



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 106.

An Act for vesting Part of the devised Estates of *Thomas Scrope*, of *Coleby*, in the County of *Lincoln*, Esquire, deceased, in Trustees, to be sold, and for laying out the clear Purchase Monies, under the Direction of the High Court of Chancery, in the Purchase of other Estates, to be settled in lieu thereof, and to the same Uses. [3d July 1806.]

WHEREAS *Thomas Scrope*, of *Coleby* in the County of *Lincoln*, Esquire, deceased, duly made and published his last Will and Testament in Writing, dated the Twenty-ninth Day of *November*, One thousand seven hundred and eighty-five, and did thereby give and devise unto his Wife, *Eliza Maria Scrope*, all his Manors or reputed Manors, capital Messuages, Farms, Cottages, Clofes, Lands, Tenements, Tythes, Rents, Charges, Hereditaments, and Real Estates whatsoever and wheresoever, in the County of *Lincoln*, with all their Royalties, Rights, Liberties, Franchises, and Appurtenances, whatsoever thereunto belonging, to hold to her and her Assigns, for and during the Term of her natural life, without Impeachment of Waste, and after her Decease he gave and devised the same unto such Person or Persons, and to such Estate and Estates, and to and for such Uses, Intents, and Purposes, as he should by any Deed or Codicil in Writing under his Hand and Seal, attested by Three or more credible Witnesses, give, devise, limit, or appoint the same: And whereas the said Testator died in the Year One thousand seven hundred and ninety-two, without having made or executed any Deed or Codicil in Writing respecting the Estates devised by his said Will, or in anywise altering or revoking the same: And whereas the said Testator died

Will of Thomas Scrope, Esquire dated 29th November, 1785.

[*Loc. & Per.*]

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without

without Issue, leaving the said *Eliza Maria* his Wife him surviving; and she the said *Eliza Maria* hath since intermarried with General *Albemarle Bertie*; And whereas the said General *Albemarle Bertie* and *Eliza Maria* his Wife are in Possession of the Estates aforesaid, under the aforesaid Devise thereof to the said *Eliza Maria Bertie* for her Life as aforesaid; and there being no Devise in the said Will of the ultimate Remainder or Reversion in Fee Simple of the said Estates expectant on the Death of the said *Eliza Maria Bertie*, the said Remainder or Reversion in Fee Simple hath been claimed by *Stephen Tempest*, of *Broughton* near *Skipton* in the County of *York*, Esquire; but inasmuch as such Claim is derived through a remote Line of Ancestry, it is apprehended that the same cannot be made out without considerable Difficulty: And whereas Part of the said devised Estates consists of several Messuages, Farms, and Lands, situate in *Great Gonerby*, *Manthorpe*, and *Barrowby*, in the County of *Lincoln*, containing together three hundred and eleven Acres or thereabout, and being let to Tenants at several Yearly Rents, amounting to the clear Yearly Rent of One hundred and ninety-one Pounds, a Particular of which said detached Estates, and of the yearly Rents thereof, is set forth in the Schedule to this Act: And whereas the said Estates mentioned or described in the said Schedule lie detached from the Mansion House of Residence late of the said Testator, and now of the said *Albemarle Bertie* and *Eliza Maria* his Wife, and from the Bulk of the said devised Estates; and an Opportunity having offered for selling the same to very great Advantage, the said *Albemarle Bertie* did enter into an Agreement in Writing, dated the First Day of December One thousand eight hundred and five, for Sale of the said detached Estates to the Right Honourable *Brownlow Lord Brownlow*, in Fee Simple, for the Sum of Eighteen thousand Pounds, with a Condition for making the said Agreement void in case an Act of Parliament should not be obtained for effectuating the Sale of the said detached Estates within Twelve Months from thence next ensuing; and an Opportunity has also offered of making an eligible Purchase near to the said Bulk of the said Estates: And whereas the said *Albemarle Bertie* and *Eliza Maria* his Wife, and also the said *Brownlow Lord Brownlow*, are desirous that the said detached Estates shall be conveyed to him the said *Brownlow Lord Brownlow*, pursuant to the said recited Articles, and the clear Purchase Monies invested, under the Direction of the High Court of Chancery, in the Purchase of other Estates to be settled in lieu thereof and to the same Uses, and from the extraordinary Advantages arising to the said *Albemarle Bertie* and *Eliza Maria* his Wife, and to the Person or Persons entitled in Remainder expectant on the Death of the said *Eliza Maria*, by the Sale of the said detached Estates, and the Purchase of another Estate near the Bulk of the said devised Estates, it is expedient that the said Proposal should be effected; but, inasmuch as by Reason of the Difficulty in making out the Pedigree of the said *Stephen Tempest*, as Heir at Law to the said Testator *Thomas Scrop*, a clear Title cannot be made to the Reversion in Fee of the said Estates proposed to be sold, without the Aid and Authority of Parliament; wherefore Your Majesty's most dutiful and loyal Subjects the said *Albemarle Bertie* and *Eliza Maria* his Wife, and *Brownlow Lord Brownlow*, do 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, That all and singular the Messuages or Tenements, Cottages, Clofes, Lands, Hereditaments, and

The said Estates vested in Trustees for the purpose of conveying the same.

and Premises mentioned and described in the Schedule to this Act, and let to Tenants at yearly Rents, amounting to the clear yearly Sum of One hundred and ninety-one Pounds, or thereabouts, together with their and every of their Rights, Liberties, Members, Easements, and Appurtenances, and all and every the Allotment and Allotments made or to be made in lieu of or in respect of the said Hereditaments and Premises or any Part thereof, under or by virtue of an Act passed in the Forty-fourth Year of the Reign of His present Majesty, intituled, *An Act for inclosing Lands in the Lordships of Great Gonerby and Manthorpe cum Little Gonerby in the County of Lincoln*, shall from and after the passing of this Act be settled upon and vested in, and the same are hereby from thenceforth settled upon and vested in the Most Noble *Brownlow Duke of Ancaſter and Keſteven*, and *James Everard Arundell*, of *Irbam* in the County of *Lincoln*, Esquire, and their Heirs, to the Use of them the said *Brownlow Duke of Ancaſter and Keſteven*, and *James Everard Arundell*, their Heirs and Assigns, for ever, freed and absolutely acquitted, exempted, exonerated, and discharged of and from all and every the Uses, Estates, Powers, Provisoos, and Limitations, in and by the said Will of the said *Thomas Scrope* limited and expressed of and concerning the same; and also of and from the Claim of the Heir or Heirs at Law of the said *Thomas Scrope*; and also of and from the Claim of the King's most Excellent Majesty, and His Heirs and Successors, in Default of such Heir or Heirs of the said *Thomas Scrope*; but nevertheless upon the several Trusts, and to and for the several Ends, Intents, and Purposes herein-after expressed and declared of and concerning the same Premises, (that is to say) upon Trust, that they the said *Brownlow Duke of Ancaſter and Keſteven*, and *James Everard Arundell*, and the Survivor of them, and the Heirs and Assigns of such Survivor, shall and do, upon Payment by the said *Brownlow Lord Brownlow*, his Heirs, Executors, and Administrators, of the said Sum of Eighteen thousand Pounds Purchase Money into the Bank of *England*, in Manner herein-after mentioned, convey the said Messuages, Farms, Lands, Tenements, and Hereditaments, so hereby vested and settled as aforesaid, with the Appurtenances, unto and to the Use of him the said *Brownlow Lord Brownlow*, and his Heirs and Assigns for ever, or to such other Uses, or in such other Manner as he or they shall direct or appoint.

II. And be it further enacted, That the aforesaid Sum of Eighteen thousand Pounds shall be paid by the Purchaser or Purchasers 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 Estates of *Thomas Scrope*, Esquire, deceased, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth; and all the said Money so paid into the Bank shall, upon Petition to the High Court of Chancery in a summary Way, by the said *Albemarle Bertie* and *Eliza Maria* his Wife, or the Person or Persons for the Time being entitled to the Rents and Profits of the Estates to be purchased, be laid out and invested in the Purchase or Purchases of Freehold Messuages, Farms, Lands, Tenements, or Hereditaments in *England*, or of Copyhold Lands and Hereditaments which may be contiguous and be convenient to be held therewith; all which Premises

The Money arising by the Sale, &c. to be paid into the Bank;

so to be purchased shall be conveyed, settled, and assured to, upon, and for and under, and subject to such and so many of the Uses, Trusts, Intents, and Purposes, Powers, Provisoos, and Declarations, to which the said Messuages, Farms, Lands, Tenements, and Hereditaments hereby vested and settled as aforesaid, did immediately before the passing of this Act stand settled or were limited and subject to, as shall be then subsisting and capable of taking Effect.

and laid out
in the Pur-
chase of
Navy and
Victualling
Bills, &c.

III. And be it further enacted, That all the Money which shall be paid into the Bank, in the Name of the said Accountant General, in the Manner before directed, shall in the mean Time and until the same shall be invested in Purchases under the Direction of this Act, be from Time to Time laid out by the said Accountant General in the Purchase of Navy or Victualling Bills or Exchequer Bills; and the Interest arising from the Money so laid out in the said Navy or Victualling Bills or Exchequer Bills, and the Money received for the same, as they shall respectively be paid off by Government, shall be laid out in the Name of the Accountant General, in the Purchase of other Navy or Victualling Bills or Exchequer Bills; all which said Navy and Victualling Bills or Exchequer Bills shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until the same shall, upon Petition to be preferred in a summary Way by the said *Albemarle Bertie* and *Eliza Maria* his Wife, or such other Person or Persons entitled as aforesaid, be ordered to be sold by the Accountant General for completing the Purchase or Purchases hereby authorized to be made as aforesaid, in such Manner as the said Court shall think just and meet; and if the Money arising by the Sale of any such Navy or Victualling Bills, or Exchequer Bills, which shall have been purchased as aforesaid, shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then and in that Case only the Surplus which shall remain shall be paid to such Person or Persons respectively as would have been entitled to receive the Rents and Profits of the Lands hereby directed to be purchased, in case the same had been purchased pursuant to this Act, or to the Representative of such Person or Persons.

Certificate of
the Account-
ant General
declared a
sufficient Dis-
charge to
Purchasers,
&c.

IV. And be it further enacted, That the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of One of the Cashiers of the Bank to be thereto annexed and therewith filed in the proper Office of the said Court of Chancery, of the Payment into the Bank of *England*, by the Purchaser or Purchasers of any of the Hereditaments hereby authorized to be sold, of his or their Purchase Money, shall be a good and sufficient Discharge to such Purchaser or Purchasers, and to his or their respective Heirs, Executors, Administrators, and Assigns, for the said Purchase Money, or so much thereof for which such Certificate and Receipts shall be respectively given; and after filing such Certificates and Receipts as aforesaid, such Purchaser or Purchasers shall be absolutely acquitted and discharged of and from the said Monies, and shall not be answerable or accountable for any Loss, Misapplication, or Nonapplication thereof.

By whom
the Rents of
the Estates
are to be re-
ceived until
the Sale.

V. And be it further enacted, That in the mean Time and until such Sale shall be made as aforesaid of the Hereditaments hereby authorized to be sold, they the said *Brownlow Duke of Ancaster and Kesteven*, and *James Everard Arundell*, and the Survivor of them, and his Heirs, shall permit
and

and suffer the Rents and Profits of the same Hereditaments to be had, received, and taken by such Person or Persons as would respectively have been entitled to have, hold, receive, and enjoy the same, in case this Act had not been made.

VI. Provided always, and it is hereby further enacted, That in case it shall happen that the said Sale hereby authorized to be made to the said *Brownlow* Lord *Brownlow*, his Heirs and Assigns, cannot be effectuated, then and in such Case the said Messuages, Farms, Lands, Tenements, and Hereditaments hereby vested and settled as aforesaid, shall be and remain vested in them the said *Brownlow* Duke of *Ancafter* and *Kesteven*, and *James Everard Arundell*, and their Heirs, upon Trust, that they the said *Brownlow* Duke of *Ancafter* and *Kesteven*, and *James Everard Arundell*, or the Survivor of them, or the Heirs of such Survivor, do and shall re-convey and re-assure the said Messuages, Farms, Lands, Tenements, and Hereditaments so hereby vested and settled as aforesaid, with their and every of their Rights, Members, and Appurtenances, to and for and under and subject to such and so many of the Uses, Estates, Powers, Proviso's, and Limitations to which the same Premises did, immediately before the passing of this Act, stand settled, or were limited and subject to, as shall be then subsisting and capable of taking effect.

In case Sale to Lord *Brownlow* cannot be effectuated, Estates declared to be vested in the said Trustees for the same Uses as before the passing of this Act.

VII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the said *Albemarle Bertie* and *Eliza Maria* his Wife, and the Heir or Heirs at Law of and all and every Person and Persons whomsoever, claiming or to claim under the said *Thomas Scrope*, deceased), all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the Messuages, Farms, Lands, Tenements, and Hereditaments hereby vested, in Trust, to be sold as aforesaid, or any Part thereof, as they, every, or any of them, had before the passing of this Act, or could or might have held or enjoyed in case this Act had not been made, but so as the said Saving to the King's most Excellent Majesty, and His Heirs and Successors, shall not be construed to save and preserve to Him and them the Reversion or Remainder in Fee Simple expectant on the Death of the said *Eliza Maria Bertie*, of and in the said Messuages, Farms, Lands, Tenements, and other Hereditaments hereby vested and settled as aforesaid, or any of them, in case the Heir or Heirs at Law of the said *Thomas Scrope* shall not be found.

General Saving of Rights.

VIII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act may be given in Evidence when printed.

The Schedule to which the foregoing Act refers.

Tenants Names.	Description of Tenements.	Quantity.	Annual Rent.	Parishes where situate
		A. R. P.	£. s. d.	
Thomas Emenson	A Farm House, Barn, Offices and Close, called Coat Close, and several Parcels of Arable, Meadow, and Pasture Land, in the Fields of Great Gonerby, in the County of Lincoln, and Eight Cow Gates with the Commons thereto belonging	213 0 0	131 0 0	Great Gonerby,
William Nevitt	A Farm House and Offices, and several Parcels of Arable Meadow, and Pasture Land in the Fields of Manthorpe, in the County of Lincoln, and Five Beast Common on Manthorpe Pasture, and Six Beast Commons on Gonerby Pasture; a Cottage House, and Farm House, and Offices in Gonerby, with the Commons thereto belonging, and a Close of Meadow Land in Barrowby, in the said County of Lincoln, containing Three Acres	98 0 0	60 0 0	Manthorpe, Great Gonerby, and Barrowby.

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