



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. 25.

An Act for carrying into effect a Compromise of a Suit for raising Portions for the younger Children of the Right Honourable *Thomas Lord Le Despencer* deceased, out of the settled Estates of the said *Thomas Lord Le Despencer* deceased at *Mereworth* in the County of *Kent* and elsewhere in the said County; and also for authorizing the Sale and Exchange of certain Parts of the said settled Estates. [6th August 1844.]

WHEREAS on or about the Thirtieth Day of *May* One thousand eight hundred and thirty-nine Sir *Francis Jarvis Stapleton* Clerk, Baronet, *Charles Brodrick* and the Honourable *Emma Brodrick* his Wife, the Honourable Sir *Hercules Robert Pakenham* and the Honourable *Emily Pakenham* his Wife, and the Right Honourable *Henry Lord Farnham* and the Right Honourable *Anna Frances Esther* (therein by Mistake called *Ann Theresa Esther*) Lady *Farnham* his Wife, filed their Bill of Complaint in the High Court of Chancery, which, as amended, and by

Bill filed in the High Court of Chancery by Sir Francis Jarvis Stapleton and others against William John Bankes and others, 30th

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Supplement,

May 1839,
and Pro-
ceedings
thereon.

Supplement, was against *William John Bankes, Adelaide Stapleton, Anne Byam Stapleton the younger, Jane Eliza Stapleton, Maria Catherine Stapleton, Francis George Stapleton, Richard Talbot Plantagenet Stapleton, John Eldad Walters, Philip Burnett, Thomas Lockwood, John Roumieu, George Bankes, John Stafford and Letitia his Wife, Anne Byam Stapleton the elder (since deceased), Lord James O'Bryen, Robert Hichens, William Hichens, the Right Honourable Mary Frances Elizabeth Baroness Le Despencer, and the Right Honourable Robert Earl of Roden and Maria Frances Catherine Countess of Roden his Wife, the Right Honourable John Earl of Westmoreland (since deceased), the said George Bankes, and John Swarbeck Gregory, as Defendants thereto, and which said Bill, amongst other things, prayed that a certain Deed of Appointment, therein stated to bear Date the Nineteenth Day of April One thousand eight hundred and sixteen, and to be made between Thomas Lord Le Despencer of the one Part, and the said Robert Earl of Roden, then Viscount Jocelyn, and Richard Chase and Samuel Eliot, both then since deceased, of the other Part, might be declared to be in full Force, and that the same might be carried into effect by and under the Decree of the said Court, and that the Principal Monies and Interest charged thereby might be raised by Sale of the Hereditaments comprised therein, or a sufficient Part of the same, or otherwise as the Court should direct: And whereas the said several Defendants to the said Bill put in their Answers thereto, and some of the said Defendants by their said Answers (amongst other things) submitted that the said Deed of Appointment of the Nineteenth Day of April One thousand eight hundred and sixteen, being executed by the said Thomas Lord Le Despencer alone, and without the Concurrence or Knowledge of Thomas Stapleton, the eldest Son of the said Thomas Lord Le Despencer, was not in any Manner binding on the said Thomas Stapleton, but was overreached and destroyed by the Execution of certain Deeds of the Seventh and Eighth Days of August One thousand eight hundred and twenty-six, and the said Answers were replied to by the said Complainants, and Evidence was entered into on the Part of the said Complainants to prove the Allegations contained in the said Bill: And whereas by an Order of the said High Court of Chancery, bearing Date the Twenty-sixth Day of March One thousand eight hundred and forty-four, and made (on the Petition of the said Mary Frances Elizabeth Baroness Le Despencer) in the said Cause, and in a certain other Cause wherein the said William John Bankes and John Horace Thomas Stapleton (since deceased) were Plaintiffs, and the said Mary Frances Elizabeth Baroness Le Despencer, the said Robert Earl of Roden and Maria Frances Catherine Countess of Roden his Wife, the Honourable Elizabeth Frances Charlotte Jocelyn (therein by Mistake called Elizabeth Jocelyn), Frances Jocelyn (afterwards the Right Honourable Frances Lady Barham, and now the Right Honourable Frances Countess of Gainsborough), the Honourable Robert Jocelyn commonly called Lord Viscount Jocelyn, the Honourable Strange John Jocelyn, the Honourable Maria Jocelyn, the said Charles Brodrick and the said Honourable Emma Brodrick his Wife, Mary Emma Brodrick, Emma Albinia Elizabeth Brodrick, Harriet Ann Brodrick, and Albinia Frances Brodrick, the said Sir Hercules Robert Pakenham*

and

and the said Honourable *Emily Pakenham* his Wife, *Emily Pakenham* the younger, *Edward William Pakenham*, *Elizabeth Catherine Pakenham*, *Arthur Hercules Pakenham*, *Thomas Henry Pakenham*, and *Mary Frances Hester Pakenham*, *Adelaide Stapleton*, *Anne Byam Stapleton*, *Jane Eliza Stapleton*, and *Maria Catherine Stapleton*, *Frances Stapleton* (since deceased), *Henry Maxwell* (now the Right Honourable *Henry Lord Farnham*) and the Right Honourable *Anna Frances Hester Lady Farnham* his Wife (by Mistake called *Anne Theresa Esther*), the said *Sir Francis Jarvis Stapleton*, *Francis George Stapleton*, *Catherine Elizabeth Stapleton*, and *Florence Maria Stapleton*, were Defendants, and wherein the said *William John Bankes* was Plaintiff, and *Richard Talbot Plantagenet Stapleton* was Defendant, by Bill of Supplement, it was referred to *Sir George Rose*, One of the Masters of the said Court, to inquire and state to the Court whether it would be fit and proper, and for the Advantage of all Persons then in existence or thereafter to come into existence, who were or might become interested in the Manor and Hereditaments in the said Petition mentioned, under or by virtue of the Uses and Limitations of a certain Indenture of the First Day of *July* One thousand eight hundred and forty-three, herein-after mentioned, and who were not then capable of giving any valid Consent to the proposed Compromise, in the Petition mentioned, and whether it would also be fit and proper, and for the Benefit of the Infants who were interested in the Portions thereof under the said Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen, and a certain Indenture dated the Twenty-eighth Day of *December* One thousand eight hundred and twenty, herein-after mentioned, and under the Will of *Anne Byam Stapleton* deceased, in the Petition mentioned, that the said Compromise, or any and what Compromise, should be carried into effect, by charging the Amount of Costs, Charges, and Expences, and also the Sum of Twenty-one thousand Pounds, on the said Manors and Hereditaments, and by raising the Sum of Twenty-one thousand Pounds by Sale or Mortgage of the said Hereditaments, or of a competent Part thereof, in priority to the Estates created by the Indenture of the First Day of *July* One thousand eight hundred and forty-three, or in any other and what Way, and whether it would be for the Benefit of such Persons that the settled Estates should be made subject to any and what Power of Sale and Exchange, and whether it would be for the Benefit of such Persons that an Act of Parliament should be applied for in order to give Effect to the Objects aforesaid, or to any and which of them: And whereas, in pursuance of the said Order of the Twenty-sixth Day of *March* One thousand eight hundred and forty-four, the said Master hath made his Report in the said Suits, bearing Date the Tenth Day of *May* last, in the Words following; that is to say, "In pursuance of an Order bearing Date the Twenty-sixth Day of *March* One thousand eight hundred and forty-four, made in these Causes, on the Petition of the said Defendant *Mary Frances Elizabeth* Baroness *Le Despencer*, whereby it was ordered that it should be referred to me to inquire and state to the Court whether it would be fit and proper and for the Advantage of all Persons now in existence or hereafter to come into existence, who are or may become interested in the Manor and Hereditaments in the said Petition mentioned, under or by virtue of the

Uses

Uses and Limitations of the Indenture of the First Day of *July* One thousand eight hundred and forty-three, and who are not at present capable of giving any valid Consent to the proposed Compromise, in the Petition mentioned, and whether it would also be fit and proper, and for the Benefit of the Infants who are interested in the Portions thereof under the Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen, and the Indenture dated the Twenty-eighth Day of *December* One thousand eight hundred and twenty, and the Will of *Anne Byam Stapleton* deceased, in the Petition mentioned, that the said Compromise, or any and what Compromise, should be carried into effect, by charging the Amount of the Costs, Charges, and Expences, and also the Sum of Twenty-one thousand Pounds, on the said Manor and Hereditaments, and by raising the said Sum of Twenty-one thousand Pounds by Sale or Mortgage of the said Hereditaments, or of a competent Part thereof, in priority to the Estates created by the Indenture of the First Day of *July* One thousand eight hundred and forty-three, or in any other and what Way, and whether it would be for the Benefit of such Persons that the settled Estates should be made subject to any and what Power of Sale and Exchange, and whether it would be for the Benefit of such Persons that an Act of Parliament should be applied for in order to give Effect to the Objects aforesaid, or to any and which of them, I have been attended by the respective Solicitors for the Plaintiffs and for all the Defendants, and in their Presence I have proceeded to make the said Inquiries, and a State of Facts has been laid before me on behalf of the said Baroness *Le Despencer*, and in support thereof the several Deeds and Documents herein-after mentioned have been produced and read before me, together with the Report of my Predecessor Lord *Henley*, made in the first-mentioned Cause, bearing Date the Eleventh Day of *June* One thousand eight hundred and thirty-six, and the Depositions of Witnesses taken on the Part of the Plaintiffs in the second-mentioned Cause, and a State of Facts has also been laid before me on behalf of the Defendants, the Honourable *James O'Bryen* commonly called Lord *James O'Bryen*, the Honourable Sir *Hercules Robert Pakenham*, *Robert Hichens*, and *William Hichens*; and I find that by an Indenture bearing Date the Eighteenth Day of *December* One thousand seven hundred and ninety-two, made and duly executed between and by *Thomas* Lord *Le Despencer* and *Elizabeth* Lady *Le Despencer* his Wife of the one Part, and *Samuel Eliot* the elder and *Samuel Eliot* the younger, therein respectively described, of the other Part, and by a Fine by Proclamation, duly acknowledged and levied as of *Michaelmas* Term then last by the said *Thomas* Lord *Le Despencer* and *Elizabeth* Lady *Le Despencer* his Wife, unto the said *Samuel Eliot* the elder and *Samuel Eliot* the younger, and their Heirs, in pursuance of a Covenant in the said Indenture in that Behalf contained, certain Hereditaments of the said *Thomas* Lord *Le Despencer* in the County of *Kent*, with the Appurtenances, were settled and assured to the Uses following; that is to say, to the Use of the said *Samuel Eliot* the elder and *Samuel Eliot* the younger during the Term of Ninety-nine Years, to commence immediately upon the Trusts therein mentioned, for securing to the said *Elizabeth* Lady *Le Despencer*, during the joint Lives of herself and the said *Thomas*

Lord *Le Despencer*, the annual Sum of Two hundred Pounds, for her separate Use, with Remainder to the Use of the said *Thomas Lord Le Despencer* during his Life, without Impeachment of Waste, with Remainder to the Use of the said *Samuel Eliot* the elder and *Samuel Eliot* the younger, and their Heirs, during the Life of the said *Thomas Lord Le Despencer*, upon trust to preserve the contingent Uses therein-after limited, and after the Death of the said *Thomas Lord Le Despencer* to the Use and Intent that the said *Elizabeth Lady Le Despencer* and her Assigns, in case she should survive the said *Thomas Lord Le Despencer*, should have and receive an Annuity of One thousand Pounds, with the usual Powers of Distress and Entry for enforcing Payment of the same, and, subject thereto, to the Use of the First and other Sons of the said *Thomas Lord Le Despencer* and *Elizabeth Lady Le Despencer*, severally and successively according to Seniority, and the Heirs Male of the respective Bodies; with Remainder to the Use of the said *Thomas Lord Le Despencer*, his Heirs and Assigns for ever; and it was thereby declared and agreed, that the said Annuities or yearly Sums of Two hundred Pounds and One thousand Pounds were thereby accepted by the said *Elizabeth Lady Le Despencer* in lieu and satisfaction of all such Dower or Thirds at Common Law as she might have or be entitled to in all or any Part of the Hereditaments whereof the said *Thomas Lord Le Despencer* should or might be seised for any Estate of Inheritance during the Coverture between him and the said *Lady Elizabeth Le Despencer*; and it was thereby provided and agreed between all the said Parties, that for the Purpose of making any Provisions for the Daughters and younger Sons of the said *Thomas Lord Le Despencer* by the said *Elizabeth Lady Le Despencer* his Wife, it should be lawful for the said *Thomas Lord Le Despencer*, by any Deed or Writing under his Hand and Seal, and attested by Three credible Witnesses, to revoke and make void all and every or any of the Use and Uses, Estate and Estates, in and by the said Indenture limited and declared of and in the said Hereditaments and Premises, or of and in any Part or Parcel thereof, other than and except the said Uses and Provisions for the said *Elizabeth Lady Le Despencer*, and the Securities and Remedies for the said annual Sums or yearly Rent-charges of Two hundred Pounds and One thousand Pounds, and by the same Deed or Writing, to be signed, sealed, and attested as aforesaid, to declare, limit, or appoint any other Use or Uses, Estate or Estates, of or in the same Hereditaments and Premises, for the Purpose of making any Provisions for the Daughters and younger Sons as aforesaid, as he the said *Thomas Lord Le Despencer* should think fit, and should by such Deed or Writing declare, limit, or appoint, subject nevertheless and without prejudice to the said annual Sums or yearly Rent-charges of Two hundred Pounds and One thousand Pounds, and the Securities and Remedies for the same respectively; and I find that the Honourable *Thomas Stapleton* (now deceased), the Father of the said *Baroness Le Despencer*, was the First and eldest Son of the said *Thomas Lord Le Despencer* and *Elizabeth Lady Le Despencer*, and that the said *Thomas Stapleton* attained his Age of Twenty-one Years previously to the Execution of the Indenture and the suffering of the Recovery next herein-after mentioned; and I find that by Indentures of Lease and Release bearing

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Date respectively the Seventeenth and Eighteenth Days of *May* One thousand eight hundred and thirteen, the Release being made between *William Sheldon* Esquire and *Francis William Talbot* Esquire of the First Part, the said *Thomas Lord Le Despencer* of the Second Part, the said *Thomas Stapleton* of the Third Part, *William Witham* Esquire of the Fourth Part, and *Francis Witham* Esquire of the Fifth Part, and by a Recovery, duly suffered in *Easter* Term One thousand eight hundred and thirteen, in pursuance of a Covenant in the said Indenture in that Behalf contained, and in which said Recovery the said *Francis Witham* was Demandant, the said *William Witham* Tenant, the said *Thomas Lord Le Despencer* First Vouchee, and the said *Thomas Stapleton* Second Vouchee, all the Hereditaments comprised in the said Indenture of the Eighteenth Day of *December* One thousand seven hundred and ninety-two, except such of the same as were comprised in the First Schedule to an Act of Parliament passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for vesting detached Parts of the settled Estates of the Right Honourable Thomas Lord Le Despencer in the County of Kent in him and his Heirs, and for substituting and settling other Estates of greater Value, and more convenient to be held with the Bulk of the said settled Estates, in lieu thereof and in exchange for the same*, and were by the said Act discharged from the Uses of that Indenture, and also the Hereditaments comprised in the Second Schedule to the said Act, and which were thereby settled to the Uses of the said Indenture of the Eighteenth Day of *December* One thousand seven hundred and ninety-two, with their Appurtenances, were, among and together with other Hereditaments then belonging to the said *Thomas Lord Le Despencer*, and which were not subject to the Uses of the said Indenture of the Eighteenth Day of *December* One thousand seven hundred and ninety-two, settled and assured to the Uses following; that is to say, as to the Hereditaments comprised in the Second Schedule to the said now-stating Indenture, and which did not include any of the Hereditaments comprised in the herein-after-stated Deed of Appointment of the Nineteenth Day of *April* One thousand eight hundred and sixteen, with the Appurtenances, to the Use of the said *William Sheldon* and his Heirs, upon and for certain Trusts and Purposes, which are not material to be here stated, and as to all and singular other the said Hereditaments and Premises to the Use of such Person and Persons, and for such Estate or Estates, Intents and Purposes, and with, under, and subject to such Powers, Provisoos, Limitations, Declarations, and Agreements, as the said *Thomas Lord Le Despencer* and *Thomas Stapleton* should by any Deed or Deeds, Instrument or Instruments in Writing, with or without Power of Revocation and new Appointment, to be by both of them sealed and delivered in the Presence of and attested by Two or more credible Witnesses, from Time to Time or at any Time jointly direct or appoint, and in default of and until such joint Direction or Appointment, and so far as any such joint Direction or Appointment should not extend, to the Use of such Person and Persons, and for such Estate or Estates, Intents and Purposes, and with, under, and subject to such Powers, Provisoos, Limitations, Declarations, and Agreements, as the said *Thomas Stapleton*, in case he should survive the said *Thomas Lord Le Despencer*, should by
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any Deed or Deeds, Instrument or Instruments in Writing, with or without Power of Revocation and new Appointment, to be by him sealed and delivered in the Presence of and attested by Two or more credible Witnesses, or by his last Will and Testament in Writing, or any Codicil or Codicils thereto, to be by him signed and published in the Presence of and attested by Three or more credible Witnesses, direct or appoint, and in default of and until some such Direction or Appointment should be made and take effect, and so far as any such Direction or Appointment should not extend, to the same Uses, upon and for the same Trusts, Intents, and Purposes, and with, under, and subject to the same Powers, Provisoos, Limitations, and Agreements, to, upon, with, under, and subject to which the same Hereditaments and Premises then stood settled and limited, or such of them as should be then subsisting and capable of taking effect, and to, for, or upon no other Use, Trust, Intent, or Purpose whatsoever; and I find that there were Issue of the said *Thomas Lord Le Despencer* and *Elizabeth Lady Le Despencer*, besides the said *Thomas Stapleton*, Nine Children, and no more, (that is to say,) the above-named *Maria Frances Catherine Countess of Roden*, the Honourable *Elizabeth Mary Stapleton* (now deceased), the Honourable *William Stapleton* (now deceased), the above-named *Emma Brodrick*, the above-named *Emily Pakenham*, the Honourable *Miles John Stapleton* (now deceased), the above-named *Sir Francis Jarvis Stapleton*, the above-named *Ann Theresa Esther Lady Farnham*, and the above-named *Frances Stapleton* (now deceased); and I find that on the Nineteenth Day of *April* One thousand eight hundred and sixteen an Indenture and Deed of Appointment of that Date was made between the said *Thomas Lord Le Despencer* of the one Part, and the above-named *Robert Earl of Roden*, then *Viscount Jocelyn*, and *Richard Chase* and *Samuel Eliot*, both since deceased, of the other Part, and was duly executed by the said *Thomas Lord Le Despencer* in the Manner required by the said Indenture of the Eighteenth *December* One thousand seven hundred and ninety-two for an Exercise of the Power of Revocation and new Appointment thereby given and reserved as aforesaid, and that by the said Indenture of the Nineteenth *April* One thousand eight hundred and sixteen, after reciting, amongst other things, the said Indenture of the Eighteenth Day of *December* One thousand seven hundred and ninety-two, and the Fine levied in pursuance thereof, and the said Act of Parliament, and also reciting that a Copy of the Second Schedule to the said Act was annexed to the said now-stating Indenture of the Nineteenth of *April* One thousand eight hundred and sixteen, and also reciting or mentioning, as the Facts were, that a Portion was advanced or Provision made for the said *Maria Frances Catherine Countess of Roden*, and that the said *Thomas Lord Le Despencer* was desirous of making a further but small Provision for the said *Maria Frances Catherine Countess of Roden*, and a Provision for each of his Eight other younger Children, and he had for those Purposes determined to exercise his said Power of Revocation and new Appointment in such Manner as was therein expressed, it was witnessed that the said *Thomas Lord Le Despencer*, for the Purposes of making a Provision for each and every of his said younger Children, to commence and take effect in possession immediately after his Death, and by virtue of

of the Power in that Behalf given by the said Indenture of the Eighteenth of *December* One thousand seven hundred and ninety-two, and Fine, and the said Act of Parliament, and by virtue of all other Powers enabling him in that Behalf, did direct, limit, and appoint that all the Manor, Messuages, Lands, and Hereditaments described in the said Schedule thereto, and which were then by means of the therein-before in part recited Indenture of Fine, and Act of Parliament, and each or either of them, subject to the said therein-before recited Power of Reyocation and new Appointment of the said *Thomas Lord Le Despencer*, should, subject and without Prejudice to the Provisions made as aforesaid for the said *Elizabeth Lady Le Despencer*, be charged and chargeable with and liable to the Payment to the said *Maria Frances Catherine Countess of Roden*, her Executors, Administrators, or Assigns, of the Sum of Ten Pounds, and to each of them the said *Elizabeth Stapleton* (now deceased), the above-named *Emma Brodrick*, the said *William Stapleton* (now deceased), the above named *Emily Pakenham*, the said *Miles John Stapleton* (now deceased), the above-named Sir *Francis Jarvis Stapleton*, the above-named *Ann Theresa Esther Lady Farnham*, and the said *Frances Stapleton* (now deceased), his and her Executors, Administrators, and Assigns, of the Sum of Four thousand Pounds, with Interest on the same Sums respectively from and after the Death of the said *Thomas Lord Le Despencer* at the Rate of Five Pounds for One hundred Pounds for a Year, and each of the said Sums to be paid to each of the same Sons and Daughters respectively, his or her Executors, Administrators, and Assigns, when and if the same Child, being a Son, should attain the Age of Twenty-one Years, or being a Daughter should attain the same Age or be married, unless such Age should be attained or Marriage should take place in the Lifetime of the said *Thomas Lord Le Despencer*, and in that Case as soon as conveniently might be after the Decease of the said *Thomas Lord Le Despencer*, but the Portion of each Son who should depart this Life under the Age of Twenty-one Years, and of each Daughter who should depart this Life under that Age, and without having been married, should cease from the Period of such Death, and be no longer payable or paid, but the Interest payable to each Child during his or her Minority to be applicable and applied for his or her Maintenance and Benefit, and such Interest to be payable and become due half-yearly; and it was thereby also witnessed, that for the Purposes aforesaid, and by virtue of the aforesaid Power of Revocation and new Appointment, and of all other Powers enabling the said *Thomas Lord Le Despencer* in that Behalf, and for a nominal Consideration therein mentioned to be paid to the said *Thomas Lord Le Despencer* by the said *Robert Earl of Roden*, *Richard Chase*, and *Samuel Eliot*, the said *Thomas Lord Le Despencer* did direct, limit, and appoint, and by way of further Assurance did grant, bargain, sell, demise, ratify, and confirm unto the said *Robert Earl of Roden*, *Richard Chase*, and *Samuel Eliot*, their Executors, Administrators, and Assigns, all the Hereditaments which were therein-before charged or made chargeable with Portions for the said younger Children, or intended so to be, with their Appurtenances, to hold the same unto the said *Robert Earl of Roden*, *Richard Chase*, and *Samuel Eliot*, their Executors, Administrators, and Assigns, from and after the
Decease

Decease of the said *Thomas Lord Le Despencer* thenceforth for the Term of Five hundred Years next ensuing and fully to be complete and ended, without Impeachment of Waste, nevertheless upon the Trusts therein-after declared concerning the same Term; and it was thereby further witnessed, that for the Purposes aforesaid, and for the more effectually carrying the said Purposes into effect, and by virtue of the Power of Revocation and new Appointment, and by virtue of all other Powers enabling the said *Thomas Lord Le Despencer* in that Behalf, he the said *Thomas Lord Le Despencer* did revoke or alter and vary all such and so many of the Uses and Trusts declared in and by the said Indenture, Fine, and Act of Parliament respectively as it was necessary to revoke in order to give Effect to the Charge and several Appointments thereby made, but no further or otherwise, nor to any greater Extent; and it was thereby declared, that the said *Robert Earl of Roden*, *Richard Chase*, and *Samuel Eliot*, Party thereto, their Executors, Administrators, and Assigns, should stand possessed of the Hereditaments comprised in the said Term of Five hundred Years upon the Trusts therein mentioned for raising by and out of the Rents and Profits of the same Premises, or by Mortgage or Sale thereof for all or any Part of the same Term, the Sums of Money thereby charged for Portions as aforesaid; and I find that all the said Children of the said *Thomas Lord Le Despencer* lived to attain their respective Ages of Twenty-one Years; and I find that by Indentures of Lease and Release and Appointment, dated the Seventh and Eighth of *August* One thousand eight hundred and twenty-six, the Indenture of Release and Appointment being made between the said *Thomas Lord Le Despencer* and *Thomas Stapleton* of the First Part, the above-named *Robert Earl of Roden*, the above-named *Sir Hercules Robert Pakenham*, the above-named *William John Bankes*, and the above-named *John Horace Thomas Stapleton* (since deceased), of the Second Part, and the Right Honourable *Edward Earl of Falmouth* and *Freeman Willis Eliot* of the Third Part, after reciting, amongst other things, to the Effect that the said *Thomas Lord Le Despencer* and *Thomas Stapleton* were desirous, and it was the ultimate Object of an Arrangement between the said *Thomas Lord Le Despencer* and *Thomas Stapleton*, that, subject to certain Charges and Incumbrances therein mentioned, all the Estates should be settled upon the said *Thomas Lord Le Despencer* and *Thomas Stapleton* successively, for their Lives, and that from and after the Decease of the Survivor of them all the same Estates should, so far as the Law would permit, be strictly settled so as to go along with the Baronial Dignity of *Le Despencer*, and be held and enjoyed by the Person for the Time being possessed of the same Dignity, for the Support thereof, so long as the Person possessed of the same Dignity should be a lineal Descendant of the said *Thomas Lord Le Despencer*, but with a Provision that in case the said Dignity should at any Time or Times within the Limits prescribed by Law for strict Settlements be suspended or in abeyance, the Rents and Profits of the same Estates should during the Continuance of every such Suspension or Abeyance be equally divided amongst the Co-heirs per stirpes of the Person or Persons respectively by reason of whose Death or Deaths without Issue Male such Suspension or Abeyance should be for the Time being occasioned, it was witnessed, that in

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order to effect the said Objects of the said *Thomas Lord Le Despencer* and *Thomas Stapleton*, and in consideration of their having mutually concurred in the Execution of certain Mortgages therein mentioned, they the said *Thomas Lord Le Despencer* and *Thomas Stapleton*, by force and virtue of every Power and Authority in them vested in anywise enabling them in that Behalf, did thereby direct and appoint that all the Hereditaments therein-after expressed to be thereby released, which they or either of them were or was entitled to appoint, should thenceforth remain and be to the Uses, and upon and for the Trusts, Intents, and Purposes therein-after expressed and declared of and concerning the same; and it was thereby further witnessed, that in order to effect the said Objects the said *Thomas Lord Le Despencer* and *Thomas Stapleton* did grant, bargain, sell, release, and confirm unto the said *Robert Earl of Roden*, *Sir Hercules Robert Pakenham*, *William John Bankes*, and *John Horace Thomas Stapleton* (since deceased), and their Heirs, certain Hereditaments therein described, with the Appurtenances, to hold the same unto the said *Robert Earl Roden*, *Sir Hercules Robert Pakenham*, *William John Bankes*, and *John Horace Thomas Stapleton* deceased, their Heirs and Assigns, (subject to certain Charges and Incumbrances affecting the said Premises respectively,) to the Uses, upon and for the Trusts, Intents, and Purposes therein-after expressed or declared of or concerning the same; and it was thereby declared, that the Appointment and Release therein-before contained should enure to the Use of the said *Edward Earl of Falmouth* and *Freeman Willis Eliot*, their Executors, Administrators, and Assigns, for a certain Term of Years determinable on the Decease of the said *Thomas Lord Le Despencer*, and upon and for the Trusts, Intents, and Purposes therein mentioned or referred to, with Remainder to the Use of the said *Thomas Lord Le Despencer* and his Assigns for his Life, with Remainder to the Use of the said *Thomas Stapleton* and his Assigns for his Life, with Remainder to the Use of the said *Robert Earl of Roden*, *Sir Hercules Robert Pakenham*, *William John Bankes*, and *John Horace Thomas Stapleton*, their Heirs and Assigns, upon and for the Trusts, Intents, and Purposes therein-after declared or expressed; (that is to say,) in trust that they the said *Robert Earl of Roden*, *Sir Hercules Robert Pakenham*, *William John Bankes*, and *John Horace Thomas Stapleton* deceased, or the Survivors or Survivor of them, or the Heirs and Assigns of such Survivor, should, with all convenient Speed after the Decease of the Survivor of them the said *Thomas Lord Le Despencer* and *Thomas Stapleton*, convey, settle, and assure all and singular the said Hereditaments thereby appointed and released to the Use of such Persons, for such Estates, and with, under, and subject to such Powers, Provisoos, Declarations, and Agreements, and in such Manner in all respects consistently with and in order to effect the said Intent of the said *Thomas Lord Le Despencer* and *Thomas Stapleton* that the same Estates should, so far as the Law would permit, be strictly settled, so as to go along with the Dignity of *Le Despencer* so long as the Person possessed of the same Dignity should be a lineal Descendant of the said *Thomas Lord Le Despencer*, and be held and enjoyed by the Person for the Time being possessed of the same Dignity, and being such lineal Descendant as aforesaid, and that during every Suspension or Abeyance of the same Dignity within the Limits prescribed by

by Law for strict Settlements the Rents and Profits of the same Premises should be equally divided amongst the Coheirs per stirpes of the Person or Persons respectively by reason of whose Death or Deaths without Issue Male such Suspension or Abeyance should be for the Time being occasioned, as by Three Counsel in the Law, whereof the Attorney or Solicitor General for the Time being, whichever would undertake the Reference, should be one, and whereof the others should be named by him, or as by the Majority of such Three Counsel should be advised and directed, and in case both the Attorney and Solicitor General for the Time being should decline the Reference, or if upon such Reference as aforesaid no Two of the Referees should agree as to the Mode of Settlement, then in such Manner as should be directed by the High Court of Chancery upon a Bill, to be filed by the said Trustees, or the Survivors or Survivor of them, or the Heirs or Assigns of such Survivor, and which they and he were and was thereby directed to file against such Person or Persons as they or he might think proper, for the Purpose of obtaining such Direction of the said Court, and to and for no other Use, Trust, Intent, or Purpose whatsoever; and I find that the said *Thomas Stapleton* departed this Life in the Month of *August* One thousand eight hundred and twenty-nine, and he left Issue One Child only, namely, the said Baroness; and I find that the said *Thomas Lord Le Despencer* departed this Life on the Third Day of *October* One thousand eight hundred and thirty-one, and that he never had any Child, except the Ten Children herein-before mentioned, and that upon his Decease the Title and Barony of *Le Despencer*, the same being a Barony in Fee, descended upon the said Baroness; and I find that the said *Elizabeth Mary Stapleton* died some Time since, unmarried and intestate; and I find that the said *Frances Stapleton* died in the Year One thousand eight hundred and thirty-five, unmarried, and having by her last Will and Testament bequeathed all her Personal Estate and Effects unto the above-named *Sir Francis Jarvis Stapleton*, for his own Use and Benefit, and having thereby appointed him the sole Executor thereof, and the said *Sir Francis Jarvis Stapleton* has since duly proved the said Will of the said *Frances Stapleton* in the proper Ecclesiastical Court, and has thereby become and now is her sole legal personal Representative; and I find that the said *William Stapleton* died in the Month of *September* One thousand eight hundred and twenty-six, intestate, leaving the above-named *Letitia Stafford*, then *Letitia Stapleton*, his Widow, and now the Wife of the above-named *John Stafford*, surviving him, and leaving One Child only, a Daughter, named *Eleanor Arabella Thomasine Stapleton*, who has since died without Issue, and that since the Death of the said *William Stapleton* Letters of Administration of his Goods and Chattels, Rights and Credits, bearing Date the First Day of *October* One thousand eight hundred and thirty, have been granted to the said *Letitia Stafford* from and out of the Prerogative Court of the Archbishop of *Canterbury*; and I find that the said *Miles John Stapleton* in the Month of *January* One thousand eight hundred and twenty-one intermarried with the above-named *Anne Byam Stapleton* then *Anne Byam Kerby* Spinster, and that by a certain Indenture bearing Date the Twenty-eighth Day of *December* One thousand eight hundred and twenty, made between the said *Thomas Lord Le Despencer* and *Miles John Stapleton*

Stapleton of the First Part, *Jane Kerby* Widow of the Second Part, the said *Anne Byam Stapleton*, then *Anne Byam Kerby* Spinster, of the Third Part, the above-named Lord *James O'Bryen*, the above-named Sir *Hercules Robert Pakenham*, the said *Freeman Willis Eliot*, *James Nibbs* (since deceased), and *John Coles Symes*, of the Fourth Part, and *Samuel Warner* and *John Billinghamurst* of the Fifth Part, it was covenanted, that in case the said Marriage should take effect, and the said *Miles John Stapleton* should acquire a vested Interest in the said Portion of Four thousand Pounds, the same should be assigned and settled in trust for the said *Miles John Stapleton* during his Life, and after his Death for the said *Anne Byam Stapleton* during her Life, and after her Death in trust for all the Children and Child of the said then intended Marriage, who being a Son or Sons should attain the Age of Twenty-one Years, or being a Daughter or Daughters should attain that Age or marry, to be divided between them, if more than One, in equal Shares, and if there should be no such Child then in trust for the said *Miles John Stapleton*, his Executors, Administrators, or Assigns; and I find that the said *Miles John Stapleton* died in the Month of *June* One thousand eight hundred and thirty, having by his last Will and Testament appointed his Widow the said *Anne Byam Stapleton* sole Executrix thereof, and that since his Decease his said Will has been duly proved in the Prerogative Court of *Canterbury* by the said *Anne Byam Stapleton*; and I find that the said *Miles John Stapleton* and *Anne Byam Stapleton* had Four Children, and no more, namely, the above-named *Adelaide Stapleton*, *Anne Byam Stapleton* the younger, *Jane Eliza Stapleton*, and *Maria Catherine Stapleton*, and that the said *Miles John Stapleton* never had any other Issue; and I find that the said *Anne Byam Stapleton* departed this Life on or about the Fourteenth Day of *January* One thousand eight hundred and forty-two, having first duly made and signed her last Will and Testament in Writing, dated the Twentieth Day of *June* One thousand eight hundred and thirty-eight, and thereof appointed the said Lord *James O'Bryen*, Sir *Hercules Robert Pakenham*, and the said *Robert Earl of Roden* Executors, and on the Ninth Day of *June* One thousand eight hundred and forty-two the said Will was duly proved in the Prerogative Court of the Archbishop of *Canterbury* by the said Lord *James O'Bryen* alone, the said Sir *Hercules Robert Pakenham* and *Robert Earl of Roden*, the other Executors, having renounced Probate, who thereby became and is now the sole legal personal Representative as well of the said *Miles John Stapleton* as also of the said *Anne Byam Stapleton* the elder, and the aforesaid Children of the said *Anne Byam Stapleton* deceased are by virtue of her said Will entitled to the residuary Personal Estate; and I find that in pursuance of an Order made on the hearing of the first-mentioned Cause (being the Cause of *Bankes v. Le Despencer*, herein-before mentioned,) for further Directions, bearing Date the Tenth Day of *March* One thousand eight hundred and forty, I settled the Deed herein-after mentioned, which has since received the Approbation of this Court, and which Deed bears Date the First Day of *July* One thousand eight hundred and forty-three, and hath since been duly executed by the said *William John Bankes* and the said Baroness; and I find that such Deed was made between the said *William John Bankes* of the First Part, the said Baroness of the Second Part, and

the said *George Henry* Earl of *Falmouth*, *George Bankes* of *Kingston Lacey* in the County of *Dorset*, Esquire, and the Honourable *James O'Bryen* commonly called Lord *James O'Bryen*, of the *Crescent*, *Bath*, of the Third Part, and after reciting as therein is recited it was witnessed, that for the Considerations therein mentioned the said *William John Bankes* did bargain, sell, release, and confirm unto the said *George Henry* Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, their Heirs and Assigns, all and singular the Manors or Lordships, Capital Messuage or Tenement, Castle, and other Messuages, Park, Farm, Lands, Meadows, Coppices, Woods, and Wood Grounds, Cottages, Buildings, and other Hereditaments in the said Indentures of the Seventh and Eighth Days of *August* One thousand eight hundred and twenty-six mentioned and described and referred to, and thereby conveyed and assured, or expressed or intended so to be, together with the respective Rights, Royalties, Privileges, Members, and Appurtenances to the same several Manors, Messuages, and Hereditaments respectively belonging or appertaining, and all other Hereditaments which were liable to the Trust for Settlement contained in the said last-mentioned Indenture, to hold the same (subject nevertheless to the several Charges and Incumbrances affecting the same) unto the said *Henry* Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, their Heirs and Assigns, to the Uses, upon and for the Trusts, Intents, and Purposes, and with, under, and subject to the Powers, Provisoos, Declarations, and Agreements therein-after limited, expressed, declared, and contained of and concerning the same; (that is to say,) to the Use of the said *Mary Frances Elizabeth* Baroness *Le Despencer* and her Assigns for Life, without Impeachment of Waste, with a Limitation to the said Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, and their Heirs, during the Life of the said Baroness, in trust to support the contingent Uses and Estates, with Remainder to the Use of the First Son of the said Baroness, and the Heirs of the Body of such First Son lawfully issuing; and for Default of such Issue to the Use of the Second, Third, Fourth, Fifth, and all and every other the Son and Sons of the said Baroness, severally, successively, and in remainder one after another as they and every of them shall be in Seniority of Age and Priority of Birth, and of the several and respective Heirs of the Body and Bodies of all and every such Son and Sons lawfully issuing, the elder of such Sons and the Heir of his Body issuing always to be preferred and to take before the younger of such Sons and the Heirs of his and their Body and respective Bodies issuing, with Remainder to the Use of all and every the Daughter and Daughters of the said Baroness, equally to be divided between or amongst them, Share and Share alike, as Tenants in Common, and not as Joint Tenants, and of the several and respective Heirs of the Body and Bodies of all and every such Daughter and Daughters lawfully issuing; and in case there should be a Failure of Issue of any One or more of such Daughters, then as well to the original Share or Shares of as the Share or Shares surviving or accruing to such last-mentioned Daughter or Daughters, or her or their Issue, to the Use of all and every other the Daughter and Daughters of the said Baroness, equally to be divided between or amongst them, if more than One, Share and Share alike, as Tenants in Common, and not as Joint Tenants, and of the several and respective Heirs of their Bodies issuing; and in case

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all such Daughters but One shall happen to die without Issue, or if there shall be but One such Daughter, then to the Use of such One Daughter, and of the Heirs of her Body lawfully issuing; and for Default of such Issue then as to One undivided Fourth Part or Share of and in the aforesaid Manors and other Hereditaments to the Use of the said *Adelaide Stapleton*, the eldest Daughter of the said *Miles John Stapleton* deceased, for Life, without Impeachment of Waste, with a Limitation to the said Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, and their Heirs, in trust to support the contingent Uses, with Remainder to the First and other Sons of the said *Adelaide Stapleton* successively in Tail General, with Remainder to the Daughters of the said *Adelaide Stapleton* as Tenants in Common in Tail General, with cross Remainders among the said Daughters as Tenants in Common in Tail General; and as to One other undivided Fourth Part or Share, to the Use of the said *Anne Byam Stapleton*, the Second Daughter of the said *Miles John Stapleton* deceased, for Life, without Impeachment of Waste, with a like Limitation over to support the contingent Uses; with respect to One other undivided Fourth Part or Share, to and among her Sons and Daughters in Tail General; and with respect to One other Fourth Part or Share, to the Use of the said *Jane Eliza Stapleton*, the Third Daughter of the said *Miles John Stapleton* deceased, for Life, without Impeachment of Waste, with a like Limitation over to support the contingent Uses, and with like Remainders over to and among her Sons and Daughters in Tail General; One Fourth Part or Share of and in the aforesaid Manors and other Hereditaments to the Use of the said *Maria Catherine Stapleton* (the Fourth and remaining Daughter of the said *Miles John Stapleton* deceased), and the Heirs of her Body; and in case of the Failure or Determination of the Uses herein-before limited as to the Share or Shares of any One or more of them the said *Adelaide Stapleton*, *Anne Byam Stapleton*, *Jane Eliza Stapleton*, and *Maria Catherine Stapleton*, or her or their Issue, then to the Use and Intent that the Share or Shares, as well original as surviving or accruing, as to which there should be such Failure or Determination, should go to or be equally divided amongst the other or others of them the said *Adelaide Stapleton*, *Anne Byam Stapleton*, *Jane Eliza Stapleton*, and *Maria Catherine Stapleton*, and her or their Issue, and that such other and each of such others (if more than One), and the Issue of such other or of each of such others, may take the same or the like Estates and Interests in her and their accruing Share and Shares, and in such and the like Manner and Form as therein-before limited with respect to her and their original Shares; and from and after the Failure or Determination of all the Uses aforesaid, then as to the Entirety of the said Manors and Hereditaments to the Use of the said Sir *Francis Jarvis Stapleton* and his Assigns for Life, without Impeachment of Waste, with a Limitation to the said Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, and their Heirs, in trust to support the contingent Uses, with Remainder to the Use of the said *Francis George Stapleton*, the First Son of the said Sir *Francis Jarvis Stapleton*, and the Heirs of his Body lawfully issuing, with Remainder to the Use of the said *Richard Talbot Plantagenet Stapleton*, the Second Son of the said Sir *Francis Jarvis Stapleton*, and the Heirs of his Body lawfully issuing, with Remainder to the Use

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of the said *Eliot Henry Stapleton*, the Third Son of the said Sir *Francis Jarvis Stapleton*, and the Heirs of his Body lawfully issuing; with Remainder to the Fourth, Fifth, and other Sons of the Body of the said Sir *Francis Jarvis Stapleton* successively in Tail General, with Remainders to the said *Catherine Elizabeth Stapleton* and *Florence Maria Stapleton*, and all other the Daughters of the said Sir *Francis Jarvis Stapleton*, as Tenants in Common in Tail General, with cross Remainders among the said Daughters as Tenants in Common in Tail General; and in case all such Daughters but One should happen to die without Issue, or if there should be but One such Daughter, then to the Use of such One Daughter, and of the Heirs of her Body lawfully issuing; and in default of such Issue, then as to One undivided Fourth Part or Share of and in the aforesaid Manors and other Hereditaments to the Use of the said *Maria Frances Catherine Countess of Roden*, One of the Children of the said *Thomas Lord Le Despencer* deceased, without Impeachment of Waste, with a Limitation to the said Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, and their Heirs, for her Life, in trust to support the contingent Uses, with Remainder to the Use of the said *Robert Lord Viscount Jocelyn*, the eldest Son of the said Countess of *Roden*, for his Life, without Impeachment of Waste, with a like Limitation to support the contingent Uses, with Remainder to the First and other Sons of the said *Robert Lord Viscount Jocelyn* successively in Tail General, with Remainder to the Daughters of the said *Robert Lord Viscount Jocelyn* as Tenants in Common in Tail General, with cross Remainders among the said Daughters as Tenants in Common in Tail General, with Remainder to the Use of the said *Strange John Jocelyn*, the Second Son of the said Countess of *Roden*, for Life, and a like Limitation over to preserve contingent Uses, and like Remainders to and amongst the Sons and Daughters of the said *Strange John Jocelyn* in Tail General, with Remainder to the said *William Nassau Jocelyn*, the Third Son of the said Countess of *Roden*, and the Heirs of his Body, with Remainder to the Fourth, Fifth, and other Sons of the said Countess of *Roden* successively in Tail General, with Remainder, as to the said last mentioned Fourth Part or Share, to the Intent that the same should be subdivided into as many equal Parts or Shares as should be equal in Number to that of the Daughters born or to be born of the said Countess of *Roden*, and that such subdivided Parts or Shares should go and be held upon the Uses following; that is to say, as to One of the said subdivided Shares, to the Use of the said *Elizabeth Jocelyn*, the eldest Daughter of the said Countess of *Roden*, for her Life, without Impeachment of Waste, with a like Limitation to support the contingent Uses, with Remainder to her First and other Sons successively in Tail General, with Remainder to her Daughters as Tenants in Common in Tail General, with cross Remainders among the said Daughters as Tenants in Common in Tail General; and as to One other of such subdivided Shares, to the Use of the said *Frances Countess of Gainsborough*, the Second Daughter of the said Countess of *Roden*, for Life, without Impeachment of Waste, with a like Limitation over to support the contingent Uses, with Remainder to the Use of the said *Roden Berkeley Wriothesley Noel*, the First Son of her Body, and the Heirs of his Body, with Remainder to the Use of the Second, Third, and other Sons of the
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said *Frances* Countess of *Gainsborough* successively in Tail General, with Remainder to her Daughters in Tail General; and as to One other of such subdivided Shares, to the Use of the said *Maria Bridget Jocelyn*, therein called *Maria Jocelyn*, the Third Daughter of the said Countess of *Roden*, for her Life, without Impeachment of Waste, with a like Limitation over to support the contingent Uses, and with like Remainders over to and among her Sons and Daughters in Tail General; and as to and concerning all other the Shares to be produced by such Division as aforesaid, to the Use of all and every other the Daughter and Daughters of the said Countess of *Roden* as Tenants in Common in Tail General; and in case of the Failure or Determination of the Uses therein-before limited as to the Share or Shares of any One or more of the Daughters of the said Countess of *Roden*, or her or their Issue, then to the Use and Intent that the Share or Shares, as well original as surviving or accruing, as to which there should be such Failure or Determination as aforesaid, should go to the other or others of such Daughters, and her or their Issue, for the same or the like Estates and Interests, and in such and the like Manner and Form, as therein-before limited with respect to her and their original Share and Shares; and as to One other Fourth Part or Share of the said Manors and Hereditaments, to the Use of the said *Emma Brodrick*, another of the Children of the said *Thomas Lord Le Despencer* deceased, for her Life, without Impeachment of Waste, with a like Limitation over to support the contingent Uses, with Remainder to the First and other Sons of the said *Emma Brodrick* successively in Tail General, with Remainder, as to the said last-mentioned Fourth Part or Share, to the Intent that the same should be subdivided into as many equal Parts or Shares as should be equal in Number to that of the Daughters born or to be born of the said *Emma Brodrick*, and that such subdivided Parts or Shares should go and be held upon the Trusts following; that is to say, as to One of the said subdivided Shares, to the Use of the said *Mary Emma Brodrick*, the eldest Daughter of the said *Emma Brodrick*, for her Life, without Impeachment of Waste, with a like Limitation over to support the contingent Uses, with Remainder to her First and other Sons successively in Tail General, with Remainders to her Daughters as Tenants in Common in Tail General, with cross Remainders among the said Daughters as Tenants in Common in Tail General; and as to and concerning all other the Shares to be produced by such Division as last aforesaid, to the Use of the said *Emma Albinia Elizabeth Brodrick*, *Harriet Ann Brodrick*, and *Albinia Frances Brodrick*, the Three other Daughters of the said *Emma Brodrick*, and of all and every other the Daughter and Daughters of the said *Emma Brodrick*, as Tenants in Common in Tail General, with such and the like cross Remainders between and among the said Daughters of the said *Emma Brodrick* and their respective Issue as are therein-before declared between and among the Daughters of the said Countess of *Roden* and their respective Issue; and as to One other Fourth Part or Share of and in the aforesaid Manors and Hereditaments, to the Use of the said *Emily Pakenham*, another of the Children of the said *Thomas Lord Le Despencer* deceased, for her Life, without Impeachment of Waste, with a like Limitation over to support the contingent Uses, with Remainder to the said

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Edward William Pakenham for his Life, without Impeachment of Waste, with a Limitation over to support the contingent Uses, with Remainder to his First and other Sons successively in Tail General, with Remainder to his Daughters as Tenants in Common in Tail General, with cross Remainders among his said Daughters as Tenants in Common in Tail General, with Remainder to the said *Arthur Hercules Pakenham*, the Second Son of the said *Emily Pakenham*, for Life, without Impeachment of Waste, with a like Limitation over to preserve the contingent Uses, and like Remainders to and among the Sons and Daughters of the said *Arthur Hercules Pakenham* in Tail General, with Remainder to the Use of the said *Thomas Henry Pakenham*, the Third Son of the said *Emily Pakenham*, for Life, with a like Limitation over to preserve the contingent Uses, and like Remainders to and among the Sons and Daughters of the said *Thomas Henry Pakenham* in Tail General, with Remainder to the said *Robert Maxwell Pakenham*, the Fourth Son of the said *Emily Pakenham*, in Tail General, with Remainder to the Fifth and other Sons of the said *Emily Pakenham* successively in Tail General, with Remainder, as to the said last-mentioned Fourth Part or Share, to the Intent that the same should be subdivided into as many equal Parts or Shares as should be equal in Number to that of the Daughters born or to be born of the said *Emily Pakenham*, and that such subdivided Parts or Shares should go and be held upon the Uses following; (that is to say,) as to One of the said subdivided Shares, to the Use of the said *Emily Pakenham* the younger, the eldest Daughter of the said *Emily Pakenham*, for her Life, without Impeachment of Waste, with a like Remainder over to support the contingent Uses, with Remainder to her First and other Sons successively in Tail General, with Remainders to her Daughters as Tenants in Common in Tail General, with cross Remainders among the said Daughters as Tenants in Common in Tail General; and as to One other of such last-mentioned subdivided Shares, to the Use of the said *Elizabeth Catherine Pakenham*, the Second Daughter of the said *Emily Pakenham*, for Life, without Impeachment of Waste, with a like Limitation over to support the contingent Uses, with the like Remainders to and among her Sons and Daughters in Tail General; and as to and concerning all other the Share and Shares to be produced by such Subdivision as last aforesaid, to the Use of the said *Mary Frances Hester Pakenham*, and all and every other the Daughter and Daughters of the said *Emily Pakenham*, as Tenants in Common in Tail General, with such and the like cross Remainders between and among the said Daughters of the said *Emily Pakenham* and their respective Issue as are therein-before declared between and among the Daughters of the said Countess of *Roden* and their respective Issue; and as to the remaining Fourth Part or Share of and in the aforesaid Manors and Hereditaments, to the Use of the said *Ann Theresa Esther Lady Farnham*, the remaining Child of the said *Thomas Lord Le Despencer* deceased, for her Life, without Impeachment of Waste, with a like Limitation over to support the contingent Uses, with Remainder to her First and other Sons successively in Tail General, with Remainder to her Daughters as Tenants in Common in Tail General, with cross Remainders among such Daughters as Tenants in Common in Tail General; and in case of the

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Failure

Failure or Determination of the Uses therein-before limited, and as to the Share or Shares of any One or more of them the said *Maria Frances* Countess of *Roden*, *Emma Brodrick* the Mother, *Emily Pakenham* the Mother, *Ann Theresa Esther* Lady *Farnham*, or her or their Issue, then to the Use and Intent that the Share or Shares, as well original as surviving or accruing, as to which there should be such Failure or Determination as aforesaid, should go to or be equally divided amongst the other or others of them the said Countess of *Roden*, *Emma Brodrick* the Mother, *Emily Pakenham* the Mother, and *Ann Theresa Esther* Lady *Farnham*, and her or their Issue, and that such other and each of such others (if more than One), and the Issue of such other and of each of such others, might take the same or the like Estates and Interests in her and their accruing Share and Shares, and in such and the like Manner and Form, as therein-before limited with respect to her and their original Share and Shares; and from and after the Failure or Determination of all the Uses therein-before limited, then, as to the Entirety of the said Manors and Hereditaments, to the Use of the said *George Henry* Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, upon trust to convey the same Manors and other Hereditaments to such and the same Uses, upon and for such and the same Trusts, Intents, and Purposes, and with, under, and subject to such and the same Powers, Provisoos, Limitations, and Agreements, to, upon, with, under, and subject to which the Equity or Right of Redemption of and in the aforesaid Manors and other Hereditaments severally immediately before the Execution of the said Indentures of Lease and of Appointment and Release of the Seventh and Eighth Days of *August* One thousand eight hundred and twenty-six stood settled and limited and assured respectively, or such and so many of them as should be subsisting or capable of taking effect; provided always, and it was thereby declared and agreed, that notwithstanding some of the Limitations therein-before contained were made to several Persons as Tenants in Common, or applicable to undivided Parts or Shares of and in the said Manors and Hereditaments thereby settled, the Object and Intent of the Settlement thereby made was to limit the Entirety of the same Manors and Hereditaments, as far as the Law would permit, so as to accompany the Dignity of *Le Despencer* as long as the Person possessed of the same Dignity should be a lineal Descendant of the said *Thomas* Lord *Le Despencer*, in pursuance of the Direction in that Behalf contained in the said Indenture of Appointment and Release of the Eighth Day of *August* One thousand eight hundred and twenty-six; and the said Limitations to Tenants in Common, or applicable to undivided Parts or Shares, were made upon the Assumption that at the respective Times at which the same were limited to take effect in possession the said Dignity would be in abeyance; and therefore, in order the better to effect the said Object and Intent of the said Settlement, it was thereby further declared and agreed, that in case, but only during the Lives of the several Descendants of the said *Thomas* Lord *Le Despencer* deceased to whom Estates were for their respective Lives therein-before limited, and the Life of the longest Liver of the same Descendants, and the Term of Twenty-one Years, to be computed from the Day next before the Day of the Decease of such

such longest Liver, at the Time or respective Times at which the said Manors and Hereditaments thereby settled should, under the Limitations therein contained, become vested in possession in any Two or more of such lineal Descendants in undivided Shares, the said Dignity should not be in abeyance, or in case at any Time or Times during the limited Period therein-before mentioned, and while or after the said Manors and Hereditaments should have so become vested in possession in undivided Shares as aforesaid, the said Dignity should be in abeyance, and such Abeyance should be determined by the Prerogative of the Crown or otherwise in favour of any one Person, being a lineal Descendant of the said *Thomas* late Lord *Le Despencer*, then and in either of the said Cases, and so often as the same should happen, during the limited Period aforesaid, the several Uses and Limitations therein-before limited and contained of undivided Parts or Shares, or by way of Tenancy in Common, should cease and determine, and the Entirety of the said Manors and Hereditaments, with their Appurtenances, should thereupon become vested in the Person in whom the said Barony or Dignity should become vested by the Determination of such Abeyance in her or his Favour, or otherwise for such and the like Estate in possession, and with such and the like Remainders and Limitations over, as the said Manors and other Hereditaments, or any Part or Share thereof, were or was limited and assured to or would have become vested in her or him under and by virtue of the Limitations therein-before contained, and if the Case provided for as aforesaid should during the Period aforesaid happen more than once, then the Provision should be applicable and operate *toties quoties*; and in the said Indenture are contained Clauses for enabling the said *George Henry* Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, or his or their Assigns, to raise, on Mortgage of the said Manors and other Hereditaments, such Sum or Sums of Money as should be sufficient to pay and satisfy certain Costs, and Costs, Charges, and Expences, directed to be paid by the said Order of the Twenty-fourth of *March* One thousand eight hundred and forty-three, and the Costs, Charges, and Expences to be expended or incurred in or about the levying or raising such Monies and the giving Security for the same; and in the said Indenture are also contained Powers for granting Leases of the said Hereditaments during such Periods, upon such Terms and to be exercised by such Persons as therein are mentioned; and I find that a Proposal has recently been made for compromising and dismissing the said second-mentioned Suit (being the said Suit of *Stapleton v. Bankes*), on Payment by the said Baroness of the Costs, Charges, and Expences of the Plaintiffs and Defendants, properly incurred in the said second-mentioned Suit and incidental thereto, as between Solicitor and Client, and also such of the Costs, Charges, and Expences of the Plaintiffs and Defendants, properly incurred in the first-mentioned Cause (being the said Suit of *Bankes v. Le Despencer*), as are not otherwise provided for and directed to be raised and paid by the Orders made in the said first-mentioned Cause, and also of the Sum of Twenty-one thousand Pounds, in full Satisfaction of all Principal and Interest due in respect of the Portions claimed for the younger Children of the said *Thomas* Lord

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Le Despencer deceased, under the Appointment contained in the said Indenture of the Nineteenth of *April* One thousand eight hundred and sixteen, and which Principal and Interest, if the same is well charged, it is alleged would amount to the Sum of Forty-four thousand Pounds, or thereabouts; and I find that the said Baroness *Le Despencer* is only Tenant for Life of the said Hereditaments, and has attained her Age of Twenty-one Years, but is at present unmarried; and I find that the said Defendant *Maria Catherine Stapleton*, the Fourth Daughter of the said *Miles John Stapleton* deceased, is entitled, under the said Indenture of the First Day of *July* One thousand eight hundred and forty-three, to an Estate Tail in the Entirety of the said Manors and Hereditaments in remainder expectant on the Decease and Failure of Issue of the said Baroness, and the said *Adelaide Stapleton*, *Anne Byam Stapleton*, and *Jane Eliza Stapleton*; and I find that some of the Parties interested in the Portions claimed under the said Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen and the Twenty-eighth Day of *December* One thousand eight hundred and twenty, and the said Will of the said *Anne Byam Stapleton* deceased, (that is to say,) the said *Anne Byam Stapleton*, *Jane Eliza Stapleton*, and *Maria Catherine Stapleton*, are Infants under the Age of Twenty-one Years; and the said Defendant the Baroness *Le Despencer* hath submitted to me, and upon due Consideration thereof, and of the Evidence and Facts aforesaid, I am of opinion, that it will be fit and proper, and for the Advantage of all Persons, now in existence or hereafter to come into existence, who are or may become interested in the Manor and Hereditaments in the said Petition mentioned, under or by virtue of the Uses and Limitations of the said Indenture of the First Day of *July* One thousand eight hundred and forty-three, and who are not at present capable of giving any valid Consent to the proposed Compromise in the Petition mentioned, and that it will also be fit and proper, and for the Benefit of the Infants who are interested in the Portions thereof under the said Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen, and the said Indenture dated the Twenty-eighth Day of *December* One thousand eight hundred and twenty, and the said Will of the said *Anne Byam Stapleton* deceased, that the said Compromise should be carried into effect, by charging the said Amount of Costs, Charges, and Expences, and also the said Sum of Twenty-one thousand Pounds, on the said Manors and Hereditaments, and by raising the said Sum of Twenty-one thousand Pounds by Sale or Mortgage of the said Hereditaments, or of a competent Part thereof, in priority to the Estates created by the said Indenture of the First Day of *July* One thousand eight hundred and forty-three; and I am also of opinion that it will be for the Benefit of such Persons that the said settled Estates should be made subject to a Power of Sale and Exchange, and that it will be for the Benefit of such Persons that an Act of Parliament should be applied for in order to give Effect to the Objects aforesaid; all which I humbly certify to this Honourable Court, *G. Rose*:" And whereas the said Report of the Tenth Day of *May* hath since been duly confirmed by an Order of the said Court of Chancery bearing Date the Twenty-second Day of the same Month of *May* One thousand eight hundred

hundred and forty-four, made on the Petition of the said *Mary Frances Elizabeth* Baroness *Le Despencer*, whereby it was also ordered, that the Compromise in the said Report mentioned be carried into effect, and that the Petitioner be at liberty to apply for the Act of Parliament in order to give Effect to the Objects in the said Report mentioned: And whereas by certain Indentures of Lease and Release bearing Date respectively the Fourteenth and Fifteenth Days of *December* One thousand eight hundred and fourteen, the Release being made between the said *Thomas Lord Le Despencer* and *Thomas Stapleton* of the First Part, *William Sheldon* of the Second Part, *Dame Mary Stapleton* of the Third Part, *Sir William Wynne* of the Fourth Part, the said *Samuel Eliot* the younger of the Fifth Part, *Robert Upton* of the Sixth Part, *Richard Gibbs* of the Seventh Part, and *Thomas Whitaker* of the Eighth Part, a certain Messuage or Tenement, Farm, Lands, Hereditaments, and Premises, with the Appurtenances, were conveyed and assured to the Use of the said *Thomas Lord Le Despencer* and *Thomas Stapleton*, their Heirs and Assigns, to the Use of the said *Sir William Wynne*, his Executors, Administrators, and Assigns, for the Term of Ninety-nine Years, to commence and be computed from the Tenth Day of *November* One thousand seven hundred and ninety-two, if the said *Dame Mary Stapleton* should so long live, upon the Trusts for securing to her and her Assigns the annual Sum of Twelve hundred Pounds during her Life, and subject to the Proviso for determining the said Term, as in and by a certain therein-before recited Indenture of Demise of the Tenth of *November* One thousand seven hundred and ninety-two were expressed and declared of and concerning a certain other Messuage or Tenement, Farm, Lands, and Hereditaments, by the said now-reciting Indenture conveyed in exchange to the said *Robert Upton*, his Heirs and Assigns, and after the Expiration of the said Term, and in the meantime subject thereto, to the several Uses, and upon the several Trusts, Intents, and Purposes, and under and subject to the several Powers limited, expressed, and declared in and by the said Indenture of Release of the Eighteenth Day of *May* One thousand eight hundred and thirteen, in the said Master's Report mentioned, of and concerning the Hereditaments therein comprised, which were not included in the Second Schedule thereto, and which were previously subject to the Uses of the said Indenture of the Eighteenth Day of *December* One thousand seven hundred and ninety-two: And whereas by a certain Deed Poll in Writing, bearing Date the Fifteenth Day of *October* One thousand eight hundred and thirty-one, and made and duly executed under the Hands and Seals of the said *Robert Earl of Roden* and *Sir Hercules Robert Pakenham*, reciting the said Indentures of the Seventh and Eighth Days of *August* One thousand eight hundred and twenty-six, and that the said *Thomas Lord Le Despencer* and *Thomas Stapleton* were both then since deceased, and reciting that the said *Robert Earl of Roden* and *Sir Hercules Robert Pakenham* had never assented to their Names being introduced into or used in the said Indentures, or to the Uses or Trusts created by the said Indentures, nor had ever acted or in any Manner interfered in the Execution of the said Indentures, or the Uses or Trusts thereof, but had wholly declined to act or interfere in the same, or to accept or take any Estate, Trust, or Interest under or by virtue of the same Indentures or otherwise, in

Conveyance of Mascall's Court Farm, 14th and 15th Dec. 1814, to the Uses of the Recovery of 1813.

Deed Poll by Lord Roden and Sir Hercules Robert Pakenham, 15th Oct. 1831, renouncing the Trusts of the Indentures of the 7th and 8th August 1826.

[Private.]

Indenture,
25th Feb.
1837, ap-
pointing
Robert
Hichens and
William
Hichens
Trustees of
the Inden-
ture of the
28th Dec.
1820.

consequence of the Provision thereof, it was thereby witnessed, that in order the more effectually to declare such declining, and the more effectually to preserve the Evidence thereof, they the said *Robert Earl of Roden* and *Sir Hercules Robert Pakenham* wholly and utterly disclaimed and renounced all and every the Appointment, Limitations, Grants, Estates, Interests, Uses, Trusts, Powers, Authorities, Matters, and Things in and by the said recited Indentures or either of them limited, appointed, granted, bargained, sold, released, and confirmed unto or vested in the said *Robert Earl of Roden* and *Sir Hercules Robert Pakenham* jointly, or together with the said *William John Bankes* and *John Horace Thomas Stapleton*, or otherwise howsoever, and all Estates, Interests, Uses, Trusts, Powers, and Authorities whatsoever by virtue or in pursuance of the said recited Indentures or in relation thereto: And whereas by an Indenture bearing Date the Twenty-fifth Day of *February* One thousand eight hundred and thirty-seven, made between the said *Anne Byam Stapleton* (therein described as Widow) of the First Part, the said *Lord James O'Bryen* and the said *Sir Hercules Robert Pakenham* of the Second Part, the said *Freeman Willis Eliot* and *John Coles Symes* of the Third Part, and the said *Robert Hichens* and *William Hichens* of the Fourth Part, the said *Robert Hichens* and *William Hichens* were, in pursuance of a Power in that Behalf contained in the said Indenture of the Twenty-eighth Day of *December* One thousand eight hundred and twenty, appointed Trustees of such last-mentioned Indenture, in the Place of the said *Freeman Willis Eliot* and *John Coles Symes*, the said *James Nibbs* having (as stated in the now-reciting Indenture) previously departed this Life: And whereas the said *Mary Frances Elizabeth Baroness Le Despencer*, and the several other Persons who are Parties to the said Suits of *Stapleton v. Bankes* and *Bankes v. Le Despencer*, and are capable of consenting to the said proposed Compromise, are desirous that the same should be carried into effect, and that for that Purpose the said several Manors and Hereditaments comprised in the said Indenture of the First Day of *July* One thousand eight hundred and forty-three, herein-before mentioned, should be absolutely discharged from all further Liability under the said Appointment of the Nineteenth Day of *April* One thousand eight hundred and sixteen, beyond the Amount of the said Costs, Charges, and Expences, and the said Sum of Twenty-one thousand Pounds, and should be charged with the Amount of the said Costs, Charges, and Expences, and with the said Sum of Twenty-one thousand Pounds, in priority to the Estates and Interests created by the said herein-before in part recited Indentures of the Seventh and Eighth Days of *August* One thousand eight hundred and twenty-six, and the First Day of *July* One thousand eight hundred and forty-three: And whereas the said *Mary Frances Elizabeth Baroness Le Despencer* and such other Persons as afore-said are also desirous that Power should be given to sell certain Parts of the Hereditaments comprised in the said Indenture of the First Day of *July* One thousand eight hundred and forty-three, and to apply the Purchase Monies thereof in liquidating the Charges upon the said Hereditaments in respect of the said Costs, Charges, and Expences, and of the said Sum of Twenty-one thousand Pounds, and the other Incumbrances affecting the said Hereditaments, and in the Purchase of other Hereditaments convenient to be held with the principal
Manors

Manors and Hereditaments comprised in the said Indenture, to be settled upon the Uses of the said Indenture, and also to exchange Parts of the Hereditaments comprised in the said Indenture for other Hereditaments, to be settled on the Uses of the said Indenture: And whereas the said Honourable *Elizabeth Frances Charlotte Jocelyn*, One of the said Daughters of the said *Maria Frances Countess of Roden*, has intermarried with and now is the Wife of the Right Honourable *Richard Viscount Powerscourt*: And whereas the said *Emily Pakenham* the younger, One of the Daughters of the said *Sir Hercules Robert Pakenham*, has intermarried with and now is the Wife of *Sir Edmund Samuel Hayes* Baronet: And whereas by an Order of the said High Court of Chancery, bearing Date the Fourth Day of *March* One thousand eight hundred and forty-two, and made on the Petition of the said *Adelaide Stapleton, Anne Byam Stapleton, Jane Eliza Stapleton*, and *Maria Catherine Stapleton*, in a certain other Cause wherein the said *Anne Byam Stapleton* Widow (then deceased) and the said *Robert Hichens* were Plaintiffs, and *George Young, Warner Otley*, and *Sir William Lawrence Young*, and the said *Adelaide Stapleton, Anne Byam Stapleton, Jane Eliza Stapleton*, and *Maria Catherine Stapleton*, Infants, by *William Hichens*, were Defendants, it was ordered that the said *Robert Earl of Roden* and *Lord James O'Bryen* be appointed the Guardians of the Petitioners during their respective Minorities: And whereas the said *Adelaide Stapleton, Anne Byam Stapleton, Jane Eliza Stapleton*, and *Maria Catherine Stapleton*, the Four Children of the said *Miles John Stapleton* deceased, are unmarried: And whereas the said *Sir Francis Jarvis Stapleton* hath Issue, besides the said *Francis George Stapleton, Richard Talbot Plantagenet Stapleton, Eliot Henry Stapleton, Catherine Elizabeth Stapleton*, and *Florence Maria Stapleton*, Two other Children only, namely, *George Airey Talbot Stapleton* and *Margaret Mary Stapleton*: And whereas the said *Maria Frances Catherine Countess of Roden* hath no other Issue besides the said *Robert Viscount Jocelyn, Strange John Jocelyn, William Nassau Jocelyn, Elizabeth Frances Charlotte Viscountess Powerscourt, Frances Countess of Gainsborough*, and *Maria Jocelyn*: And whereas the said *Robert Viscount Jocelyn* hath Issue One Child only, namely, *Alice Maria Jocelyn*: And whereas the said *Strange John Jocelyn, William Nassau Jocelyn*, and *Maria Jocelyn* are unmarried: And whereas the said *Elizabeth Frances Charlotte Viscountess Powerscourt* hath Issue Three Children only, namely, *Mervyn Wingfield, Maurice Richard Wingfield*, and *Lewis Wingfield*: And whereas the said *Frances Countess of Gainsborough* hath Issue besides the said *Roden Berkeley Wriothsley Noel*, One other Child only, namely, *Victoria Noel*: And whereas the said *Emma Brodrick* hath no other Issue besides the said *Mary Emma Brodrick, Emma Albinia Elizabeth Brodrick, Harriet Anne Brodrick*, and *Albinia Frances Brodrick*, who are all unmarried: And whereas the said *Emily Lady Pakenham* hath Issue besides the said *Edward William Pakenham, Arthur Hercules Pakenham, Thomas Henry Pakenham, Robert Maxwell Pakenham, Emily Lady Hayes, Elizabeth Catherine Pakenham*, and *Mary Frances Hester Pakenham*, Two other Children only, namely, *Edmund Powerscourt Pakenham* and *Charles Wellesley Pakenham*: And whereas the said *Edward William Pakenham, Arthur Hercules Pakenham, Thomas Henry Pakenham, Robert Maxwell*

Charge of Portions made by the Indenture of 19th April 1816, and 500 Years Term for raising them, to be deemed to have ceased from the 10th May 1844 ;

and a Charge of the Amount of the Costs, Charges, and Expences of Stapleton v. Bankes, and of obtaining the present Act, (when taxed,) and of a Sum of 21,000*l.*, to be substituted in its Place.

Maxwell Pakenham, Elizabeth Catherine Pakenham, Mary Frances Hester Pakenham, Edmund Powerscourt Pakenham, and Charles Wellesley Pakenham are all unmarried: And whereas the said *Emily Lady Hayes* hath Issue Two Children only, namely, *Samuel Hercules Hayes* and *Emily Ann Hayes*: And whereas the said *Anna Frances Hesther Lady Farnham* hath no Issue: And whereas it is desirable that such several Purposes as aforesaid should be carried into effect; but under the Circumstances aforesaid they cannot be effected without the Aid of an Act of Parliament: Therefore Your Majesty's most dutiful and loyal Subject the said *Mary Frances Elizabeth Baroness Le Despencer* (on behalf of herself and of all and every her future born Children or Child) 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, That the Charge of Portions made or expressed to be made by the said herein-before in part recited Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen, for the Benefit of the said younger Children of the said *Thomas Lord Le Despencer* deceased, of the Sum of Four thousand Pounds each, and Interest, and all Claims for Interest and Maintenance Money in respect thereof, and the Term of Five hundred Years by the said Indenture created in the said *Robert Earl of Roden, Richard Chase* deceased, and *Samuel Eliot* deceased, shall be deemed to have ceased and ended on the Tenth Day of *May* last before the passing of this Act, and the said several Manors, Messuages, Lands, and Hereditaments by the said herein-before in part recited Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen appointed and released, or expressed or intended so to be, with their respective Rights, Royalties, Privileges, Members, and Appurtenances, shall be and the same are hereby absolutely freed, acquitted, exonerated, and discharged from the said Charge, and in lieu thereof the several Manors, Messuages, Lands, and Hereditaments comprised in the said herein-before stated Indenture of the First Day of *July* One thousand eight hundred and forty-three shall (subject and without prejudice to all and singular the several Charges and Incumbrances now affecting the same Premises or any Part thereof) stand and be charged and chargeable with the Payment of the Costs, Charges, and Expences of the several Parties, Plaintiffs and Defendants in the said firstly herein-before mentioned Suit of *Stapleton v. Bankes*, properly incurred in the said Suit, and incidental thereto, as between Solicitor and Client, and also with the Costs, Charges, and Expences of all Parties properly incurred in obtaining and passing this Act or incidental thereto, and also with the Costs of all Parties incidental to or consequent upon a Petition to be presented in manner next herein-after mentioned, as between Solicitor and Client, (the Amount of all such Costs, Charges, and Expences to be ascertained by Taxation under an Order or Orders of the High Court of Chancery, to be made on Petition to be presented either in the said firstly herein-before mentioned Suit or in a summary Way, as the Case may be, by any of the Persons entitled to or interested in the said Costs, Charges, and Expences; or entitled to or interested in the Messuages, Lands, and Hereditaments whereon the same are so

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charged

charged as aforesaid, or any of them,) together with the Costs of such Taxation, and with Interest on the Amount so ascertained after the Rate of Four Pounds *per Centum per Annum* from the Date of the Master's Certificate of the Taxation thereof, and shall also (subject and without Prejudice as aforesaid) stand and be further charged and chargeable with the Payment of the Principal Sum of Twenty-one thousand Pounds, with Interest thereon after the Rate of Four Pounds *per Centum per Annum* from the said Tenth Day of *May* next preceding the passing of this Act, which said Sum of Twenty-one thousand Pounds shall be deemed and taken as in lieu of and in substitution for the whole Amount which would otherwise be due in respect of the said Portions, and the Interest thereon down to the said Tenth Day of *May* One thousand eight hundred and forty-four.

II. And be it enacted, That the said Sum of Twenty-one thousand Pounds and the Interest thereon shall be payable and distributable unto and among the several Persons entitled to or interested in the said Portions, and in the said Arrears of Interest thereon, in such Shares and Proportions as the Court of Chancery, by any Order or Orders, to be made on Petition to be presented either in the said firstly herein-before mentioned Suit or in a summary Way, as the Case may be, by any of the Persons entitled thereto or interested therein, or entitled to or interested in the Messuages, Lands, and Hereditaments whereon the same are so charged as aforesaid, or any of them, shall order or direct.

The 21,000*l.* and Interest to be distributed by the Direction of the Court of Chancery, to be obtained on Petition.

III. And be it enacted, That the Charge hereby made of such Costs, Charges, and Expences as aforesaid, and of the Interest thereon, and of such Sum of Twenty-one thousand Pounds, as aforesaid, and the Interest thereon, so long as the same shall continue unsatisfied, or of such Part thereof as shall from Time to Time be unsatisfied, shall have Priority over the several Estates and Interests created by the said Indentures of the Seventh and Eighth Days of *August* One thousand eight hundred and twenty-six and the First Day of *July* One thousand eight hundred and forty-three.

The substituted Charge to have Priority as if effectually created by the Deed of 1816.

IV. And be enacted, That after the passing of this Act it shall be lawful for the said *George Henry* Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, and the Survivors and Survivor of them, and the Executors or Administrators of such Survivor, their or his Assigns, at the Request of the said *Mary Frances Elizabeth* Baroness *Le Despencer* during her Life, and after her Decease at the Request of the Person or Persons who by virtue of the Limitations in the said Indenture of the First Day of *July* One thousand eight hundred and forty-three contained shall for the Time being be in the Possession of or entitled to the Rents and Profits of the said Manors, Messuages, Lands, and Hereditaments in the said Indenture of the First Day of *July* One thousand eight hundred and forty-three comprised, but subject and without Prejudice as aforesaid, to dispose of and convey, by way either of absolute Sale or of Exchange, for or in lieu of other Freehold Manors, Lands, and Hereditaments of an Estate of Inheritance in Fee Simple in possession, to be situate in the said County of

Power for the Trustees of the Indenture of 1st July 1843, at the Request of Tenant in possession, to sell or exchange the scheduled Parts of the Estates comprised in that Indenture ;

[Private.]

and to give
or receive
Money in
Equality of
Exchange.

Kent, all or any Part of the Hereditaments described or comprised in the Schedule to this Act, with the Appurtenances, for such Price in Money, or other Equivalent in Manors, Lands, or other Hereditaments, as shall seem reasonable, and also upon any such Exchange or Exchanges to give or receive any Sum or Sums of Money by way of Equality of Exchange, and, if the Case shall so require, to raise the Money so to be given by way of Equality of Exchange by a Mortgage upon all or any of the Hereditaments mentioned and described in the said Schedule hereto, and which shall for the Time being be subject to the Limitations of the said Indenture; and it shall be lawful for the said *George Henry Earl of Falmouth, George Bankes, and Lord James O'Bryen*, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, their or his Assigns, to make such Sale or Sales either by public Auction or private Contract, and subject or not subject to any special or other Conditions or Stipulations relative to the Title, or Evidence of the Title, or Indemnity against or Apportionment of Incumbrances, or otherwise, as to them or him shall seem fit, with Liberty to rescind or vary any Contract or Contracts for Sale, and to buy in the said Hereditaments, or any Part thereof which may be offered for Sale at any Auction, and to resell the same, without being answerable for any Loss which may happen by any Diminution in Price upon such Resale.

Power for the
Trustees of
the Indenture
of the 1st Jan.
1843 to raise
Monies, not
exceeding
Amount of
the Charge,
by Mortgage
of the Estates
comprised in
the Indenture
of 1st
July 1843.

V. And be it enacted, That after the passing of this Act it shall be lawful for the said *George Henry Earl of Falmouth, George Bankes, and Lord James O'Bryen*, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, or their or his Assigns, if and when they or he shall think fit, but subject and without Prejudice as aforesaid, to raise or borrow and take up at Interest on Mortgage of all or any Part of the Manors, Messuages, Lands, and Hereditaments by the said herein-before in part recited Indenture of the First Day of *July* One thousand eight hundred and forty-three appointed and released, or expressed and intended so to be, any Sum or Sums of Money not exceeding the Amount of the Costs, Charges, and Expences, and the Sum of Twenty-one thousand Pounds, hereby charged and made chargeable in lieu of the Charge originally created by the said Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen, and the Costs, Charges, and Expences which shall be expended and incurred in or about such Mortgage.

Tenant for
Life to
keep down
Interest on
Mortgages.

VI. And be it enacted, That the said *Mary Frances Elizabeth Baroness Le Despencer* during her Life, and every succeeding Tenant or Tenants for Life of the said Manors, Messuages, Lands, and Hereditaments, during their respective Lives, is and are hereby respectively required from Time to Time to pay and keep down the Interest which shall become due on any Principal Monies so to be raised by Mortgage as aforesaid, or on such Part thereof as for the Time being shall remain unpaid; and upon the Decease of the said *Mary Frances Elizabeth Baroness Le Despencer*, or any other such Tenant or Tenants for Life as aforesaid, her, his, or their Heirs, Executors, or Administrators shall and they are hereby required to

pay so much of the half-yearly Payment of Interest upon any Principal Money secured by any such Mortgage or Mortgages as aforesaid as shall be in proportion to the Time which the said *Mary Frances Elizabeth* Baroness *Le Despencer*, or such Tenant or Tenants for Life as aforesaid, shall have lived of the then current Half Year; and that every Mortgage which during the Life or Lives of the said *Mary Frances Elizabeth* Baroness *Le Despencer*, or such other Tenant or Tenants for Life as aforesaid, shall be made, in pursuance of this Act, shall contain a Covenant from the said *Mary Frances Elizabeth* Baroness *Le Despencer*, or such other Tenant or Tenants for Life as aforesaid, for herself, himself, or themselves, her, his, or their Executors and Administrators, to pay and keep down so much of the Interest as shall become payable upon such Mortgage or Mortgages during her, his, or their natural Life or Lives, together with such a proportionable Part of such Interest as aforesaid: Provided always, and be it enacted, that no Person or Persons, Body or Bodies Politic or Corporate, shall, under or by virtue of any such Mortgage or Mortgages as aforesaid, or of any thing in this Act contained, be entitled to recover as against the Hereditaments and Estate comprised therein, or any of them, or any Part or Parts thereof respectively, more than Six Months Arrear of such of the Interest upon any Principal Sum for the Time being due and owing upon such Mortgage or Mortgages as aforesaid as shall have accrued due and become payable during the respective Lives of the said *Mary Frances Elizabeth* Baroness *Le Despencer*, or such other Tenant or Tenants for Life as aforesaid.

every Mortgage which during the Life or Lives of the said Mary Frances Elizabeth Baroness Le Despencer, or such other Tenant or Tenants for Life as aforesaid, shall be made, in pursuance of this Act, shall contain a Covenant from the said Mary Frances Elizabeth Baroness Le Despencer, or such other Tenant or Tenants for Life as aforesaid, for herself, himself, or themselves, her, his, or their Executors and Administrators, to pay and keep down so much of the Interest as shall become payable upon such Mortgage or Mortgages during her, his, or their natural Life or Lives, together with such a proportionable Part of such Interest as aforesaid: Provided always, and be it enacted, that no Person or Persons, Body or Bodies Politic or Corporate, shall, under or by virtue of any such Mortgage or Mortgages as aforesaid, or of any thing in this Act contained, be entitled to recover as against the Hereditaments and Estate comprised therein, or any of them, or any Part or Parts thereof respectively, more than Six Months Arrear of such of the Interest upon any Principal Sum for the Time being due and owing upon such Mortgage or Mortgages as aforesaid as shall have accrued due and become payable during the respective Lives of the said Mary Frances Elizabeth Baroness Le Despencer, or such other Tenant or Tenants for Life as aforesaid.

Power to make Conveyances on any Sales, Exchanges, or Mortgages.

The Sales, Exchanges, and Mortgages to have Priority over the

The Sales, Exchanges, and Mortgages to have Priority over the

VII. And be it enacted, That for the Purpose of giving Effect to any such Sale, Exchange, or Mortgage as is herein-before authorized to be made it shall be lawful for them the said *George Henry* Earl of *Falmouth*, *George Bankes*, and *Lord James O'Bryen*, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, or their or his Assigns, but subject and without prejudice as aforesaid, by any Deed or Deeds, to be by them or him sealed and delivered in the Presence of and attested by One or more than One credible Witness, to limit or appoint the Manors, Messuages, Lands, and Hereditaments which under or by virtue of the Powers or Authorities herein-before contained, or of any of them, shall be comprised in such Sale, Exchange, or Mortgage, with the Appurtenances, either for any Estate of Fee Simple, or for any Term or Terms of Years, or for any other Estate or Estates whatsoever, either absolute or by way of Mortgage, redeemable or determinable on Repayment of the Sum or Sums of Money advanced or lent on the Security thereof, with lawful Interest for the same, at a Day or Time to be in such Deed or Deeds mentioned, with all such Powers or Authorities for effectuating the said Security as the said Trustees or Trustee of this Power shall think fit.

VIII. And be it enacted, That every Sale, Exchange, or Mortgage which shall be made under the Powers or Authorities herein-before contained, or any of them, and the Estates or Estate which shall be created or limited for the Purpose of effectuating the same, pursuant to the Powers or Authorities herein-before in that Behalf contained, shall

Charge of
1816 and the
Estates of
1843.

shall have Priority over the Charge created or expressed to be created by the said Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen, and the Charge hereby substituted in lieu thereof, and also over the several Estates and Interests created by the said Indentures of the Seventh and Eighth Days of *August* One thousand eight hundred and twenty-six and the First Day of *July* One thousand eight hundred and forty-three.

All Monies
to be paid
into the Bank
in the Name
of the Ac-
countant
General.

IX. And be it enacted, That when all or any Part or Parts of the Manors, Messuages, Lands, and Hereditaments herein-before authorized to be sold, exchanged, or mortgaged shall be sold or mortgaged for any Sum of Money, or any Money shall be receivable for Equality of Exchange as aforesaid, the Purchaser or Purchasers or Mortgagee or Mortgagees, or other the Person or Persons who shall be liable to pay such Money or Monies, shall pay the Money or Monies which shall be so payable by him, her, or them as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, "In the Matter of the settled Estates of the late *Thomas Lord Le Despencer* deceased," pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, Chapter Twenty-four.

His Certifi-
cate and the
Bank Re-
ceipt to be a
sufficient
Discharge.

X. And be it enacted, That the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of the Cashier of the Bank, to be thereunto annexed, and therewith filed in the Registry Office of the said Court of Chancery, of the Payment into the Bank of *England* by such Purchaser or Purchasers or Mortgagee or Mortgagees, or other such Person or Persons as aforesaid, of the Money or Monies so payable by her, him, or them as aforesaid, or of any Part or Parts thereof, or any Office Copy or Office Copies of such Certificate and Receipt, shall from Time to Time be and be deemed and taken to be a good and sufficient Discharge and good and sufficient Discharges to such Person or Persons, and to his, her, or their Heirs, Executors, Administrators, and Assigns, for so much and such Part or Parts of the Money or Monies so payable as aforesaid for which such Certificate or Certificates or Receipt or Receipts shall be given, and such Person or Persons, and his, her, or their Heirs, Executors, Administrators, and Assigns, shall be absolutely acquitted and discharged of and from the same, and shall not be answerable or accountable for any Loss, Misapplication, or Nonapplication thereof.

Application
of Monies
paid into the
Bank, after
deducting
Costs,
Charges, and
Expences.

XI. And be it enacted, That as soon as conveniently may be after any Money shall be paid into the Bank as aforesaid the same, after deducting so much thereof as shall be ordered by the Court of Chancery to be applied in Payment of Costs, Charges, or Expences, according to the Direction herein-after contained, shall, upon Petition to be preferred to the said Court either in the said firstly herein-before mentioned Suit or in a summary Way, (by any of the Persons entitled to or interested in the Costs, Charges, and Expences hereby charged
and

and made payable as aforesaid, and the Sum of Twenty-one thousand Pounds hereby substituted for the original Charge created by the said Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen,) so long as the said Costs, Charges, and Expences, or any Part thereof, or the said Sum of Twenty-one thousand Pounds, or any Part thereof, shall remain unpaid or unsatisfied, and after the said Costs, Charges, and Expences, and Sum of Twenty-one thousand Pounds, shall be fully paid and satisfied, then in like Manner preferred by the Person or Persons who by virtue of the said Indenture of the First Day of *July* One thousand eight hundred and forty-three shall for the Time being be beneficially entitled in possession to the Rents and Profits of the Hereditaments which shall have been so sold, exchanged, or mortgaged, if such Person or Persons shall be of the Age of Twenty-one Years, but if not then by the said *George Henry* Earl of *Falmouth*, *George Bankes*, and Lord *James O'Bryen*, and the Survivors and Survivor of them, or the Executors or Administrators of such Survivor, or their or his Assigns, during the Minority or respective Minorities of such Person or Persons respectively, under and subject to the Direction of the said Court, and in pursuance of an Order or Orders for that Purpose, to be obtained upon such Petition, be applied in the first place in or towards the Satisfaction and Discharge of the Amount of the said Costs, Charges, and Expences hereby charged and made payable as aforesaid, and the said Sum of Twenty-one thousand Pounds hereby substituted for the original Charge created by the said Indenture of the Nineteenth Day of *April* One thousand eight hundred and sixteen, or of so much of such Costs, Charges, and Expences, or of the said Sum of Twenty-one thousand Pounds, as shall be unpaid or unsatisfied, or in or towards the Satisfaction and Discharge of the Amount or Share, Amounts or Shares thereof due or payable to any One or more of the Persons entitled thereto or interested therein, and from and after full Payment and Satisfaction of the said Costs, Charges, and Expences, and of the Sum of Twenty-one thousand Pounds, then in or towards the Satisfaction and Discharge of any Incumbrance or Incumbrances which shall have been created in pursuance of the said Indenture of the First Day of *July* One thousand eight hundred and forty-three, or of this Act, or of any Incumbrance or Incumbrances which shall then affect the said Lands and Hereditaments comprised in the said Indenture of the First Day of *July* One thousand eight hundred and forty-three, or any of them, or be laid out or invested in the Purchase or Purchases of any Freehold Manors, Messuages, Lands, Tenements, and Hereditaments of an Estate of Inheritance in Fee Simple in possession, to be situate, lying, and being or arising in the said County of *Kent*, and lying near to the other Lands and Hereditaments comprised in the said Indenture of the First Day of *July* One thousand eight hundred and forty-three, and convenient to be held therewith, and in the Purchase of any Copyhold Lands, Tenements, or Hereditaments which may be near to the same Freehold Hereditaments so to be purchased, or be convenient to be held therewith, so that no more than One Sixth Part of the Hereditaments to be comprised in each or any one such Purchase shall consist of Copyhold; all which Hereditaments, and also all Hereditaments to be taken in exchange for any of the Hereditaments comprised in the said Schedule hereto, by virtue of the

[Private.]

8 p

Power

Power herein-before in that Behalf contained, shall be conveyed, surrendered and assured to, for, and upon the Uses, Trusts, Intents, and Purposes, and with, under, and subject to the Powers, Provisions, and Declarations of the said Indenture of the First Day of *July* One thousand eight hundred and forty-three, or such of them as shall be then subsisting and capable of taking effect.

Until Application,
Monies to
be invested
in Exchequer
Bills.

XII. And be it enacted, That all Sums of Money which shall be paid into the Bank in the Name of the said Accountant General, to the Account and in the Manner herein-before directed, or so much thereof as shall not be ordered by the said Court of Chancery to be applied in Payment of Costs, Charges, and Expences, according to the Directions herein-after contained, or the Practice of the said Court, shall, in the meantime, and until the said Monies shall be applied in or towards the Satisfaction or Discharge of any Incumbrance or Incumbrances, or invested in the Purchase of other Messuages, Lands, or Hereditaments as aforesaid, be from Time to Time laid out in the Purchase of Exchequer Bills; and the Interest arising from the Money so laid out in the said Exchequer Bills, and to be received from the same Bills respectively, when and as they shall be respectively paid off by Government, shall from Time to Time be laid out in the Purchase of other Exchequer Bills; provided always, that it shall be lawful for the said Court of Chancery to make such general Order or Orders, or special Order or Orders, (if necessary,) so that whenever the Exchequer Bills of the Date of those in the Hands of the said Accountant General shall be in the Course of Payment by Government, and new Exchequer Bills shall be issued, such new Exchequer Bills may be received in exchange for those which are so in the Course of Payment; and that in the Event of every such Renewal or Exchange of Bills the Interest of the old Bills shall be laid out in like Manner as herein-before directed with respect to the Monies to be received for the Bills which may be actually paid off as aforesaid; all which said Exchequer Bills respectively, whether purchased or exchanged, shall be deposited in the Bank of *England* in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases be found and approved as herein-before directed, and until the same Exchequer Bills shall, upon a Petition to be preferred to the Court in a summary Way by or on behalf of the Person or Persons and in manner herein-before mentioned, be ordered to be sold by the said Accountant General for the Purpose of satisfying or discharging any Incumbrance or Incumbrances, or making or completing such Purchase or Purchases of Land, in such Manner as the said Court shall think fit and direct; and if the Money arising by the Sale of such Exchequer Bills shall exceed the Amount of the original Money so laid out as aforesaid, then and in that Case only the Surplus which shall remain after discharging the Expence of the Application to the Court shall be paid to such Person and Persons respectively as would have been entitled to receive the Rents and Profits of the Lands directed to be purchased in case the same had been purchased pursuant to this Act, or the Representative or Representatives of such Person or Persons.

Costs of
Sales, Ex-
changes, and

XIII. Provided always, and be it enacted, That it shall be lawful for the High Court of Chancery, from Time to Time, upon the
1
Petition

Petition of any Party interested, to be preferred in a summary Way, to make such Order as to the said Court shall seem meet for ascertaining, taxing, and settling all Costs, Charges, and Expences consequent upon or preliminary to any and every Sale, Exchange, or Mortgage which shall or may be made under the Provisoes in this Act contained, and also all Costs of investigating Titles, and of Conveyances, together with the Costs, Charges, and Expences of and occasioned by any such Application to the said Court, or otherwise in carrying into execution the Trusts and Purposes of this Act, and also from Time to Time to make such Order as to the same Court shall seem meet for the Payment of all such Costs, Charges, and Expences as aforesaid, out of the Monies which shall arise and be produced as aforesaid, and which shall be so paid into the Bank as aforesaid, or out of the Monies arising by the Sale of the said Exchequer Bills so to be purchased as aforesaid, or any other Monies for the Time being liable to any of the Purposes of this Act.

Mortgages, and of carrying Act into execution, to be taxed, and paid out of Monies paid into the Bank.

XIV. And be it enacted, That if the said *George Henry Earl of Falmouth, George Bankes, and Lord James O'Bryen*, any or either of them, or any future Trustee or Trustees to be appointed as hereinafter is mentioned, shall happen to die, or be desirous of being discharged from or refuse or decline to act or become incapable of acting in the Execution of the Trusts herein contained, before the same Trusts shall be fully performed or satisfied, then and in such Case, and when and as often as the same shall happen, it shall and may be lawful for the said Court of Chancery, upon Petition to be preferred in a summary Way by the Person or Persons who for the Time being shall be entitled to the Rents and Profits of the Hereditaments hereby authorized to be charged or sold and exchanged, if of full Age, and if not then by his, her, or their Guardian or Guardians for the Time being, to appoint the Person or Persons to be proposed in such Petition, or any Person or Persons to be named by the Court, to be a Trustee or Trustees in the Stead or Place of the Trustee or Trustees so dying, or desiring to be discharged, or refusing or declining or becoming incapable to act as aforesaid; and that when and so often as any new Trustee or Trustees shall be appointed as aforesaid all the Trust Estates and Premises shall be thereupon with all convenient Speed conveyed and transferred in such Manner as that the same shall and may be vested in the surviving or continuing Trustees or Trustee of the same Trust Estates and Premises, and such new Trustee or Trustees jointly, or if there shall be no surviving or continuing Trustee of the same Trust Estates and Premises, then in such new Trustee or Trustees wholly, upon and for such and the same Trusts, Intents, and Purposes as are herein-before or in the said recited Indenture of the First Day of *July* One thousand eight hundred and forty-three declared or expressed of and concerning the said Trust Estates and Premises, or such of them as shall be then subsisting or capable of taking effect; and that all and every such new Trustee or Trustees shall and may in all things act and assist in the Management, carrying on, and Execution of the Trusts to which he or they shall be so appointed, as fully and effectually, to all Intents, Effects, Constructions, and Purposes whatsoever, and shall have and be considered as vested with such and the same Powers and Authorities,

Appointment of new Trustees.

ties, as if he or they had been originally in and by the said Indenture or this Act nominated a Trustee or Trustees for the Purposes for which such new Trustee or Trustees shall be appointed a Trustee or Trustees.

General
Saving.

XV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons, Bodies Politic or Corporate, his, her, or their Successors, his Executors, Administrators, and Assigns, (other than and except the said *Mary Frances Elizabeth Baroness Le Despencer*, and all and every her future born Child and Children, and the Heirs of the Body and respective Bodies of all and every such future born Child and Children; and also saving and except the said *Adelaide Stapleton*, *Anne Byam Stapleton*, *Jane Eliza Stapleton*, and all and every their respective future born Child and Children, and the Heirs of the Body and respective Bodies of all and every such future born Child and Children; and also saving and except the said *Maria Catherine Stapleton*, and the Heirs of her Body; and also saving and except the said *Sir Francis Jarvis Stapleton*, and the said *Francis George Stapleton*, *Richard Talbot Plantagenet Stapleton*, *Eliot Henry Stapleton*, *Catherine Elizabeth Stapleton*, *Florence Maria Stapleton*, *George Airey Talbot Stapleton*, and *Margaret Mary Stapleton*, and all and every other the Child and Children born or to be born of the said *Sir Francis Jarvis Stapleton*, and the Heirs of the Body and respective Bodies of the said *Francis George Stapleton*, *Richard Talbot Plantagenet Stapleton*, *Eliot Henry Stapleton*, *Catherine Elizabeth Stapleton*, *Florence Maria Stapleton*, *George Airey Talbot Stapleton*, and *Margaret Mary Stapleton*, and of such other Child and Children born or to be born as last aforesaid; and also saving and except the said *Robert Earl of Roden* and the said *Maria Frances Catherine Countess of Roden*, and the said *Robert Lord Viscount Jocelyn*, *Strange John Jocelyn*, *William Nassau Jocelyn*, *Richard Viscount Powerscourt* and *Elizabeth Frances Charlotte Viscountess Powerscourt* his Wife, *Noel Noel Earl of Gainsborough* and *Frances Countess of Gainsborough* his Wife, and *Maria Jocelyn*, and all and every other the Child and Children born or to be born of the said *Maria Frances Catherine Countess of Roden*, and the said *Alice Maria Jocelyn*, and the said *Mervyn Wingfield*, *Maurice Richard Wingfield*, and *Lewis Wingfield*, and the said *Roden Berkeley Wriothesley Noel* and *Victoria Noel*, and all and every other the Child and Children born or to be born of the said *Robert Lord Viscount Jocelyn*, *Strange John Jocelyn*, *Elizabeth Frances Charlotte Viscountess Powerscourt*, *Frances Countess of Gainsborough*, and *Maria Jocelyn*, and the Heirs of the Body and respective Bodies of the said *Alice Maria Jocelyn*, *Mervyn Wingfield*, *Maurice Richard Wingfield*, *Lewis Wingfield*, *Roden Berkeley Wriothesley Noel*, and *Victoria Noel*, and of all and every other such Child and Children of the said *Robert Lord Viscount Jocelyn*, *Strange John Jocelyn*, *Elizabeth Frances Charlotte Viscountess Powerscourt*, *Frances Countess of Gainsborough*, and *Maria Jocelyn*, and the Heirs of the Body and respective Bodies of the said *William Nassau Jocelyn*, and of all and every other Child and Children born or to be born of the said *Maria Frances Catherine Countess of Roden*; and also saving and except the said *Charles Brodrick* and

Emma

Emma his Wife, and the said *Mary Emma Brodrick*, *Emma Albinia Elizabeth Brodrick*, *Harriet Ann Brodrick*, and *Albinia Frances Brodrick*, and all and every other Child and Children born or to be born of the said *Emma Brodrick*, and all and every the Child and Children born or to be born of the said *Mary Emma Brodrick*, and to the Heirs of the Body and respective Bodies of all and every such Child and Children as last aforesaid, and the Heirs of the Body and respective Bodies of the said *Emma Albinia Elizabeth Brodrick*, *Harriet Ann Brodrick*, and *Albinia Frances Brodrick*, and of all and every other the Child and Children born or to be born of the said *Emma Brodrick*; and also saving and except the said *Sir Hercules Robert Pakenham* and *Emily* his Wife, and the said *Edward William Pakenham*, *Arthur Hercules Pakenham*, *Thomas Henry Pakenham*, *Robert Maxwell Pakenham*, *Edmund Powerscourt Pakenham*, and *Charles Wellesley Pakenham*, *Sir Edmund Samuel Hayes* Baronet and *Emily* his Wife, *Elizabeth Catherine Pakenham*, and *Mary Frances Hester Pakenham*, and all and every other the Child and Children born or to be born of the said *Emily Pakenham*, and the said *Samuel Hercules Hayes* and *Emily Ann Hayes*, and all and every other the Child and Children born or to be born of the said *Edward William Pakenham*, *Arthur Hercules Pakenham*, *Thomas Henry Pakenham*, *Emily Lady Hayes*, and *Elizabeth Catherine Pakenham*, and the Heirs of the Body and respective Bodies of all and every such Child and Children as last aforesaid, and the Heirs of the Body and respective Bodies of the said *Robert Maxwell Pakenham*, *Edmund Powerscourt Pakenham*, *Charles Wellesley Pakenham*, and *Mary Frances Hester Pakenham*, and of all and every other the Child and Children born or to be born of the said *Emily Pakenham*; and also saving and except the said *Henry Lord Farnham* and *Anna Frances Hester Lady Farnham*, and all and every the Child and Children born or to be born of the said *Anna Frances Hester Lady Farnham*, and the Heirs of the Body and respective Bodies of all and every such Child and Children; and also saving and except the said *Sir Francis Jarvis Stapleton*, in his Character as the personal Representative of the said *Elizabeth Mary Stapleton* deceased, and any future personal Representative or Representatives of the said *Elizabeth Mary Stapleton* deceased; and also save and except the said *Letitia Stafford*, as the personal Representative of the said *William Stapleton* deceased, and any future personal Representative or Representatives of the said *William Stapleton* deceased; and also save and except the said Lord *James O'Bryen*, *Sir Hercules Robert Pakenham*, *Robert Hichens*, and *William Hichens*, as Trustees of the said Settlement of the Twenty-eighth Day of *December* One thousand eight hundred and twenty; and also save and except the said Lord *James O'Bryen*, as the personal Representative of the said *Miles John Stapleton* deceased, and *Anne Byam Stapleton*, or of either of them, and any future personal Representative or Representatives of them or either of them; and also save and except the said *Sir Francis Jarvis Stapleton*, as the personal Representative of the said *Frances Stapleton* deceased, and any future personal Representative or Representatives of the said *Frances Stapleton*; and also save and except the said *George Henry Earl of Falmouth*, *George Bankes*, and Lord *James O'Bryen*, as the Trustees of the said Indenture of the First Day of *July* One thousand

[Private.]

eight hundred and forty-three, their Heirs, Executors, and Administrators,) all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever, in or to the said Manor and other Hereditaments mentioned and comprised in the said Indentures of the Nineteenth Day of *April* One thousand eight hundred and sixteen, the Seventh and Eighth Days of *August* One thousand eight hundred and twenty-six, and the First Day of *July* One thousand eight hundred and forty-three, or in any of them, or in or to any Part or Parts thereof, as they or any of them had before the passing of this Act, or could or might have had, enjoyed, or been entitled to if this Act had not been passed.

The Act not to take effect until the Consents of the Parties herein named are obtained.

XVI. And whereas the said *Maria Frances Catherine* Countess of *Roden* is in Parts beyond the Seas, and her Consent has not been proved, and the said *Richard* Viscount *Powerscourt* and the said *Elizabeth Frances Charlotte* Viscountess *Powerscourt* his Wife are also in Parts beyond the Seas, and their Consent to this Act has not been proved; be it therefore enacted, That this Act shall not, nor shall any of the Provisions herein contained, operate or be of any Effect as against the said *Maria Frances Catherine* Countess of *Roden*, or any Person or Persons claiming or to claim by, from, or under her, until the said *Maria Frances Catherine* Countess of *Roden* shall signify her Consent to this Act by Writing under her Hand, attested by One or more than One Witness, or as against the said *Richard* Viscount *Powerscourt* and *Elizabeth Frances Charlotte* Viscountess *Powerscourt* respectively, or any Person or Persons claiming or to claim by, from, or under them or either of them, until the said *Richard* Viscount *Powerscourt* and *Elizabeth Frances Charlotte* Viscountess *Powerscourt* shall respectively signify their respective Consents to this Act by Writing under their respective Hands, attested by One or more than One Witness, or as against the infant Children now born or hereafter to be born of the said *Elizabeth Frances Charlotte* Viscountess *Powerscourt*, or against the Heirs of the Body and respective Bodies of such Children, or against any Person or Persons claiming or to claim by, from, or under them or any of them, until the said *Richard* Viscount *Powerscourt* and *Elizabeth Frances Charlotte* Viscountess *Powerscourt*, or in case of the Death of the said *Elizabeth Frances Charlotte* Viscountess *Powerscourt* then the said *Richard* Viscount *Powerscourt* alone, or in case of the Death of the said *Richard* Viscount *Powerscourt* then the said *Elizabeth Frances Charlotte* Viscountess *Powerscourt*, if she shall be then living, and the Guardian or Guardians of such Children, on behalf of such Children, or in case of the Death of both of them the said *Elizabeth Frances Charlotte* Viscountess *Powerscourt* and *Richard* Viscount *Powerscourt*, then such Guardian or Guardians as aforesaid, shall signify their, his, or her respective Consents or Consent as aforesaid to this Act, by Writing under their, his, or her respective Hands or Hand, attested by One or more than One Witness; and such Consents in Writing shall be enrolled in Her Majesty's Court of Chancery within Twelve Months after the passing of this Act; and from and after the Enrolment of such Consents respectively the same shall be deemed and taken as Part and Parcel of this Act, and shall be as binding and conclusive upon the said *Maria Frances Catherine* Countess

Countess of *Roden*, and against the said *Richard Viscount Powerscourt* and *Elizabeth Frances Charlotte Viscountess Powerscourt*, and the infant Children born or to be born of the said *Elizabeth Frances Charlotte Viscountess Powerscourt*, and against the Heirs of the Body and respective Bodies of such Children, and against every Person or Persons claiming or to claim by, from, or under them, or either or any of them, as if such Consents respectively had been obtained and proved before the passing of this Act; and such Consents by the said *Maria Frances Catherine Countess of Roden*, *Richard Viscount Powerscourt* and *Eilizabeth Frances Charlotte Viscountess Powerscourt*, may respectively be given in the Form or to the Effect following; (that is to say,)

‘ I *Maria Frances Catherine Countess of Roden* [or we, *Richard Viscount Powerscourt* and *Elizabeth Frances Charlotte Viscountess Powerscourt*, on behalf of ourselves and the infant Children born or to be born of the said *Elizabeth Frances Charlotte Viscountess Powerscourt*,] do hereby consent to an Act of Parliament made and passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Queen *Victoria*, intituled *An Act* [here set out the Title of this Act,] so far as the same can or may affect or concern me [or us, or either of us, or such or any of such Children as aforesaid, or the Heirs of the Body and respective Bodies of such Children,] or any Person or Persons claiming or to claim by, from, or under me, [or us, or either of us, or them or any of them].
 ‘ Given under my [or our] Hand [or Hands], this Day of
 ‘ 18

Form of
 Consent.

And in case of the Death of either or both of them the said *Richard Viscount Powerscourt* and *Elizabeth Frances Charlotte Viscountess Powerscourt* before his, her, or their Consent shall be so given, then the Consent of the Survivor, if living, and of the Guardian or Guardians of such Child or Children, herein-before authorized to be given on behalf of such Children as aforesaid, may be given in the like Form, with such Changes therein as the Circumstances may render necessary.

XVII. And be it further enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

Copy of Act
 as printed by
 Queen's
 Printers to
 be Evidence.

SCHEDULE referred to by the foregoing Act.

Present Tenants Names.	Name and Description of Premises, and Contents.	Situation.	Gross yearly Rent.
James Cooper	Stone Cliffe Farm; Cottage, Barn, Stable, and Lodge, Homestead, Arable and Pasture Land, in all 94A. 1R. 3P., or thereabouts.	In the Parish of Stone in the County of Kent.	£ 180
Thomas Milles	Style Bridge Land, being 27A. 0R. 9P., or thereabouts, of Meadow Land.	In the Parish of Maidstone in the said County of Kent.	£ 54
Peter Fagg	Mascall's Court Farm; House, Two Barns, Oast-house, Stable, Granary, Lodges, and Three Cottages, Homesteads, Arable, Meadow, Pasture, Orchard, Hop, Wood Ground, in all 213. 0. 0., or thereabouts.	In the Parish of Brenchley in the County of Kent.	£ 200
William Mercer	Cod's Mill or Hunton Mill; Water Mill, House, Stable, and Shed, in all 28A. 0R. 31P., or thereabouts.	In the Parishes of Hunton and Yalding in the said County of Kent.	£ 140
Richard Buggs	The Brook Farm; House, Stable, Barn, Oast-house, and Lodge, Arable, Meadow, Pasture, Orchard, and Hop Ground, in all 96A. 1R. 38P., or thereabouts.	In the Parish of East Peckham in the said County of Kent.	£ 200
John Scrace	Mascal's Pound and Kingden; House, Two Barns, Stable, Oast-house, Cottage, and Lodges, in all 74. 2. 1., or thereabouts.	In the said Parish of Brenchley.	£ 85
J. R. Warde	Crittenden Farm; Cottage, Barn, Oast-house, and Lodge, in all 75R. 3A. 34P., or thereabouts.	In the said Parish of Brenchley.	£ 44
John Prall and George Featherstone.	The Five Wents; containing 16A. 1R. 19P., or thereabouts.	In the said Parish of Brenchley.	£ 14
William Potter	Potter's Farm; House, Barn, Stable, and Two Lodges, containing 41A. 0R. 1P., or thereabouts.	Tudley, Capel, and Pembury in the said County of Kent.	£ 36
James Harris	Bogshole; House, Barn, Stable, Oast-house, Lodge, and Cottage, containing 176A. 1R. 19P., or thereabouts.	In the said Parishes of Brenchley and Pembury.	£ 100
In hand	Cinderhill Wood; Underwood, being 74A. 2R. 20P., or thereabouts.	} In the said Parish of Brenchley.	} £ 116
—	Giles Hill Wood; Underwood, being 14A. 2R. 7P., or thereabouts.		
—	Pope Reed Wood; Underwood, being 6A. 0R. 13P., or thereabouts.		
—	Mascal's Pound Wood; Underwood, being 15A. 3R. 18P., or thereabouts.		
—	Lord's Wood; Underwood, being 5A. 1R. 24P., or thereabouts.	In the said Parish of Pembury.	

Peter Sinclair.

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