



CHAPTER I.

An Act for enabling the settled estates of the Marquess of Abergavenny to be disentailed and to enable capital moneys to be raised out of the said settled estates and for other purposes connected with those estates.

[12th July 1946.]

WHEREAS at the passing of the Act of Parliament passed in the reign of King Philip and Queen Mary next hereinafter recited under the last will and testament of George Nevill third Baron Abergavenny otherwise Burgavenny (in this Act called "the testator") dated the fourth day of June fifteen hundred and thirty-five divers hereditaments in that Act comprised and thereby subjected to the limitations thereof (in this Act called "the said entailed estates" which expression shall where the context so admits include the property for the time being subject to the settlement made by the said will and Act and the Acts passed in the thirty-first year and in the thirty-fourth and thirty-fifth years of the reign of King Henry the Eighth hereinafter referred to) stood limited subject to divers estates interests and charges now long since determined or satisfied and subject to the effect of the attainder and forfeiture hereinafter mentioned to the uses and in manner following (that is to say) to the use of the testator and the heirs male of the bodies of him and Mary his late wife and for default of such issue to the use of his brother Sir Thomas Nevill knight and of the heirs male of his body and for default of such issue to the use of his brother Sir Edward Nevill knight and of the heirs male of his body and for default of such issue to the use of the heirs male of the bodies of Henry Lord Montague and Jane his wife the testator's daughter and for default of such issue to the use of the heirs of the testator's body and for default of such issue to the use

of the heirs of the body of the said Sir Thomas Nevill and for default of such issue to the use of the heirs of the body of the said Sir Edward Nevill and for default of such issue to the use of the testator his heirs and assigns in fee simple for ever which last will and testament was proved at London on the fourth day of July in the year fifteen hundred and thirty-six:

And whereas in the session of Parliament of the second and third years of the reign of King Philip and Queen Mary on the petition of Edward Nevill esquire eldest son of the said Sir Edward Nevill knight the said Act was passed intituled "An Act concerning the restitution of the heirs male of Sir Edward Nevill knight" (which Act is in this Act called "the Act of Philip and Mary"):

2 & 3 Philip
and Mary
c. 22.

And whereas the Act of Philip and Mary recited (among other things) to the effect that the said Sir Edward Nevill knight on the fourth day of October in the thirtieth year of the reign of King Henry the Eighth was by order of the common law attainted of high treason and for the same was put to execution of death:

And whereas the Act of Philip and Mary further recited (among other things) to the effect that in the session of Parliament of the thirty-first year of the reign of King Henry the Eighth an Act (in this Act called "the Act of attainder") was passed enacting (among other things) to the effect that whereas the said Sir Edward Nevill knight and others therein named were by due course of the common law severally indicted convicted and attainted of high treason they and every of them by the authority of that Act should stand and be attainted of high treason and should lose and forfeit unto the King his heirs and successors all such their manors and other estates and things therein mentioned and all other their hereditaments of what nature soever which they or any other persons in their right or to their uses or in the right or to the use of any of them then had or ought to have had of any estate of inheritance in fee simple or fee tail at the several days of their several treasons committed limited and appointed in their said several indictments or at any time after:

31 Hen. 8.
c. 1.

And whereas the Act of Philip and Mary further recited (among other things) to the effect that in the session of Parliament of the thirty-fourth and thirty-fifth years of the reign of King Henry the Eighth on the petition of Edward Nevill esquire eldest son of the said Sir Edward Nevill knight an Act was passed (in the Act of Philip and Mary and in this Act referred to as "the Act of restitution") enacting (among other things) to the effect that the same Edward Nevill should

34 & 35
Hen. 8. c. 4.

be restored and enabled in name and blood as son and heir to the said Sir Edward Nevill and made heir unto the same Sir Edward in name and blood and to all other to whom the said Sir Edward was heir or might have been heir if he had not been attainted and also be restored and enabled to inherit hold and enjoy all such honours castles and other estates and things therein mentioned and all other hereditaments and possessions which at any time thenceforth should descend revert remain or come to Edward Nevill the son and heir of Sir Edward or heir of the body of Sir Edward or heir or heirs male of any ancestors of Sir Edward or of any of them as the said Edward the son should or might have done or had if the said attainder of Sir Edward had never been had or made saving to all persons bodies politic and corporate their heirs and successors all such right title claim and demands as they or any of them then had or should have had in or to the said honours castles and other estates and things therein mentioned and hereditaments as though the Act of restitution had never been made:

And whereas the Act of Philip and Mary further recited (among other things) to the effect that by the Act of restitution it was further enacted that the Act of restitution or anything therein contained should not anywise extend to restore or entitle Edward Nevill the son or any of his heirs in or to any honours castles or other estates or things therein mentioned or other hereditaments which were late Sir Edward Nevill the father's or which King Henry the Eighth then had or was entitled to have by reason of the attainder of Sir Edward Nevill or otherwise but that all the same honours castles and other estates and things therein mentioned and hereditaments which were Sir Edward the father's should remain in the same condition as they were in before the making of the Act of restitution and as though the same had never been made:

And whereas the Act of Philip and Mary (among other things) enacted to the effect that as much of the Act of restitution as concerned the restitution of the said Edward Nevill esquire should be confirmed:

And whereas the Act of Philip and Mary (among other things) further enacted to the effect that for lack of heirs male of the body of Henry Nevill then Lord Abergavenny the said Edward Nevill esquire might have hold and enjoy to him and to the heirs male of his body all such honours castles and other estates and things therein mentioned and hereditaments whatsoever and the reversion and the remainder of the same which by the testator's will were willed in use or in possession for default of heirs male of the bodies of the testator

and Mary his wife and for lack of heirs male of the body of Sir Thomas Nevill knight then deceased the testator's brother to Sir Edward Nevill knight and to the heirs male of his body anything contained in the Act of Restitution concerning the restitution of Edward Nevill esquire or any saving proviso or other article in that Act contained or in any other Act of Parliament or any other matter or cause to the contrary notwithstanding:

And whereas the Act of Philip and Mary (among other things) further enacted to the effect that if it should fortune Edward Nevill esquire to die without heirs male of his body then all the said honours baronies castles and other estates and things therein mentioned and all other the premises thereinbefore specified and the reversion and the remainders of the same granted by that Act to him should after the decease of Henry then Lord Abergavenny without issue male of his body wholly remain unto Henry Nevill knight brother to Edward Nevill esquire and to the heirs male of his body and that if it should fortune the said Henry Nevill knight the brother to die without heirs male of his body and Henry then Lord Abergavenny to die without heirs male of his body and Edward Nevill esquire to die without heirs male of his body then the same should wholly remain to George Nevill brother to Edward Nevill and Henry Nevill knight and to the heirs male of the body of George Nevill and that for default of such heirs male of their several bodies the same should descend remain and go to the heirs of the body of the testator and for default of such heirs to the heirs of the body of the said Sir Thomas Nevill knight according to the tenour and effect of the testator's will:

And whereas the Act of Philip and Mary (among other things) further provided and enacted to the effect that if it should fortune Henry then Lord Abergavenny and the said Edward Nevill esquire Henry Nevill and George Nevill and every of them to decease without heirs male of their several bodies and also if the heirs of the body of the testator should fortune to decease without heirs of their bodies and also if the heirs of the body of the said Sir Thomas Nevill knight should likewise fortune to decease without heirs of their bodies and heirs or issue of the body of the said Sir Edward Nevill then living then Queen Mary her heirs and successors should and might have hold and enjoy all the said honours castles and other estates and things therein mentioned and other hereditaments thereinbefore specified and the reversion and remainders of the same for and during all such and so long time and times as any of the said heirs or issue of the body of the said Sir Edward Nevill should or ought to have had and enjoyed the same if the said Sir Edward

Nevill had not been attainted and that no feoffment discontinuance fine nor recovery with voucher or otherwise or any other act or acts thereafter to be made done suffered or acknowledged of the premises or of any part or parcel thereof by Henry then Lord Abergavenny Edward Nevill esquire Henry Nevill and George Nevill or by any of them or by any of the heirs male of their several bodies or by any of the heirs of the body of the testator or by any of the heirs of the body of the said Sir Thomas Nevill or by any of them should bind or conclude in right or put from entry Queen Mary her heirs and successors or any of the heirs in tail or any to whom the premises or any parcel thereof should descend revert remain or come by virtue of the testator's will :

And whereas the Act of Philip and Mary then contained powers for Henry then Lord Abergavenny to sell divers manors and hereditaments therein described and by will to make provision out of the lands thereby settled for his daughters and for debts arising by any occasion of service to be done to the Crown and further a provision for the Crown raising out of those lands his ransom if he should be taken prisoner in the service of the Crown :

And whereas the Act of Philip and Mary then contained savings to the effect following (namely) saving to Frances then wife of Henry Lord Abergavenny and to all persons and bodies their heirs and successors (other than Queen Mary her heirs and successors) all such possession estate right title claim and interest as they or any of them had might should or ought to have had in the premises in such like manner form and condition to all intents as they and every of them then had might should or ought to have as though that Act had never been made and saving also to Queen Mary her heirs and successors all such right title interest entry and remainder as to her her heirs and successors in that Act was limited assigned and reserved for default of heirs male of the several bodies of Henry then Lord Abergavenny Edward Nevill Henry Nevill and George Nevill and for default of heirs of the body of the testator and for default of heirs of the body of Sir Thomas Nevill knight deceased :

And whereas by and after the death of the said Henry Lord Abergavenny who had on the testator's death become fourth Baron Abergavenny and who died without heirs male of his body the hereditaments comprised in the Act of Philip and Mary and thereby subjected to the limitations thereof or such part of those hereditaments as had not been alienated by the said Henry Lord Abergavenny became by virtue of that Act vested in Edward Nevill therein designated as Edward Nevill

esquire the eldest son of Sir Edward Nevill knight and hereafter in this Act called "Edward the ancestor" and he became fifth Baron Abergavenny:

And whereas the descendants of Edward the ancestor Barons Earls and Marquesses of Abergavenny have since his death in a regular course of descent and succession taken held and enjoyed the same hereditaments or such parts thereof as were not alienated by Edward the ancestor or as have not since from time to time been alienated by the heirs male of his body:

And whereas from time to time Acts of Parliament were passed for enabling parts of the said entailed estates to be disposed of or leased:

7 James I.

c. 41.

3 Charles I.

c. 11.

13 Charles 2.

c. 17.

18 & 19

Charles 2.

c. 20.

And whereas by Acts of Parliament made and passed respectively in the sessions of Parliament of the seventh year of the reign of King James the First and of the third year of the reign of King Charles the First and of the thirteenth and eighteenth and nineteenth years of the reign of King Charles the Second provision was made for enabling persons then seised or entitled in possession to the said entailed interests and the eldest sons of such persons to dispose of certain parts of the said entailed estates for payment of their debts and for advancement and preferment of their younger children or brothers and sisters:

27 & 28 Vict.

c. ix.

And whereas by the Earl of Abergavenny's Estates Act 1864 (hereinafter called "the Act of 1864") it was recited (among other recitals) that it was expedient that proper powers of jointuring and of appointing portions for younger children should be conferred on William Earl of Abergavenny and the heirs male of the body of Edward the ancestor for the time being seised in possession of the said entailed estates together with such powers of making provision for the widow and younger children of the heir apparent for the time being dying before coming into possession of the said estates:

And whereas (by section 6 of the Act of 1864) certain powers of leasing were conferred in respect of the said entailed estates and there were excepted from such powers the capital messuage or mansion house formerly called Ewridge Place but then Eridge Castle in the county of Sussex and all buildings gardens and appurtenances to the same capital messuage or mansion house belonging or therewith occupied or enjoyed and the park called Ewridge Park otherwise Frant Park in the county of Sussex and also all such lands adjoining the said capital messuage or mansion house or any of its appurtenances or the said park as have been or are now usually occupied or enjoyed with the said capital messuage mansion house or park:

And whereas (by section 8 of the Act of 1864) power was conferred upon the person for the time being in possession of the said entailed estates to appoint a rentcharge or rentcharges to his widow for her life or any less period by way of jointure not exceeding in the whole the yearly sum of two thousand pounds to be charged upon and payable out of all or any of the estates for the time being subject to the Act of Philip and Mary (except the hereditaments excepted from the powers of leasing conferred by the Act of 1864) without any deduction:

And whereas (by section 9 of the Act of 1864) power was conferred on the person for the time being in possession of the said entailed estates to appoint as and for the portion or portions of his younger children a rentcharge or rentcharges for their respective lives or any less period not exceeding in the whole for any one child the sum of one thousand pounds with provisions for accruer but so that no one child should be entitled to any greater sum or yearly rentcharge in the whole than the yearly sum of one thousand five hundred pounds including any annual sum or yearly rentcharge to be originally granted to or appointed to him or her:

And whereas (by section 10 of the Act of 1864) it was provided that the said entailed estates thereinbefore made chargeable or any of them should not under or by virtue of the said power of appointing a portion or portions as aforesaid be at any one time subject to the payment of more than the yearly sum of three thousand pounds to or in favour of the child or children of any one person exercising the same powers:

And whereas (by section 11 of the Act of 1864) powers were conferred upon the person for the time being in possession of the said entailed estates at the time of the death of an heir apparent to appoint to the widow of an heir apparent dying before coming into possession of the said entailed estates for her life or any less period a rentcharge or rentcharges not exceeding the yearly sum of one thousand pounds without any deduction except succession duty and to appoint as and for portion or portions for the younger children of such heir apparent a rentcharge or rentcharges for their respective lives or any less period not exceeding for any one child the yearly sum of three hundred pounds without any deduction except succession duty:

And whereas (by section 12 of the Act of 1864) it was provided that the said estates thereinbefore made chargeable should not under the power of appointing a portion for the child or children of an heir apparent so dying as aforesaid

be at any one time subject to the payment of more than the yearly sum of one thousand pounds in favour of the child or children of any one such heir apparent as aforesaid:

And whereas (by section 13 of the Act of 1864) it was provided that the estates thereinbefore made chargeable as aforesaid or any of them should not at any one time be subject to rentcharges for jointure and portions exceeding in the whole the annual sum of eight thousand pounds:

34 & 35 Vict.
c. 4.

And whereas by the Earl of Abergavenny's Estate Act 1871 (hereinafter called "the Act of 1871") it was provided (by section 3 of the Act of 1871) that there should be two trustees of that Act who should in the first instance be Gathorne Hardy and Ralph Pelham Nevill and on any vacancy happening in the office of either of those trustees by death resignation or otherwise another person should be appointed to fill the vacancy as follows (namely):—

Any successor immediate or mediate of Gathorne Hardy should be appointed with the approbation of the Court of Chancery (to be obtained on summons under that Act) by the Commissioners of Her Majesty's Woods Forests and Land Revenues for the time being or one of them by writing signed by them or him;

Any successor immediate or mediate of Ralph Pelham Nevill should be appointed with the approbation of the Court of Chancery (to be obtained on summons under that Act) by the tenant in tail in possession under the Act of Philip and Mary or his guardian if he is an infant by writing signed by the appointor:

43 & 44 Vict.
c. 4.

And whereas by the Act of 1871 and by the Marquess of Abergavenny's Estate Act 1880 certain powers and discretions were conferred upon the trustees of the Act of 1871:

And whereas the powers formerly vested in the Commissioners of Her Majesty's Woods Forests and Land Revenues are now vested in the Commissioners of Crown Lands:

And whereas the state of the family of the descendants of Edward the ancestor so far as the same is material for the purposes of this Act is as follows:—

- (a) In the year eighteen hundred and sixty-eight William fourth Earl of Abergavenny and tenant in tail male in possession under the Act of Philip and Mary died having had three sons namely Henry Nevill (who died in eighteen hundred and twenty-nine an infant of tender years) William Nevill his second son (who

succeeded him as fifth Earl of Abergavenny and was later created Marquess of Abergavenny) and Ralph Pelham Nevill his third son;

- (b) William Marquess of Abergavenny died on the twelfth day of December nineteen hundred and fifteen having had issue five sons namely his eldest son Reginald William Bransby Nevill (who succeeded him as second Marquess of Abergavenny) his second son Henry Gilbert Ralph Nevill (who became third Marquess of Abergavenny) his third son George Montacute Nevill his fourth son William Beauchamp Nevill and his fifth son Richard Plantaganet Nevill;
- (c) Reginald William Bransby second Marquess of Abergavenny died on the thirteenth day of October nineteen hundred and twenty-seven a bachelor;
- (d) Henry Gilbert Ralph third Marquess of Abergavenny died on the tenth day of January nineteen hundred and thirty-eight having had issue male two sons only one who died in very early infancy and Gilbert Reginald Nevill who died in the year eighteen hundred and ninety-one predeceasing his father;
- (e) The third Marquess was succeeded by his nephew Guy Temple Montacute Larnach-Nevill (the fourth and present Marquess) the eldest son of his brother George Montacute Nevill who died on the tenth day of August nineteen hundred and twenty having had issue male two sons only namely the present Marquess of Abergavenny and Rupert William Nevill who died in nineteen hundred and eighteen and predeceased his father without having had issue;
- (f) The present Marquess has been married once only namely on the thirtieth day of October nineteen hundred and nine to Isabel Nellie Larnach and he has male issue two sons only namely John Henry Guy Nevill (who was born on the eighth day of November nineteen hundred and fourteen and is commonly and in this Act called "the Earl of Lewes") and Rupert Charles Montacute Nevill (who was born on the twenty-ninth day of January nineteen hundred and twenty-three and is commonly and in this Act called "Lord Rupert Nevill");
- (g) The Earl of Lewes has been married once only namely to Mary Patricia Harrison on the fourth day of January nineteen hundred and thirty-eight and has issue three daughters;
- (h) Lord Rupert Nevill has been married once only namely to the Hon. Anne Camilla Eveline (commonly called Lady Camilla Wallop) the daughter of

- the Earl of Portsmouth on the twenty-second day of April nineteen hundred and forty-four and has issue namely one son only Guy Rupert Gerard Nevill;
- (i) The fourth and fifth sons of William Marquess of Abergavenny namely William Beauchamp Nevill and Richard Plantaganet Nevill both died in the year nineteen hundred and thirty-nine without issue;
- (j) Ralph Pelham Nevill (the third son of William the fourth Earl of Abergavenny) died on the seventeenth day of August nineteen hundred and fourteen having had issue two sons only Ralph William Plantaganet Nevill who died a bachelor on the eighteenth day of July nineteen hundred and two and Percy Llewellyn Nevill who died on the twenty-fourth day of April nineteen hundred and seventeen;
- (k) The said Percy Llewellyn Nevill was married once only namely to Marjorie Nevill on the eighth day of June nineteen hundred and five and had issue besides daughters one son only Michael George Ralph Nevill who died on the twenty-eighth day of April nineteen hundred and forty-three;
- (l) The said Michael George Ralph Nevill was married once only namely to Maureen Ephne David on the twenty-seventh day of July nineteen hundred and forty and had issue two sons only namely David Michael Ralph Nevill (who was born on the twentieth day of June nineteen hundred and forty-one and is tenant in tail male in reversion to the said entailed estates contingently on the present marquess dying without further male issue the Earl of Lewes dying without male issue Lord Rupert Nevill dying without further male issue and Guy Rupert Gerard Nevill dying without male issue) and Michael George Rathmore Nevill (who was born on the fourteenth day of July nineteen hundred and forty-three and who is the next tenant in tail male in reversion):

And whereas the names of the persons now entitled in possession to rentcharges and portions appointed to them under the powers conferred by the Act of 1864 and the yearly amounts appointed to such persons respectively are set out in Part I of the First Schedule hereto:

And whereas the names of the persons entitled to jointures or portions contingently on their respectively surviving the present marquess and the yearly amounts appointed to such persons respectively are set out in Part II of the First Schedule hereto:

And whereas on the twenty-sixth day of March nineteen hundred and forty-five the property representing the said entailed estates was the land shortly described in the Second Schedule hereto and the investments and cash specified in the Third Schedule hereto:

And whereas the investments and cash representing those specified in the Third Schedule hereto now stand in the names or under the legal control of Hugh Sydney Egerton and Alfred Carlisle Sayer who are the present trustees of the settlement made by the will of the testator the Act of attainder the Act of restitution and the Act of Philip and Mary and are in this Act called "the Trustees" (which expression shall where the context so admits include the persons for the time being trustees for the purposes of the Settled Land Act 1925 or the said settlement):

15 & 16 Geo. 5.
c. 18.

And whereas the said Hugh Sydney Egerton is at present the only surviving trustee of the Act of 1871:

And whereas the investments and cash specified in Part II of the Third Schedule hereto represent a sum of four hundred and ten thousand seven hundred and thirteen pounds nine shillings and four pence which was paid to the Trustees by the coal commission constituted by the Coal Act 1938 as compensation for the coal and mines of coal subject to the said settlement which compensation is applicable as between beneficial interests therein in accordance with paragraph 21 of the Third Schedule to that Act:

1 & 2 Geo. 6.
c. 52.

And whereas it is expedient for the better and more convenient management of the said entailed estates that the Trustees should have the powers set forth in this Act:

And whereas the Commissioners of Crown Lands on behalf of His Majesty in exercise of the powers conferred upon them by the Crown Lands Acts 1829 to 1943 have agreed that the rights and interests of His Majesty under the said settlement shall be surrendered and released in consideration of the payment of the sum of seven hundred and fifty pounds and it is accordingly no longer necessary or expedient that a trustee of the Act of 1871 should be appointed by the Commissioners of Crown Lands:

And whereas the present marquess resides in the said capital messuage or mansion house of Eridge Castle and owing to the present high rates of income tax and surtax and the high cost of living of labour and of other expenses he is unable to defray out of the net income of the said entailed estates the cost of maintaining and keeping up the establishment of the said capital messuage or mansion house and the said entailed estates and has become indebted in the sums which or

estimates of which are stated in Part I of the Fourth Schedule hereto and is liable to pay further surtax (the estimated amount of which is set out in Part II of the same schedule) and the succession duty set out in Part II of the same schedule is payable out of the income of the said entailed estates:

And whereas it is apprehended that having regard to death duties which will become payable by reason of the deaths of the persons for the time being entitled to possession of the said entailed estates and by reason of the deaths of persons entitled to jointures or portions charged or to be charged upon the said entailed estates under the powers aforesaid the successors in title of the present marquess will be still less able to maintain and keep up out of the said net income the establishment of the said capital messuage or mansion house and the said entailed estates:

And whereas by reason of the Act of Philip and Mary the persons for the time being entitled to possession of the said entailed estates are so bound and restrained that they cannot make provision for the raising of any capital moneys out of the said entailed estates and it is expedient that provision should be made for the raising of capital moneys thereout for payment of the said debts and for compensating persons prejudiced thereby and for providing that the perpetual entail imposed by the Act of Philip and Mary should be put an end to:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

Therefore Your Majesty's most dutiful and loyal subject Guy Temple Montacute Larnach-Nevill Marquess of Abergavenny does most humbly beseech Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title

1. This Act may be cited as the Marquess of Abergavenny's Estate Act 1946.

Interpretation.

2. In this Act unless the context otherwise requires the following expressions have the meanings hereby assigned to them respectively (that is to say):—

(1) "The testator" means George Nevill third Baron Abergavenny:

(2) "The Act of Philip and Mary" means the recited Act of the second and third years of the reign of King Philip and Queen Mary:

- (3) "The parliamentary settlement" means the settlement made by the joint effect of the will of the testator dated the fourth day of June fifteen hundred and thirty-five the recited Acts passed in the thirty-first year of the reign of King Henry the Eighth called the Act of attainder and in the thirty-fourth and thirty-fifth years of the reign of King Henry the Eighth called the Act of restitution and the Act of Philip and Mary:
- (4) "The said entailed estates" means the estates and property for the time being subject to the Parliamentary settlement:
- (5) "Edward the ancestor" means Edward Nevill fifth Baron Abergavenny:
- (6) "The present marquess" means Guy Temple Montacute Larnach-Nevill fourth Marquess of Abergavenny:
- (7) "The Earl of Lewes" means John Henry Guy Nevill the elder son of the present marquess:
- (8) "Lord Rupert Nevill" means Rupert Charles Montacute Nevill the younger son of the present marquess:
- (9) "The Trustees" means Hugh Sydney Egerton and Alfred Carlisle Sayer or other the trustees for the purposes of the Settled Land Act 1925 of the parliamentary settlement.

3.—(1) The provisions contained in the Act of Philip and Mary in the words following "that no feoffment discontinuance fine nor recovery with voucher or otherwise or any other act or acts hereafter to be made done suffered or acknowledged of the premises or of any part or parcel thereof by the said Henry Nevill now Lord of Abergavenny Edward Nevill, Henry Nevill and George Nevill or by any of them or by any of the heirs male of their several bodies lawfully begotten or by any of the heirs of the body of the said George late Lord of Abergavenny or by any of the heirs of the body of the said Sir Thomas Nevill lawfully begotten or by any of them shall bind or conclude in right or put from entry your Highness our Sovereign Lady your heirs and successors or any of the heirs in tail or any to whom the premises or any parcel thereof should descend revert remain or come by virtue of the last will of the said George late Lord of Abergavenny" are hereby repealed.

Repeal of restraint on alienation under Act of Philip and Mary.

(2) The provisions of section 18 of the Fines and Recoveries Act 1833 and of the Act passed in the sessions of Parliament

3 & 4 Will. 4. c. 74.

held in the thirty-fourth and thirty-fifth years of the reign of King Henry the Eighth in the said section referred to shall not apply to tenants in tail of the said entailed estates.

Settlement of
estates.

4. Subject to the payments provided for by sections 5 and 8 of this Act the land shortly described in the Second Schedule hereto and the investments and cash specified in the Third Schedule hereto and all other (if any) the property now subject to the parliamentary settlement shall as from the commencement of this Act be held subject to all charges and incumbrances affecting the said property and to all (if any) estates interests and charges prior to and powers overreaching the entailed interests of the present marquess in the said property but discharged from all entailed interests of the present marquess under the parliamentary settlement and from all estates rights interests and powers to take effect after the determination or in defeasance of such entailed interests and so subject and discharged as aforesaid upon the trusts and with and subject to the powers and provisions set forth in the Sixth Schedule hereto.

Raising of
capital money
by Trustees.

5. The Trustees shall by a sale of a sufficient part of the investments representing capital moneys subject to the trusts of the parliamentary settlement or by mortgage of any land subject thereto or by such other means as may be reasonably necessary for such purpose raise such sums as may be necessary for the purposes of this section and shall pay thereout the liabilities and duty which or estimates of which are stated in Parts I and II of the Fourth Schedule hereto and shall pay the sums specified in Part III to the persons whose respective names are set opposite such sums and hold the sums specified in Part IV upon the trusts and with and subject to the powers and provisions set forth in the Seventh Schedule hereto concerning the same respectively and shall pay the sum specified in Part V to the Commissioners of Crown Lands.

Trustees to be
Trustees of
Act of 1871.

6. The Trustees for the purposes of the Settled Land Act 1925 of the parliamentary settlement shall henceforth be the Trustees of the Act of 1871.

Further
powers for
Trustees.

7. The Trustees shall have the powers set forth in the Fifth Schedule hereto in extension of the powers conferred upon them by the Settled Land Act 1925.

Costs of Act.

8. The Trustees shall by any such means as aforesaid pay and defray the costs charges and expenses incurred by them and by the present marquess the Earl of Lewes and Lord Rupert Nevill preparatory to and in applying for and obtaining this Act and incident thereto and of carrying the same into effect.

9. Saving always to the King's most Excellent Majesty His heirs and successors (except as far as His and their rever-^{General saving.} sionary interests under the Act of Philip and Mary may be affected by this Act) and to all persons and bodies politic and corporate and their respective heirs successors executors and administrators (other than and except the several persons by this Act expressly excepted from this general saving) all such estates right title interest claim and demand whatsoever of in to or out of the property for the time being subject to the parliamentary settlement as they or any of them had before the passing of this Act or could or might have enjoyed if this Act had not been passed.

10. The following are the several persons expressly^{Exception from general saving.} excepted by this Act from the general saving aforesaid (that is to say):—

- (1) the present marquess;
- (2) the Earl of Lewes;
- (3) Lord Rupert Nevill;
- (4) Guy Rupert Gerard Nevill;
- (5) David Michael Ralph Nevill;
- (6) Michael George Rathmore Nevill;
- (7) Idina Mary Countess Brassey;
- (8) Mary Frances Marchioness of Abergavenny;
- (9) Joan Marion Marchioness Camden;
- (10) Marguerite Helen Baroness Hastings;
- (11) Isabel Nellie Marchioness of Abergavenny;
- (12) Angela Isabel Nellie Countess of Cottenham;
- (13) All others the heirs male of Edward the ancestor;
- (14) The heirs male of the body of Henry Nevill and of the body of George Nevill brothers of Edward the ancestor;
- (15) The heirs of the body of the testator and of the body of Sir Thomas Nevill brother of the testator;
- (16) The right heirs of the testator;
- (17) Hugh Sydney Egerton and Alfred Carlisle Sayer and other the persons for the time being trustees of the parliamentary settlement for the purposes of the Settled Land Act 1925.

11. This Act shall not be a public Act but shall be printed by the several printers to the King's most Excellent Majesty duly authorised to print the statutes of the United Kingdom and a copy thereof so printed by any of them shall be admitted as evidence thereof by all judges justices and others.^{Act not public but to be evidence.}

The SCHEDULES referred to in the foregoing Act.

The FIRST SCHEDULE.

PART I.

Persons entitled to jointure or rentcharge during their respective lives.	Yearly amount.	Date.	Documents appointing.	
			Description.	Parties.
1. Idina. Mary Countess Brassey	£1,500.	26th February 1889	Appointment	William Marquess of Abergavenny (1) George Edward John Mowbray Earl of Stradbroke Henry Gil- bert Ralph Nevill (later third Marquess of Abergavenny) Edward Hume and Herbert Chitty. (2)
2. Mary Frances Marchioness of Abergavenny	£2,000	13th August 1915 12th December 1935	Will of Will of	William Marquess of Abergavenny. Henry Gilbert Ralph third Mar- quess of Abergavenny.
3. Joan Marion Marchioness Camden	£1,000 (to be increased to £1,500 on death of Marguerite Helen Baroness Hastings)	12th December 1935	Will of	Henry Gilbert Ralph third Mar- quess of Abergavenny.
4. Marguerite Helen Baroness Hastings	£1,000 (to be increased to £1,500 on the death of Joan Marion Marchioness Camden)	12th December 1935	Will of	Henry Gilbert Ralph third Mar- quess of Abergavenny.

PART II.

Persons entitled to jointure or rentcharge during their respective lives.	Yearly amount.	Date.	Documents appointing.	
			Description.	Parties.
5: Isabel Nellie Marchioness of Abergavenny	£2,000	5th April 1938	Appointment	The present Marquess of Aber- gavenny. (1) Isabel Nellie Marchioness of Aber- gavenny. (2) Albert Edward Delaval Baron Hastings Ernest Charles Gaisford Patrick Kirkman Hodgson. (3)
6. Angela Isabel Nellie Countess of Cottenham	£1,000 to be increased to the maximum sum the present marquess has power to appoint on the death of Lord Rupert Nevill	5th April 1938	Appointment	The present Marquess of Aber- gavenny. (1) Isabel Nellie Marchioness of Aber- gavenny. (2) Albert Edward Delaval Baron Hastings Ernest Charles Gaisford Patrick Kirkman Hodgson. (3)
7. Lord. Rupert Nevill	£1,000 to be increased to the maximum sum the present marquess has power to appoint on the death of the said Angela Isabel Nellie Countess of Cottenham	5th April 1938	Appointment	The present Marquess of Aber- gavenny. (1) Isabel Nellie Marchioness of Aber- gavenny. (2) Albert Edward Delaval Baron Hastings Ernest Charles Gaisford Patrick Kirkman Hodgson. (3)

The SECOND SCHEDULE.

	Approximate acres.	Approximate gross income.
Eridge Castle Frant Park and agricultural and other lands in the counties of Sussex and Kent	12,000 0 0	} £26,000 0 0
Land in the county of Monmouth ...	14,000 0 0	
Land in the county of Worcester ...	2,500 0 0	
Estimated capital value		£750,000.

The THIRD SCHEDULE.

PART I.

STOCKS AND SHARES.

£5,070	16	10	Government of the Commonwealth of Australia 3 $\frac{3}{4}$ % stock 1946-49.
£21,230	16	3	Government of the Commonwealth of Australia 3 $\frac{3}{4}$ % stock 1948-53 " A " A/c.
£6,058	14	1	Government of the Commonwealth of Australia 4% stock 1943-48.
£5,024	16	6	Government of the Commonwealth of Australia 3% stock 1955-58.
£6,445	2	2	Bank of England stock " A " A/c.
£3,087	12	6	Birmingham Corporation 5% stock 1946-56.
£10,000	0	0	Bootle Corporation 4 $\frac{3}{4}$ % redeemable stock 1949-59.
£67,712	11	9	Consolidated 4% stock " A " A/c.
£82,096	14	0	Conversion 3 $\frac{1}{2}$ % stock " A " A/c.
£11,680	0	0	Derwent Valley Water Board 5% redeemable stock 1946-56.
£10,000	0	0	Fiji Government 5% stock 1946-53.
£9,659	18	6	Funding 2 $\frac{1}{2}$ % stock 1956-61.
£12,085	0	0	Great Western Railway Company 4% debenture stock.
£21,123	0	0	Great Western Railway Company 5% consolidated guaranteed stock.
£9,363	0	0	Great Western Railway Company 5% consolidated pref. stock.
£6,658	14	0	Kenya Government 4 $\frac{1}{2}$ % stock 1950.
£9,123	0	0	London Midland & Scottish Railway Company 4% debenture stock.
£23,626	0	0	London & North Eastern Railway Company 4% 1st guaranteed stock.
£5,000	0	0	London & North Eastern Railway Company 5% redeemable debenture stock.
£9,450	0	0	London & North Eastern Railway Company 3% debenture stock.
£9,492	0	0	London Transport 5% " B " stock.
£7,869	3	4	Liverpool Corporation 3 $\frac{1}{2}$ % stock 1961-66.
£4,847	0	3	London County 2 $\frac{3}{4}$ % consolidated stock 1960-70.

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£4,482	8	4	Local Loans 3%.	
£4,748	3	4	Metropolitan Water Board 3% " B " stock 1934-2005.	
£1,500	0	0	National 2½% War Bonds 1952-54.	
£7,000	0	0	ditto 1945-47.	
£12,252	2	0	New Zealand 3% stock 1952-55.	
£5,929	16	3	New Zealand 3¼% stock 1962-65.	
£8,215	2	11	New Zealand 3½% stock 1949-54.	
£5,845	16	1	3% Savings Bonds 1955-65.	
£7,315	19	0	ditto.	
£3,148	0	0	Swansea Corporation 5% redeemable stock 1945-52.	
£4,000	0	0	Sheffield Corporation 5% redeemable debenture stock 1947-57.	
£19,375	0	0	Southern Railway Company 4% debenture stock.	
£10,000	0	0	ditto 5% preference.	
£17,211	0	0	ditto 5% guaranteed pref. stock.	
£5,696	12	9	Stoke-on-Trent Corporation 5% redeemable stock 1948-68.	
£7,500	0	0	Sunderland Corporation 5% redeemable stock 1946-56.	
£10,000	0	0	Wakefield (City of) 4½% redeemable stock 1949-59.	
£60,521	0	5	War 3½% stock.	
£3,775	0	0	Guaranteed 4½% Bonds 1927 (Northern Ireland Land Act).	
£151	5	0	Redemption 3% stock 1986-96.	

3RD SCH.
—cont.

MORTGAGES.

3rd February 1930	£5,000 and interest charged on freehold hereditaments at Frant in the county of Sussex and comprising 147.647 acres belonging to the Nevill Golf Club (Tunbridge Wells).
11th June 1935	£3,000 and interest charged on freehold hereditaments at Frant aforesaid and known as the Abergavenny Arms Inn and Eridge Cottage belonging to William Charles Johnson.
25th October 1943	£14,395 and interest charged on freehold hereditaments in the parish of Ditchling and West Blatchington Hove both in the county of Sussex belonging to Kencourt Limited.

CASH.

£9,600	0	0	Unpaid purchase money on sale of land at West Blatchington to Cook (Brighton) Limited.
£7,244	10	8	In the Trustees' bank.

Value of the above investments (mean price 12th March 1945) including mortgages and cash £690,961 0 10.

PART II.

£19,400	0	0	3% Savings Bonds 1960/70B.
£6,712	13	9	2½% Funding stock.
£384,835	9	4	Deposited with Messrs. Glyn Mills & Co. at interest.

The FOURTH SCHEDULE.

PART I.

DEBTS OF THE PRESENT MARQUESS.

1. Surtax arrears to the 1st January 1945 including income tax under Schedule D	£82,672	0	0
2. Overdraft at Child & Co.'s Bank (secured by deposit of certificates for shares)	£33,147	0	0

PART II.

Surtax payable on the 1st January 1946 (estimated at)	£21,610	0	0
Succession duty	£3,043	5	0

PART III.

To the Earl of Lewes	£50,000	0	0
To Lord Rupert Nevill	£25,000	0	0

PART IV.

To be held as set forth in Part I of the Seventh Schedule	£230,000	0	0
To be held as set forth in Part II of the Seventh Schedule	£115,000	0	0

PART V.

To the Commissioners of Crown Lands	£750	0	0
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The FIFTH SCHEDULE.

FURTHER POWERS FOR THE TRUSTEES FOR THE PURPOSES OF THE
SETTLED LAND ACT 1925.

1. Any capital moneys subject to the trusts affecting the said entailed estates may be invested by the Trustees—

(1) In or upon any investments authorised by paragraph 21 of the Third Schedule to the Coal Act 1938 for the investment of moneys therein mentioned:

(2) In the purchase of any farming stock whether live or dead such farming stock to be vested in the Trustees and to be held upon the trusts and with and subject to the powers and provisions hereinafter declared concerning the same (that is to say):—

(i) To sell the same at any time or from time to time at the request or with the consent in writing of the person for the time being entitled to possession of the said entailed estates and to stand possessed of the net proceeds to arise from any such sale upon the like trusts and subject to the like powers and provisions as if the same were capital money which had actually arisen under the Settled Land Acts from the settled land;

(ii) To permit the persons entitled to possession of the said entailed estates as tenant in tail to take and keep possession of any such live or dead stock for the time being remaining unsold and to use the same in farming or cultivating any farm or farms or lands for the time being in hand;

(iii) The Trustees shall not be responsible or accountable for any wastage or depreciation in value or loss or damage of or to any such live or dead stock provided that the Trustees may require the same to be kept insured against loss or damage by fire or other casualties to the full value thereof so far as the same or any of them are capable of being so insured.

2. The Trustees may at their discretion at the request of any persons for the time being entitled to possession of the said entailed estates if he shall be desirous of stocking and cultivating any arable or pasture land for the time being in his occupation or of using any land for the time being in his occupation for the business of a nursery garden or for planting trees or for afforestation apply capital money in advancing the sum or sums (if any) which in the opinion of the Trustees is or are required for such purpose but so that the money advanced shall be repaid by such instalments as the Trustees may reasonably require and shall be secured by the personal covenant or promissory note of the borrower either with or without any other security and in any such case the borrower shall as between himself and the other persons entitled to the said entailed estates be treated as a tenant of the said land and shall be entitled on ceasing to occupy the same to be treated as an outgoing tenant and to be paid such compensation as a tenant would be entitled to under the Agricultural Holdings Act 13 & 14 Geo. 5. 1923 or any Act amending or re-enacting the same on the determination c. 9. of his tenancy as if the improvements (if any) made by him being improvements specified in the First and Second Parts of the First Schedule to the Agricultural Holdings Act 1923 had been made respectively with the consent of or after notice to the landlord and such compensation shall be charged on the said land with interest thereon at the rate of four pounds per centum per annum payable half-yearly Provided always that the Trustees may allow any money so advanced as aforesaid to remain on loan so long as the Trustees shall think fit and the Trustees shall not in any circumstances be liable for the loss of any money so advanced or the interest thereon.

3. Any of the Trustees being a solicitor or other person engaged in any profession or business shall be entitled to charge and be paid all usual professional and other charges for business transacted time spent and acts done by him or any partner of his in connection with the trusts affecting the said entailed estates including acts which a trustee not being in any profession or business could have done personally.

The SIXTH SCHEDULE.

Trusts powers and provisions upon with and subject to which are to be held the property mentioned in section 4 of this Act (subject as therein mentioned) and all investments and property for the time being representing the said property (in this schedule hereinafter called "the settled estates") (that is to say):—

1. The settled estates shall be charged in exoneration of all other property whatsoever with the payment of the existing and prospective annual amounts or charges mentioned in Parts I and II of the First Schedule and the following trusts powers and provisions shall take effect subject to the charge imposed by this paragraph.

2. The settled estates shall be held—

- (a) Upon such trusts and with and subject to such charges powers and provisions as the present marquess and the Earl of Lewes shall at any time or times hereafter by any deed or deeds revocable or irrevocable jointly appoint And in default of and subject to any such appointment;
- (b) Upon trust for the present marquess during his life with remainder;
- (c) Upon trust for the Earl of Lewes during his life with remainder;
- (d) Upon trust for his first and every other son severally and successively according to seniority in tail male with remainder;
- (e) Upon such trusts and with and subject to such charges powers and provisions as the survivor of the present marquess and the Earl of Lewes acting jointly with Lord Rupert Nevill shall at any time or times after the death of the present marquess or the Earl of Lewes by any deed or deeds revocable or irrevocable jointly appoint And in default of and subject to any such appointment;
- (f) Upon trust for Lord Rupert Nevill during his life with remainder;
- (g) Upon trust for Guy Rupert Gerard Nevill (son of Lord Rupert Nevill) during his life with remainder;
- (h) Upon trust for the first and every other son of the said Guy Rupert Gerard Nevill severally and successively according to seniority in tail male with remainder;
- (i) Upon trust for the second and every younger son of Lord Rupert Nevill severally and successively according to seniority in tail male with remainder;
- (j) Upon trust for the third and every younger son of the present marquess severally and successively according to seniority in tail male with remainder;
- (k) Upon trust and so that the persons (other than the present marquess and his issue) who are or shall be in the line of the heirs male of the body of George Nevill first Earl of Abergavenny (who died in the year seventeen hundred and eighty-five) shall severally take the following interests in the

following order and manner (that is to say) that each of such persons actually born before the commencement of the foregoing Act shall take an interest during his life with an immediate remainder after his death upon trust for his first and every other son (not being persons who shall or would take life interests) severally and successively according to seniority in tail male and so that all such persons shall take their respective interests successively in the order in which as heirs male of the body of the first Earl of Abergavenny they would succeed to the earldom of Abergavenny with remainder ultimately;

(m) Upon trust for the survivor of the present marquess the Earl of Lewes and Lord Rupert Nevill in fee simple or absolutely.

3. Provided always that—

(i) Every life interest under the foregoing trusts shall be without impeachment of waste And no part of the rent payable under any mining lease shall be set aside as capital money but the whole of such rent shall go as rents profits and income;

(ii) In the case of each tenant for life for the time being in possession under the foregoing trusts the trustees of the settlement shall have power in their discretion from time to time during his life and upon his request in writing to raise and pay to him for his own use and benefit any part or parts not exceeding in all one-quarter in value of the settled estates of which he becomes tenant for life in possession And they may for that purpose compute and decide the value of the settled estates or any part thereof in such manner and upon such evidence as they shall think proper.

4. Provided also that it shall be lawful for each person (except the present marquess) hereby made tenant for life of the settled estates either before or after he shall become entitled thereto in possession (but subject to all interests and powers having priority to or overreaching his life interest) at any time or times either before or after his marriage or remarriage to exercise in manner hereinafter mentioned the following powers respectively (that is to say):—

(a) A power by any deed or deeds revocable or irrevocable or by will or codicil to appoint to or for the benefit of any woman who shall be his wife at his death during her life after his death or any less period and subject to any conditions or restrictions which he may think fit an annuity or annuities not exceeding in all the yearly sum of £1,500 (free from all death duties and deductions other than income-tax) Such annuity or annuities to be charged upon all or any part or parts of the settled estates and to be payable at such times and in such manner as the person appointing the same shall direct;

(b) A power by any deed or deeds revocable or irrevocable or by will or codicil to charge all or any part or parts of the settled estates with the payment for the portion or portions of the younger child or children of the person exercising this power (meaning thereby throughout this paragraph any child

6TH SCH.
—cont.

or children of such person who being male shall attain the age of twenty-one years or being female shall attain that age or marry other than and except any and every son who before attaining the age of twenty-one years shall inherit or be or become heir apparent (whether next or subsequent) to the earldom of Abergavenny) or the issue of any such younger child or children (due regard being had to the law concerning remoteness) of any sum not exceeding in the different events hereinafter specified the respective sums hereinafter mentioned free from all death duties and deductions (that is to say) If there shall be only one such younger child the sum of £20,000 and if there shall be only two such younger children the sum of £30,000 and if there shall be three or more such younger children the sum of £40,000 Such sum to be vested in such younger child or children or issue or all or any one or more of them at such age or time or respective ages or times and with such future or other trusts for the benefit of any such younger child or children or issue and upon such conditions with such restrictions and in such manner and if more than one in such shares and to be subject to such powers of appointment exercisable by the person exercising this power or any other person or persons and to such provisions for the maintenance education or advancement of any such younger child or children or issue at the discretion of any trustees or trustee or otherwise and to such other powers and provisions for the benefit of any such younger child or children or issue as the person exercising this power shall in the instrument creating the charge direct And also power in like manner to charge the same premises with such annual sum as the person exercising this power shall in the instrument creating the charge direct not exceeding the amount of interest at the rate of 4 per centum per annum on the expectant portion or portions for the time being of any child or children or issue of such person such annual sum to be free from all death duties and deductions and to begin from such time or times and to be applied in such manner at the discretion of any trustees or trustee or otherwise for the maintenance or education or benefit of the child or children or issue for the time being entitled in expectancy to a portion or portions or of any one or more of them as the person exercising this power shall in such instrument direct And also power in like manner to charge the same premises with the payment at any time or times of such part or parts not exceeding altogether one moiety of the then expectant or presumptive or vested portion of any child or issue of the person exercising this power as such person during his life or any trustees or trustee after his death shall in his or their discretion think fit And to direct the same to be paid or applied for the advancement or benefit of the said child or issue in such manner as such person during his life or such trustees or trustee after his death shall think fit But so that no advance so made shall be taken into account in determining the total amount to be raised for portions under this power as aforesaid unless the child or

issue for whose benefit such advance shall be made or his or her parent shall be or become a younger child or unless but for this present proviso more than the net sum of £40,000 would be raisable under this power for portions and advancement in which latter event so much of the sum raisable for portions as shall form the excess shall sink into the premises charged therewith and shall not be raised.

6TH SCH
—cont.

5. Provided further that—

- (i) No charge to be made by any person under any power in paragraph 4 of this schedule shall take effect unless and until either the person making the same shall be or become or some issue of such person shall become (or if of full age would have become) entitled to the settled estates in possession under the foregoing trusts;
- (ii) The settled estates or any part or parts thereof shall not by virtue of any charges to be made under the respective powers in paragraph 4 of this schedule (A) be at any time subject to the payment of annuities created under sub-paragraph (a) of paragraph 4 exceeding in the whole £2,500 per annum free from all death duties and deductions other than income tax or (B) ultimately become subject to the payment of any principal sums for portions or advancement exceeding in all £60,000 free from all death duties and deductions so that if by the exercise of the same respective powers the settled estates or any part or parts thereof would but for this proviso have been charged with the payment of annuities or principal sums to a larger amount than aforesaid then the charge or charges occasioning such excess shall to the extent of such excess (but as to annuities only during the continuance of such excess) sink into the premises charged therewith and not be raisable. And the said annuities and principal sums respectively shall have priority according to the order of the interests as life tenants of the persons by whom the same shall respectively be charged.

6. The Trustees shall be trustees for all purposes (including those of the Settled Land Act 1925) of this settlement of the settled estates. And while there shall be any tenant for life of full age in possession under the foregoing trusts the statutory power of appointing new trustees of the said settlement shall be exercisable only with his consent in writing.

7. The further powers set out in the Fifth Schedule shall apply to the settled estates and this settlement and the Trustees thereof as if here repeated and made applicable in respect thereof.

The SEVENTH SCHEDULE.

PART I.

Trusts powers and provisions upon with and subject to which are to be held the sum of two hundred and thirty thousand pounds mentioned in Part IV of the Fourth Schedule and all investments and property for the time being representing that sum (such sum investments and property being in this Part of this schedule hereinafter called "the settled fund") (that is to say):—

1. (a) Upon trust for the Earl of Lewes during his life with remainder.

(b) Upon trust for the first and every other son of the Earl of Lewes severally and successively according to seniority in tail male with remainder.

(c) Upon trust for Lord Rupert Nevill during his life with remainder.

(d) Upon trust for Guy Rupert Gerard Nevill (son of Lord Rupert Nevill) during his life with remainder.

(e) Upon trust for the first and every other son of the said Guy Rupert Gerard Nevill severally and successively according to seniority in tail male with remainder.

(f) Upon trust for the second and every younger son of Lord Rupert Nevill severally and successively according to seniority in tail male with remainder.

(g) Upon trust for the third and every younger son of the present marquess severally and successively according to seniority in tail male with remainder.

(h) Upon trust and so that the persons (other than the present marquess and his issue) who are or shall be in the line of the heirs male of the body of George Nevill first Earl of Abergavenny (who died in the year seventeen hundred and eighty-five) shall severally take the following interests in the following order and manner that is to say that each of such persons actually born before the commencement of the foregoing Act shall take an interest during his life with an immediate remainder after his death upon trust for his first and every other son (not being persons who shall or would take life interests) severally and successively according to seniority in tail male and so that all such persons shall take their respective interests successively in the order in which as heirs male of the body of the first Earl of Abergavenny they would succeed to the earldom of Abergavenny with remainder ultimately.

(i) Upon trust for the Earl of Lewes in fee simple or absolutely.

2. Provided always that—

(i) Every life interest under the foregoing trusts shall be without impeachment of waste And no part of the rent payable under any mining lease shall be set aside as capital money but the whole of such rent shall go as rents profits and income;

(ii) In the case of each tenant for life for the time being in possession under the foregoing trusts the Trustees of the settlement shall have power in their discretion from time to time during his life and upon his request in writing to raise and pay to him for his own use and benefit any part or parts not exceeding in all one-half in value of the settled fund of which he becomes tenant for life in possession. And they may for that purpose compute and decide the value of the settled fund or any part thereof in such manner and upon such evidence as they shall think proper;

7TH SCH.
—cont.

(iii) If and while during the life of the present marquess no male issue of his (in the line of his heirs male) shall be living the rents profits and income of the settled fund shall be held upon the trusts which would for the time being be applicable thereto if he were already dead and had left no male issue.

3. The Trustees shall be the trustees for all purposes (including those of the Settled Land Act 1925) of this settlement of the settled fund and while there shall be any tenant for life of full age in possession under the foregoing trusts the statutory power of appointing new trustees of this settlement shall be exerciseable only with his consent in writing.

4. The further powers set out in the Fifth Schedule shall apply to the settled fund and this settlement and the trustees thereof as if here repeated and made applicable in respect thereof.

PART II.

Trusts powers and provisions upon with and subject to which are to be held the sum of one hundred and fifteen thousand pounds mentioned in Part IV of the Fourth Schedule and all investments and property for the time being representing that sum (such sum investments and property being in this Part of this schedule hereinafter called "the trust fund") (that is to say):—

1. Upon trust for payment of the income of the trust fund to Lord Rupert Nevill during his life and he may by deed will or codicil appoint to or for the benefit of any wife of his who shall survive him an interest during her life after his death or any less period in the income of the whole or any part of the trust fund and subject to any conditions or restrictions which he may think fit.

2. From and after the death of Lord Rupert Nevill (and subject to the last foregoing power) upon trust as to the capital and income of the trust fund for all or any one or more of the issue of Lord Rupert Nevill whether children or remoter issue in such shares (if more than one) and generally in such manner in all respects as he shall by any deed or deeds revocable or irrevocable or by will or codicil appoint (due regard being had to the law concerning remoteness) and in default of and subject to any such appointment Upon trust for all or any his children or child who being male attain the age of twenty-one years or being female attain that age or marry and if more than one in equal shares (but so that in default of appointment to the contrary no child who or whose issue shall take

7TH SCH.
—cont.

any part of the trust fund by appointment under the last foregoing power shall be entitled to any share of the unappointed part thereof without bringing into hotchpot the part or parts so appointed to him or her or to his or her issue and accounting for the same accordingly) Or in default of any such child upon trust for Lord Rupert Nevill absolutely.

3. Provided always that the Trustees of this settlement shall have power in their discretion from time to time during the life and upon the request in writing of Lord Rupert Nevill to raise and pay to him for his own use and benefit any part or parts not exceeding in all one-half in value of the capital of the trust fund and they may for that purpose compute and decide the value of the trust fund or any part thereof in such manner and upon such evidence as they shall think proper.

4. The Trustees shall be the Trustees of this settlement of the trust fund and during the life of Lord Rupert Nevill the statutory power of appointing new trustees of this settlement shall be exerciseable only with his consent in writing.

5. The further powers set out in sub-paragraph (1) of paragraph 1 and in paragraph 3 of the Fifth Schedule shall apply to the trust fund and this settlement and the Trustees thereof as if here repeated and made applicable in respect thereof Provided always that (i) during the life of Lord Rupert Nevill no investment or change of investment of any part of the trust fund shall be made without his consent and (ii) in addition to all other powers any part of the trust fund may be invested in the purchase of any freehold or leasehold property in England or Wales and any such property so purchased shall be held upon trust for sale in accordance with section 32 of the Law of Property Act 1925.

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