indenture of settlement of the 13th day of May 1841. And the said master further found that the said trustees should be at liberty to enter into a contract with the said Representative Church Body providing for the rate of interest on the said loan and for the payment off and calling in of the same as in the said report in that behalf particularly mentioned and that the costs and expenses of carrying out the said arrangement should be borne by the minor's estate :

And whereas by an order of the Lord Chancellor of Ireland dated the 29th day of June 1872 and made in the said minor matter and on the petition of the said Harriet Croker guardian of the said minor dated the 14th day of June 1872 it was ordered that the said report of William Brooke Esquire filed the 13th day of June 1872 should stand confirmed and accordingly that the petitioner be at liberty to have carried out and completed the arrangement in the said report mentioned for the purpose of discharging the encumbrances affecting the estate of the minor and that the said Viscount Monck and Sir David Vandeleur Roche the trustees of the said indenture of the 13th day of May 1841 and of the will of the said John Croker the first be at liberty to submit to the judge of the said Landed Estates Court in the matter of the trustees of the estate of Edward Croker and John Croker and John Monck Croker owners Thomas Hewat petitioner a proposal for the purchase of the estate of the minor as set forth in the rental prepared and settled in the said court in the said matter and subject to encumbrances as in the said report mentioned and that upon such proposal being accepted the said trustees should be at liberty to raise on loan from the Representative Church Body of Ireland such sum as with the respective sums in the said report mentioned would be sufficient to discharge the amount due upon foot of the encumbrances and the costs expenses and other demands properly payable out of and charged upon the estate of the said minor and that the said trustees be at liberty to apply to the judge of the said Landed Estates Court in the said matter for permission to lodge to the credit of the said matter the money so to be raised from the Representative Church Body and also to apply to the said judge that the same together with the sums of £5,532 6s. 0d. Government New £3 per centum stock £1,846 3s. 2d. and £672 11s. 4d. like stock in the said report mentioned should be applied in discharge of the encumbrances and

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the costs and expenses and other demands properly payable out of and chargeable upon the estate of the said minor and that the said trustees be also at liberty to apply to the judge of the said Landed Estates Court in the said matter for absolute credit for the balance of the said purchase-money and for a conveyance of the estate of the said minor subject to the charges and in the priority in the said report mentioned :

And whereas by an order bearing date the 11th day of June 1872 and made by the Right Honourable Judge Flanagan (one of the judges of the said Landed Estates Court) in the matter of the trustees of the estate of Edward Croker and John Croker owners and petitioners and in the matter of the estate of John Monck Croker owner the Provincial Bank petitioners it was ordered that the proposal therein referred to of Viscount Monck and Sir David Vandeleur Roche for the purchase of the estate in the said matter subject to the jointure of £600 a year for the life of Lady Georgiana Ellen Croker for the sum of £102,108 should be and the same was thereby accepted and the court did thereby declare the said Viscount Monck and Sir David Vandeleur Roche the purchasers of the said estate subject as aforesaid for the sum of £102,108 accordingly :

And whereas the said Viscount Monck and Sir David Vandeleur Roche in pursuance of the said order of the 29th day of June 1872 agreed with the said Representative Church Body for a loan of £44,000 for the purposes aforesaid :

21 & 22 Vict.  
c. 72.

And whereas by a deed poll dated the 7th day of March 1873 under the hand of Stephen Woulfe Flanagan one of the judges of the said Landed Estates Court and sealed with the seal of the said court and under the authority of an Act passed in the twenty-second year of the reign of Queen Victoria intituled "An Act to facilitate the sale and transfer of land in Ireland" in consideration of the sum of £44,000 by the said Representative Church Body on behalf of the said Viscount Monck and Sir David Vandeleur Roche paid into the Bank of Ireland to the account of the said court and to the credit of the estate of the trustees of Edward Croker and others owners Thomas Hewat public officer of the Provincial Bank of Ireland petitioner and in consideration of the further sum of £58,108 ascertained by the court to be coming to the said Viscount Monck and Sir David Vandeleur Roche trustees of the said indenture of the 13th day of May 1841 and by the said court authorised to be retained by the said Viscount Monck and Sir David Vandeleur Roche in part discharge of the purchase-money of £102,108 for which they had purchased the hereditaments herein-after mentioned the said Stephen Woulfe Flanagan by the direction and assent of the said

Representative Church Body testified by the signature of their secretary thereto did grant unto the said Viscount Monck and Sir David Vandeleur Roche their heirs and assigns the lands and hereditaments particularly described in the first part of the schedule to this Act to hold unto the said Viscount Monck and Sir David Vandeleur Roche their heirs and assigns for ever subject to the leases agreements for leases and tenancies mentioned in the first schedule thereto and to the rights and easements mentioned in the second schedule thereto and as to the lands of Ballymacreese therein comprised subject to a perpetual rentcharge of £2 charged on the said lands by the said will of the said John Croker the first and as to all the said lands subject to the said jointure rentcharge of £600 per annum payable to the said Lady Georgiana Ellen Croker under the said indenture of the 13th day of May 1841 and subject to the repayment to the said Representative Church Body their successors and assigns of the sum of £44,000 and interest as provided by articles of agreement dated the 8th day of July 1872 and made between the said Viscount Monck and Sir David Vandeleur Roche of the first part the said Henry Stanley Monck Croker of the second part and the said Representative Church Body of the third part and subject also to the respective sums of £5,105 17s. 6d. and £1,846 3s. 2d. with interest thereon respectively at the rate of £5 per centum per annum payable to Marianne Margaret Croker and Margaret Anne Croker their executors and administrators in equal shares as tenants in common but the shares of the said Marianne Margaret Croker and Margaret Anne Croker in the said sums and interest were to merge in the inheritance of the said lands in case of the death of the said Marianne Margaret Croker and Margaret Anne Croker without leaving issue and subject as aforesaid to the uses upon the trusts and subject to the powers provisoes agreements and declarations limited declared and contained of and concerning the said hereditaments in and by the said indenture of the 13th day of May 1841 :

And whereas the Commissioners of Church Temporalities in Ireland on the 25th day of November 1873 pursuant to the 57th section of the Irish Church Act 1869 lodged in the Bank of Ireland the sum of £6,935 0s. 8d. the amount of the purchase-money of the said advowsons of Dromin Athlacky therein called Athlacca and Croome with interest thereon amounting to £1,179 3s. 2d. making together the sum of £8,114 3s. 10d. :

And whereas by an order bearing date the 2nd day of February 1874 made by the Right Honourable the Vice-Chancellor of Ireland " In the matter of the Commissioners of Church Temporalities in Ireland and to the credit of John Monck Croker and Harriet

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“ Croker widow his mother and guardian and all others interested  
 “ in the advowsons of Athlacca and Croome in the diocese of  
 “ Limerick and in the matter of the Irish Church Act 1869 sec-  
 “ tion 57 ex parte the Right Honourable Charles Stanley Viscount  
 “ Monck ” it was ordered that the Accountant-General of the then  
 Court of Chancery should invest the said sum of £6,935 0s. 8*d.* cash  
 portion of the said sum of £8,114 3s. 10*d.* cash then standing in the  
 books of the Governor and Company of the Bank of Ireland to the  
 credit of “ Ex parte the Commissioners of Church Temporalities in  
 “ Ireland and to the credit of John Monck Croker and Harriet  
 “ Croker widow his mother and guardian and all others interested  
 “ in the advowsons of Athlacca and Croome in the diocese of  
 “ Limerick ” in the purchase of Government New 3 per centum stock  
 and transfer the same when so purchased to the like credit and it  
 was thereby further ordered that the said Accountant-General should  
 invest the dividends to accrue due on the said stock from time to  
 time in the purchase of like stock and transfer the same when so  
 purchased to the credit of the said cause of Croker v. Stein and  
 others and the separate credit of the interest on the sum paid by the  
 Commissioners of Church Temporalities as compensation for the  
 advowsons of Athlacca and Croome in the diocese of Limerick and  
 it was thereby further ordered that the said Accountant-General  
 should invest the residue of the said sum of £8,114 3s. 10*d.* after  
 the investment and payment of a sum of £4 in the same order  
 mentioned in the purchase of Government New 3 per centum stock  
 and transfer the same to the credit of the said cause of Croker v.  
 Stein and others and the separate credit of the interest on the sum  
 paid by the said Commissioners of Church Temporalities in Ireland  
 as compensation for the advowsons of Athlacca and Croome in the  
 diocese of Limerick :

And whereas the said respective investments were subsequently  
 made accordingly :

And whereas by an order of the Right Honourable the Vice-  
 Chancellor of Ireland dated the 16th day of July 1875 and made  
 “ In the matter of the Commissioners of Church Temporalities in  
 “ Ireland and to the credit of John Monck Croker and Harriet  
 “ Croker widow his mother and guardian and all others interested  
 “ in the advowsons of Athlacca and Croome in the diocese of  
 “ Limerick and in the matter of the Irish Church Act 1869 section  
 “ 57 ex parte the Right Honourable Charles Stanley Viscount Monck  
 “ and in the matter of the Lands Clauses Consolidation Act 1845 ”  
 it was ordered that the Accountant-General of the then Court of  
 Chancery should sell out so much of the sum of £7,647 11s. 7*d.*  
 Government New 3 per centum stock then standing in the books of

8 & 9 Vict.  
c. 18.

the Governor and Company of the Bank of Ireland to the credit of the matter entitled in the said Accountant-General's books " Ex parte the Commissioners of Church Temporalities in Ireland and to the credit of John Monck Croker and Harriet Croker widow his mother and guardian and all others interested in the advowsons of Athlacca and Croome in the diocese of Limerick " as would at the price of the day be equivalent to the sum of £7,000 cash and it was thereby further ordered that the said Accountant-General should lodge the said sum of £7,000 in the said bank to the credit of the cash account of the Representative Church Body of Ireland incorporated under the name of the Representative Church Body the said Representative Church Body being willing to accept the said sum in part discharge of the mortgage of £44,000 affecting the estates of the said John Monck Croker a minor and such respective sale and lodgment were subsequently effected in pursuance of the said last-mentioned order :

And whereas the said sum of £7,000 was in pursuance of the said last-mentioned order lodged in the said bank to the credit of the cash account of the said Representative Church Body and the principal sum of £37,000 is due to the said Representative Church Body in respect of the said debt :

And whereas the said Harriet Croker died on the 7th day of July 1872 :

And whereas by an order of the Lord Chancellor of Ireland dated the 21st day of December 1872 and made in the said minor matter the said Viscount Monck was appointed guardian of the said minor in the room of the said Harriet Croker deceased :

And whereas the said sum of £3,000 part of the said sum of £10,000 has not been paid to the said Henry Stanley Monck Croker as provided by the said report filed the 17th day of May 1871 but all interest on the said sum of £10,000 has been paid up to the 13th day of June 1880 :

And whereas all other sums payable under the compromise mentioned in the said report filed the 17th day of May 1871 have been paid except a sum of £152 6s. 1d. or thereabouts due to Messrs. Reeves and Sons solicitors for the said Henry Stanley Monck Croker which will be paid out of the surplus rents of the said estates :

And whereas the rents of the said estates after payment of the expenses of collection and payment of outgoings annuities and interest on encumbrances and maintenance of the said minor are inadequate to provide the said sum of £10,000 before the said John Monck Croker attains the age of twenty-one years :

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And whereas the said compromise was agreed to by the said Henry Stanley Monck Croker in consideration of the said sum of £10,000 being raised and applied for the purposes aforesaid and it is inequitable that he should be bound thereby without the said sum of £10,000 being raised or validly secured for the purposes aforesaid and the said Henry Stanley Monck Croker alleges that the said compromise is not binding on him and that he should be remitted to his former rights if the said sum of £10,000 be not so raised or secured :

And whereas in order to prevent any further litigation in the premises it is expedient that the said sum of £10,000 and interest should be charged on the fee simple and inheritance of the said estates but the authority of Parliament is necessary to effect the said object :

And whereas the said hereditaments are subject to the charges and encumbrances specified in the second part of the schedule to this Act :

And whereas there is now in court to the credit of the matter entitled in the books of the Accountant-General of the Chancery Division of the High Court of Justice in Ireland " Ex parte the  
" Commissioners of Church Temporalities in Ireland and to the  
" credit of John Monck Croker and Harriet Croker widow his  
" mother and guardian and all others interested in the advowsons  
" of Athlacca and Croome in the diocese of Limerick " the sum of £258 17s. 1d. Government New £3 per centum stock and £3 15s. 9d. cash dividends thereon which said sum of £258 17s. 1d. represents the balance of the compensation-money for the said advowsons after payment of the said sum of £7,000 to the said Representative Church Body and there is also in court to the credit entitled in the books of the said Accountant-General " In the matter of John  
" Monck Croker a minor " the sum of £295 9s. like stock which sum of £295 9s. represents the purchase-money of part of the said Ballynagarde estate comprised in the said settlement of the 13th day of May 1841 taken by the Canogue Drainage Commissioners in pursuance of the statutes in that behalf and there is also in bank to the last-mentioned credit the sum of £481 12s. 3d. cash being the dividends on said stock and the balance of the said sum of £44,000 so advanced by the said Representative Church Body under the order and for the purposes aforesaid and which said sum was transferred from the said Landed Estates Court to the said late Court of Chancery :

And whereas all the estates and property now subject to the limitations of the said indenture of the 13th day of May 1841 consist of and are represented by the hereditaments conveyed by

the said deed poll of the 7th day of March 1873 and the said sums of £258 17s. 1d. and £295 9s. Government New £3 per centum stock and £481 12s. 3d. cash : A.D. 1881.

And whereas by articles of agreement dated the 22nd day of February 1881 and made between the said John Monck Croker an infant of the age of fourteen years or thereabouts and a ward of the High Court of Chancery in Ireland by the Right Honourable Charles Stanley Viscount Monck his guardian of the one part and the said Henry Stanley Monck Croker of the other part after reciting to the effect herein-before recited it was mutually agreed between the parties thereto as follows :—

- “ (1) The said Viscount Monck shall forthwith issue a summons  
 “ in the said minor matter to obtain the approval of the Lord  
 “ Chancellor of the arrangement and compromise aforesaid and  
 “ the Bill to be presented to Parliament for the purpose of  
 “ giving effect to the same ;
- “ (2) A Bill to effectuate the said arrangement and compromise  
 “ and to carry out the terms thereof shall accordingly if and  
 “ so soon as the approval of the Lord Chancellor shall have  
 “ been obtained be lodged in Parliament on the petition of the  
 “ parties hereto or either of them or of 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 without delay and the parties hereto and  
 “ their solicitors shall give every assistance in their power as  
 “ well to the application for the said Act as to obtaining the  
 “ concurrence of all necessary parties ;
- “ (3) The carriage of the said Bill shall be in the hands of the  
 “ said John Monck Croker or his guardian and of such  
 “ solicitors and parliamentary agents as they or either of them  
 “ may appoint ;
- “ (4) By the said Act the lands conveyed by the said deed poll  
 “ except as aforesaid shall subject to the charges and encum-  
 “ brances specified in the schedule hereto be vested in the  
 “ trustees of the Act for 1,000 years from the date thereof  
 “ upon usual trusts for raising forthwith by mortgage of the  
 “ said lands or any part thereof or by perception of the rents  
 “ and profits thereof the sum of £3,000 with interest thereon  
 “ at a rate not exceeding £5 per centum per annum and the  
 “ costs herein-after mentioned the sum of £3,000 with interest  
 “ to be payable immediately to the said Henry Stanley Monck  
 “ Croker his executors or administrators and the sum of £7,000  
 “ residue of the said sum of £10,000 and the interest thereon  
 “ at £5 per centum to be held by the said trustees or trustee

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- “ and to be raiseable and paid at the time and upon the trusts  
 “ applicable thereto by virtue of the said report filed the 17th  
 “ day of May 1871 ;
- “ (5) The said Act shall contain in addition to all proper and  
 “ necessary clauses a power of appointing a new trustee or new  
 “ trustees of the said Act in the place of any trustee or trustees  
 “ who shall die desire to be discharged refuse or become in-  
 “ capable to act or be permanently resident out of the United  
 “ Kingdom exerciseable by the person or persons for the time  
 “ being entitled to the said sum of £7,000 or the interest  
 “ thereof ;
- “ (6) The costs of all parties of this agreement and of carrying  
 “ out the same as between solicitor and client and obtaining  
 “ the said Act shall be chargeable in the first instance upon  
 “ the said sums of stock and cash standing to the credit afore-  
 “ said and upon the surplus rents of the said lands during the  
 “ minority of the said John Monck Croker and in the next  
 “ place by mortgage of the lands comprised in the said term ;
- “ (7) In case the said Act cannot be obtained in pursuance of this  
 “ agreement the costs of the parties hereto as between solicitor  
 “ and client shall be paid out of the said surplus rents of the  
 “ said lands ;
- “ (8) The compromise hitherto existing shall not be altered or  
 “ affected further than may be necessary to give effect to this  
 “ agreement and the said Act and in case it shall not be carried  
 “ into execution the parties hereto shall be remitted to their  
 “ original rights as if these presents had not been executed :”

And whereas an order of the Right Honourable the Lord High  
 Chancellor of Ireland was made in the said minor matter dated the  
 14th day of March 1881 and in the words and figures following :—

“ In the High Court of Justice in Ireland.

“ Chancery Division. Lord Chancellor.

“ The 14th day of March 1881.

“ In the matter of John Monck Croker a minor.

- “ Upon the application at chambers of the Right Honourable  
 “ Viscount Monck the guardian of the ward and on hearing  
 “ counsel for applicant and for Henry Stanley Monck Croker  
 “ and on reading the summons dated 26th of February 1881  
 “ deed of agreement dated 22nd same month made between the  
 “ above-named ward by the applicant as his guardian of the  
 “ one part and Henry Stanley Monck Croker of the other part  
 “ the affidavit of John Russell filed the 26th February 1881  
 “ the certificate of Francis T. L. Dames Q.C. as counsel on the  
 “ part of the ward endorsed on said agreement and dated 22nd



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“ February 1881 certifying that he considered it for the benefit  
 “ and interest of the ward and the other parties concerned that  
 “ the said agreement should be carried out and that the parties  
 “ under the original terms of compromise are bound to carry  
 “ out said agreement and it appearing by said agreement after  
 “ reciting as therein it was agreed that the said Viscount Monck  
 “ as such guardian should proceed to obtain a private Act of  
 “ Parliament for the purpose of vesting in the trustees of the  
 “ said Act the family estate of the said minor as in the said  
 “ agreement particularly referred to and subject to the charges  
 “ and encumbrances specified in the schedule to the same agree-  
 “ ment upon usual trusts for raising forthwith by mortgage of  
 “ the said lands or any part thereof the sum of £10,000 and  
 “ the interest thereon not exceeding £5 per centum per annum  
 “ and the costs of obtaining the said Act as therein-after men-  
 “ tioned the sum of £3,000 portion of the said sum of £10,000  
 “ with interest to be payable immediately to the said Henry  
 “ Stanley Monck Croker his executors administrators and assigns  
 “ and the sum of £7,000 residue of the said sum of £10,000  
 “ and the interest thereon at £5 per centum to be held by the  
 “ said trustees and to be raiseable and paid at the time and  
 “ upon the trusts applicable thereto by virtue of the report of  
 “ the late Master Brooke filed the 17th day of May 1871 as in  
 “ the said agreement mentioned and his lordship being of  
 “ opinion that it is for the benefit of the ward that the said  
 “ agreement of the 22nd day of February 1881 should on his  
 “ behalf be adopted doth order and declare as follows:—  
 “ 1. That the terms contained and expressed in the said agree-  
 “ ment be approved for and on behalf of the ward in this  
 “ matter ;  
 “ 2. That the applicant be authorised for and on behalf of the  
 “ said ward to promote and obtain a private Act of Parliament  
 “ to carry out the terms of said agreement ;  
 “ 3. That the draft of said Bill be brought into the chambers of  
 “ the Lord Chancellor for approval ;  
 “ 4. That the applicant be and he is hereby declared entitled  
 “ to the costs of this application and of the preparation and  
 “ approval of said Bill.

“ WILLIAM G. BROOKE,  
 “ Chief Clerk.

“ Entered in the Registrar's Office the 5th of April, 1881.

“ WILLIAM B. DRURY,  
 “ Registrar.”

And whereas in pursuance of the said recited order of the 14th day of March 1881 the chief clerk of the Right Honorable the Lord

A.D. 1881. High Chancellor of Ireland made his certificate dated the 16th day of May 1881 in the said matter and thereby certified as follows:—

“ In pursuance of the directions given to me by the Lord Chancellor I certify as follows:—

“ The guardian of the minor attended by his solicitor Messrs. Reeves and Sons solicitors for the said Henry Stanley Monck Croker also attending.

“ The draft of a Bill to be submitted to Parliament for an Act for giving effect to a further compromise of certain opposing claims affecting the Croker estates in the county of Limerick in Ireland has been settled and approved of by the Lord Chancellor 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 have been proved.

“ Dated 16th day of May 1881.

“ W. G. BROOKE,  
“ Chief Clerk.

“ Approved the 17th day of May 1881.

“ O'HAGAN C.”

And whereas the said chief clerk's certificate was duly approved by the Right Honourable the Lord High Chancellor of Ireland and was on the 18th day of May 1881 filed in the Record and Writ Office of the Chancery Division of said court:

And whereas it would be for the benefit of the said minor as also of the said Henry Stanley Monck Croker 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 John Monck Croker by his guardian Charles Stanley Viscount Monck

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 that is to say:—

Short title.

1. This Act may for all purposes be cited as the Croker Estates Act 1881.

Croker estates in county of Limerick to be vested in trustees of Act

2. From and after the passing of this Act the lands and hereditaments conveyed by the said deed poll of the seventh day of March one thousand eight hundred and seventy-three and particularly described in the first part of the schedule to this Act shall be and the same are hereby vested in Courtenay le Poer Trench Croker of

Ballynagarde in the county of Limerick and Charles de la Poer Beresford Croker of 5 Leinster Street in the city of Dublin the trustees of this Act for the term of one thousand years from the first day of April one thousand eight hundred and eighty-one without impeachment of waste subject to the charges and encumbrances specified in the second part of the schedule to this Act and to all existing leases tenancies and easements affecting the said hereditaments and premises upon the trusts herein-after declared of and concerning the same that is to say: Upon trust that they the said Courtenay le Poer Trench Croker and Charles de la Poer Beresford Croker and the survivor of them the executors or administrators of such survivor their or his assigns (all of whom are herein-after included in the expression "the trustees") shall with all convenient speed after the passing of this Act but subject to the charges and encumbrances specified in the second part of the said schedule raise by mortgage of all or any part of the hereditaments and premises comprised in the said term of one thousand years for all or any part of such term the sum of three thousand pounds with interest thereon at any rate not exceeding the rate of five pounds per centum per annum from the thirteenth day of June one thousand eight hundred and eighty and pay the said sum of three thousand pounds and interest to the said Henry Stanley Monck Croker his executors administrators or assigns in lieu and satisfaction of the like sum of three thousand pounds mentioned in the said report of Master Brooke filed the seventeenth day of May one thousand eight hundred and seventy-one And upon further trust that the trustees shall by the same means and in manner and subject as aforesaid raise such further sum as shall be necessary to pay and discharge the costs to which the said John Monck Croker and Henry Stanley Monck Croker are herein-after declared to be entitled respectively And upon further trust that the trustees shall (but during the minority of the said John Monck Croker only if so directed by an order of the Lord Chancellor of Ireland in the said minor matter) by the same ways and means and subject as aforesaid raise the further sum of seven thousand pounds and shall invest the said sum of seven thousand pounds upon the securities for the time being authorised by law as investments for trustees with power to alter or vary and transpose the said securities from time to time into or for others of the same or a like nature and shall hold the said sum of seven thousand pounds or the securities representing the same and the interest and income thereof upon the trusts applicable thereto by virtue of the said report filed the seventeenth day of May one thousand eight hundred and seventy-one and which shall be declared by any deed or deeds to be executed under the direction and with the approval of

A.D. 1881.

—  
for 1,000  
years for  
purposes of  
Act.

A.D. 1881.

the Chancery Division of the High Court of Justice in Ireland pursuant to the said report of the seventeenth day of May one thousand eight hundred and seventy-one and the said order of the Lord Chancellor confirming the same of the third day of June one thousand eight hundred and seventy-one Provided that no mortgage made under any of the powers aforesaid shall bear interest at a higher rate than five pounds per centum per annum And it is hereby enacted that no mortgagee advancing money on a mortgage purporting to be made under the provisions of this Act shall be concerned to see that such money is required or that no more than is required is raised.

£3,000 and  
£7,000 with  
interest at  
£5 per cent.  
to be charged  
on the Croker  
estates until  
payment.

3. Until the said several sums of three thousand pounds and seven thousand pounds shall have been respectively raised under the trusts of the said term of one thousand years the said lands and hereditaments comprised in the said term shall be and the same are hereby charged (but subject to the charges and encumbrances specified in the second part of the said schedule) with the said sums of three thousand pounds and seven thousand pounds or with whichever (if either) of the same sums shall not for the time being have been so raised and interest thereon respectively from the said thirteenth day of June one thousand eight hundred and eighty until raised as aforesaid at the rate of five pounds per centum per annum the interest on the said sum of three thousand pounds to be payable to the said Henry Stanley Monck Croker his executors administrators and assigns and the interest on the said sum of seven thousand pounds to the said Henry Stanley Monck Croker and his assigns for his life and after his death to the person or persons entitled thereto by virtue of the said report filed the seventeenth day of May one thousand eight hundred and seventy-one and any such deed or deeds as shall be executed as aforesaid pursuant to the same report and the said order confirming the same.

Power of  
appointing  
new trustees.

4. If and so often as the said trustees by this Act appointed or either of them or any trustee or trustees appointed under this present power or by a court having jurisdiction in that behalf shall die or reside permanently abroad or desire to be discharged or refuse or become unfit or incapable to act in the trusts of the said term of one thousand years it shall be lawful for the person or persons for the time being entitled to the said sum of seven thousand pounds or the interest thereof or if such person or persons or any of them shall be under any incapacity for the surviving or continuing trustees or trustee for the time being of this Act (and for this purpose any retiring or refusing trustee shall if willing to act in the exercise of this power be considered a continuing trustee) or for the acting executors or executor or administrators or

administrator of the last surviving and continuing trustee to appoint a new trustee or new trustees in the place of the said trustee or trustees so dying or residing permanently abroad or desiring to be discharged or refusing or becoming unfit or incapable to act as aforesaid and upon every such appointment the number of trustees may be augmented or reduced but not to less than two and upon every such appointment the said hereditaments and premises shall under and by virtue of this Act and without any further act or assurance be vested in the trustees or trustee for the time being for the residue of the said term of one thousand years then subsisting upon the trusts then applicable thereto by virtue of this Act.

A.D. 1881.

5. The said John Monck Croker and Henry Stanley Monck Croker shall be entitled to their respective costs as between solicitor and client of the said agreement and of carrying the same into execution and obtaining this Act and such costs shall be charged and raiseable in manner herein-after mentioned that is to say in the first place shall be charged upon and payable out of the said sums of two hundred and fifty-eight pounds seventeen shillings and one penny and two hundred and ninety-five pounds nine shillings Government new three pounds per centum stock and the dividends thereon respectively and the said sum of four hundred and eighty-one pounds twelve shillings and threepence cash and the interest thereon when invested and the surplus rents of the said hereditaments during the minority of the said John Monck Croker after payment of the outgoings annual charges interest on incumbrances and the annual maintenance of the said John Monck Croker and in the next place out of the moneys raiseable under any mortgage to be made in pursuance of the provisions of this Act as herein-before mentioned.

Costs of agreement and Act.

6. The compromise heretofore existing under and by virtue of the said report filed the seventeenth of May one thousand eight hundred and seventy-one shall not be altered or varied by this Act further than is necessary to give effect to this Act.

Existing compromise not to be affected further than to give effect to this Act.

7. 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.

General saving.

A.D. 1881.

Exceptions  
from general  
saving.

8. 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 John Monck Croker and the heirs male of his body and his heirs executors administrators and assigns ;
- (2) The said Henry Stanley Monck Croker and the heirs male of his body and his heirs executors administrators and assigns ;
- (3) The said Courtenay le Poer Trench Croker and Charles de la Poer Beresford Croker and other the trustees or trustee for the time being of this Act.

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

9. This Act shall not be a public Act but shall be printed by the several printers of 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.

A.D. 1881.  

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The SCHEDULE referred to in the foregoing Act.

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#### FIRST PART.

The lands of Ballynagarde Carriganattin part of the lands of Stonepark the lands of Parkatoutoun and part of the lands of Ballymacreese the lands of Rawleystown and Ballingoola Rochestown Loughanstown Williamstown Cahercorney Mohane and part of the lands of Carnane Cloghadoolarty North and Arrywee situate in the baronies of Clanwilliam and Smallcounty and county of Limerick containing 3,438A. 3R. 1P. statute measure or thereabouts as described in the maps annexed to the deed poll of 7th March 1873 but not including 1 rood and 35 perches like measure part of the townland of Cahercorney on which the ruins of the church and graveyard are standing and which are public property.

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#### SECOND PART.

Rentcharge of £2 out of the lands of Ballymacreese charged by the will of John Croker dated 13th January 1857.

Jointure of £600 payable to Lady Georgiana Ellen Croker under the settlement of the 13th of May 1841.

£37,000 balance due on mortgage to the Representative Church Body under agreement of 8th of July 1872.

£3,476 0s. 4d. moiety of two charges of £5,105 17s. 6d. and £1,846 3s. 2d. in favour of Margaret Anne Croker which moiety is to merge in the inheritance on her death without issue.



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