



CHAPTER 4.

An Act to enable Edward Cecil Guinness to sell and convey to the Commissioners of Public Works in Ireland, the fee simple of certain lands, situate in the Parish of St. Peter, in the City of Dublin, free from all incumbrances.

A.D. 1883.

[2nd August 1883.]

WHEREAS by an Indenture, dated the fourth day of August, one thousand eight hundred and thirty-six, and made between the Lord Archbishop of Dublin of the first part, the Ecclesiastical Commissioners of Ireland of the second part, and John Henry Earl of Clonmell of the third part, all that and those that part of the Farm of St. Sepulchre's, containing nine acres three roods and twenty-three perches, Irish plantation measure, being equivalent to sixteen acres and eight perches statute measure, or thereabouts, situate in the Parish of St. Peter and City of Dublin, formerly in the County of Dublin, with the appurtenances, were granted and conveyed to the said Earl and his heirs, to hold to the said Earl and his heirs, subject to a perpetual fee farm rent of seventy-eight pounds nine shillings and seven-pence, payable to the said Commissioners :

Indenture,
dated 4th
August,
1836.

And whereas by an Indenture, dated the seventh day of April, one thousand eight hundred and sixty-two, and made between the said John Henry Earl of Clonmell of the first part, Anne Countess of Clonmell, wife of the said Earl, of the second part, the Right Honourable John Henry Reginald Scott, commonly called Lord Earlsfort, the eldest son of the said Earl, of the third part, the Right Honourable Ulysses Lord Downes, of the fourth part, Benjamin Lee Guinness of the fifth part, and Frederick Sutton of the sixth part; the said lands and premises, for the considerations therein mentioned, were granted and conveyed to the said Benjamin Lee Guinness and his heirs, subject to the said perpetual fee farm rent :

Indenture,
dated 7th
April, 1862.

A.D. 1883.
 Indenture of
 Lease, dated
 24th April,
 1863.

And whereas by Indenture of Lease, dated the twenty-fourth day of April, one thousand eight hundred and sixty-three, and made between the said Benjamin Lee Guinness of the first part, the said Frederick Sutton of the second part, and the Dublin Crystal Palace and Winter Gardens Company (Limited), of the third part, a portion of the said lands and premises, containing eleven acres and thirteen perches, or thereabouts, was demised to the said Dublin Crystal Palace and Winter Gardens Company (Limited), their successors and assigns, for the term of nine hundred and ninety-nine years, from the first day of May, one thousand eight hundred and sixty-two, at the yearly rent of three hundred and two pounds, and subject to the covenants by the lessee therein contained :

And whereas the said Company erected upon the said demised premises the buildings known as the Dublin Exhibition Palace :

Will of Sir
 B. L. Guinness,
 Bart.,
 dated 1st
 February,
 1866.

And whereas the said Benjamin Lee Guinness, then Sir Benjamin Lee Guinness, Baronet, by his Will, dated the first day of February, one thousand eight hundred and sixty-six, among other things, devised the whole of the lands and premises granted and conveyed to him by the said Indenture of the seventh day of April, one thousand eight hundred and sixty-two, but subject as to the whole thereof to the said perpetual fee farm rent, and subject as to the part thereof demised as aforesaid to the aforesaid lease, unto the Reverend William Conyngham Plunket (now the Right Honourable Baron Plunket and Lord Bishop of Meath), Richard Seymour Guinness, William Burke and the said Frederick Sutton, their heirs and assigns (thereinafter called the Trustees), to hold the same to the uses following, that is to say : to the use of the testator's third son, Edward Cecil Guinness, for his life, without impeachment of waste, with remainder to the use of his first and other sons successively, according to their respective seniorities, in tail male ; with remainders, expressed in the like terms, to the use of the testator's eldest son, Arthur Edward Guinness (now the Right Honourable Baron Ardilaun), and his sons respectively ; with remainders, expressed in the like terms, to the use of the testator's second son, Benjamin Lee Guinness, and his sons respectively ; with remainder to the use of all or any one or more of the daughters of his said son Edward Cecil Guinness, in such manner as he, the said Edward Cecil Guinness, should, by deed or will, appoint ; and for default of such appointment, or so far as any such appointment should not extend to the use of such daughters in equal shares, as tenants in common in tail general, with cross remainders between them in tail general ; and if there should be but one such daughter, then to the use of such one daughter in tail general ; with remainders, expressed in the like terms, to the use of the daughters or daughter of the

said Arthur Edward Guinness; with remainders, expressed in the like terms, to the use of the daughters or daughter of the said Benjamin Lee Guinness; with remainder to the use of the testator's daughter, Annie Lee Plunket, wife of the said William Conyngham Plunket, and her assigns for her life, without impeachment of waste, for her separate use; with remainder to the use of William Lee Plunket, the eldest son of the said Annie Lee Plunket by her said husband, for his life, without impeachment of waste; with remainder to the use of the first and other sons of the said William Lee Plunket successively, according to their respective seniorities in tail male; with remainder to the use of the second, third, fourth and other sons of the said Annie Lee Plunket by her said husband successively, according to their respective seniorities, in tail male; with remainder to the use of all or any one or more of the daughters of the said Annie Lee Plunket by her said husband in such manner as she, the said Annie Lee Plunket, should, by deed or will, appoint; and for want of such appointment, or so far as any such appointment should not extend, then to the use of such daughters in equal shares, as tenants in common in tail general with cross remainder between them in tail general; and if there should be but one such daughter then to the use of such one daughter in tail general; and in case of the failure of all the limitations in his said Will before contained of his real estates respectively, the testator devised the same to the Provost and Senate of Trinity College, Dublin, to be by them appropriated to the education and support of students in the said college, as in the said will is mentioned:

A.D. 1883.

And whereas the said testator died on the nineteenth day of May, one thousand eight hundred and sixty-eight, without having altered or revoked the said Will, which was duly proved:

And whereas by an Indenture of Settlement, dated the nineteenth day of May, one thousand eight hundred and seventy-three, made between the said Edward Cecil Guinness of the first part, Adelaide Maria Guinness of the second part, and the said Arthur Edward, Baron Ardilaun (then Sir Arthur Edward Guinness, Baronet,) and the Reverend Beauchamp Kerr Warren Pearse, Clerk, of the third part, being an Indenture made in contemplation of a marriage which was shortly afterwards solemnized between the said Edward Cecil Guinness and Adelaide Maria Guinness, the said Edward Cecil Guinness in exercise of a power in that behalf conferred upon him by the said Will charged with a jointure of five hundred pounds a year, to be payable to the said Adelaide Maria Guinness for her life in case she should survive the said Edward Cecil Guinness, all the lands and premises comprised in the said Indenture of the seventh day of April, one thousand eight hundred and sixty-two, together

Indenture of
Settlement,
dated 19th
May, 1873.

A.D. 1883. with other hereditaments of ample value, to secure the payment of the said jointure :

Indenture,
dated 25th
January,
1876.

And whereas by an Indenture, dated the twenty-fifth day of January, one thousand eight hundred and seventy-six, and made between the Commissioners of Church Temporalities in Ireland of the first part, Henry Guinness of the second part, and the said Edward Cecil Guinness of the third part, the said perpetual yearly rent of seventy-eight pounds nine shillings and seven-pence was, for the considerations therein mentioned, granted and conveyed by the said Commissioners to the said Henry Guinness, and his heirs, in trust for the said Edward Cecil Guinness and his heirs :

And whereas all the estate and interest of the said Dublin Crystal Palace and Winter Gardens Company (Limited), in the said demised premises became subsequently vested in the said Edward Cecil Guinness, for the residue of the said term of nine hundred and ninety-nine years :

Agreement
dated 1st
December,
1882.

And whereas by an Agreement, dated the first day of December, one thousand eight hundred and eighty-two, and made between the said Edward Cecil Guinness of the one part, and the Commissioners of Public Works in Ireland of the other part, the said Edward Cecil Guinness agreed to sell free from incumbrances, and the said Commissioners of Public Works in Ireland agreed to purchase, the fee simple and inheritance of and in a portion of the said lands and premises, demised by the said Indenture of Lease of the twenty-fourth day of April, one thousand eight hundred and sixty-three, containing three acres and eighteen perches or thereabouts, which is more particularly described in the Schedule to this Act annexed :

Indenture of
Assignment,
dated 21st
March, 1883.

And whereas by an Indenture, dated the twenty-first day of March, one thousand eight hundred and eighty-three, and made between the said Edward Cecil Guinness of the one part, and the said Commissioners of the other part, the said Edward Cecil Guinness assigned the said three acres and eighteen perches to the said Commissioners, to hold the same for the residue then to come of the said term of nine hundred and ninety-nine years :

And whereas the reversion in the said three acres and eighteen perches, expectant on the determination of the said term of nine hundred and ninety-nine years, is of no appreciable value :

And whereas the said Edward Cecil Guinness has been advised that he has no power to convey to the said Commissioners, free from incumbrances, the fee simple and inheritance of and in the said three acres and eighteen perches, in pursuance of the said Agreement of the first day of December, one thousand eight hundred and eighty-two, and it is expedient that such power should be conferred

upon him, and that he should be authorised to convey to the said Commissioners the fee simple and inheritance of and in the said three acres and eighteen perches, discharged from the said Indenture of Lease of the twenty-fourth day of April, one thousand eight hundred and sixty-three, and discharged from the trusts of the said Will of the said Sir Benjamin Lee Guinness, and discharged from the said jointure of five hundred pounds a year, payable to the said Adelaide Maria Guinness, under the provisions of the said Indenture of Settlement of the nineteenth day of May, one thousand eight hundred and seventy-three :

And whereas since the date of the said Indenture of the twenty-fourth day of April, one thousand eight hundred and sixty-three, large sums of money have been expended on that portion of the lands and premises thereby demised, which is not comprised in the said Agreement of the first day of December, one thousand eight hundred and eighty-two, and the said Indenture of the twenty-first day of March, one thousand eight hundred and eighty-three :

And whereas it is proposed that the said portion shall be released from all liability to pay or to contribute to the payment of the said perpetual fee farm rent of seventy-eight pounds nine shillings and seven-pence :

And whereas the said portion so released will be ample security for the payment of the said annual rent of three hundred and two pounds :

And whereas the said Edward Cecil Guinness, the said Baron Ardilaun, the said Benjamin Lee Guinness, and the said Annie Lee, Lady Plunket are all living :

And whereas there is issue of the marriage of the said Edward Cecil Guinness and Adelaide Maria Guinness, three sons only, namely, Rupert Edward Cecil Guinness, born the twenty-ninth day of March, one thousand eight hundred and seventy-four ; Arthur Ernest Guinness, born the second day of November, one thousand eight hundred and seventy-six ; and Walter Edward Guinness, born the twenty-ninth day of March, one thousand eight hundred and eighty :

And whereas the said Arthur Edward, Baron Ardilaun has been married once only, namely, on the sixteenth day of February, one thousand eight hundred and seventy-one, to Lady Olivia Charlotte White, but there is no issue of the said marriage :

And whereas the said Benjamin Lee Guinness has been married once only, namely, on the sixth day of September, one thousand eight hundred and eighty-one, to Lady Henrietta Eliza St. Lawrence :

A.D. 1883.

And whereas there is issue of the marriage of the said Benjamin Lee Guinness and Lady Henrietta Eliza Guinness, one child only, namely, Arthur St. Lawrence Lee Guinness, born the eleventh day of May, one thousand eight hundred and eighty-three :

And whereas there is issue of the said Annie Lee, Lady Plunket, by her said husband, the said William Conyngham, Baron Plunket, six children only, that is to say:—The Honourable William Lee Plunket, born the nineteenth day of December, one thousand eight hundred and sixty-four; The Honourable Benjamin John Plunket, born the first day of August, one thousand eight hundred and seventy; The Honourable Elizabeth Charlotte Plunket, born the first day of August, one thousand eight hundred and sixty-eight; The Honourable Olivia Anne Plunket, born the fifth day of April, one thousand eight hundred and seventy-three; The Honourable Kathleen Plunket, born the twenty-second day of February, one thousand eight hundred and seventy-seven; and The Honourable Ethel Josephine Plunket, born the twenty-fifth day of June, one thousand eight hundred and seventy-nine :

And whereas the said William Lee Plunket has not been married :

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

Wherefore Your Majesty's most dutiful and loyal subject, the said Edward Cecil Guinness, 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 be cited for all purposes as the Guinness' Estate Act, 1883.

Power of Sale.

2. The said Edward Cecil Guinness may sell and convey to the Commissioners of Public Works in Ireland the fee simple and inheritance of and in that piece or parcel of land containing three acres and eighteen perches or thereabouts, situate in the Parish of St. Peter and in the City of Dublin (being part and parcel of the lands and premises demised by the recited Indenture of Lease, of the twenty-fourth day of April, one thousand eight hundred and sixty-three), and which three acres and eighteen perches are more particularly described in the Schedule to this Act annexed, and the same shall, on such sale and conveyance, vest and remain in the Commissioners of Public Works in Ireland, discharged from the recited Indenture of Lease of the twenty-fourth day of April, one thousand eight hundred and sixty-three, and from all liability

to pay or contribute to the payment of the annual rent of three hundred and two pounds thereby reserved, and discharged from the trusts of the recited Will of Sir Benjamin Lee Guinness, and discharged from the jointure of five hundred pounds a year, payable to the said Adelaide Maria Guinness, under the provisions of the recited Indenture of Settlement of the nineteenth day of May, one thousand eight hundred and seventy-three, and from all liability to pay or contribute to the payment of the same: Provided always, that the said Indenture of Lease of the twenty-fourth day of April, one thousand eight hundred and sixty-three, shall, as regards the residue of the lands and premises therein comprised, remain in full force and effect, and the said annual rent of three hundred and two pounds shall continue and be charged on and payable out of the same: Provided also that the said Indenture of Settlement of the nineteenth day of May, one thousand eight hundred and seventy-three, shall, as regards the residue of the lands and premises affected thereby, remain in full force and effect, and the said jointure shall continue and be charged on and payable out of the same.

A.D. 1883.

3. The said Henry Guinness and Edward Cecil Guinness shall, before or immediately after the execution of the conveyance to the Commissioners of Public Works in Ireland, of the lands in the last preceding enactment mentioned, release the residue of the lands and premises comprised in the recited Indenture of Lease of the twenty-fourth day of April, one thousand eight hundred and sixty-three, from the fee farm rent of seventy-eight pounds nine shillings and seven-pence, reserved by the recited Indenture of fee farm grant of the fourth day of August, one thousand eight hundred and thirty-six, and from all liability to pay or contribute to the payment of the same, and the Trustees of the Will of the said Sir Benjamin Lee Guinness shall have power to accept the said release.

Release of
Fee Farm
Rent to
Trustees of
the Will of
Sir Benjamin
Lee Guinness.

4. The said Indenture of the fourth day of August, one thousand eight hundred and thirty-six, shall, as regards the lands and premises therein comprised, other than those comprised in the said Indenture of Lease of the twenty-fourth day of April, one thousand eight hundred and sixty-three, remain in full force and effect, and the said fee farm rent shall continue and be charged on and payable out of the same.

Reserving
fee farm rent.

5. All costs, charges and expenses of, or incidental to, the preparing, obtaining and passing of this Act, shall be paid by the said Edward Cecil Guinness.

Costs of Act.

6. Saving always unto the Queen's Most Excellent Majesty, Her heirs and successors, and all and every other person and persons, bodies politic and corporate, and their respective heirs, successors,

Saving
rights of
Crown and
other persons,

A.D. 1883. — executors and administrators (other than and except the several persons who by this Act are expressly excepted out of this general saving), all such estate, right, title, claim and demand whatsoever in, to, or out of the lands and premises in the schedule to this Act described, or any part thereof, as they, or any of them, had before the passing of this Act, or would or might have had if this Act had not been passed.

Persons
excepted
from saving
clause.

7. The persons following, and their heirs, executors, administrators, appointees and assigns, are excepted out of the general saving in this Act contained:—

- (1.) The said Edward Cecil Guinness, and his said sons Rupert Edward Cecil Guinness, Arthur Ernest Guinness, and Walter Edward Guinness, and the future born sons (if any) of the said Edward Cecil Guinness, and the heirs of their respective bodies, and the future born daughters (if any) of the said Edward Cecil Guinness, and the heirs of their respective bodies;
- (2.) The said Arthur Edward, Baron Ardilaun, and his future born sons (if any), and the heirs of their respective bodies, and the future born daughters (if any) of the said Arthur Edward, Baron Ardilaun, and the heirs of their respective bodies;
- (3.) The said Benjamin Lee Guinness, and his said son Arthur St. Lawrence Lee Guinness, and the future born sons (if any) of the said Benjamin Lee Guinness, and the heirs of their respective bodies, and the future born daughters (if any) of the said Benjamin Lee Guinness, and the heirs of their respective bodies;
- (4.) The said Annie Lee, Lady Plunket, and her said sons the Honourable William Lee Plunket, and the Honourable Benjamin John Plunket, and the future born sons (if any) of the said Annie Lee, Lady Plunket, by her husband the said Baron Plunket, and the heirs of their respective bodies, and the said daughters of the said Annie Lee, Lady Plunket, namely: the Honourable Elizabeth Charlotte Plunket, the Honourable Olivia Anne Plunket, the Honourable Kathleen Plunket, and the Honourable Ethel Josephine Plunket, and the future born daughters (if any) of the said Annie Lee, Lady Plunket, by her said husband, and the heirs of their respective bodies
- (5.) The Provost and Senate of Trinity College, Dublin;
- (6.) The said Right Reverend William Conyngham, Baron Plunket, Richard Seymour Guinness, William Burke, and Frederick Sutton, and other the Trustees or Trustee for the time being under the said recited Will of Sir Benjamin Lee Guinness;
- (7.) Every person to or upon whom, under any of the limitations in the said recited Will of Sir Benjamin Lee Guinness contained,

or under the exercise of any of the powers in the said Will contained, any estate, right, title, interest, claim or demand whatsoever in, upon, to, or with respect to the lands and premises in the Schedule to this Act described has already devolved, descended, or accrued, or hereafter shall devolve, descend or accrue ;

A.D. 1883.

(8.) The said Adelaide Maria Guinness ;

(9.) The said Henry Guinness and his heirs, as trustees of the said Edward Cecil Guinness and his heirs, under the said Indenture of the twenty-fifth day of January, one thousand eight hundred and seventy-six.

8. 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.

Act to be
printed by
Queen's
Printers.

A.D. 1883.The SCHEDULE referred to in the foregoing Act.

Piece or parcel of land, containing three acres and eighteen perches, statute measurement, situate in the Parish of Saint Peter, in the City of Dublin, on part of which portions of the Dublin Exhibition Palace now stand, and which piece or parcel of land forms part of the hereditaments formerly called the Coburgh Gardens, and which was part of the farm of Saint Sepulchre's, in the parish and city aforesaid, and abuts on the north side thereof to the riding school, the fernery and a small piece of land belonging, or reputed to belong, to the said Edward Cecil Guinness; on the west to other land conveyed by the said Edward Cecil Guinness to the Commissioners of Public Works in Ireland; on the east to Earlsfort Terrace; and on the west to ornamental gardens belonging, or reputed to belong, to the said Edward Cecil Guinness.

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1883.