

ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 72.

An Act for vesting certain Estates, devised by the Will of Sir George Savile Baronet, in Trustees, to be sold; and for laying out the Purchase Money under the Direction of the High Court of Chancery in other Estates to be settled in lieu thereof, and to the same Uses.

[13th June 1806.]

THEREAS Sir George Savile, heretofore of Rufford, in the 18th August
County of Nottingham, Baroner, deceased: daily ---County of Nottingham, Baronet, deceased, duly made and 1783. Will published his last Will and Testament in Writing, dated the Savile, Bart. Eighteenth Day of August One thousand seven hundred and eighty-three, and thereby after directing that his Personal Estate, except such Part thereof as he should specifically or otherwise bequeath or dispose; of by his faid Will, or by any Codicil, should be applied towards paying the Exprinces of his Funeral, his Debts, and Legacies, as far as the same would extend, gave and deviled all his Freehold Manors, Messuages, Lands, Tenements, Tithes, Woods, and Hereditaments whatsoever, within the Counties of York and Nottingham, and the Bishoprick of Durham, and ellewhere in Great Britain, and in the Kingdom of Ireland; and also all his Copyhold Lands, Tenements, and Hereditaments, with their and every of their Rights, Members, and Appurtenances, unto Two Persons pained, their Heirs and Assigns, to the Use of the said Testator's Brother-In-law John Hewett Elquire, the Reverend John Michell Clerk, and Gil-[Loc. & Per.]

bert Michell Esquire, for the Term of Twenty-one Years, to commence from the Day of the laid Testator's Decease, without Impeachment of Waste, upon the several Trusts, for the Intents and Purposes, and under and subject to the several Rowers, Provisoes, Conditions, and Restrictions therein-after expressed and declared, with Remainder as to all the said Teltator's Manors, Messuages, Farms, Lands, Tenements, Tithes, Woods, and Hereditaments in the said County of York, and in the Bishoprick of Durham; and in the Kingdom of Ireland, to the Uie of the Reverend Doctor Newton Ogle, then Dean of Winchester, and Sir Chaloner Ogle Knight, their Executors, Administrators, and Assigns, for the term of Live hundred Years from thenceforth next ensuing, without Impeachment of Waste, upon the Trusts, for the Intenes and Purposes, and under and subject to the several Provisoes therein-aster expressed, deciared, and contained; with Remainder as to all his the said Testator's Estares in the several Parishes of Brierley, Shafton (therein by Mistake called Shafton), and Hindley, in the said County of York, and in the Kingdom of Ireland, with their respective Appurtenances, to the Use of the said Testator's Nephew-in-law Francis Ferrand Foljambe Esquire, and his Assigns, for his Life; Remainder to the Use of Frustees during his Life, in Trust to preservé contingent Remainders: Remainder to the Use of the said Testator's Niece, Mary Arabella Foljambe (since deceased), the then Wife of the said Francis Ferrand Foljambe, and her Assigns, for her Life; Remainder to the Use of the same Trussees duting her Life, in Trust, to preserve contingent Remainders; Remainder to the Use of John Savile Foljambe since deceased (therein by Mistake called John Foljambe), the eldest Son of the said Francis Ferrand Foljambe by the said Mary Arabella Foljambe, his then Wife, and his Assigns, for his Life, without Impeachment of Waste; Remainder to the Use of the same Trustees during the Life of the said John Savile Foljambe, in Trust to preserve contingent Remainders; Remainder to the Use of the First and other Sons of the said John Savile Foljambe successively in Tail Male; Remainder to the Use of Francis Ferrand Foljambe (therein by Mistake called Francis Foljambe), Second Son of the said Testator's Niece, Mary Arabella Foljambe, and his Assigns, for his Life, without Impeachment of Waste; Remainder to the Use of the same Trustees during the Life of the said Francis Fernand Foljambe the Younger, in Trust to preserve contingent Remainders; Remainder to the Use of the First and other Sons of the said Francis Ferrand Foljambe the Younger, successively in Tail Male; Remainder to the Use of the Third, Fourth, Fifth, and all and every other the Son and Sons of the said Testator's Niece Mary Arae bella Foljambe, successively in Tail Male: And as to all other the said Testator's Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments, in or within the said County of York (except the said Premises in the Parishes of Brierley, Shafton, and Hindley aforesaid), and in or within the said County of Nottingham, the Bishoprick of Durham, and elsewhere in Great Britain, from and after the End, Expiration, or other sooner Determination of the said Terms of Twenty-one Years and Five hundred Years, and subject thereso and to the Trusts therein-after declated concerning the said Terms; and as to the said Premises in the faid several Parishes of Brierley, Shafton, and Hindley, and in the said Kingdom of Ireland, from and after the Determination of the several Uses and Estates therein-before limited and declared of and concerning the same, to the Use of the said Testator's Nephew, the Honourable Richard

Richard Lumley, now called the Honourable Richard Lumley Savile (the Second Son of the said Testator's Sister, Barbara Countess of Scarborough, by the Right Honourable Richard late Earl of Scarborough), and his Assigns, for his Life, without Impeachment of Waste (except voluntary Waste in the said Testator's Mansson House at Rufford aforesaid); Remainder to the Use of Trustees during the Life of the said Richard Lumley Savile, in Trust, to preserve contingent Remainders; Remainder to the Use of the First and other Sons of the said Richard Lumley Savile successively in Tail Male, with divers Remainders over: And it was thereby declared, that the said Term of Twenty-one Years therein before. limited to the said John Hewett, John Michell, and Gilbert Michell, their Executors, Administrators, and Assigns, was so limited, upon Trust, that they should, from Time to Time, during the said Term of Twenty-one Years, receive the Rents, Issues, and Profits of the said Premises, and should yearly and every Year, until the several Debts, Charges and Incumbrances which, at the Time of the said Testator's Decease, should affect his Real Estates, or any of them, and all other his Debts; and the Legacies by him to be given by any Codicil or Codicils to be by him added thereto, should be reduced to the Sum of Thirty-five thousand. Pounds, pay thereout to the said Testator's Nephew, Richard Lumley Savile and his Assigns (if he should so long live), and in case of his Death; then to such other Person or Persons as for the Time being should, by virtue of the said Testator's Will, be entitled to his Capital Messuage called Rufford, and his said Real Estates, situate in the said County of Nottingham, in Remainder or Reversion, expectant on the Determination of the said Term of Twenty-one Years, One full annual Sum or Yearly Rent Charge of One thousand two hundred Pounds of lawful Money of Great Britain, clear of all Deductions; and upon further Trust, that the same Trustees respectively should, from Time to Time, by, with, and out of the Rents, Islues, and Profits of such of the Premises comprised in the said Term of Twenty-one Years, as were Copyhold, pay and retain all Costs, Charges, and Expences, which they or any of them should suffer, sustain, or be put unto in the Execution of the said Trust thereby reposed in them, and should pay the Fines and Rents; and perform the Services, Covenants, and Agreements to be paid and performed in respect of the same, and discharge all incidental Charges relating thereto, and should from Time to Time, in the next Place, by, with, and out of the Rents, Issues, and Profits of the several Freehold and Copyhold Premises comprised in the said Term of Twenty-one Years, maintain and keep the said Testator's said several Estates, and the Houses, Edifices, Buildings, Yards, Gardens, Walls, Pales, and Fences thereto belonging, in good and proper Order, Repair, and Condition; and from and after Payment and Performance of the said Costs, Charges, Expences Fines, Rents, and Services, should pay the Residue of the Rents, Issues, and Profits of the said Premises in or towards Payment, Satisfaction, and Discharge of his Funeral Expences, the Debts, Charges, and Incumabrances that should at the Time of his Decease affect his Real Estates, or any of them, and the Interest of such of them as should carry or bear Interest, and all other the said Testator's Debts, and the Annuities and Legacies which he should give or bequeath by any Codicil or Codicils, or so much thereof as his Personal Estate not specifically disposed of by his Will should not extend to pay, at such Times, in such Manner, Orders and Course, and according to such Priority as they the same

Trustees respectively should think proper; and from and after such Time. as the Debts, Charges, and Incumbrances which, at the Time of the said Testator's Decease, should affect his Real Estates, or any of them. and the Legacies to be given by any Codicil or Codicils to be by him added to his said Will, and all other his Debts, should be reduced to the Sum of Thirty-five thousand Pounds, upon Trust, to permit the said Testator's Nephew, the said Richard Lumley Savile, or the Person who, for the Time being, by virtue of the said Testator's Will, should be entitled to the Reversion or Remainder expectant, or to take effect upon the Determination of the said Term of Twenty-one Years, during the Remainder of the same Term, to enter upon, have, hold, occupy, possels, and enjoy the said Testator's Capital Messuage called Rufford, with the Out-houses, Edifices, Buildings, Yards, Gardens, Lands, and Appurtenances thereto belonging, or therewith usually held or enjoyed; and all the said Testator's Manors or Lordships, Messuages, Lands, Tenements, and Hereditaments in the said County of Nottingham; and to have, receive, take, and enjoy the Rents, lifues, and Profits thereof, to and for his own Use and Benefit: And upon further Trust, during the Remainder of the said Term of Twenty-one Years, which should be then to come and unexpired, to pay, apply, and dispose of the Residue and Remainder of the Rents, Issues, and Profits of the said Premises comprised in the said Term of Twenty-one Years (except the said Hereditaments situate in the said County of Nottingham), upon such of the Trusts. and for such of the Intents and Purpoles therein-before declared concerning the said Term of Twenty-one Years, as should then remain to be performed: And it was thereby provided, that after Payment of all Arrears of the said Yearly Sum of One thousand two hundred Pounds, thereby directed to be paid to the said Richard Lumley Savile as aforesaid, and after Payment of such of the said Testator's Funeral Expences, Debts, and Legacies, as the Rents, Islues, and Profits of the faid Premiles comprised in the said Term of Twenty-one Years should extend to pay, and after the Trusts should be performed, and the trustees' Charges in the Execution thereof should be reimbursed and satisfied, the said Term of Twenty-one Years in the said Premises therein comprised should cease and determine; and the said Testator directed, that the Surplus of the Rents. Mues, and Profits of the Hereditaments and Premises comprised in the said Term of Twenty-one Years (if any such should be), after Payment, of the Annuities aforesaid, and of the Legacies to such of the Legatees as should have attained the Age of Twenty-one Year, should from Time to Time be laid out and invested by the Trustees or Trustee of the said Term, in their or his Names or Name, at Interest, in Parliamentary Stocks, Publick Funds, or Government Securities, the Interest or Dividends of which should from Time to Time be in like Manner laid out and invested until such of the said Legatees as should then be Minors. should respectively attain their Ages of Twenty-one Years; to the End and Intent that the same might accumulate, and that thereby; as well as by such Rents and Profits, a Fund might be the sooner and better provided for answering and paying all the said Legacies: And it was thereby declared that the said Ferm of Five hundred Years therein-before limited to the said Newton Ogle and Sir Chaloner Ogle, their Executors, Administrators, and Assigns, as aforesaid, was so limited to them, upon Trust. that they, for the Survivor of them, or the Executors, Administrators, or Assigns of such Servivor, should, at any Time or Times after the End

or Expiration of the aforesaid Term of Twenty-one Years, by Mortgage, Sale, Demise, or other the Ways and Means therein mentioned, levy and raise, out of the said Teltator's Estates, in the following Proportions, such Sum and Sums of Money as should be necessary or requisite for the Payment and Discharge of such of the aforesaid Debts, Legacies, or Annuities as should then remain unsatisfied, and also of such Mortgages and other Charges and Incumbrances as should then affect his said Estaces, or any Part thereof; and the Interest of the same, (that is to say,) out of the Messuages, Lands, Tenements, and Hereditaments therein-before mentioned to be situate in the Parishes of Brierley, Shafton, and Hindley, in the County of York, and in Ireland, One-fourth Part of the said Debts and Legacies remaining unfatisfied at the Expiration of the said Term of Twenty-one Years; and out of the Remainder of the Hereditaments and Premises comprised in the said Term of Five hundred Years, Three-fourth Parts of the said Debts and Legacies remaining unpaid at the Expiration of the said Term of Twenty-one Years: And the said Testator directed that the Annuities which should be payable at the Expiration of the said - Term of Twenty-one Years, should be paid in the same or like Proportion out of the Rents and Profits of the said Estates, and should apply and dispose of such Sum and Sums of Money accordingly: And it was thereby provided, that when and as foon as the said Debts, Annuities, and Legacie, and all Interest to accrue in respect of any of the said Debts and Legacies, together with the Costs and Charges of the Trustees in the Execution of the Trusts of the said Term of Five hundred Years should be fully paid and discharged, and the Trusts of the said Term should be performed or satisfied, then the said Term of Five hundred Years in the faid Premises therein comprised, or so much thereof as should not have been sold or disposed of for the Purposes aforesaid, should cease and determine; and the faid Testator appointed the said John. Hewett, Francis Kerrand Foljambe the Elder, John Michell, and Gilbert Michell, Executors of his said Will: And whereas the said Sir George Codicil to Sir Savile duly made and published a Codicil to his said Will, dated the George Sa-Nineteenth Day of the said Month of August One thousand seven hundred and eighty-three, whereby he gave and bequeathed divers Legacies' and Annuities to the several Persons therein named, and particularly an Annuity or yearly Sum of Two hundred Pounds to Ely Bates, who then lived with him, until he should obtain some Office or Employment of the Value of Two hundred Pounds a Year, clear of all Deductions, but did not in any other Respect alter his said Will: And whereas the said Sir George Savile died in the Year One thousand seven hundred and eightyfour a Bachelor, without revoking or altering his said Will, otherwise than by the said Codicil, leaving his Sister, the said Barbara Countess Dowager of Scarborough, and the faid Mary Arabella Foljambe and Frances Thornhagh his Nieces, his Coheiresses at Law him surviving: And whereas the said Francis Ferrand Foljambe the Elder alone duly proved the faid Will and Codicil in the Prerogative Court of the Archbishop of Canterbury, Power being reserved for the said John Hewett, John Michell, and Gilbert Michell, the other Executors, at any Time thereafter to prove the same: And whereas the said Mary Arabella Foljambe, died in the Year. One thousand seven hundred and ninety, leaving the said John Savile Foljambe (fince deceased) and the said Francis. Ferrand Foljambe the Younger, her Two eldest Sons, and George Foljambe. Esquire her Third Son, her surviving, which said Francis Ferrand Foljambe the Younger [Lice. & Per.] and

Court of

Chancery by the Honourable Richard Lumley Savile.

and George Foljambe have attained the Age of Twenty-one Years: And whereas the said John Savile Foljambe died in the Year One thousand eight luidred and five, leaving Two Sons, viz. George Savile Foljambe and Francis Thornhagh Foljambe, both now Infants under the Age of Six Years, him surviving; but having by his Will, dated the Twenty-sourth Day of May One thouland eight hundred and four, appointed the said Francis Ferrand Foljambe the Younger, and also Henry Willoughby Esquire, Guardians of his said Two Infant Children George Savile Foljambe and Francis Thornhagh Foljambe: And whereas the said Francis Ferrand Foljambe the Younger is a Bachelor: And whereas the said Richard Lumley Savi'e in the Year One thousand seven hundred and eighty-eight siled his Bill in the High Court of Chancery against the said Francis Ferrand Foljambe the Elder as acting Executor under the Will of the said Sir George Savile, and other Defendants, stating, amongst other Things, the before recited . Will and Codicil of the said Sir George Savile, and that all the Debts and Legacies of the said Testator were then reduced to a Sum not exceeding Thirty-five thousand Pounds, and that he the said Richard Lumley Savile was become entitled to be let into Possession of the said Capital Messuage called Rufford, and all the said Testator's Manors and Real Estates in the said County of Nottingham, and into the immediate Receipt of the Rents and Profits thereof; and praying, amongst other Things, that Possession thereof might be thereupon delivered to him: And whereas, by a Decree of the said Court of Chancery, made in the said Cause upon the Twentyfourth Day of February One thousand seven hundred and eighty-nine, it was declared that the Will and Codicil of the said Testator were well proved, and that the same ought to be established, and the Trusts thereof performed and carried into Execution, and the same was ordered and decreed accordingly; and it was thereby referred to Mr. Hett, One of the Masters of the aid Court, to take an Account of the Debts and Legacies of the said Testator, and also of the Incumbrances on his Real Estate then remaining due and unsatisfied, and to compute Interest on such Debts, Incumbrances, and Legacies; and it was further ordered, that the said Master should state to the Court the whole Amount of the said Testator's Debts, Legacies, and Incumbrances on his Real Estate then remaining due and unfatisfied: And in pursuance of the said Decree the said Master made his Report, bearing Date the Fourteenth Day of July One thousand seven hundred and eighty nine, and which was afterwards confirmed, whereby he certified that the leveral Debts and Legacies of the said Testator, and also the Incumbrances on his Real Estate, with the Interest then due thereon, amounted to the Sum of Thirty four thousand four hundred and fixty-seven Pounds One Shilling and Ten-pence; and that such Sum was the whole Amount of the said Testator's Debts, Legacies, and Incumbrances on his Real Estate then remaining unsatisfied, except an Annuity of Two hundred Pounds (being an Incumbrance at the faid Testator's Death) therein mentioned to be payable to Mr. Peter: Grandey, and which said Annuity had been paid by the said Francis Ferrand Foljambe the Elder up to the Twenty-fourth Day of June One thousand seven hundred and eighty-nine: And whereas the said Richard Lumley, Savile, on or about the Fifth Day of January One thousand seven hundred and ninety-three, filed his supplemental Bill in the said Court against the said Francis Ferrand Foljambe the Elder and others-Defendants, praying, amongst other Things, that he might have the Benefit of the original Suit and the Proceedings therein, and that an

Account might be taken of all such Sums of Money (if any) as then remained due or owing on Account of the said Testator Sir George Savile's Debts and Funeral Expences, or of the Arrears (if any) of the Annuities given by the said Testator's Will or the Codicil thereto, and also an Account of the several Legacies given by the said Codicil then remaining unsatisfied, and that the Possession might be délivered to the said Richard Lumley Savile of all the said Testator's said Estates in the County of York '(except the said Estates in the several Parishes of Brierley, Shafton, and Hindley), and in the faid Bishoprick of Durham, or elsewhere in Great Britain, and comprised in the said Term of Twenty-one Years, of which Possession had not been delivered to the said Richard Lumley Savile, as aforesaid: And whereas by a decretal Order of the said Court of Chancery, made in the said supplemental Cause, bearing Date on or about the Twenty-first Day of January One thousand seven hundred and ninetythree, it was (amongst other Things) ordered that it should be referred to Mr. Spranger, to whom the said Cause then stood referred, to inquire and state to the Court whether any of the Debts of the said Testator Sir George Savile deceased, or the Legacies given by his said Will or the Codicil thereto, then remained due and unfatisfied, and to whom and to what Amount, and the Ages of such Legatees whose Legacies were unpaid, and when the same were payable; and it was ordered that the faid Master should also inquire and state to the Court whether any of the Annuities given by the said Testator's said Will and Codicil were subsisting, and to whom, and whether any Thing, and what, was due to any, and which of the Annuitants in respect of their said Annuities, with the usual Directions for Advertisements for Creditors, pursuant to the said *Order: And whereas the said Master, by his Report made in the said Cause, dated the Twenty-sixth Day of February One thousand seven hundred and ninety-three, pursuant to the said Order, and which was afterwards confirmed, certified (among other Things), that he had, pursuant to the said decretal Order, caused Advertisements to be published in the London Gazette for the Creditors (if any) of the faid Testator, to come in before him and prove their Debts, but no Creditor had proved 'or claimed any Debt before him, therefore he did not find that there was any Debt of the said Testator then remaining unsatisfied; and the said Master found, that the said Testator, by the said Codicil to his said Will, gave to each of the Daughters of his said Sister the said Barbara Countess of Scarborough, living at his Death, who should attain Twenty-one, the Sum of Two thousand Pounds; and he found that the only Daughters of the said Barbara Countess of Scarborough who had not attained Twenty-one Years, were the Honourable Lady Louisa Lumley and the Honourable Lady Sophia Lumley, and which said Legacies he found would, according to the Terms of the said Bequest, become payable to the said Lady Louisa Lumley and Lady Sophia Lumley, on their attaining the Age of Twenty-one Years respectively; and he further found that the said Testator, by the said Codicil to his said Will, gave to every Son of the -faid Francis Ferrand Foljambe the Elder, by the faid Mary Arabel'a Foljambe (except the said John Savile Foljambe). One thousand Pounds, and to every Daughter of the said Mary Arabella Foljambe Two thousand Pounds, whether living at the Testator's Death or born afterwards, who should live to attain the Age of Twenty-one Years, or be married; and he further found that the said Mary Arabella Foljambe died on or about the Twenty-eighth Day of December One thousand seven hundred and

ninety, leaving Six Children by the said Francis Ferrand Foljambe the Elder, her surviving, who were then all living, (videlicet) the said Jahn Savile Foljambe, Mary Beresford Foljambe, the said Francis Ferrand Foljambe the Younger, the said George Foljambe, and Henry Savile Foljambe, and Arabella Savile Foljambe, being Twins, who were born after the said Testator's Death; and he found that the said several Legacies so given to the Daughters of the said Francis Ferrand Foljambe the Elder, by the said Mary Arabella his Wife, would, according to the Terms of the said Bequest, become payable to them respectively on their attaining the Age of Twenty-one Years or Marriage; but whether the said Legacies so given to the faid Francis Ferrand Foljambe the Younger, and George Foljambe, who were born in the Life-time of the said Testator were vested Legacies or not, and whether the said Henry Savile Foljambe (who was born after the said Testator's Death) was under the said Bequest entitled to any Legacy, he submitted to the Judgement of the said Court, and he did not find that there was any Legacy given by the said Testator's Will and Codicil thereto, fave those before mentioned, then remaining due; and the said Master found, that the only Annuities given by the said Testator's Will and Codicil then subsisting were an Annuity of Two hundred Pounds to William Wilson for his Life, and an Annuity of Two hundred Pounds to the said Testator's Niece Frances Thornhagh, for her Life, and an Annuity of Two hundred Pounds to the said Ely Bates, until he should obtain any Office or Employment of the yearly Value of Two hundred Pounds; and by a further Order of the said Court, made in the said Cause, bearing Date the Twenty-eighth Day of February One thousand seven hundred and ninety-three, and by a Report made in pursuance thereof, bearing Date the Sixth Day of March One thousand seven hundred and ninety-three, and which was afterwards confirmed, the said Master certified that he found the said several Legacies so given by the faid Codicil to the said Will of the said Sir George Savile then remaining unsatisfied, and including the Legacy of One thousand Pounds to the faid Henry Savile Foljambe, amounted together to the Sum of Eleven thousand Pounds: And whereas by a further Order of the said Court made in the said Cause, bearing Date the Eighteenth Day of March One thousand seven hundred and ninety-three, it was, among other Things, ordered that the said Francis Ferrand Foljambe the Elder, the only acting Executor of the said Testator Sir George Savile, and the Attorney appointed by the said John Michell, the surviving Trustee of the faid Term of Twenty-one Years, should be at Liberty to pay the said, Sum of Eleven thousand Pounds into the Bank, with the Privity of the Accountant General of the said Court, on the Credit of the said Cause, and that the said John Michell should deliver Possession of the Premites comprised in the said Term to the said Richard Lumley Savile and Francis Ferrand Foljambe the Elder; and it was also ordered, that the said Richard Lumley Savile and Francis Ferrand Foljambe the Elder should, according to their Undertaking therein mentioned, pay and keep down the growing Payments of the said Annuities as they should become duc, and that out of the said Sum of Eleven thousand Pounds, when so paid into the Bank, Two thousand Pounds, the Amount of the said Legacy given to the said Lady Louisa Lumley, Two thousand Pounds, the Amount of the faid Legacy given to the said Lady Sophia Lumley, Two thousand Pounds, the Amount of the said Legacy given to the said Mary Beresford Foljambe, One thousand Pounds, the Amount of the said Legacy given

to the said Francis Ferrand Foljambe the Younger, One thousand Pounds, the Amount of the said Legacy given to the said George Foljambe, One thousand Pounds, the Amount of the said Legacy given to the said Henry Savile Foljambe, and Two thousand Pounds, the Amount of the said Legacy given to the said Arabella Savile Foljambe, should be respectively laid out in the Purchase of Bank Three per Centum Annuities, in the Name and with the Privity of the said Accountant General in Trust in the said-Cause, and be placed to the respective Accounts of the said Infants, and be entitled, "The Contingent Accounts:" And it was ordered, that the Interest to accrue on the said Bank Annuities should be laid out in the Purchase of like Annuities, and be placed to the same respective Accounts: And it was further ordered, that the said Lady Louisa Lumley, Lady Sophia Lumley, Francis Ferrand Foljambe the Younger, George Foljambe, and Henry Savile Foljambe, as they respectively should attain their Age of Twenty-one Years, and the said Mary Beresford Foljambe and Arabella Savile Foljambe, as they should respectively attain that Age or be married, which should sight happen, should be respectively at Liberty to apply to the said Court to have the Bank Annuities, in which the said respective Legacies should be invested, and the Interest that had accrued and accumulated thereon, transferred and paid to them respectively: And whereas, in pursuance of the said last recited Order, the said Francis Ferrand Foljambe the Elder paid the said Sum of Eleven thousand Pounds into the Bank, on the Twenty-eighth Day of March One thousand seven hundred and ninety-three, and the same was laid out in the Purchase of Bank Three per Centum Annuities, in Trust in the said Cause, in the Proportions and Manner directed by the faid Order, and placed to the respective Accounts of the said Infants intituled The Contingent Accounts of the said respective Infant Legatees, and thereupon Possession of the said Premises comprised in the said Term of Twenty-one Years, of which the Possession had not before been delivered to the said Richard Lumley Savile. was delivered to the said Richard Lumley Savile and Francis Ferrand Foljambe the Elder, pursuant to the said Order of the Eighteenth Day of March One thousand seven hundred and ninety-three: And whereas by a further Order of the said Court made in the said Cause on the Twentyfirst Day of March One thousand eight hundred and six, after stating, among other Things, that the said Lady Louisa Lumley, Lady Sophia Lum'ey, Francis Ferrand Foljambe the Younger, George Foljambe, Henry Savile Foljambe, Mary Beresford Foljambe, and Arabella Savile Foljambe, had respectively attained their respective Ages of Twenty-one Years, it was ordered that it should be referred to James Stanley Elquire, one of the Masters of the said Court, to whom the said Cause then stood referred. to inquire and certify to the faid Court, whether all or any, and which of the Legacies bequeathed by the said Codicil to the said Will of the said Sir George Savile, mentioned in the said Master's Report of the Twenty-fixth Day of February One thousand seven hundred and ninetythree to be then remaining unpaid, had been since paid and satisfied; and whether any, and which of the Annuities mentioned in the said Report to be then subsisting had since determined, and whether any and which of them were then lubsisting, and whether any and what Arrears of the said Annuities remained unpaid to any and which of the said Annuitants: And whereas the said Master, in pursuance of the said last recited Order, by his Report, bearing Date on or about the Seventeenth Day of April One thousand eight hundred and six, certified, amongst Loc. & Per.]

other Things, that all the Legacies, bequeathed by the Codicil to the

Will of the said Testator, Sir George Savile, mentioned in the said

the Estates proposed to be fold.

Report of the Twenty-sixth Day of February One thousand seven hundred and ninety-three, had been paid and satisfied, and that all the Annuities mentioned in the said Report, except the Annuity of Two hundred Pounds per Annum to the said Ely Bates, had determined, and that all the Arrears of the said Annuities had been paid in the Manner and up to Particulars of the Times in his said Report stated: And whereas Part of the said devised Estates, of which the said Francis Ferrand Foljambe the Elder is Tenant for Life, with Remainders over as aforesaid, consists of several Town Lands and Hereditaments, commonly called or known by the several Names or Denominations of Frughmore, Tullyvally, Kilgort, Fedan, Drumtork, Tullybryan, Coolmaghery, Gortavoy, and Tullnacross, situate and being in the County of Tyrone, in that Part of the United Kingdom called Ireland, and containing about One thousand three hundred and one Acres, One Rood, and Twelve Perches, Irish Measure, or Two thouland one hundred and eight Acres and Twenty-two Perches English Measure, the Yearly Rents whereof are particularly mentioned in the Schedule to this Act annexed; and such Town Lands and Hereditaments lie several Miles detached from the Bulk and Residue of the said devised Estates in that County, and several of the said Town Lands and Hereditaments lie distinct, and at considerable Distances from each other: And whereas the said devised Estates situate at Brierley, Shafton, and Hindley, in the said County of York, of which the said Francis Ferrand Foljambe the Elder is Tenant for Life, with Remainders over as aforesaid, are of considerable Yearly Value, and the Residence of the said Francis Ferrand, Foljambe the Elder, and his Family, is at Osberton, in the said County of Nottingham, in which County he has also Estates of considerable Yearly, Value: And whereas the Residue of the Estates comprised in the Will of the said Sir George Savile deceased, on which the said Annuity of Two hundred Pounds a Year to Ely Bates is charged, and which are not to be sold or disposed of by virtue of this Act, are of the annual Value of Ten thousand Pounds and upwards: And whereas the said Francis Fernand Foljambe the Elder and Francis Ferrand Foljamhe the Younger, on his own Behalf, and the said Francis Ferrand Foljambe the Younger and Henry Willoughby, on Behalf of the faid George Savile Foljambe and Francis Thornhagh. Foljambe the Infants; are all satisfied that it would be a very great Advantage to the said Francis Ferrand Foljambe the Elder, and the several Claimants in Remainder under the aforesaid Will of the said Sir George Savile, deceased, that such Parts of the said devised Estates in the said County of Tyrone, as are herein-before enumerated, and comprised in the said Schedule. may be vested in Trustees in Fee Simple, discharged from the Uses and Trusts of the same Will, upon Trust to be sold, and the clear Monies. thence arising laid out under the Direction of the said Court of Chancery, in the Purchase of other Real Estates in the Counties of York and Nottingham, or One of them, to be settled to the subsisting Uses of the said Will of the said Sir George Savile; but inasmuch as by reason of the Limitations aforesaid in the said Will the Purpose aforesaid cannot be effected without the Aid and Authority of Parliament: Therefore Your Majesty's most dutiful and loyal Subjects the said Francis Ferrand Foljambe the Elder and Francis Ferrand Foljambe the Younger, and also the said Francis Ferrand Foljambe the Younger and Henry Willoughby, on Behalf

Reasons for the Application to Parliament.

of the faid Infants George Savile Foljambe and Francis Thornhagh Foljambe and the said George Foljambe, 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 I emporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the Town Lands and The Estates Hereditaments, commonly called or known by the several Names or Denominations of Frughmore, Tullyvally, Kilgort, Fedan, Drumcork, Tully- to the Act to bryan, Coolmaghery, Gortavy, and Tulnacross, in the said County of be vested in Tyrone, in that Part of the United Kingdom called Ireland, which in and by the said Will of the said Sir George Savile deceased, are limited to the Uses before mentioned, and are comprised and mentioned in the faid Schedule to this Act annexed, with all Messuages, Lands, Mountains. Moors, Marshes, Heaths, Bogs, Woods, Underwoods, Ways, Commons, Easements, Rights, Members, and Appurtenances, thereto belonging, shall, from and immediately after the passing of this Act, be vested in, and the same are hereby from thenceforth vested in the aforefaid Francis Ferrand Foljambe the Younger and Henry Willoughby, their Heirs and Assigns, for ever, freed and absolutely acquitted, exempted, exonerated, and discharged of and from all and singular the Estates, Uses, Trusts, Limitations, Charges, Powers, Provisoes, and Declarations, created, limited, or railed, in the said Town Lands and Hereditaments or any of them, or any Part or Parts thereof, by the said recited Will and Codicil of the said Sir George Savile deceased, or either of them, but upon and for the Trusts, and for the Intents and Purposes herein-after expressed and contained concerning the same; that is to say, upon Trust to that they the laid Francis Ferrand Foljambe the Younger, and Henry Willoughby, or the Survivor of them, or the Heirs and Assigns of such as herein Survivor, do and shall, as soon as conveniently may be, on the Request mentioned; in Writing, and with the Approbation of the said Francis Ferrand Foljambe the Elder, or of the Person or Persons for the Time being entitled ... in Possession, by virtue of the Limitations contained in the said Will, to the said Hereditaments and Premises, and of the Rents and Profits thereof, or of the Guardian or Guardians, of such Person or Persons, being an Infant or Infants, make Sale and dispose of the said Town Lands and Hereditaments hereby vested in them as aforesaid, or any Part or Parts thereof, by publick Auction or Sale, or private Contract, and together or in Parcels, unto any Person or Persons who shall or may be willing to become the Purchaser or Purchasers thereof, for the best Price or Prices that can be reasonably had or gotten for the same; and on Payment into and on Paya the Bank of England, in Manner herein-after mentioned, of the Pur ment of the Purchase chase Money, for which the same Hereditaments and Premises, or any Monies into Part thereof, shall be sold, do and shall convey and assure the same unto the Bank, to and to the Use of the Purchaser or Purchasers thereof, and to his, her, to the Puror their Heirs and Assigns, or as he, she, or they shall direct or appoint, chasers. freed, acquitted, exonerated, and discharged as aforesaid.

the Schedule

be fold with

be conveyed

II. And be it further enacted, That all and every Person and Persons Purchasers to who shall or may become the Purchaser or Purchasers of all or any Part pay their Purof the said Town Lands and Hereditaments hereby made saleable as aforesaid, shall pay his or their Purchase Money into the Bank of Eng. land, 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

chase Monies into the Bank! in the usual Manner.

Accountant General's Certificates of Payment, and Cashier's Receipts, to be sufficient Dischafers.

Purchaser or Purchasers of the Estates devised by the Will of the said Sir George Savile, pursuant to the Method prescribed by the Act of the Twelfth Year 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 Twentyfour; and that the Certificate or Certificates to be given by the said Accountant General, together with the Receipt and Receipts of the Cashier of the Bank of England, to be thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of England by such Purchaser or Purchasers, of his, her, or their Purchase charge to Pur- Money, shall, from Time to Time, and at all Times thereafter, be and be deemed and taken to be a good and sufficient Discharge to such Purchaser or Purchasers, and to his, her, and their Heirs, Executors, Administrators, and Assigns, for so much of the said Purchase Monies for which fuch Certificate or Certificates, and Receipt or Receipts, as aforefaid shall respectively be given: and that after the Filing of such Certificate or Certificates, and Receipt or Receipts, such Purchaser or Purchasers, and his; her, and their respective Heirs, Executors, and Administrators, shall be, and is and are hereby absolutely acquitted and discharged of and from the same Monies, and every Part thereof, and shall not be answerable or accountable for any Loss, Misapplication, or Non-application of fuch Purchase Money, or of any Part thereof.

The Costs of pailing this Act, and attending the Sales, &c. to be paid out of the Monies from. The Relidus thereof to be laid out under the Direction of the Court of Chancery in the Purchase of Estates in the Counties of York and Nottingham, or One of them;

to the fame Uses as the

III. And be it further enacted, That out of the Monies so to be paid into the Bank as aforefaid, all the Costs, Charges, and Expences preparatory to and attending the soliciting and applying for and obtaining and passing this Act, or which may be incident or relating thereto; and the Costs and Expences attending the Sales hereby directed, and the Execuarising there, tion of the Trusts of this Act, shall be in the First Place paid and satisfy fied, and the Residue and Surplus of such Monies shall, with all convenient Speed, with the Consent of the said Francis Ferrand Foljambe the Elder, during his Life, and after his Death, then, by and with the Consent of the Person or Persons for the Time being entitled as aforesaid, or of the Guardian or Guardians of such Person or Persons being an Infant or Infants, be laid out and invested under and subject to the Directions of His Majesty's High Court of Chancery, in pursuance of an Order or Orders for that Purpose to be obtained upon Motion or Petition in a summary Way, in the Purchase of Freehold Manors, Messuages, Farms, Lands, Tenements, or Hereditaments of an Estate of Inheritance in Fee-simple in Possession, situate in the said Counties of York and Nottingham, or One of them, and Copyhold Lands or Hereditaments convenient to be held therewith, so as such Copyholds shall not exceed in Value One-sixth Part of the Freehold Premises so to be purchased, free from all Incumbrances (except Quit Rents, Fee Farm Rents, or other usual Outgoings or Payments), and that all and singular the Freehold and Copyhold Manois and other Hereditaments which shall be so to be conveyed purchased as aforesaid, shall be conveyed, settled, and assured, to, for, and upon such and so many of the Uses, Estates, Trusts, Intents, and Estates hereby Purposes, and under and subject to such and so many of the Powers and veited in trust. Provisoes, Limitations, Declarations, and Agreements limited, created, declared, or expressed by the said Will of the said Sir George Savile, of and concerning the said Hereditaments hereby vested as aforesaid, as shall be then undetermined and capable of taking Effect.

IV. And

IV. And be it further enacted, That after Payment of the afore- Till Purchases said Costs, Charges, and Expences, and until such Purchase shall be made as aforesaid, the Residue or Surplus of the Monies arising from fuch Sale or Sales as aforesaid shall be laid out by the said Accountant Genéral in the Purchase of Navy or Victualling, or Transport Bills or Exchequer Bills, and the Interest arising from the Bills so to be purchased, chequer Bills. and the Monies received for the same as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant General in the Purchase of other Navy or Victualling, or Transport Bills or Exchequer Bills; all which said Navy and Victualling, and Transport Bills and Exchequer Bills, shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases as aforesaid shall be found and approved as before directed, and until the same shall upon a Petition, setting forth such Approbation, to be preferred to the Court of Chancery in a summary. Way, by or on Behalf of the said Francis Ferrand Foljambe the Elder. or the Person or Persons for the Time being beneficially entitled in Possession to the Rents and Profits of the Manors, Lands, or Hereditaments so to be purchased, or of the Guardian or Guardians of such Person or Persons being an Infant or Infants, be ordered to be sold by the said Accountant General for the completing such Purchase in such Manner as the said Court shall think fit and direct; and if the Money arising by the Sale of such Navy, Victualling, or Transport or Exchequer Bil's, shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then, and in that Case only, the Surplus which shall remain after discharging the Expences of the Applications to the Court shall be paid to such Person or Persons respectively as would have been entitled to receive the Rents and Profits of the Lands directed to be purchased, in case the same had been purchased pursuant to this Act, or to the Representative or Representatives of such Person or Persons.

made, the Refidue to be laid out in Nayy, Victualling, Transport, or Ex-

V. Provided always, That it shall be lawful for the Court of Chancery, The Court of from Time to Time, to make such Order or Orders as to the said Court shall seem sit, for taxing and settling the Costs, Charges, and Expences herein-before directed to be paid, and for taxing the Costs of the several Applications to be made to the said Court respecting the Matters aforesaid, and the Costs of taking the said Monies out of the Bank, and investing fuch Monies in a new Purchase or Purchases as aforesaid; and for Payment of all such Costs, Charges, and Expences, out of the said Monies, or out of the Monies arising by Sale of the Navy, Victualling, or Transport or Exchequer Bills, so to be purchased as aforesaid.

Chacery empowered to make Orders for taxing the Colts, &c.

VI. And be it further enacted, That in the mean Time, and until such Till the Sales, Sale or Sales as aforesaid, the said Francis Ferrand Foljambe the Younger, and Henry Willoughby, and the Survivor of them, and the Heirs and fore the pail-Assigns of such Survivor, shall permit and suffer the said Town Lands and other Hereditaments and Premises so hereby invested in them as aforesaid, to be held and enjoyed, and the Rents, Issues, and Profits thereof, to be had, received, and taken, by and for the Benefit of such Person or Persons as would have been entitled thereto respectively, and ought to have received the same, in case this Act had not been made.

be held as being of the Act. The Remain der of the late Sir George Savile's Estates to continue subject to the Payment of 2001, per Annum to Mr. Ely Bates.

VII. Provided always, and it is hereby further enacted, That notwithftanding Part of the Hereditaments originally subjected to the said Annuity
or Yearly Rent Charge of Two hundred Pounds to the said Ely Bates as
aforesaid, is, by the Operation of this Act, freed and discharged of and
from the said Annuity or Rent Charge, and all Powers, Authorities,
and Remedies for compelling the Payment thereof; yet nevertheless the
said Annuity or Yearly Rent Charge shall be and remain and continue to
be issuing and payable out of the Residue of the Manors and other Hereditaments originally charged therewith, and not hereby vested in Trust to
be sold as aforesaid, with all Powers, Authorities, and Remedies for
recovering and compelling Payment of the same from and out of such
Residue of the same Manors and other Hereditaments in such and the
same Manner as if the said Residue of the said Manors and other Hereditaments had been originally the only Premises subject to the Payment of
the same Annuity or Yearly Rent Charge.

General Say...

VIII. 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, Administrators, and Assigns, other than and except the said Francis Ferrand Foljambe the Elder, and except the faid George Savile Foljambe and the Heirs Male of his Body, and the said Francis Thornhagh Foljambe and the Heirs Male of his Body, and except the said Francis Ferrand Foljambe the Younger, and his First and other Sons, and the Heirs Male of the Body of fuch Sons respectively, and except the said George Foljambe and the Heirs Male of his Body; and also except the Trustees to preserve contingent Remainders in the said Will of the said Sir George Savile, and the Trustees of the said Term of Five hundred Yeas; and also except the said Ely Bates the Annuitant; and also except the right Heirs of the said Testator Sir George Savile deceased; and also except all and every other Person or Persons whomsoever, and their Heirs or Issue, claiming or deriving any Estate, Title, or Interest, under or by virtue of the said Will of the said Sir George Savile deceased, or under or by virtue of any of the Estates, Limitations, Uses, Trusts, Charges, and other Provisions therein, or in his said Codicil made or contained, all such Estates, Rights, Titles, and Interests of, in, to, or out of the said Town Lands and other Hereditaments hereby vested in Trust to be sold as aforesaid, or any Part or Parts thereof, as they, and every or any of them, had before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

Act to be printed by the King's Printer.

IX: 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.

The SCHEDULE to which this Act refers.

Town Lands.	Tenants Names.	Yearly Rent Irish Money.	Total Rent of each Town Land.	Total Quantity of each Town Land.	Observations.
	John Glendening Ann and James Donelly - Henry Memnagh John Treanor Mathew Means John Glendening Robert Glendening, Sen Robert Glendening, Jun	£. 5. 7. 34. 18 7. 15 17 6 17 12 6 17 17 17 17 17 17 17 17 17 17 17 17 17	L. s. d.	Irish English A. R. P. A. R. P.	
	Andrew and Samuel Clarke John Emuck Joseph Clarke John Sterret, Sen. and John, Jun. and William Sterret Joseph Steen James Cromley John Hunter	13 17 11 13 17 11 9 13 6 23 7 9 13 6 3 13 1 10 19 10 8	214 12 9	203 z 16 329 3 12	about Three Miles y of the Estate.
Fully vally	Robert and James Mofgrove John Mofgrove, Sen. John Mofgrove, Jun. John Scott John Clark Wm. and Ann Wilson and John Scott Thomas Crawford	15 2 0 8 16 0 17 6 1 17 14 6 27 13 11 77 3 0	172 11 6	169 2 14 274 2 36	dj ining each other and lying
Cilgort **	Andrew Crawford David Christy John Hamilton, Jun. John Hamilton, Sen. Hugh and Terence Magill John Pawley and Lancellot M'Elroy John Crawford and Thomas Scott Ann Style David and Henry Strean	33 15 10 17 6 5 19 10 0 5 8 10 14 3 8 13 12 4 9 17 6	176 12 6	178 1 5 288 3 8	¥
Fedan -	John Montgomery Lettice, Robert, and Geo Montgomery Abraham M'Key Robert Spear Peter Cassiday Mary and James Little John Montgomery James Spear	5 14 4			joining each other, and lying bout Three Mies eastward rom the Boundary of the

Town Lands.	Tenants Names.	Yearly Rent Irish Money.	Total Rent of each Town Land.	Total Quantity of ea Town Land.	Observation s.
	Hans Morrison James Montgomery -	£. s. d. 20 4 1 1 4 17 10	£. s. d.	Irish Engl. A. R. P. A. R. 72 0 16 116	
	Robert Happer William Happer Alexander M'Neilles John Garland and Mich. M'Carrol Alexander M'Lean	22 4 9 22 4 9 10 17 0 12 6 9 35 18 3	103; 11- 6	53 0 24 86	each other, and lying at Miles eaftward from the undary of the Estate.
Tullybryan	John Speer Eleanor and John Russle George Mitchell James M'Cullum John and Lawrence Speer	11 13 5 7 8 6 8 9 4 13 10 6 70 6 2	111 7 11	89 3 32 145	Adj ining Three Bo
Coolmaghery	Christopher Hurson Hugh Geohegan Francis Hursin Hugh and William Hursin Edward Hursin Michael Hursin Thomas Nugent John M'Donnell Pat Peter and Bryan Mulgrey Neil and Owen Hursin Peter Hursin Felix and James Hursin Hugh and John O'Neil Michael Hursin James Hursin James Hursin Pat Hursin Pat Hursin Thomas Magrath Edward Mulhanny	4 11 11 9 4 15 4 5 4 4 7 6 10 7 5 7 8 2 7 7 7 8 17 10 8		3 P42 F 4 230	Lying about Sixteen Miles eastward from the Boundary of the Estate.
Gortavoy	Margaret and Robert Wat James Wat Robert Wat	17 12 6 26 11 26 11	3	4 63 2 9 102	3 34
Tulnacrofs	Michael Tracy and Partner Bernard O'Neil and Partner James Neil and Edw. M'Gu Edward Mullins and Partner Terence and Michael Kilty Thomas Mitchell 'John and Alexander Charle Pat Mulhatton and Partner George Happer Mr. Faulkner -	rk 16 5 1 rs 13 11 17 11 - 23 1 s 30 1	4 3 0	3-328-3 12 53	D. Lying about Twenty Miles northward from the Boundaryof the Eftate.
			£ 1,251 14	5 1,301 Ì 12 2,10	8 0 22

Richard Samuel White, as to the Rents. Jeseph Colbeck, as to the Admeasurement.

The Estates comprised in the Will of Sir George Savile deceased, on which the said Annuity of Two hundred Pounds a Year to Ely Bates is charged, and which are not to be sold or disposed of by virtue of this Ast, are of the annual Value of Richard Samuel White.

Ten thousand Pounds and upwards.