

ANNO PRIMO

RABERAL BELLINAL

An Act for vesting Settled Estates in the Township of Headingley-cum-Burley in the Parish of Leeds in the County of York, of which John Henry Fawcett Esquire is Tenant for Life, in Trustees for Sale, and for investing the Monies to be produced thereby in the Purchase of other Estates, to be settled to the same Uses.

[15th July 1837.]

HEREAS by an Act of Parliament made in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled An Act for confirming a Par- 7 & 8 G. 4. tition made by Mary Bainbrigge Spinster with the Reverend Richard c. 55. Fawcett Clerk and Anna Maria his Wife, and others, of an Estate situate in the Township of Headingley-cum-Burley in the Parish of Leeds in the County of York, after reciting the Will of Mary Bain- Will of Mary brigge late of Headingley-cum-Burley in the Parish of Leeds in the Bainbrigge, County of York, Widow, bearing Date the Eighteenth Day of June Widow, One thousand eight hundred and three, and a Codicil to her said dated 18th. Will bearing Date the Thirtieth Day of January One thousand [Private.] eight 10 m

eight hundred and four, whereby one full undivided Moiety or Half Part (the Whole into Two equal Parts to be divided) of and in all that her Messuage, Farm, or Tenement, Buildings, Closes of Land, and Hereditaments, in the Occupation of William Thompson Esquire, his Assigns or Undertenants, and also of and in all the Residue and Remainder of her Messuages, Cottages, Lands, Tenements, and Hereditaments situate, lying, and being in Headingley otherwise Headingley-cum-Burley aforesaid, or elsewhere in the County of York, was devised or appointed to her Daughter Mary Bainbrigge, and after her Decease in manner therein mentioned, and the other Moiety or Half Part (the Whole into Two equal Parts to be divided) of all the same Hereditaments as devised or appointed to her Daughter Anna Maria, the Wife of the said Richard Fawcett, and her Assigns during her Life, with a Limitation to John Blayds of Oulton in the said County of York, Esquire, and Thomas Lodge of Willow Hall near Halifax, Esquire, and their Heirs, during the Life of her said Daughter Anna Maria Fawcett, in Trust to preserve the contingent Estates and Remainders therein-after limited; and after the Decease of her said Daughter Anna Maria Fawcett, unto the Reverend Richard Fawcett and his Assigns during his Life, with a Limitation to the said John Blayds and Thomas Lodge and their Heirs during the Life of the said Richard Fawcett, in Trust to preserve the contingent Estates and Remainders therein-after limited; and after the Decease of the Survivor of them the said Anna Maria Fawcett and Richard Fawcett, to the Use of her Grandson Walker Richard Fawcett during his Life, with a Limitation to the said John Blayds and Thomas Lodge and their Heirs during the Life of her said Grandson, in Trust to preserve the contingent Uses and Estates therein-after limited; and after the Decease of her said Grandson Walker Richard Fawcett, to the Use of the First Son of her said Grandson Walker Richard Fawcett in Tail, and for Default of such Issue to the Use of the Second, Third, Fourth, and every other Son and Sons of her said Grandson successively and in Remainder one after another as they and every of them should be in Priority of Birth in Tail, and for default of such Issue to the Use of her Grandson the said John Henry Fawcett and his Assigns during his Life, without Impeachment of Waste, with a Limitation to the said John Blayds and Thomas Lodge and their Heirs during the Life of her said Grandson John Henry Fawcett, in Trust to preserve the contingent Uses and Estates therein-after mentioned, and after the Decease of her said Grandson John Henry Fawcett, to and to the Use of the First Son of her said Grandson John Henry Fawcett in Tail, and for Default of such Issue to the Use of the Second, Third, Fourth, and every other Son and Sons of her said Grandson John Henry Fawcett severally and in Remainder one after another as they and every of them should be in Priority of Birth in Tail, and for Default of such Issue to the Use of all and every the other Son and Sons of her said Daughter Anna Maria Fawcett severally and in Remainder one after another as they and every of them should be in Priority of Birth, and in default of such Issue to the Use of all and every the Daughters of her said Daughter Anna Maria Fawcett, with cross Remainders between or among them, in Tail; and also reciting

reciting that the said Mary Bainbrigge the Testatrix departed this Life in or about the Month of April in the Year of our Lord One thousand eight hundred and five, without having revoked or in anywise altered her said Will any further or otherwise than as the same is altered by her said Codicil, and without having revoked or in anywise altered her said Codicil; and also reciting Indentures of Deed of Par-Lease and Release and Appointment bearing Date respectively the First and Second Days of June One thousand eight hundred and nineteen, the Release and Appointment made or expressed to be made between the said Mary Bainbrigge the Daughter of the First Part, the said Richard Fawcett and Anna Maria his Wife of the Second Part, the said Walker Richard Fawcett of the Third Part, the said John Henry Fawcett of the Fourth Part, and Joseph Fawcett Esquire of the Fifth Part, and a Fine sur concesserunt levied by the said Richard Fawcett and Anna Maria his Wife in or as of Trinity Term in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, in pursuance of a Covenant for that Purpose contained in the said Indenture of Release, whereby, for effecting a Partition of the Hereditaments therein-after described (being Part of the Estates devised as aforesaid) for such Time or Term and Estate as the said Parties had respectively Power to grant and convey in their several undivided Moieties of the said Hereditaments, and as their respective Mutualities in the same should continue under and by virtue of the said Will and Codicil, the One full and equal undivided Moiety or Half Part of the said Mary Bainbrigge (Party thereto), and also the remaining One full and equal undivided Moiety of the said Richard Fawcett and Anna Maria his Wife and their said Issue of and in all those several Closes, Pieces, or Parcels of Arable, Meadow, or Pasture Land situate, lying, and being in the Township of Headingley-cum-Burley in the Parish of Leeds aforesaid, called or commonly known by the several Names and containing by Survey the respective Quantities therein-after mentioned, (that was to say,) the Broom Hill Five Acres and Nineteen Perches, the Little Butcher Close Five Acres and Six Perches, the Far Butcher Close Six Acres Two Roods and Thirty-six Perches, the Tinker Croft Four Acres Three Roods and Thirty-seven Perches, the Thistle Hill Five Acres and Four Perches, the Paddock One Acre One Rood and Thirty-six Perches, the Oddy Garth Five Acres and Two Perches, the West Part of the Tenter Garth Two Acres Three Roods and Twenty-four Perches (and which was intended to be separated from the Remainder thereof by a Stone Wall to be built by and at the Expence of the said Mary Bainbrigge, Party thereto), the Upper Pond Hill Five Acres One Rood and Twenty-seven Perches, the Hill One Acre Two Roods and Ten Perches, the Seven Acres Eight Acres One Rood and Sixteen Perches, the Back Ridge Nine Acres and Twenty-five Perches, the Broad Close Nine Acres One Rood and One Perch, and the Dockwray Wife Close Seven Acres and Five Perches; also of and in all that Messuage or Dwelling House situate in Headingley-cum-Burley aforesaid, then occupied by Thomas Tattersall, adjoining on the South Side of the Messuage or Tenement of the said Mary Bainbrigge (Party thereto), with the Barn, Stable, and Cowhouse near thereto, and so much of the Stack-garth and Foldyard

tition dated 1st & 2d June

yard on the North and South Sides of the said Barn, Stable, and Cowhouse as was then staked out from the Remainder thereof and. intended to be separated therefrom by a Wall to be built by the said Mary Bainbrigge (Party thereto); and also of and in all that Malt-kiln and Drying-kiln situate in the said Closes called the Paddock and the Upper Pond Hill or in one of them, and which said first-mentioned Messuage or Dwelling House, Barn, Stable, and Cowhouse, and also Part of the said Closes of Land, were then in the Occupation of the said Thomas Tattersall, and the Remainder of the said Closes were in the several Occupations of the said Mary Bainbrigge (Party thereto) and of William Cockerham, Samuel Calvert, Joseph Brooke, and Thomas Shipley; also of and in all those several other Closes, Pieces, or Parcels of Arable, Meadow, or Pasture Land, also situate, lying, and being in Headingley-cum-Burley aforesaid, called or commonly known by the several Names and containing by Estimation the respective Quantities therein-after mentioned, (that was to say,) the Low Pond Hill Six Acres Three Roods and Thirty-four Perches, the Pig Hill Three Roods and Thirty-one Perches, and which said Two Closes were then laid together and occupied in One Close, the Low Pasture Four Acres Two Roods and Eight Perches, the Pasture Close Seven Acres Three Roods and Eighteen Perches, the Margery Ten Acres One Rood and Twenty-one Perches, the Great Blind Man's Flatt Seven Acres and Two Roods, the Horsman Close Six Acres Three Roods and Twenty-four Perches, the East Part of the Tenter Garth One Acre One Rood and Thirty-five Perches (and intended to be laid to and occupied with the said Horsman Close), the Thompson Close Five Acres Two Roods and Fourteen Perches, the Hilly Ridge Ten Acres and Seven Perches, the Hardcastle Close Five Acres and Thirty-five Perches, the Simpson Close Seven Acres Three Roods and Nineteen Perches, and the Little Blind Man Flatt Six Acres and Twenty-eight Perches, and which said last-mentioned Closes were then in the several Occupations of John Atkinson, John Walsha, William Cockerham, and the said Thomas Tattersall; also of and in all that Barn in the Occupation of the said John Atkinson adjoining on the East End of the said Barn occupied by the said Thomas Tattersall, and the whole of the Stack-garth on the East Side of the said Barn occupied by the said John Atkinson, and also so much of the Stack-garth on the North Side of the said last-mentioned Barn as was co-extensive therewith and then staked out from the Remainder thereof, and also so much of the Fold-yard on the West Side of the same Barn as was then also staked out from the Remainder thereof, and which said Part of the said Stack-garth and Fold-yard were intended to be separated from the other Parts thereof by a Wall to be built by the said Mary Bainbrigge (Party thereto) as aforesaid; and also of and in all that Messuage or Tenement, with the Stable, Cowhouse, and Stack-garth thereto belonging, situate in Headingley-cum-Burley aforesaid, and adjoining upon Woodhouse Moor, and then in the Occupation of the said John Atkinson, his Undertenants or Assigns, and of and in all Houses, Outhouses, Barns, Stables, Buildings, Ways, Paths, Passages, Waters, Watercourses, Commons, Common of Pasture, Privileges, Advantages, Rights,

Rights, Members, and Appurtenances to the said Hereditaments and Premises belonging or appertaining, were respectively conveyed, appointed, and assured by the said Mary Bainbrigge, Party thereto, and the said Richard Fawcett and Anna Maria his Wife, Walker Richard Fawcett, and John Henry Fawcett, for and during the Lives of them the said Richard Fawcett and Anna Maria his Wife and of the said Walker Richard Fawcett, and the Lives and Life of the Survivors and Survivor or longest Liver of them, and in default or in failure of such Issue of the said Walker Richard Fawcett then for and during the natural Life of the said John Henry Fawcett, to the Uses, upon the Trusts, and for the Ends, Intents, and Purposes therein-after limited, expressed, and declared of and concerning the same and herein-after mentioned, (that is to say,) as to, for, and concerning all those the said several Closes of Land called the Broom Hill, the Little Butcher Close, the Far Butcher Close, the Tinker Croft, the Thistle Hill, the Paddock, the Oddy Garth, the West Part of the Tenter Garth, the Upper Pond Hill, the Hill, the Seven Acres, the Back Ridge, the Broad Close, and Dockwray Wife Close; also the said Messuage or Dwelling House in the Occupation of the said Thomas Tattersall, with the Barn, Stable, and Cowhouse near thereto, and Part of the Stack-garth and Fold-yard on the North and South Sides of the said Barn, Stable, and Cowhouse, and also the said Malt-kiln and Drying-kiln, with the Rights, Members, and Appurtenances to the same belonging, to the Use of such and the same Person and Persons, and for such and the like Estates and Interests, and with, under, and subject to such and the same Powers, Provisoes, and Declarations, as in and by the said Codicil to the said Will of the said Mary Bainbrigge deceased was and were devised, limited, and contained of and concerning the first therein mentioned one undivided Moiety or Half Part of the said last-mentioned Hereditaments, for the Benefit of the said Mary Bainbrigge (Party thereto) and her Assigns, and for such other Estates as were therein expressed, or during such Part of the Time of those Estates and Interest as the Estates and Interests thereinafter limited in and concerning the Residue of the said Hereditaments and Premises thereby granted and released and appointed or intended so to be should continue; and as, to, for, and concerning all those the said several Closes or Parcels of Land called the Low Pond Hill and the Pig Hill (then in One Close), the Low Pasture, the Pasture Close, the Margery, the Great Blind Man's Flatt, the Horsman Close, the East Part of the Tenter Garth, the Thompson Close, the Hilly Ridge, the Hardcastle Close, the Simpson Close, and the Little Blind Man Flatt; also the said Barn in the Occupation of the said John Atkinson, with the whole of the Stack-garth on the East Side thereof, and so much of the said Stack-garth on the North Side of the same Barn as was co-extensive therewith, and so much of the said Fold-yard on the West Side of the same Barn as was staked out from the Residue thereof as aforesaid, and the said Messuage or Tenement, Stable, Cowhouse, and Stack-garth occupied by the said John Atkinson, with the Rights, Members, and Appurtenances to the same belonging, to the Use of such Person and Persons, and for such and the like Estates and Interests, and with, under, and [Private.] subject 10 72

subject to such and the same Powers, Provisoes, and Declarations, as in and by the said Will and Codicil of the said Mary Bainbrigge deceased were devised, limited, and contained of and concerning the secondly therein mentioned One undivided Moiety or Half Part of the said last-mentioned Hereditaments, for the Benefit of the said Anna Maria Fawcett and Richard Fawcett and their respective Assigns during their respective Lives and otherwise as therein expressed, or during such Part of the Time of the last-mentioned Estates and Interests as the Estates and Interests therein-before limited in and concerning the other Parts of the said Hereditaments and Premises thereby granted and released and appointed or intended so to be should continue; and also reciting that the said Richard Fawcett intermarried with the said Anna Maria his Wife on or about the Second Day of February in the Year of our Lord One thousand seven hundred and eighty-six, and they had Issue then living the following Children only (all of whom had attained the Age of Twenty-one Years), namely, the said Walker Richard Fawcett and John Henry Fawcett, Mary Ellen the Wife of the Reverend Francis Thomas Cookson of Leeds in the said County of York, Clerk, Anna Elizabeth Fawcett Spinster, Francis Catherine Fawcett Spinster, Charlotte Jane the Wife of the Reverend William Charles Wollaston of Leeds aforesaid, Clerk, Lydia Sarah Fawcett Spinster, and Margaret Agnes Fawcett Spinster, and that the said Richard Fawcett and Anna Maria his Wife had had also One other Daughter, namely, Isabella Maria late the Wife of Thomas Lupton of Leeds aforesaid, Woolstapler, and the said Isabella Maria Lupton had some Time since departed this Life leaving Issue One Child only, namely, Maria Hannah Lupton Spinster, then an Infant of the Age of Sixteen Years or thereabouts; and also reciting a Decree of His Majesty's High Court of Chancery bearing Date the Sixteenth Day of June One thousand eight hundred and twenty-six, and made in a Cause wherein the said Mary Bainbrigge the Daughter was Plaintiff, and the said Richard Fawcett and Anna Maria his Wife, Walker Richard Fawcett, John Henry Fawcett, Francis Thomas Cookson and Mary Ellen his Wife, Anna Elizabeth Fawcett, Frances Catherine Fawcett, William Charles Wollaston and Charlotte Jane his Wife, Lydia Sarah Fawcett, Margaret Agnes Fawcett, Thomas Lupton and Maria Hannah Lupton (by the Name of Hannah Maria Lupton) an Infant, by the said Thomas Lupton her Father and Guardian, and the said Thomas Lodge, were Defendants, whereby it was ordered that a Commission of Partition should issue directed to certain Commissioners to be therein named to divide the Estates in question in the Cause (and being those so devised by the said Will and Codicil of the said Mary Bainbrigge deceased as aforesaid) into Moieties, and that one Moiety thereof should be allotted as the Share of the Plaintiff, and the other Moiety should be allotted as the Share of the Defendants Richard Fawcett and Anna Maria his Wife, John Henry Fawcett, Francis Thomas Cookson and Mary Ellen his Wife, Anna Elizabeth Fawcett, Frances Catherine Fawcett, William Charles Wollaston and Charlotte Jane his Wife, Lydia Sarah Fawcett, Margaret Agnes Fawcett, Thomas Lupton and Maria Hannah Lupton, subject to the Trusts, Limitations, and Remainders declared concerning

cerning such Moieties; and it was ordered that the Plaintiff and the said Defendants should hold and enjoy their respective Moieties in Severalty according to such Allotments; and it was ordered that the mutual Conveyances to be made by the Plaintiff and the said Defendants to each other, and by the said Defendant Thomas Lodge the surviving Trustee, should be respited until the Defendant Maria Hannah Lupton should attain Twenty-one Years of Age; and also reciting a Commission of Partition bearing Date the Fifteenth Day of September One thousand eight hundred and twenty-six, issued according to the said Decree, authorizing Joseph Brooke, Thomas Thompson, John Smith the elder, and John Smith, Gentlemen, any Three or Two of them, to divide and allot the Estate and Premises in question in the said Cause and devised by the said Will and Codicil of the said Mary Bainbrigge deceased; and also reciting a Certificate bearing Date the Fourth Day of October in the Year of our Lord One thousand eight hundred and twenty-six, under the Hands and Seals of the said Thomas Thompson and John Smith, Two of the said Commissioners named in the said Commission of Partition, whereby the said Commissioners certified that they had made a fair Partition and Division and Allotment of the Estate and Premises, and divided the same into Two Moieties as nearly as they had deemed practicable, and did thereby allot the Entirety of all those several Closes, Pieces, or Parcels of Arable, Meadow, or Pasture Land situated, lying, and being in the Township of *Headingley-cum-Burley* aforesaid, called or commonly known by the several Names and containing by Survey - the respective Quantities herein-after mentioned, (that is to say,) the Broom Hill Five Acres and Nineteen Perches, the Little Butcher Close Five Acres and Six Perches, the Far Butcher Close Six Acres Two Roods and Thirty-six Perches, the Tinker Croft Four Acres Three Roods and Thirty-seven Perches, the Thistle Hill Five Acres and Four Perches, the Paddock One Acre One Rood and Thirty-six Perches, the West Part of the Tenter Garth Two Acres Three Roods and Twenty-four Perches (which was then separated from the Remainder thereof by a Stone Wall built by and at the Expence of the said Plaintiff the said Mary Bainbrigge), the Upper Pond Hill Five Acres One Rood and Thirty-seven Perches, the Hill One Acre Two Roods and Ten Perches, the Seven Acres Eight Acres One Rood and Sixteen Perches, the Back Ridge Nine Acres and Twenty-five Perches, the Broad Close Nine Acres One Rood and One Perch, and the Dockwray Wife Close Seven Acres and Five Perches, also the Entirety of all that Messuage or Dwelling House situate in *Headingley-cum-Burley* aforesaid, then lately occupied by Thomas Tattersall, but then by William Leak, adjoining on the South Side of the Messuage or Tenement of the said Plaintiff the said Mary Bainbrigge, with the Barn, Stable, and Cowhouse near thereto, and so much of the Stack-garth and Fold-yard on the North and South Sides of the said Barn, Stable, and Cowhouse as is now separated from the Remainder thereof by a Wall built by the said Mary Bainbrigge, and also the Entirety of all that Malt-kiln and Drying-kiln situated in the said Closes called the Paddock and the Upper Pond Hill, or in one of them, and which said firstmentioned

mentioned Messuage or Dwelling House; Barn, Stable, and Cowhouse, and also Part of the said Closes of Land, were late in the Occupation of the said Thomas Tattersall, but then or late of the said William Leak, and the Remainder of the said Closes were then late in the several Occupations of the said Plaintiff the said Mary Bainbrigge, and of William Cockerham, Samuel Calvert, Joseph Brooke, and Thomas Shipley, but then of the said Plaintiff Mary Bainbrigge, William Cockerham, and Joseph Brooke, and of William Duerden, with the Appurtenances, as the Share of the said Mary Bainbrigge, which said Share of the said Plaintiff the said Mary Bainbrigge they the said Commissioners had caused to be coloured Green on the Plan endorsed on the now-reciting Certificate, and they did thereby allot the Entirety of all those several Closes, Pieces, or Parcels of Arable, Meadow, or Pasture Land also situate, lying, and being in *Headingley-cum-Burley* aforesaid, called or commonly known by the several Names and containing by Estimation the respective Quantities herein-after mentioned, (that is to say,) the Low Pond Hill Six Acres Three Roods and Thirty-four Perches, the Pig Hill Three Roods and Thirty-one Perches, which said Two Closes were then laid together and occupied in One Close, the Low Pasture Four Acres Two Roods and Eight Perches, the Pasture Close Seven Acres Three Roods and Eighteen Perches, the Margery Ten Acres One Rood and Twenty-one Perches, the Great Blind Man's Flatt Seven Acres and Two Roods, the Horsman Close Six Acres Three Roods and Twenty-four Perches, the East Part of the Tenter Garth One Acre One Rood and Thirty-five. Perches (then laid to and occupied with the said Horsman Close), the Thompson Close Five Acres Two Roods and Fourteen Perches, the Hilly Ridge Ten Acres and Seven Perches, the Hardcastle Close Five Acres and Thirty-five Perches, the Simpson Close Seven Acres Three Roods and Nineteen Perches, and the Little Blind Man Flatt Six Acres and Twenty-eight Perches, and which said last-mentioned Closes were then late in the several Occupations of John Atkinson, John Walsha, and the said William Cockerham and Thomas Tattersall, but then of the said John Atkinson and William Cockerham, and of Joseph Pickles, Sarah Walker Widow, and George Ward, and also the Entirety of all that Barn late in the Occupation of the said John Atkinson (Part whereof was then converted into a Dwelling House), and adjoining on the East of the said Barn, then lately occupied by the said Thomas Tattersall, and also the whole of the Stack-garth on the East Side of the said Barn then lately occupied by the said John Atkinson, and also so much of the said Stack-garth on the North Side of the said last-mentioned Barn as was co-extensive therewith, and also Part of the Fold-yard on the West Side of the same Barn, and which said Parts of the said Stack-garth and Foldyard were separated from the other Parts thereof by a Stone Wall built by the said Plaintiff the said Mary Bainbrigge as aforesaid, and also the Entirety of all that Messuage or Tenement, with the Stable, Cowhouse, and Stack-garth thereto belonging, situate in Headingleycum-Burley aforesaid, and adjoining upon Woodhouse Moor, and then in the Occupation of the said John Atkinson, his Undertenants or Assigns, with the Appurtenances, as the Share of the said Defendants

dants the said Richard Fawcett and Anna Maria his Wife, John Henry Fawcett, Francis Thomas Cookson and Mary Ellen his Wife, Anna Elizabeth Fawcett, Frances Catherine Fawcett, William Charles Wollaston and Charlotte Jane his Wife, Lydia Sarah Fawcett, Margaret Agnes Fawcett, Thomas Lupton and Maria Hannah Lupton, according to the true Intent and Meaning of the said Decree, and which said Share of the last-mentioned Defendants they had caused to be coloured Red on the said Plan on the now-reciting Certificate endorsed; and also reciting an Order bearing Date the Fourth Day of December One thousand eight hundred and twenty-six, made in the said Cause, whereby the said Certificate and all the Matters and Things therein contained was ratified and confirmed; and also reciting that it would be advantageous as well to the said Mary Bainbrigge as to the Defendants in the said Cause if the Partition so made by the said Thomas Thompson and John Smith as aforesaid were completed and carried into legal Effect and made binding for ever thereafter on all Parties claiming under the said recited Will and Codicil, or either of them, or under the said recited Indentures, Partition, and Decree, or any of them, or under the said Act, but by reason of the Limitations contained in the said Will and Codicil of the said Mary Bainbrigge the Testatrix, so far as regarded the undivided Moiety of the said Richard Fawcett and Anna Maria his Wife, Walker Richard Fawcett, John Henry Fawcett, Francis Thomas Cookson and Mary Ellen his Wife, Anna Elizabeth Fawcett, Frances Catherine Fawcett, William Charles Wollaston and Charlotte Jane his Wife, Lydia Sarah Fawcett, Margaret Agnes Fawcett, Thomas Lupton and Maria Hannah Lupton, the same Partition could not be satisfactorily and effectually made permanent and perpetual without the Aid and Authority of Parliament; it was by the said Act now in recital enacted, that the said Partition so made or purported to be made by or between the said Mary Bainbrigge and Richard Fawcett and Anna Maria his Wife, Walker Richard Fawcett, John Henry Fawcett, Francis Thomas Cookson and Mary Ellen his Wife, Anna Elizabeth Fawcett, Frances Catherine Fawcett, William Charles Wollaston and Charlotte Jane his Wife, Lydia Sarah Fawcett, Margaret Agnes Fawcett, Thomas Lupton and Maria Hannah Lupton, of and concerning the said several Closes, Pieces, or Parcels of Land, Messuages, Buildings, and Premises situate, lying, and being in the Township of Headingley-cum-Burley aforesaid, and particularly described in the said Certificate dated the Fourth Day of October One thousand eight hundred and twenty-six, and in the First and Second Schedules to the said Act annexed, should be and the same was thereby respectively ratified and confirmed; and it was further enacted, that from and immediately after the passing of the said Act now in recital the several Closes, Pieces, or Parcels of Land, Messuages, Buildings, and Premises therein-before particularly mentioned and described, and specified as the Share of the said Mary Bainbrigge, and set forth and described in the First Schedule to the said Act annexed, with their and every of their Rights, Members, and Appurtenances whatsoever, should be absolutely freed, acquitted, exonerated, and discharged of and from all and every the Uses, Trusts, Estates, Charges, Powers, Limitations, Provisoes, and Declarations [Private.] 10 o

rations in and by the said Will and Codicil of the said Mary Bainbrigge the Testatrix limited, created, declared, and contained, should stand limited and settled, and go, remain, and be, to such Uses as in and by the said Codicil to the said Will of the said Mary Bainbrigge were limited, created, expressed, declared, and contained of or concerning the undivided Moiety or equal Half Part of the said Mary Bainbrigge of and in the said Messuages, Lands, Tenements, and Hereditaments thereby devised, or such and so many of the same Uses as were then subsisting undetermined and capable of taking effect; and it was thereby further enacted, that from and immediately after the passing of the said Act the several Closes, Pieces or Parcels of Land, Messuages, Buildings, and Premises therein and herein-before particularly mentioned, described, and specified as the Share of the said Richard Fawcett and Anna Maria his Wife, John Henry Fawcett, Francis Thomas Cookson and Mary Ellen his Wife, Anna Elizabeth Fawcett, Frances Catherine Fawcett, William Charles Wollaston and Charlotte Jane his Wife, Lydia Sarah Fawcett, Margaret Agnes Fawcett, Thomas Lupton and Maria Hannah Lupton, and set forth and described in the Second Schedule to the said Act annexed, and a Copy of which Schedule is annexed by way of Schedule to this Act, with their and every of their Rights, Members, and Appurtenances whatsoever, should stand and be limited and settled, and the same should go, remain, and be, to such Uses, upon such Trusts, and to and for such Intents and Purposes, and with under and subject to such Powers, Provisoes, and Declarations, as in and by the said herein-before recited Codicil to the said Will of the said Mary Bainbrigge deceased are or were limited, created, expressed, declared, and contained of and concerning the undivided Moiety or equal Half Part of the said Richard Fawcett and Anna Maria his Wife, and of their Issue, of and in the Messuages, Lands, Tenements, and Hereditaments situate in the Township of Headingley-cum-Burley aforesaid thereby devised, or such and so many of the same Uses, Trusts, Charges, Powers, Provisoes, and Limitations as were then subsisting undetermined and capable of taking effect: And whereas the said Anna Maria Fawcett departed this Life on or about the Second Day of February One thousand eight hundred and twenty-eight: And whereas the said Walker Richard Fawcett departed this Life on or about the Seventeenth Day of November One thousand eight hundred and thirty-three, without Issue: And whereas the said Richard Fawcett departed this Life on or about the Twenty-second Day of January now last past: And whereas the said John Henry Fawcett intermarried with his present Wife on or about the Twenty-fifth Day of January One thousand eight hundred and thirty-one, and they have Issue One Son, now living, namely, Richard Henry Fawcett, who is an Infant of the Age of Eighteen Months or thereabouts, and no other Son: And whereas the said Maria Hannah Lupton attained the Age of Twenty-one Years on or about the First Day of April One thousand eight hundred and thirtytwo, and on about the Sixteenth Day of May One thousand eight. hundred and thirty-two intermarried with and is now the Wife of Thomas Smith of Leeds, Woolstapler: And whereas the said Anna Elizabeth Fawcett on or about the Sixth Day of September One thousand

thousand eight hundred and thirty-one intermarried with and is now the Wife of Henry Butcher of Okehampton in the County of Devon, Surgeon: And whereas the said Lydia Sarah Fawcett intermarried on the First Day of May One thousand eight hundred and twentyeight with the Reverend William Williamson, and afterwards departed this Life on about the Twenty-sixth Day of March One thousand eight hundred and twenty-nine without Issue: And whereas the said Closes, Pieces or Parcels of Land, and Premises set forth and described in the Second Schedule to the said Act annexed, and a Copy of which Schedule is annexed by way of Schedule to this Act, and to which the said John Henry Fawcett is now entitled in Possession as Tenant for Lise as herein-before is mentioned, are situated in the immediate Neighbourhood of the populous Town of Leeds aforesaid: And whereas several Persons are desirous of erecting Buildings and effecting other Improvements in the Neighbourhood of the said Town of *Leeds*, and the said Closes, Pieces or Parcels of Land, might at the present Time be sold for a very large Sum of Money, and which, if invested in the Purchase of other Freehold Property, would produce a much larger annual Income than that which is derived from the Rents and Profits of the said Estate, or than could be obtained by letting the same on Building Leases: And whereas the said John Henry Fawcett, as well on behalf of himself as on behalf of his said infant Son, and also the said Francis Thomas Cookson and Mary Ellen his Wife, Henry Butcher and Anna Elizabeth his Wife, Frances Catherine Fawcett, William Charles Wollaston and Charlotte Jane his Wife, Margaret Agnes Fawcett, and Thomas Smith and Maria Hannah his Wife, are well satisfied that it would be highly advantageous to all Parties interested in the said Premises, and they are therefore desirous that the said several Closes, Pieces or Parcels of Land, and Premises which are set forth and described in the said Schedule to this Act annexed should be sold, and the Money produced thereby invested in the Purchase of other Estates, but by reason of the Infancy of the said Richard Henry Fawcett, and the Limitations to other Sons of the said John Henry Fawcett contained in the said Codicil, such Sale cannot be effected without the Aid and Authority of Parliament: Therefore Your Majesty's most dutiful and loyal Subjects the said John Henry Fawcett as well on behalf of himself as of his said infant Son, and also Francis Thomas Cookson and Mary Ellen his Wife, Henry Butcher and Anna Elizabeth his Wife, Frances Catherine Fawcett, William Charles Wollaston and Charlotte Jane his Wife, Margaret Agnes Fawcett, Thomas Smith and Maria Hannah his Wife, 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 the said several Closes, Pieces or Parcels of Land, and Premises Estates which are set forth and described in the Second Schedule to the said herein-before in part recited Act annexed, and a Copy of which Schedule is annexed by way of Schedule to this Act, together with to sell. all and every the Rights, Members, and Appurtenances thereunto belonging or in anywise appertaining, and the Reversion and Rever-

vested in Trustees,

sions,

sions, Remainder and Remainders, Rents, Issues, and Profits thereof and of every Part thereof, shall from and immediately after the passing of this Act be and the same are hereby henceforth vested in the Reverend Francis Thomas Cookson of Leeds aforesaid, Clerk, and the Reverend William Charles Wollaston of Leeds aforesaid, Clerk, their Heirs and Assigns for ever, upon the Trusts and to and for the Intents and Purposes herein-after expressed or declared concerning the same, that is to say, upon Trust that they the said Francis Thomas Cookson and William Charles Wollaston, or the Survivor of them, or the Heirs or Assigns of such Survivor, do and shall, as soon as conveniently may be after the passing of this Act, make Sale and dispose of the said Closes, Pieces or Parcels of Land, and Premises by this Act vested as aforesaid, and every Part thereof, by public Auction or private Contract, and either together or in Parcels, for the best Price or Prices which in the Opinion of the said Francis Thomas Cookson and William Charles Wollaston, or the Survivor of them, or the Heirs or Assigns of such Survivor, can be reasonably obtained for the same, and upon such Terms and under such Conditions as he or they shall think expedient, with Power to buy in the same Premises or any Part thereof at any such Auction or Auctions, and to rescind any Contract or Contracts for the Sale of the same Premises or any Part or Parts thereof, and afterwards resell the same, without being answerable for any Loss to be occasioned by a Diminution in Price upon a Re-sale, and to do, perform, and execute all such Acts and Deeds as may be requisite or proper for the Purpose of effecting such Sale or Sales, and upon Payment into the Bank of England in manner herein-after mentioned of the Purchase Money or Purchase Monies for which the same Premises or any of them or any Part or Parts thereof shall be sold, to convey and assure the Premises which shall be so sold unto and to the Use of the Purchaser or Purchasers thereof, and his, her, or their Heirs and Assigns, or to such Uses and in such Manner as he, she, or they shall direct or appoint.

Purchase paid into the Bank of England.

Monies to be of the said Closes, Pieces or Parcels of Land, and Premises, which shall be sold under the Powers and Authorities in this Act contained. or of any Part or Parts thereof, shall pay his, her, or their Purchase Money or Purchase Monies 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 ex-parte the Purchaser or Purchasers of the Settled Estate of John Henry Fawcett, pursuant to the Method prescribed by the Act of the Twelfth Year 12 G.1.c. 32. of the Reign of King George the First, intituled An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and

Cash

II. And be it further enacted, That the Parchaser or Purchasers

Endorsements thereon, as likewise Endorsements on South Sea Bonds. 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 12 G.2.c.24. Reign of King George the Second, intituled An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies not exceeding a Sum therein limited, out of the common and general

Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court.

III. And be it further enacted, That the Certificate and Certificates Certificate of the said Accountant General, together with the Receipt and Receipts of the Cashier of the Bank, to be thereunto annexed and therewith filed in the Registry Office of the said Court of Chancery, Receipt of of the Payment into the Bank of England by such Purchaser or Pur- the Cashier chasers of his, her, or their Purchase Money or Monies, or of any Part of the Bank or Parts thereof as aforesaid, or any Office Copy or Office Copies thereof, effectual Disshall from Time to Time be and be deemed and taken to be a good charge for and sufficient Discharge and good and sufficient Discharges to such the Purchase Purchaser or Purchasers, and to his, her, and their Heirs, Executors, Money. Administrators, and Assigns, for so much or such Part or Parts of the Purchase Money or Monies for which such Certificate or Certificates and Receipt or Receipts respectively shall be so given as aforesaid, and after filing such Certificate or Certificates, and Receipt or Receipts, such Purchaser or Purchasers, and his, her, or their Heirs, Executors, Administrators, and Assigns, shall be absolutely acquitted and discharged of and from the same Purchase Money or Monies, and shall not be answerable or accountable for any Loss or Misapplication or Nonapplication thereof or of any Part thereof.

of the Accountant General and

IV. And be it further enacted, That as soon as conveniently may Purchase be after any Money shall be paid into the Bank as aforesaid the Monies to be same, after deducting so much thereof as shall be ordered by the invested in Court of Chancery to be applied in Payment of Costs, Charges, or of Real Expences according to the Direction herein-after contained, shall, Estate. upon Petition to be preferred to that Court in a summary Way by the said John Henry Fawcett or other the Person or Persons who for the Time being shall be beneficially entitled to the Rents and Profits of the Hereditaments herein-after directed to be purchased, if of full Age, and if not then by his, her, or their Guardian or Guardians for the Time being, be laid out and invested, under and subject to the Direction of the said Court, in pursuance of an Order or Orders for that Purpose to be obtained upon such Petition, 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, being, or arising in that Part of the United Kingdom called England, all which Hereditaments shall be conveyed and assured to such Uses, upon such Trusts, and to and for such Intents and Purposes, and with, under, and subject to such Power, Provisoes, and Declarations, as in and by the said Codicil to the said Will of the said Mary Bainbrigge deceased are or were limited, created, expressed, declared, and contained of and concerning the undivided Moiety or equal Half Part of the said Richard Fawcett and Anna Maria his Wife and of their Issue, and of and in the Messuages, Lands, Tenements, and Hereditaments situate in the Township of Headingley-cum-Burley aforesaid thereby [Private.] devised,

devised, or such and so many of the same Uses, Trusts, Charges, Powers, Provisoes, and Limitations as are now subsisting undetermined and capable of taking effect.

Purchase Monies to be invested in Exchequer Bills until laid out in

V. And be it further enacted, That all Sums of Money which shall be so paid into the Bank in the Name of the said Accountant General to his Account there "ex parte the Purchasers of the Settled Estates of John Henry Fawcett," as herein-before directed, or so much thereof as shall not be ordered by the said Court to be applied other Estates. in Payment of such Costs, Charges, and Expences, according to the Directions herein-after contained, shall, in the meantime and until the said Monies shall be invested in the Purchase of other Hereditaments as aforesaid, be from Time to Time laid out, under the Direction of the said Court, in the Purchase of Exchequer Bills; and the Interest arising from the Money so laid out in the Purchase of such Exchequer Bills, and the Money to be received from the same as they shall respectively be paid off by Government, shall be laid out from Time to Time in the Purchase of other Exchequer Bills; provided always, that it shall be lawful for the said Court to make such General or Special Order or Orders, if necessary, that whenever the Exchequer Bills of the Date of those in the Hands of the said Accountant General shall be in a 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 course of Payment as shall be effectual for enabling such Receipt in Exchange, and in that Case the Interest of the old Bills shall be laid out as herein-before directed with respect to the Interest of the Bills which may be paid off; and all the said Exchequer Bills, whether purchased or received in Exchange, 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 hereinbefore directed, and until the same shall, upon Petition to be preferred to the said Court in a summary Way by the said John Henry Fawcett during his Life, and after his Decease by the Person or Persons who for the Time being would be entitled to the Possession of or to the Receipt of the Rents and Profits of the Hereditaments so to be purchased as aforesaid, if such Person or Persons shall be of the Age of Twenty-one Years, or by the Guardian or Guardians of such Person or Persons on his, her, or their Behalf in case such Person or Persons shall be under that Age, be ordered to be sold by the said Accountant General for the Purpose of making or completing such Purchase or Purchases of Hereditaments 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 Purchase Money so laid out as aforesaid, then and in such Case only the Surplus which shall remain, after discharging the Expences 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 Hereditaments directed to be purchased in case the same had been actually purchased in pursuance of this Act, or to the Representative or Representatives

of such Person or Persons, as Part of his, her, or their Personal Estate.

VI. And be it further enacted, That it shall be lawful for the Court of said Court of Chancery from Time to Time to make such Orders as that Court shall think fit for allowing, perusing, and settling all such Costs, Charges, and Expences as have been or shall be incurred preparatory to and attending the soliciting, applying for, and obtaining and passing this Act, or which may be incident or relating thereto, and of making and completing the Sales herein-before directed to be made, and also of the Costs of the several Applications to be made to the said Court respecting the Matters aforesaid, and of the Costs of taking the said Monies out of the Bank and investing the same in such Purchases as aforesaid, and of all other Costs to be occasioned in the Execution of this Act; and also from Time to Time to make such Orders as the said Court shall think fit for the Payment of all such Costs, Charges, and Expences as aforesaid, out of any Monies to arise by any Sale or Sales to be made in pursuance of this Act, or out of the Money arising by the Sale or calling in of any Exchequer Bills to be purchased as aforesaid; and it shall also be lawful for the said Court of Chancery from Time to Time to make such Order or Orders for facilitating or effecting the Execution of all or any of the Trusts or Purposes of this Act as the said Court shall think fit.

Chancery to make Orders for Costs.

VII. And be it further enacted, That, in the meantime and until Until Sale the said Closes, Pieces or Parcels of Land, and Premises hereby the Rents to directed to be sold as aforesaid shall be sold by virtue of this Act, the said Francis Thomas Cookson and William Charles Wollaston, and the Survivor of them, and his Heirs, shall hold the same, and receive and take the Rents, Issues, and Profits thereof, or permit the same to be had, received, and taken by such Person and Persons as would this Act had have been entitled thereto respectively and ought to have received the same in case this Act had not been passed.

by the Persons who would have been entitled to them if

VIII. And be it further enacted, That if the said Francis Thomas Power to the Cookson and William Charles Wollaston, or either of them, or any future Trustee or Trustees to be appointed as herein-after is men- appoint new tioned, shall die, or be desirous to relinquish or shall refuse or decline Trustees. to act or become incapable of acting in the Execution of the Powers and Trusts hereby created, or shall go out of Great Britain, before the same Powers and Trusts shall be fully performed and executed, then and in any such Case, and when and so often as the same shall happen, it shall be lawful for the said Court of Chancery, upon Petition to be preferred in a summary Way by the said John Henry Fawcett or other the Person or Persons who for the Time being shall be beneficially entitled to the Rents and Profits of the Hereditaments herein-before directed to be purchased, 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,

Court of Chancery to

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 said Trust Estates, Monies, 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 Trustee of the same Trust Estates, Monies, and Premises, and such new Trustee or Trustees jointly, or if there shall be no surviving or continuing Trustee of the same Trust Estates, Monies, and Premises, then in such new Trustee or Trustees only, upon and for such and the same Trusts, Intents, and Purposes as are herein-before declared or expressed or referred to of and concerning the said Trust Estates, Monies, 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 and be considered as vested with such and the same Powers and Authorities, as if he or they had been originally in and by this Act nominated a Trustee or Trustees for the Purposes aforesaid.

General Saving.

IX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons, Body and Bodies Politic or Corporate, his, her, and their Heirs, Executors, Administrators, Successors, and Assigns (other than and except the said John Henry Fawcett, the said Richard Henry Fawcett, and other the Son or Sons of the said John Henry Fawcett, the said Francis Thomas Cookson and Mary Ellen his Wife, Henry Butcher and Anna Elizabeth his Wife, William Charles Wollaston and Charlotte Jane his Wife, Frances Catherine Fawcett, Margaret Agnes Fawcett, Thomas Smith and Maria Hannah his Wife, and their respective Issue, and the Trustee or Trustees to preserve certain Uses in the said Will and Codicil of the said Mary Bainbrigge the Testatrix, and their and his Heirs, and all and every other the Persons and Person whomsoever having or lawfully or equitably claiming, or who shall or may hereafter have or lawfully or equitably claim, any Estate, Right, Title, or Interest whatsoever of, in, to, or out of the said Hereditaments hereby vested in the said Francis Thomas Cookson and William Charles Wollaston in Trust to be sold as aforesaid, or any of them, or any Part or Parts thereof, under or by virtue of the said recited Act of Parliament or of the said Will and Codicil of the said Mary Bainbrigge deceased, or any of them, or any of the Uses, Trusts Limitations, Powers, or Provisions therein respectively contained), all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever of, in, to, or out of the said Closes, Pieces or Parcels of Land, and Premises hereby authorized to be sold as aforesaid, or any of them, 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 had or enjoyed or been entitled to if this Act had not been made.

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

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The SCHEDULE to which the foregoing Act refers.

Description of Property.	Qu	Quantities.		An	Present nual Value.	Tenants Names.
The Low Pond Hill The Pig Hill The Low Pasture	A. 6 0 4	3	9. 34 31 8	}	£ 30	William Cockerham.
The Pasture Close The Margery The Great Blind Man's Flatt The Horsman Close The East Part of the Tenter Garth, now laid to and occupied with the	7 10 7 6	3 1 2	18 21 0 24	}	100	Joseph Pickles.
Horsman Close The Little Blind Man Flatt The Entirety of all that Barn (Part whereof is now converted into a Dwelling House) and also the whole of the Stack-garth on the East Side of the said Barn, and also so much of the said Stack-garth on the North	1		35 28		90	George Ward.
Side of the said Barn as is co-extensive therewith, and also Part of the Fold-yard on the West Side of the same Barn, all now in the several Occupations of George Ward and Joseph Pickles The Thompson Close The Hilly Ridge	0 5 10	0 2	0 14 7		-	1
The Hardcastle Close The Entirety of all that Messuage or Tenement with the Stable, Cowhouse,		ŏ	3 <i>5</i>	}	114	John Atkinson.
and Stack-garth thereto belonging - The Simpson Close	0 7	0 3	0 19	<u>}</u>	36	Sarah Walker.
	·81	1	34		370	

Thomas Newsam.

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