



ANNO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. 36.

An Act for authorizing the Sale of certain Estates in the Counties of *Galway* and *Mayo* devised by the Will of the Right Honourable *John* late Lord *Clanmorris* deceased, and for laying out the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses.

[12th *July* 1837.]

**W**HEREAS the Right Honourable *John* late Lord *Clanmorris*, Baron *Clanmorris* of *Newbrook* in the County of *Mayo* in *Ireland*, deceased, by his last Will and Testament in Writing, dated the First Day of *March* One thousand eight hundred and nineteen, after reciting that by his Marriage Settlement his eldest Son the Honourable *Charles Barry Bingham* on the said Testator's Decease would become entitled to the several Lands, Tenements, Hereditaments, and Premises thereby settled and therein particularly named, subject to a Jointure of Five hundred Pounds *per Annum* for the said Testator's dear Wife *Anne* Baroness *Clanmorris*, and also subject to a Sum of Six thousand Pounds by the said Settlement provided for said Testator's younger Children, and reciting, that, besides the several Lands, Tenements, Hereditaments, and Premises so settled, he the said Testator was seised and possessed of several Real, Freehold, and Leasehold Estates; (that is to say,) that Estate called and known by the Name of the *Clare Galway* Estate, situate in  
[*Private.*]

Will of John  
Lord *Clan-*  
*morris*,  
1st *March*  
1819.



the County and County of the Town of *Galway*; *Kiltroque*, situate in the County of *Galway*; the Estate of *Foxford*, situate in the Baronies of *Gallen* and *Tyrrowley*; the Lands of *Summerhill*, the Fee of which the said Testator purchased from his eldest Son the said *Charles Barry Bingham*; *Poolavooley*, *Knockelegan*, *Lisrobert*, and *Partry*; which last-mentioned Lands the said Testator was declared the Purchaser of under a Decree; and that he was also possessed of a Bishop's Lease under the See of *Tuam*; (all said last-mentioned Lands situate, lying, and being in the County of *Mayo*;) and that he was also seised and possessed of the House, Demesne, and Lands of *Fortfield* and *Kimmage*, situate, lying, and being in the County of *Dublin*; the said Testator did by his said Will give, devise, and bequeath all his Real and Freehold Estates and Leasehold Interests, and all other his Real, Freehold, and Leasehold Estates and Interests, of what Nature or Kind soever, whereof he was seised, possessed, or entitled to, or whereof any Person or Persons held in Trust for him in the Kingdom of *Ireland*, and all his Estate, Right, Title, and Interest therein and thereto, and every Part and Parcel thereof, unto *Arthur French Saint George* of *Tyrone* in the County of *Galway*, and *George Mahon* of *Mountprospect* in the County of *Mayo*, Esquires, to hold his said Real Estates unto them and their Heirs for ever, and to hold his said Freehold Leases, subject to the Rents and Covenants therein, unto them and their Heirs for the Lives therein mentioned, and for such other Lives as might be thereafter inserted in his Leases for Lives renewable pursuant to the Covenant for perpetual Renewal thereof, and to hold his said Leasehold Interests or Term for Years, and which he held under the See of *Tuam*, unto them, their Executors, Administrators, and Assigns, for the Residue of the Term of Years which should remain unexpired thereof, and for the several Renewals or new Leases which should thereafter be obtained of such Bishop's Lands, in Trust however and for the several Uses, Intents, and Purposes therein-after mentioned and declared of and concerning the same respectively; (that is to say,) in Trust by and out of the annual Rents, Issues, and Profits of the said Fee Simple, Freehold, and Leasehold Estates to pay off and satisfy the several Incumbrances which should at the Time of his Death remain really and truly affecting or Liens upon the same or any Part thereof, and also all such of his proper Debts by himself contracted and of his Legacies as his Personal Estate therein-after for that Purpose bequeathed should or might be insufficient to satisfy; and after Payment and Satisfaction of all such Incumbrances, and of his said Debts and Legacies, as, for, and concerning his said Real and other Freehold and Leasehold Estates, to the Use of the said Testator's Second Son *Denis Arthur Bingham*, now the Right Honourable *Denis Arthur* Lord *Clanmorris*, and his Assigns, during the Term of his natural Life, without Impeachment of Waste; and from and after the Determination of that Estate to the Use of the said *Arthur French Saint George* and *George Mahon*, and their Heirs, during the Life of the said *Denis Arthur Bingham*, in Trust to preserve the contingent Remainders therein-after bequeathed; with Remainder to the First and every other Son and Sons of the Body of the said *Denis Arthur Bingham* lawfully issuing, severally, successively, and in Remainder as they should be in Seniority of Age and Priority of Birth, and the Heirs Male of the



Body and Bodies of all and every such Son and Sons lawfully issuing, the eldest of such Son and Sons and the Heirs Male of his and their Body and Bodies to be preferred and take before the younger of such Son and Sons and the Heirs Male of his Body; and for Default of such Issue Male in the said *Denis Arthur Bingham*, to the Use of the First and every other Son of the Body of the said Testator's eldest Son the said *Charles Barry Bingham* lawfully issuing, severally and successively as they should be in Seniority of Age and Priority of Birth, and the Heirs Male of the Body and Bodies of such Son and Sons lawfully issuing, the eldest of such Son and Sons and the Heirs Male of his and their Body and Bodies to be preferred and take before the younger of such Son and Sons and the Heirs Male of his Body and Bodies; and in default of such Issue Male in the said Testator's said Sons *Denis Arthur Bingham* and *Charles Barry Bingham*, then to the said Testator's own Daughters, his right Heirs, for ever, to hold as Tenants in Common and not as Joint Tenants; and the said Testator declared it to be his Will, that his said Debts and his said younger Children's Fortunes, as thereafter, should be paid out of his Personal Estate, save his Family Pictures, but should the same be found insufficient for that Purpose, then in that Event that the Residue be paid out of the Savings of his Estates so devised to the said *Denis Arthur Bingham*, and not by Sale or Mortgage thereof or any Part thereof; and after reciting, that by his Marriage Settlement the Sum of Six thousand Pounds was charged upon his Settled Estates as aforesaid as and for Portions for his younger Children, One of whom, his eldest Daughter *Letitia Maria*, he had lately provided for on her Intermarriage with *Robert Joseph French* Esquire, now, in lieu and full Satisfaction of any Sum to which his said younger Children would be entitled under his said Marriage Settlement, the said Testator gave and bequeathed to his Second Daughter the Honourable *Anna Maria Bingham* the Sum of Four thousand Pounds Sterling, he gave and bequeathed to his Third Daughter the Honourable *Louisa Catherine Bingham* a like Sum of Four thousand Pounds Sterling, he gave and bequeathed to his Fourth Daughter the Honourable *Caroline Harriet Aglionby Bingham* a like Sum of Four thousand Pounds, he gave and bequeathed to his Fifth Daughter the Honourable *Julia Harriet Bingham* the like Sum of Four thousand Pounds Sterling, and he thereby directed that the said Sums so bequeathed to them his said Daughters should be a Charge on all his said Estates devised to his said Second Son the said *Denis Arthur Bingham*, and to be paid and payable to the said Testator's said Daughters at such Time and Times as the said Sum of Six thousand Pounds was made payable by his said Marriage Settlement, with Six Pounds *per Cent.* Interest for the same from the Time of his Decease; and in case any of his said Daughters should happen to die before her or their said Portion or Portions should become payable, he ordered and directed, and his Will was, that the Portion or Portions of her or them so happening to die should go Share and Share alike to such of his other Daughters as were or should be unmarried; and his Will was, that if any of his said Daughters should marry without the Consent previously had of his said dear Wife *Anna* Baroness *Clanmorris*, that then and in such Case the Legacies or Portions therein-before bequeathed to his said Daughters as should so marry without such  
previous

Codicil,  
24th April  
1821.

previous Consent as aforesaid should not be levied or received, but should merge and sink into the Inheritance; and he thereby directed that all his proper Debts should in the first place be paid out of the Sale of his Stock of Cattle, Hay, Corn, Furniture, Plate, and other Personal Property which he directed should be sold, save the Term for Years, being a Lease under the See of *Tuam*, so settled on his said Son *Denis Arthur Bingham*, and save his old Family Pictures, which were not to be removed from his House of *Newbrook*, but were to go and descend therewith; the Produce of his Personal Estate, after Payment of his said Debts and the Portions of his Daughters (if any), to be laid out in the Purchase of Real Estates, to be settled on his said Son *Denis Arthur Bingham* for Life in strict Settlement; and as to all the Rest, Residue, and Remainder of his Estates, Real, Freehold, Leasehold, and Personal, not thereby disposed of, the said Testator left and bequeathed the same to his said Second Son *Denis Arthur Bingham*, and he appointed the said *Arthur French Saint George* and *George Mahon* Executors of his said Will: And whereas the said Testator by a Codicil to his said Will, which Codicil is dated the Twenty-fourth Day of *April* One thousand eight hundred and twenty-one, after thereby reciting, that he did in and by his said Will, bearing Date the First Day of *March* One thousand eight hundred and nineteen, amongst other Bequests, bequeath to his then Four Daughters then unmarried, namely, *Anna Maria Bingham*, *Louisa Catherine Bingham*, *Caroline Harriet Aglionby Bingham*, and *Julia Harriet Bingham*, each a Sum of Four thousand Pounds, and also reciting, that since making his said Will his said Daughter *Caroline Harriet Aglionby Bingham* died, he said Testator declared his Will to be, that each of his said surviving Daughters should, instead of said Four thousand Pounds to each, be entitled to a Sum of Two thousand Pounds each only, and which Sum of Two thousand Pounds to each was to be in lieu and full Satisfaction to them of any Sum to which they were entitled under his Marriage Settlement, his Will, or otherwise, and to be paid to them upon their respectively arriving at the Age of Twenty-one Years or Days of Marriage, the Interest in the meantime to go to their respective Support and Maintenance until they respectively attained the Age of Twenty-one Years or respective Marriages, such Marriages however to be at their own Discretion; and it was his Desire that the Bequests aforesaid to his said Daughters should be chargeable in manner as in his said Will the former Bequests to them were chargeable; and it was his Desire that in the Event of any of his said Daughters dying before attaining the Age of Twenty-one Years or marrying, that then and in such Event the Share of her so dying should go to the Survivors of his said unmarried Daughters, Share and Share alike; and he thereby directed that that Writing should be deemed and taken as a Codicil to his said Will: And whereas the said Testator died in the Month of *May* One thousand eight hundred and twenty-one, without having revoked or altered his said Will, save as the same was altered by the said Codicil, and without having revoked or altered the said Codicil, and after his Decease the said *George Mahon* alone proved the said Will and Codicil in the Prerogative Court of the Archbishop of *Armagh*, and the said *Arthur French Saint George*, in due Form of Law, renounced Probate of the said Will and Codicil: And whereas the said *Arthur French*



*French Saint George* hath disclaimed the Trusts of the said Will and Codicil: And whereas the said Testator left him surviving the said *Charles Barry Bingham*, who was the said Testator's eldest Son and Heir at Law, and upon his Decease became *Charles Barry Lord Clanmorris*, and Five other Children, and no more, namely, the said *Denis Arthur* now *Lord Clanmorris* (then *Denis Arthur Bingham*), the said *Letitia Maria*, the Wife of the said *Robert Joseph French*, and the said *Anna Maria Bingham*, *Louisa Catherine Bingham*, and *Julia Harriet Bingham*: And whereas the said *Anna Maria Bingham* afterwards intermarried with and is now the Wife of *Bentick Walter Yelverton* Esquire, and the said *Louisa Catherine Bingham* afterwards intermarried with and is now the Wife of the Reverend *Frederick Yelverton* Clerk: And whereas the said *Charles Barry Lord Clanmorris* died without Issue in the Month of *June* One thousand eight hundred and twenty-nine, and thereupon the said *Denis Arthur* now *Lord Clanmorris* succeeded to the said Title: And whereas the said *Letitia Maria French* died intestate and without Issue in the Month of *October* One thousand eight hundred and thirty-two, leaving the said *Denis Arthur Lord Clanmorris* her only surviving Brother and Heir at Law: And whereas the said *Denis Arthur Lord Clanmorris* intermarried with *Maria Helena Persse* Spinster, and there is Issue of such Marriage Four Sons, and no other Male Issue, namely, the Honourable *John Charles Robert Bingham*, the Honourable *Denis Arthur Bingham*, the Honourable *Dudley Persse Bingham*, and the Honourable *Henry Charles William Bingham*, all of whom are Infants of tender Years: And whereas by a Decree of the High Court of Chancery in *Ireland*, dated the Sixth Day of *July* One thousand eight hundred and twenty-six, and made in Two several Causes depending in the said Court, in one of which the said *Denis Arthur* now *Lord Clanmorris* (then *Denis Arthur Bingham*, a Minor,) was Plaintiff, and the said *Charles Barry* late *Lord Clanmorris*, *Arthur French Saint George*, *George Mahon*, *Robert Joseph French* and *Maria Letitia* his Wife, *Anna Maria Bingham*, *Louisa Catherine Bingham*, and *Julia Harriet Bingham*, a Minor, were Defendants, and in the other of which the said *Charles Barry Lord Clanmorris* was Plaintiff, and the said *Denis Arthur* now *Lord Clanmorris*, then *Denis Arthur Bingham*, a Minor, the said *George Mahon*, *Arthur French Saint George*, *Anna Maria Bingham*, *Louisa Catherine Bingham*, and *Julia Harriet Bingham*, were Defendants, it was ordered and decreed, that the said Will of the said Testator *John Lord Clanmorris*, bearing Date the First Day of *March* One thousand eight hundred and nineteen, was and the same was thereby declared to be well proved, and that the Trusts thereof should be carried into execution; and accordingly it was further ordered, that it should be referred to *Thomas Ball* Esquire, the Master in the said Causes, to take an Account of the Real, Freehold, and Personal Estate of which the said *John* late *Lord Clanmorris* died seised, possessed of, and entitled unto, into whose Hands the same came, and how applied and disposed of; and that the said Master should also take an Account of the Debts, Legacies, and Funeral Expences of the said *John* late *Lord Clanmorris*: And whereas on the Death of the said *Charles Barry Lord Clanmorris* the said *Denis Arthur Lord Clanmorris*, as his Executor, filed a Bill of Revivor against the said *George Mahon* and *John Charles Robert*

Proceedings  
in Court of  
Chancery,  
6th July 1826.

[Private.]

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*Bingham,*



*Bingham*, to revive the second-mentioned Cause, and the same was accordingly revived: And whereas the said *Denis Arthur Lord Clanmorris*, on attaining his Age of Twenty-one Years, and on the Birth of the said *John Charles Robert Bingham*, filed a Supplemental Bill against the said *John Charles Robert Bingham*: And whereas *John Sealy Townsend* Esquire, One of the Masters of the said Court, by his Report bearing Date the Third Day of *October* One thousand eight hundred and thirty-three, made in the Two before-mentioned Causes, pursuant to the said Decree of the Sixth Day of *July* One thousand eight hundred and twenty-six, and of an Order made by the Lord High Chancellor of *Ireland*, bearing Date the Second Day of *December* One thousand eight hundred and twenty-six, whereby it was ordered, in consequence of the Death of the said *Thomas Ball*, that all Decrees and Orders of Reference should be transferred to the said *John Sealy Townsend*, which Report stands absolutely confirmed, certified that he found that the Personal Estate of which the said *John* late Lord *Clanmorris* died possessed consisted of several Particulars, as set forth in the Second Schedule to that Report, amounting in the whole to the Sum of Fifty-nine thousand five hundred and five Pounds Three Shillings and One Penny *British* Currency; and he found that the Debts due by the said *John* Lord *Clanmorris* at the Time of his Decease amounted to the Sum of Forty thousand nine hundred and sixty-nine Pounds Seven Shillings and Nine-pence Sterling then late Currency, as appeared by the Third Schedule to that Report; and he found that the Legacies bequeathed by the said *John* Lord *Clanmorris* amounted to the Sum of Six thousand Pounds Sterling then late Currency, as appeared by the Fourth Schedule to that Report; and he found that the Funeral Expences of the said *John* Lord *Clanmorris* amounted to the Sum of One hundred and sixty Pounds Thirteen Shillings and Eight-pence Sterling *British* Currency, as appeared by the Fifth Schedule to that Report; and he found that of the Sum of Fifty-nine thousand five hundred and five Pounds Three Shillings and One Penny Sterling *British* Currency, being the gross Amount of the Personal Estate of the said *John* Lord *Clanmorris*, there came to the Hands of the said *George Mahon* the Sum of Forty-five thousand one hundred and sixty-six Pounds Nineteen Shillings and Sixpence Sterling *British* Currency, and that the Remainder of the said Sum, being the Sum of Fourteen thousand three hundred and thirty-eight Pounds Three Shillings and Sixpence Sterling *British* Currency still remained outstanding, as set forth in the said Second Schedule to that Report; and he found that the greater Part of the said outstanding Debts were disputed at Law, and that Suits respecting the same were pending; and he found that the said *George Mahon* paid to the said *Anna Maria Bingham*, on account of her said Legacy of Two thousand Pounds late Currency, the Sum of Five hundred Pounds, and that the said *Anna Maria Bingham* did afterwards assign the Balance remaining due to her on Foot of the said Legacy to *Corbet* Esquire, and there was due to the said

*Corbet*, on Foot of the said Legacy so assigned to him, the Sum of Fifteen hundred Pounds Sterling late Currency, making the Sum of One thousand three hundred and eighty-four Pounds Twelve Shillings and Three-pence Halfpenny Sterling present Currency; and he found that there was due to the said *Louisa Catherine* the Wife

of



of the said *Frederick Yelverton*, on Foot of her said Legacy bequeathed to her, the Sum of One thousand five hundred Pounds Sterling, late Currency, making the Sum of One thousand three hundred and eighty-four Pounds Twelve Shillings and Three-pence Halfpenny present Currency; and he found that there was due to the said *Julia Harriet Bingham*, on Foot of her said Legacy so bequeathed to her, the Sum of Two thousand Pounds Sterling late Currency, making the Sum of One thousand eight hundred and forty-six Pounds Three Shillings and One Penny Sterling present Currency; and he found there came to the Hands of the said *George Mahon* the Sum of Forty-five thousand one hundred and sixty-six Pounds Nineteen Shillings and Seven-pence Sterling *British* Currency, and that he expended the Sum of Forty-six thousand four hundred and sixty-three Pounds Sixteen Shillings and Three-pence Sterling *British* Currency, leaving a Balance amounting to the Sum of One thousand two hundred and ninety-six Pounds Sixteen Shillings and Eight-pence Sterling *British* Currency due to the said *George Mahon*; and he found that the Debts and Legacies remaining due and unpaid, including the Sum of One thousand two hundred and ninety-six Pounds Sixteen Shillings and Eight-pence due to the said *George Mahon*, amounted to the Sum of Fourteen thousand four hundred and twenty-one Pounds Seventeen Shillings and Ten-pence Sterling, as appeared by the Seventh Schedule to that Report annexed: And whereas the Bulk of the Estates devised by the said recited Will are situate in the said County of *Mayo*, and, except the aforesaid Estates called *Foxford* and *Knockelegan*, are adjoining or nearly adjoining to each other: And whereas the Messuages, Lands, and other Hereditaments particularly mentioned and described in the First Part of the Schedule hereto annexed are such Parts of the Estates devised by the said recited Will as are situate in the County of *Galway*, and the same are at a Distance from the Bulk of the said devised Estates, and are convenient for Sale: And whereas the Messuages, Lands, and other Hereditaments particularly mentioned and described in the Second Part of the Schedule hereto annexed are situate in the said County of *Mayo*, and the same compose the said Estates respectively called *Foxford* and *Knockelegan*, and the said Estate called *Foxford*, situate in the said County of *Mayo*, lies remote from all the others of the said devised Estates; and the said Estate called *Knockelegan* is also separate from the others of the said devised Estates, and both the said Estates called *Foxford* and *Knockelegan* are convenient for Sale: And whereas there is no Mansion House or Place of Residence upon the said Estates in the said County of *Mayo* devised by the said *John Lord Clanmorris*: And whereas a Suit is now depending in the High Court of Chancery in *Ireland* between *Joshua Pasley* and *Alexander Boyle*, Executors of *Elizabeth Batchelor* deceased, Plaintiffs, and the said *Denis Arthur Lord Clanmorris* and several others, Defendants, for effecting the Sale of the Freehold Mansion House and Estate of *Newbrook* in the said County of *Mayo*, being the ancient Family Mansion and Residence of the Ancestors and Predecessors in Title of the said *Denis Arthur Lord Clanmorris*, and such Mansion House and Estate are surrounded by the Bulk of the said Estates devised by the said recited Will of the said *John Lord Clanmorris*, and would be a desirable Purchase to be annexed thereto: And whereas it would  
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The Trustees herein named empowered to sell and convey the Lands described in the Schedule.

be for the Benefit of the said *Denis Arthur Lord Clanmorris*, and such other Persons as now are or may hereafter become interested in or entitled to the said devised Estates, if the said detached Messuages, Lands, and other Premises mentioned and comprised in the said Schedule hereto were sold, and the clear Monies arising from such Sale laid out in the Purchase of Freehold Lands and Hereditaments, with or without a Mansion House thereon, contiguous to or convenient to be held with the Bulk of the said devised Estates, and that the Lands and Hereditaments so to be purchased should be conveyed and settled to, for, and upon the same Uses, Trusts, Intents, and Purposes, and with, under, and subject to the same Powers and Provisoos, as in and by the said Will and Codicil of the said *John Lord Clanmorris* are expressed and declared of and concerning the Freehold Lands and Hereditaments thereby devised; but such beneficial Purposes as aforesaid cannot be effected without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Denis Arthur Lord Clanmorris*, for and on behalf of himself and his infant Sons, the said *John Charles Robert Bingham*, *Denis Arthur Bingham*, *Dudley Persse Bingham*, and *Henry Charles William Bingham*, and also the said *Bentinck Walter Yelverton* and *Anna Maria* his Wife, *Frederick Yelverton* and *Louisa Catherine* his Wife, *Julia Harriet Bingham*, and *George Mahon*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for *George Robert Gildea of Kilmain* in the said County of *Mayo*, Clerk, and *Richard Silvester Cahill of Brighton* in the County of *Sussex*, Esquire, or the Survivor of them, or the Heirs of such Survivor, and they or he are or is hereby authorized and required, at the Request or with the Consent in Writing of the said *Denis Arthur Lord Clanmorris* during his Life, and after his Decease at the Request or with the Consent in Writing of the Person or Persons for the Time being entitled under the Limitations of the said recited Will of the said *John Lord Clanmorris* deceased to the First Estate of Freehold of and in the Freehold Messuages, Lands, Tenements, and Hereditaments thereby devised, if such Person or Persons shall be of the Age of Twenty-one Years, and if such Person or Persons shall be under the Age of Twenty-one Years, then of his, her, or their Guardian or Guardians, at any Time or Times after the passing of this Act, absolutely to make Sale and dispose of all and singular the Messuages, Lands, and Hereditaments specified in the Schedule to this Act, or any of them, or any Part or Parts thereof, with the Rights, Members, and Appurtenances thereto belonging, and the Fee Simple and Inheritance thereof in Possession, either by public Sale or private Contract, or partly by public Sale and partly by private Contract, and in such Lots, Parcels, or Manner, and subject to such reasonable Conditions of Sale, as the said Trustees or Trustee, at such Request or with such Consent as aforesaid, shall think fit, to any Person or Persons who shall be willing to purchase the same, and for the best Price or Prices that can or may, in the Opinion of the said Trustees or the Survivor of them, or the Heirs of such Survivor, with such Consent as aforesaid, be reasonably gotten



gotten for the same, and upon Payment of the Purchase Money for which such Hereditaments or any Part or Parts thereof shall be sold into the Bank of *Ireland*, in the Manner herein-after directed, it shall be lawful for the said *George Robert Gildea* and *Richard Silvester Cahill*, or the Survivor of them, or his Heirs, by any Deed or Deeds to be by them or him sealed and delivered in the Presence of and attested by Two or more credible Witnesses, to grant, release, and appoint or otherwise convey or assure the Messuages, Lands, Tenements, and Hereditaments hereby authorized and directed to be sold, or such Part or Parts thereof respectively as shall be so sold, with their Rights, Members, and Appurtenances, unto and to the Use of the Purchaser or Purchasers thereof, his, her, or their Heirs or Assigns, or to such Uses and in such Manner as he, she, or they shall direct or appoint.

II. And be it further enacted, That when all or any Part of the Messuages, Lands, Tenements, and Hereditaments hereby authorized or directed to be sold shall be sold, and such Conveyance or Assurance thereof made and executed as aforesaid, all and every the Messuages, Lands, Tenements, and Hereditaments which shall be so sold and conveyed shall from thenceforth go and remain to the Uses, upon and for the Trusts and Purposes, and in the Manner to, upon, for, or in which the same shall be so conveyed and assured, and shall and may be held and enjoyed, and the Rents and Profits thereof received and taken accordingly, freed and for ever discharged of and from all and singular the Estates, Limitations, Uses, Trusts, Remainders, Reversions, Powers, Provisoes, Conditions, Charges, and Incumbrances whatsoever in and by the said Will of the said *John Lord Clanmorris* deceased, and the Codicil thereto, or either of them, limited, expressed, and declared of and concerning the same, save and except such Lease or Leases (if any) as shall or may have been granted under the Power in that Behalf contained in the said Will.

Purchasers to hold discharged from the Uses of the Will.

III. Provided always, and be it further enacted, That in the meantime and until the Messuages, Lands, Tenements, and Hereditaments hereby authorized or directed to be sold shall be sold and conveyed in manner aforesaid, the same, or such Part or Parts thereof as shall for the Time being remain unsold, shall continue subject to all and singular the Uses, Trusts, Estates, Powers, Provisoes, Limitations, Charges, and Incumbrances expressed, declared, and contained in and by the said recited Will and Codicil respectively of and concerning the same, and shall be held and enjoyed and disposed of, and the Rents and Profits thereof received and taken accordingly, in such and the same Manner as if this Act had not been passed.

Until Sale the Estates to be held to former Uses.

IV. And be it further enacted, That all and singular the Monies to arise by such Sale or Sales as aforesaid of the Hereditaments and Premises hereby directed or authorized to be sold shall be paid by the Purchaser or Purchasers thereof, without Fee or Reward, into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery of *Ireland*, to be placed to his Account there *ex parte* the Purchasers of the Estates of *Denis Arthur Lord Clanmorris*, pursuant to the Method prescribed by the

Purchasers to pay the Purchase Money into the Bank of Ireland.

[Private.]



*Denis Arthur Lord Clanmorris*, or the Person or Persons who would have been entitled in Possession to the Rents and Profits of the Lands, Tenements, and Hereditaments to be purchased as aforesaid, in case the same were purchased by virtue of this Act, or the Guardian or Guardians of such Person or Persons, if, he, she, or they shall be under the Age of Twenty-one Years, be ordered to be sold by the said Accountant General for completing such Purchase or Purchases in such Manner as the said Court shall think just and direct; and if the Money arising by the Sale of such Debentures or Treasury Bills shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then and in that Case only the Surplus which shall remain after discharging the Expences of the Applications to the said Court shall be paid to such Person or Persons respectively as would have been entitled to receive the Rents and Profits of the Lands, Tenements, and Hereditaments hereby 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 to be  
taxed and  
paid.

IX. And be it further enacted, That it shall be lawful for the said Court of Chancery in *Ireland*, and the same Court is hereby required, from Time to Time, upon Petition to be presented by the said *Denis Arthur Lord Clanmorris*, or such Person or Persons as herein-before mentioned, to make any Order or Orders for taxing and settling the Costs, Charges and Expences herein-before directed to be paid, and for taxing the Costs, Charges, and Expences of the several Applications to be made to the said Court respecting the Matters aforesaid or any of them, and the Costs, Charges, and Expences of taking the said Monies out of the Bank, and investing the same in new Purchases as aforesaid, and for the Payment of all Costs, Charges, and Expences out of the said Monies, or out of the Monies arising by Sale of the said Debentures or Treasury Bills so to be purchased as aforesaid.

Power to  
appoint new  
Trustees.

X. And be it further enacted, That if the said *George Robert Gildea* and *Richard Silvester Cahill*, or either of them, or any Trustee or Trustees to be hereafter appointed for the Purposes of this Act, as herein-after is mentioned, shall die, or be desirous to be discharged from or refuse or become incapable to act in the Trusts hereby declared or created, before the same shall be fully performed, then and in every such Case it shall and may be lawful to and for the said Court of Chancery in *Ireland*, on Petition to be presented in a summary Way by or on behalf of the said *Denis Arthur Lord Clanmorris*, if living, or if he shall be dead the Person or Persons for the Time being entitled under the Limitations contained in the said Will of the said *John Lord Clanmorris* to the First Estate of Freehold in the Estates thereby devised, if he, she, or they shall be of the Age of Twenty-one Years, or otherwise of the Guardian or Guardians of such Person or Persons respectively, to constitute and appoint some fit and proper Person or Persons to be a Trustee or Trustees in the Place of the Trustee or Trustees who shall die or desire to be discharged, or refuse or become incapable of acting as aforesaid; and immediately upon such Appointment the Trustee or Trustees who shall so desire to be discharged, refuse or become incapable to act as aforesaid, and the Heirs of any sole Trustee who shall so die, shall cease to be a Trustee or

Trustees



Trustees for the Purposes of this Act, and shall not afterwards have or exercise any of the Powers, Authorities, or Trusts hereby created or declared; and all and every such new Trustee or Trustees to be appointed as aforesaid, and his and their Heirs, shall and may act in the Execution of the Trusts of this Act, and have and exercise all and singular the Powers and Authorities herein-before contained or expressed, in such or the same Manner as if he or they had been originally named and appointed Trustee or Trustees by or for the Purposes of this Act.

XI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to the several Incumbrancers upon the Estate of the said *Denis Arthur Lord Clanmorris* in the Premises hereby made saleable, so far as they respectively are Incumbrancers upon the said Estate in Possession or Reversion, and especially to *Thomas Warren White* and *Benjamin Lee Guinness*, as Trustees for some of the said Incumbrancers, and to all and every other Person and Persons, Bodies Politic and Corporate, his and their Heirs, Executors, Administrators, Successors, and Assigns, (except the said *Denis Arthur Lord Clanmorris* and his Heirs, *John Charles Robert Bingham*, *Denis Arthur Bingham*, *Dudley Persse Bingham*, and *Henry Charles William Bingham*, and the Heirs Male of their respective Bodies, and all and any other the Sons and Son of the said *Denis Arthur Lord Clanmorris* hereafter to be born, and the Heirs Male of their respective Bodies, and also the said *Bentick Walter Yelverton* and *Anna Maria* his Wife, *Frederick Yelverton* and *Louisa Catherine* his Wife, and *Julia Harriet Bingham*, and their respective Heirs, Executors, Administrators, and Assigns, and the said *George Mahon* and *Arthur French Saint George*, and their respective Heirs, Executors, Administrators, and Assigns, and all and every other Persons and Person having or claiming or to claim any Estate, Right, Title, or Interest at Law or in Equity under or by virtue of the said Will and Codicil of the said *John Lord Clanmorris*, their, his, and her Heirs, Executors, Administrators, and Assigns, other than the said *Thomas Warren White* and *Benjamin Lee Guinness*, and the several Incumbrancers upon the Estate of the said *Denis Arthur Lord Clanmorris* in the Premises hereby made saleable, so far as they respectively are Incumbrancers upon the said Estate of the said *Denis Arthur Lord Clanmorris*,) all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever of, in, to, or out of the Messuages, Lands, Tenements, and Hereditaments hereby authorized to be sold as aforesaid, or any Part or Parts thereof, as they, every or any of them, had before the passing of this Act, or could or might have held or enjoyed or been entitled to if this Act had not been made.

General  
Saving.

XII. 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  
the Queen's  
Printers to be  
Evidence.



**SCHEDULE to which the foregoing ACT refers ;**  
**Containing a Particular of the Estates authorized to be sold.**

Situation the of Estates.	Description of the Property.	Subdivisions.	Present Occupiers.	—	Annual Rents.
					£ s. d.
1. Baronies of Clare and Dunkellin.	The Farm and Lands of Clare Galway, with its several Sub-denominations; namely, Clare Laght George otherwise Lough George, Kinniskey otherwise Kinskis, Cahirgown otherwise Cahirgowne, Montagh, and Corry otherwise Curraghmore, in the County of Galway.	Crusheen	Luke Ryan	-	59 10 0
		Kinnisky Village	In the several Occupations of James Burke and others.	At several Rents amounting to	207 15 4
		Montagh and Spellacy	Ditto Pat. Duggan and others.	Ditto Ditto	345 6 4
		Carrowkeel and Cahirgown.	Ditto John Tully and others.	Ditto -	269 16 8
		Rampark	James Kelly	-	19 15 10
		Curragh Meadow	Ditto Pat. Cullinane and others.	Ditto -	37 18 6
		Castle, Clare Galway, Blake's Holding, and Abbey.	Ditto Martin Cullinane and others.	Ditto -	117 3 8
		Lower Division, Clare Galway.	Ditto the Reverend J. O'Keane and others.	Ditto -	62 1 6
		Branramore, Lough George, and Poulbee.	Ditto Malachy Hanly and others.	Ditto -	188 2 10
2. County of the Town of Galway.		Ballindoolagh	Ditto John Boyle and others.	Ditto -	224 0 0
		Clonbiggen	Ditto Thomas Cassidy and others.	Ditto -	50 0 0
3. Barony of Clare		-	Ditto Pat. Cullinane and others.	Ditto -	357 7 6
	The Town and Lands of Kiltroge, with the several Sub-denominations and Appurtenances.	-		£	1,938 18 2



[illegible]

*N.B.*—The Lands of Belass, No. 5., are held by Lease for Lives, renewable for ever, at a yearly Rent of £20. The Remainder of the Property included in this Schedule is Fee Simple.



