



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

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Cap. 135.

An Act for authorizing the Payment into the Bank of *England*, under the Direction of His Majesty's High Court of Chancery, in the Name of the Accountant General of the said Court, of the Portions provided for the younger Children of the Most Honourable *Arthur* late Marquis of *Downshire*, by the Most Honourable *Mary* now Marchioness Dowager of *Downshire* and Baroness *Sandys*, by the Settlement made after, in pursuance of Articles executed before their Marriage, and for exonerating the Estates comprised in the said Articles and Settlement from the same. [31st May 1811.]

WHEREAS by Indentures of Lease and Release, bearing Date respectively the Sixteenth and Seventeenth Days of *July* One thousand seven hundred and eighty-nine, the Release being of Nine Parts, and made between the Right Honourable *Wills*, then Earl of *Hillsborough*, afterwards Marquis of *Downshire*, of the First Part; the Right Honourable *Arthur Hill* Esquire, then commonly called Lord Viscount *Fairford*, in the Kingdom of *Great Britain*, and Lord Viscount *Kilwarlin*, in the Kingdom of *Ireland*, (only Son and Heir apparent of the said *Wills*, Earl of *Hillsborough*), and the Right Honourable *Mary*, then Lady Viscountess *Fairford*, Wife of the said Lord Viscount *Fairford*, and now the Most Honourable *Mary*, Marchioness of

Marriage
Settlement
dated 16 &
17 July 1789.

[Loc. & Per.]

of *Downshire*, and Baroness *Sandys*, of the Second Part; the Right Honourable *James*, then Earl of *Salisbury*, now Marquis of *Salisbury*, the Right Honourable *John Chetwynd*, Earl *Talbot*, (since deceased), the Right Honourable *Thomas Bruce*, Earl of *Ailesbury*, and the Right Honourable *Edwin*, Lord *Sandys*, Baron of *Ombersley*, in the County of *Worcester*, (since deceased), of the Third Part; the Right Honourable *John Montague* Esquire, then commonly called *Lord Viscount Hinchinbroke*, now Earl of *Sandwich*, and the Reverend *James Burton*, Clerk, (now Doctor in Divinity, and Canon of *Christ Church*, in the University of *Oxford*), of the Fourth Part; the Right Honourable *Richard*, then Earl of *Mornington*, now Marquis *Wellesley*, the Right Honourable *Arthur*, Lord Viscount *Dungannon*, and *Henry Cecil* Esquire, afterwards Marquis of *Exeter*, (since deceased), of the Fifth Part; *Christopher Bethel* Esquire, (since deceased), and *John Thomas Ellis* Esquire, of the Sixth Part; the Right Honourable *William Wildman*, Lord Viscount *Barrington*, (since deceased), and the Honourable *William Wesley Pole* Esquire, of the Seventh Part; the Right Honourable *John* Earl of *Westmorland*, and the Right Honourable *Henry Stawell*, Lord *Stawell*, Baron of *Somerton*, in the County of *Somerset*, of the Eighth Part; and the Most Noble *William*, Duke of *Leinster* in *Ireland*, and Viscount *Leinster*, in *Great Britain*, and *Cromwell Price* Esquire, (both since deceased), of the Ninth Part; being a Settlement made after, in pursuance of certain Articles therein recited, executed before the Marriage of the said *Arthur* Lord Viscount *Fairford*, with the said *Mary*, now Marchioness of *Downshire*, bearing Date on or about the Twenty-ninth Day of *June* One thousand seven hundred and eighty-six, the said *Wills* Earl of *Hillsborough* did grant, bargain, sell, alien, release and confirm unto the said *James* Earl of *Salisbury*, *John Chetwynd* Earl *Talbot*, *Thomas Bruce* Earl of *Ailesbury*, and *Edwin* Lord *Sandys*, certain Towns, Lands, and Hereditaments therein described, situate in the County of *Down*, and County of the Town of *Carrickfergus*, in *Ireland*, whereof the said *Wills*, Earl of *Hillsborough*, was then seized in Fee, and all Castles, Manors, Lordships, Towns, Messuages, Lands, Tenements, Tythes, Rents, and Hereditaments, and undivided Parts or Shares of Castles, Manors, Lordships, Towns, Messuages, Lands, Tenements, Tythes, Rents, and Hereditaments, of the said *Wills* Earl of *Hillsborough*, or whereof, wherein, or whereunto, he the said Earl, or any Person or Persons in Trust for him, was or were seized or entitled for any Estate of Inheritance in Fee Simple, in Possession, Reversion, or Remainder, situate or arising within the said County of *Down*; and the said County of the Town of *Carrickfergus*; to hold unto the said *James* Earl of *Salisbury*, *John Chetwynd* Earl *Talbot*, *Thomas Bruce* Earl of *Ailesbury*, and *Edwin* Lord *Sandys*, and their Heirs, to the Uses therein after expressed concerning the same; (but subject to certain Mortgages, therein recited from the said *Wills* Earl of *Hillsborough*, as to such Parts of the said Premises as were in such Mortgages comprized, and subject as to such of the said Premises as were charged with a certain perpetual yearly Rent Charge of Fifty-five Pounds, and certain Life Annuities of Five hundred Pounds and Four hundred Pounds respectively, to the Payment of the same respectively, and to the Remedies and Terms of Years created for Recovery thereof); and it was by the said Indenture of Nine Parts further witnessed, that the said *James* Earl of *Salisbury*, *John Chetwynd* Earl *Talbot*, *Thomas Bruce* Earl of *Ailesbury*, and *Edwin* Lord *Sandys*, (by the Direction of the said *Wills* Earl of *Hillsborough*, and *Arthur* Lord

Marquis of
Downshire
granted cer-
tain Estates,
in the County
of Down
and Carrick-
fergus, subject
to certain
Uses.

Viscount *Fairford*, and *Mary* Lady Viscountess *Fairford*, his Wife), did grant, bargain, sell, alien, and release, and the said *Wills* Earl of *Hillsborough* did grant, bargain, sell, alien, release, and confirm unto the said Lord Viscount *Hinchinbroke*, and *James Burton*, certain Castles, Manors, Towns, Lands, and Hereditaments, in the said County of *Down*, and County of the Town of *Carrickfergus*, therein described; and all other the Castles, Manors, Lordships, Messuages, Towns, Lands, Tenements, Tythes, Rents, and Hereditaments, comprized in certain Indentures of Lease and Release, therein mentioned to bear Date the Twenty-eighth and Twenty-ninth Days of *February* One thousand seven hundred and forty-seven; to hold unto the said *John* Lord Viscount *Hinchinbroke*, and *James Burton*, and their Heirs, to the Uses therein-after expressed, concerning the same; (but subject as to such of the said Premises as were comprized in certain Terms of Ninety-nine Years, and Two hundred Years, created or limited by the said Indenture of the Twenty-ninth Day of *February* One thousand seven hundred and forty-seven, to the Payment of the Sums of Ten thousand Pounds, and Ten thousand Pounds therein mentioned, to be secured for the respective Portions of *Mary Emily* Countess of *Salisbury*, and *Charlotte* Countess *Talbot*, by or under the Trusts of the same Terms, and of the Interest due and to grow due for the same, and also subject to the Residue of the same Terms, and without Prejudice to the Trusts thereof); and it was thereby further witnessed that the said *Arthur* Lord Viscount *Fairford*, and *Mary* Lady Viscountess *Fairford* his Wife, did grant, bargain, sell, alien, release, and confirm unto the said *James* Earl of *Salisbury*, *John Chetwynd* Earl *Talbot*, *Thomas Bruce* Earl of *Ailesbury*, and *Edwin* Lord *Sandys*, certain Manors, Rectories, Messuages, Lands, Tenements, Tythes, Rents, and Hereditaments, in the Counties of *Berks*, *Bucks*, *York*, and *Somerset*, therein described, (together with an undivided Third Part of certain Manors, Castles, Towns, Lands, Rectories, Tythes, Rents, and Hereditaments in the Counties of *Down*, *Kildare*, *Westmeath*, *King's County*, and *Clare*, therein described); to hold unto the said *James* Earl of *Salisbury*, *John Chetwynd* Earl *Talbot*, *Thomas Bruce* Earl of *Ailesbury*, and *Edwin* Lord *Sandys*, and their Heirs, to the Uses thereafter expressed concerning the same: And it was thereby declared that the Grant and Release therein-before by the said *Wills* Earl of *Hillsborough* alone; the Grant and Release therein-before by the said *James* Earl of *Salisbury*, *John Chetwynd* Earl *Talbot*, *Thomas Bruce* Earl of *Ailesbury*, and *Edwin* Lord *Sandys*, and by the said *Wills* Earl of *Hillsborough* jointly; and the Grant and Release therein-before by the said *Arthur* Lord Viscount *Fairford*, and *Mary* Lady Viscountess *Fairford* his Wife made, and the several Fines therein recited to have been levied of the said Hereditaments and Premises, as well in *England* as in *Ireland*, comprized in the Grant and Release made by the said *Arthur* Lord Viscount *Fairford* and *Mary* Lady Viscountess *Fairford*, should be and enure to the Uses therein-after expressed concerning the same respectively, (that is to say); as to the said Hereditaments and Premises by the said *Wills* Earl of *Hillsborough* alone, and by him the same Earl and the said *James* Earl of *Salisbury*, *John Chetwynd* Earl *Talbot*, *Thomas Bruce* Earl of *Ailesbury*, and *Edwin* Lord *Sandys* released; to the Use and Intent that the said *Arthur* Lord Viscount *Fairford* might receive one Annuity or clear yearly Rent Charge of Seven hundred Pounds, of lawful Money of *Great Britain*, during the joint Lives of the said *Wills* Earl of *Hillsborough*, and *Arthur* Lord Viscount *Fairford*,

Fairford, to be issuing out of all the last mentioned Hereditaments and Premises; and subject thereto, and to the Remedies for compelling the Payment thereof therein contained, to the Use of the said *Richard* Earl of *Mornington*, *Arthur* Lord Viscount *Dungannon*, and *Henry Cecil*, their Executors, Administrators, and Assigns, for the Term of One thousand Years, to be computed from the Twenty-ninth Day of *June* One thousand seven hundred and eighty-six, (being the Day of the Solemnization of the said Marriage), without Impeachment of Waste, but upon the Trusts thereafter declared concerning the same Term; Remainder to the Use of the said *Wills* Earl of *Hillsborough* for his Life; and as to such of the said Hereditaments and Premises as are situate and arising in the said Counties of *Berks*, *Bucks*, *York*, and *Somerset*; to the Use and Intent that the said *Christopher Bethel*, and *John Thomas Ellis*, their Heirs and Assigns, might have and receive One Annuity or clear yearly Rent Charge of Eight hundred Pounds, of lawful Money of *Great Britain*, upon the Trusts therein-after declared concerning the same, during the joint Lives of the said *Wills* Earl of *Hillsborough*, and *Arthur* Lord Viscount *Fairford*, and *Mary* Lady Viscountess *Fairford* his Wife; and in case the said *Wills* Earl of *Hillsborough* should die in the Lifetime of both the said *Arthur* Lord Viscount *Fairford* and *Mary* Lady Viscountess *Fairford* his Wife, then one Annuity or clear yearly Rent Charge of One thousand two hundred Pounds of like Money, upon the Trusts therein-after declared concerning the same, for the joint Lives of the said *Arthur* Lord Viscount *Fairford* and *Mary* Lady Viscountess *Fairford* his Wife; the said Annuity or clear yearly Rent Charge of Eight hundred Pounds, or One thousand two hundred Pounds, as the Case should happen, to be issuing out of the last mentioned Hereditaments and Premises; and subject thereto and to the Remedies for compelling the Payment thereof respectively, therein contained; to the Use of the said *William Wildman* Lord Viscount *Barrington*, and *William Wesley Pole*, their Executors, Administrators, and Assigns, for the Term of Ninety-nine Years, to be computed from the Day of the Date of the said Indenture of Release, without Impeachment of Waste, but upon the Trusts thereafter expressed concerning the same Term; and as to the Premises comprized in the said Term of Ninety-nine Years, from and after the Determination of the said Term and subject thereto; and as to the said Hereditaments therein-before limited in Use to the said *Wills* Earl of *Hillsborough*, for his Life, from and after his Decease; and as to the said undivided Third Part of the said Hereditaments in *Ireland* therein-before by the said *Arthur* Lord Viscount *Fairford*, and *Mary* Lady Viscountess *Fairford* his Wife, granted and released, whereof no Use was therein before declared; to the Use of the said *Arthur* Lord Viscount *Fairford* for his Life; Remainder to the Use of the said *James* Earl of *Salisbury*, *John Chetwynd* Earl *Talbot*, *Thomas Bruce* Earl of *Ailesbury*, and *Edwin* Lord *Sandys*, and their Heirs, during the Life of the said *Arthur* Lord Viscount *Fairford*, upon Trust to preserve the contingent Uses and Estates therein-after limited; and from and after his Decease, to the Use and Intent that in case the said *Mary* Lady Viscountess *Fairford* should survive both him and the said *Wills* Earl of *Hillsborough*, she might receive for her Life one Annuity or clear yearly Rent Charge of Five thousand Pounds of lawful Money of *Great Britain*, out of all the Hereditaments therein-before limited in Use to the said *Arthur* Lord Viscount *Fairford* for his Life, as well in Possession as in
Remainder;

Remainder; (the same and the Provisions made for her by or under the Trusts therein-after mentioned concerning the said Term of One thousand Years to be in bar of her Dower); and subject thereto and to the Remedies for compelling the Payment thereof, therein contained, from and after the Decease of the said *Arthur* Lord Viscount *Fairford*; to the Use of the said *John* Earl of *Westmorland*, and *Henry* Lord *Stawell*, their Executors, Administrators, and Assigns, for the Term of One hundred Years, to be computed from the Decease of the said *Arthur* Lord Viscount *Fairford*, without Impeachment of Waste, but upon the Trusts therein-after declared concerning the same Term; Remainder to the Use of the said *William* Duke of *Leinster*, and *Cromwell Price*, their Executors, Administrators, and Assigns, for the Term of Two thousand Years, to be computed from the Decease of the said *Arthur* Lord Viscount *Fairford*, without Impeachment of Waste, but upon the Trusts therein-after declared, concerning the same Term; Remainder to the Use of the Most Honourable *Arthur Blundell Sandys Trumbull*, now Marquis of *Downshire*, (by the Description of *Arthur Blundell Sandys Trumbull Hill*, Esquire, only Son and Heir apparent of the said *Arthur* Lord Viscount *Fairford*, on the Body of the said *Mary* Lady Viscountess *Fairford* his Wife, begotten,) in Tail Male; with divers Remainders over; and as to the said Term of One thousand Years, therein-before limited in Use to the said *Richard* Earl of *Mornington*, *Arthur* Lord Viscount *Dungannon*, and *Henry Cecil*, their Executors, Administrators, and Assigns, it was thereby declared that the same Term was so limited to them in Trust in the First Place, for further securing to the said *Arthur* Lord Viscount *Fairford* the Payment of the said Annuity or clear yearly Rent Charge of Seven hundred Pounds, during the joint Lives of himself and the said *Wills* Earl of *Hillsborough*; and subject to the aforesaid Trust, upon Trust to raise so much Money as should be sufficient to pay the said Sums of Tenthousand Pounds and Ten thousand Pounds, the Portions of the said *Mary Emily* Countess of *Salisbury*, and *Charlotte* Countess *Talbot*, charged upon the said Premises released by the said *James* Earl of *Salisbury*, *John Chetwynd* Earl *Talbot*, *Thomas Bruce* Earl of *Ailesbury*, *Edwin* Lord *Sandys*, and *Wills* Earl of *Hillsborough* jointly, and all Interest due and to grow due for the same respectively; and also the Sum of Fifteen thousand four hundred and twenty Pounds, remaining due upon Mortgage of such Part of the said Premises released by the said *Wills* Earl of *Hillsborough*, alone, as was comprised in certain Indentures of Demise, therein recited, of the Twentieth Day of *December* in the Twentieth Year of the Reign of King *George* the Second, and the Twenty-sixth Day of *November* One thousand seven hundred and forty-eight, and all Interest due and to grow due for the same; and also the Debts or Sums of Money due from the said *Wills* Earl of *Hillsborough*, mentioned in the Schedule thereunder written, or thereunto annexed, and all Interest due and to grow due for the same respectively, and to apply the Monies so to be raised in Discharge of the said Portions, Mortgages and Debts, and Interest accordingly; and upon further Trust, (but subject to the Trusts therein-before declared concerning the said Term of One thousand Years), to raise and pay to the said *Arthur* Lord Viscount *Fairford*, during so long of the said Term as he and the said *Wills* Earl of *Hillsborough* should live, one Annuity or clear yearly Rent Charge of Four thousand Pounds of lawful Money of *Great Britain*, over; and above the said Annuity or clear yearly Rent Charge of Seven hundred Pounds; and from and after the Decease of the said *Arthur* Lord Viscount *Fairford*, unto the said *Mary* Lady

[Loc. & Per.]

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Viscountess

Viscountess *Fairford*, one like Annuity or clear yearly Rent Charge of Four thousand Pounds of like Money, during so long of the said Term of One thousand Years as the said *Wills* Earl of *Hillsborough*, and she the said *Mary* Lady Viscountess *Fairford* should live; and from and after the Decease of the Survivor of the said *Arthur* Lord Viscount *Fairford* and *Mary* Lady Viscountess *Fairford* his Wife, then (but without Prejudice to the Trusts therein-before declared concerning the same Term) to raise one Annuity or clear yearly Rent Charge of Five hundred Pounds during so long of the same Term as the said *Wills* Earl of *Hillsborough*, and any Issue Male of the said *Arthur* Lord Viscount *Fairford* by the said *Mary* Lady Viscountess *Fairford* should live, and apply the same for the Purposes therein mentioned: And upon further Trust in case the said *Mary* Lady Viscountess *Fairford* should survive the said *Arthur* Lord Viscount *Fairford*, (but subject to the Trusts therein-before declared concerning the said Term of One thousand Years), at or before the Expiration of One Calendar Month next after the Decease of the said *Arthur* Lord Viscount *Fairford*, to raise the Sum of Two thousand Pounds of lawful Money of *Great Britain*, and pay the same unto the said *Mary* Lady Viscountess *Fairford*: And as to the said Annuity or yearly Rent Charge of Eight hundred Pounds, or One thousand two hundred Pounds, as the Case should happen, therein-before limited in Use to the said *Christopher Bethell*, and *John Thomas Ellis*, their Heirs and Assigns respectively, determinable as aforesaid, it was thereby declared that the same was so limited to them upon Trust to apply such of them as for the Time being should be payable, for the separate Use of the said *Mary* Lady Viscountess *Fairford*: And as to the said Term of Ninety-nine Years therein-before limited in Use to the said *William Wildman*, Lord Viscount *Barrington*, and *William Wesley Pole*, their Executors, Administrators, and Assigns, it was declared that the said Term was limited in Use to them upon such Trusts as are therein expressed, for the better securing the Payment of the said Annuity or yearly Rent Charge of Eight hundred Pounds, or One thousand two hundred Pounds, as the Case should happen: And as to the said Term of One hundred Years therein-before limited in Use to the said *John* Earl of *Westmorland*, and *Henry* Lord *Stowell*, their Executors, Administrators, and Assigns, it was thereby declared that the same was so limited to them upon Trust for better securing the Payment of the said Annuity or yearly Rent Charge of Five thousand Pounds, therein before limited in Use to the said *Mary* now Marchioness of *Downshire*, during her Life: And as to the said Term of Two thousand Years therein before limited in Use to the said *William* Duke of *Leinster*, and *Cromwell Price*, their Executors, Administrators, and Assigns, it was declared that the same was so limited to them upon such Trusts for the raising and paying of Portions for the Child or Children of the said Marriage, other than and besides an eldest or only Son, as are therein mentioned; (that is to say), if there should be but one such Child, Twenty thousand Pounds for his or her Portion, to be paid at such Age or Ages, Time or Times, and in such Manner as the said *Arthur* Lord Viscount *Fairford*, at any Time or Times, during his Life, by any Deed or Deeds in Writing, to be sealed and delivered by him in the Presence of, and to be attested by Two or more credible Witnesses, or by his last Will and Testament in Writing, or by any Writing in the Nature of his last Will and Testament, to be by him signed, sealed, published, and declared, in the Presence of, and attested by Two or more

more such Witnesses, should appoint, and in Default of such Appointment, or in case such Appointment should be made, and should not be a complete and entire Disposition or Appointment of the Whole of the said Portion of Twenty thousand Pounds; then the same, or so much thereof as should remain unappointed or undisposed of, or concerning which no such Appointment should be made, should be paid to such Daughter, or younger Son, at such Age or Ages, Time or Times as the said *Mary* Viscountess *Fairford*, in case she should survive the said *Arthur* Viscount *Fairford*, after his Decease, by any Deed or Deeds, Writing or Writings, to be sealed and delivered by her in the Presence of, and attested by Two or more credible Witnesses, or by her last Will and Testament, in Writing, or any Writing in the Nature of her last Will and Testament, to be by her signed, sealed, published, and declared in the Presence of, and to be attested by Two or more such Witnesses, should appoint, so as the Time of Payment which she should limit should not be later than the Period when such Child should attain his or her Age of Twenty-one Years; and in Default of such Appointment, either by the said Viscount, or the said Viscountess, after his Decease, then the said Portion of Twenty thousand Pounds, or so much thereof, concerning which no such Appointment should be made, or as should remain unappointed, should be paid to such Child, being a Son, at his Age of Twenty-one Years, or being a Daughter, at her Age of Twenty-one Years, or Day of Marriage, which should first happen; but if the same should happen in the Life-time of the said Viscount, then the same was to be paid within One Month after his Death; but nevertheless, the same should be considered as a vested Interest in such Son on attaining his said Age, or such Daughter attaining such Age, or marrying in the Life-time of the said Viscount *Fairford*; and in case there should be Two such Children, and no more, besides an eldest or only Son, then Thirty thousand Pounds for the Portions of such Two Children; and in case there should be Three, or more such Children, besides an eldest or only Son, then Forty thousand Pounds for the Portions of such Three or more of them; the said Thirty thousand Pounds or Forty thousand Pounds (as the Case should happen) to be paid to, and divided between or among such Daughters, or younger Sons, in such Parts, Shares, and Proportions, in such Manner, at such Ages, Days, and Times, and subject to such Provisoos, Conditions, and Limitations over (such Limitations over, to be for the Benefit of some or one of them, as the said *Arthur* Viscount *Fairford* by any Deed or Deeds in Writing, sealed and delivered in the Presence of, and attested by Two or more credible Witnesses, or by his last Will and Testament, signed, sealed, published, and declared in the Presence of, and attested by Two or more such Witnesses, should appoint); and in Default of such Appointment, as the said *Mary* Viscountess *Fairford*, in case she should survive the said *Arthur* Viscount *Fairford*, should after his Decease, in like Manner appoint, so as the Time of Payment which she might appoint, should not be later than the Period when each Child should attain his or her Age of Twenty-one Years; and in Default of such Appointment, either by the said *Arthur* Viscount *Fairford*, or the said Viscountess, after his Decease, then the said Sum of Thirty thousand Pounds or Forty thousand Pounds, (as the Case should happen), or so much thereof, concerning which no such Appointment should be made, or as should remain unappointed, should be divided among all such Daughters, or younger Sons,

in equal Shares, the Shares of Sons to be paid at their respective Ages of Twenty-one Years, and of Daughters at their respective Ages of Twenty-one Years, or on the Days of their respective Marriages, which should first happen after the Decease of the said Lord Viscount *Fairford*; but if any such Sons should attain their respective Ages of Twenty-one Years, or any such Daughters should attain their respective Ages of Twenty-one Years, or should be married in the Life-time of the said *Arthur* Viscount *Fairford*, then their respective Portions should be paid within One Month after his Death, but the same should be considered as vested Interests in such Sons attaining the said Age, and in such Daughters attaining such Age, or marrying in his Life-time; and Provision was thereby made for Survivorship, (in Default of such Appointment as aforesaid), with respect to the Shares of any such Children dying before the Ages or Times so appointed, or to be appointed, for Payment of their respective Portions, other than what might have been raised for, or for the Advancement of such Children under the Power therein-after contained; but if the said Children for whom Portions are thereby provided, should, by Death, be reduced to two, there was not to be raised for the Portions of Two Children, by reason of any such Accruer, any Sum or Sums that would in the whole exceed Thirty thousand Pounds; and in case they should, by Death, be reduced to one, there was not to be raised for the Portion of such one Child by reason of such Accruer, any Sum or Sums that would in the whole exceed Twenty thousand Pounds; and the Trustees or Trustee for the Time being of the said Term of Two thousand Years, were also empowered at any Time or Times after the Death of the said *Arthur* Lord Viscount *Fairford*, to raise and pay for the Maintenance and Education of the Child and Children, for whom a Portion or Portions was or were thereby provided, until their respective Portions should become payable, such yearly Sum and Sums of Money not exceeding the Interest of the Portion or Portions, after the Rate of Five Pounds *per Centum per Annum*, as they the said *William* Duke of *Leinster*, and *Cromwell* Price, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor should think proper; and it was further provided, that in case the said *Arthur* Viscount *Fairford* should die, before all such Children, other than an eldest or only Son, should be entitled to a vested Interest in their Shares of any of the said Portions, then, and in case no such Appointment should have been made, it should be lawful for the said *William* Duke of *Leinster*, and *Cromwell* Price, and the Survivor of them, and the Executors, Administrators, or Assigns of such Survivor, at their or his Discretion, from Time to Time, to raise any Part of the Portions for any such Children not exceeding One Fourth Part of his or her Portion, for placing out in the World, for providing Employments for, or otherwise preferring and advancing, them respectively, notwithstanding their Portions should not have become payable; and it was provided that the said Trustees should not sell or mortgage any Part of the Premises comprised in the said Term, until some or one of the said Portions should become payable, except for raising such Part, not exceeding one Fourth Part, as it might be thought proper to raise, under the Power for that Purpose therein-before contained, and herein-before mentioned; and it was provided also, that in case all such Children should die before any of them should become intitled to their Portions; or, if the Person or Persons to whom the next Estate of Inheritance of the Premises comprised in the said Term of Two thousand Years, in Reversion, expectant on the Determination of the same Term, should belong, should pay

pay unto the said *William Duke of Leinster*, and *Cromwell Price* or the Survivor of them, his Executors, Administrators, or Assigns, or well and sufficiently to his or their Approbation, secure to be paid the Portions therein-before provided, all such Maintenances as were therein-before provided for such younger Children being first raised and satisfied; and in case all the Trusts therein-before declared concerning the said Term of Two thousand Years should be satisfied or discharged, and the said Trustees should be reimbursed all Costs, Charges, and Expences relating to the Trusts thereby in them reposed, then the said Term of Two thousand Years, as to so much of the Premises therein comprised, or so much thereof as should remain unfold, or undisposed of, for the Purposes afore said, should cease: And whereas by an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, intituled, *An Act for vesting Part of the settled Estates of the Most Honourable Arthur Marquis of Downshire, in the Kingdom of Ireland, and Earl of Hillsborough, in the Kingdom of England, in Trustees to be sold, and for laying out the Money arising thereby in the Purchase of other Estates to be settled in lieu thereof, and to the same Uses, and for other Purposes*; reciting the said Settlement of the Seventeenth Day of July One thousand seven hundred and eighty-nine, and that the said *Arthur*, then Marquis of *Downshire*, had Issue by the said *Mary* his Wife, the said *Arthur Blundell Sandys Trumbull*, now Marquis of *Downshire*, (then commonly called Earl of *Hillsborough*), his eldest Son, and the Right Honourable Lord *Arthur Moyses William Hill*, and the Right Honourable Lord *Arthur Marcus Cecil Hill*, their younger Sons, and the Right Honourable Lady *Charlotte Hill*, and the Right Honourable Lady *Mary Hill*, their Daughters, and that for the Reasons therein mentioned, the said *Arthur*, then Marquis of *Downshire*, and *Mary*, Marchioness of *Downshire*, conceived it would be advantageous for themselves and their Children, and were therefore desirous that the said settled entire Estates, in the said Counties of *York*, *Somerset*, and *Bucks*, and in the Parish of *Lawrence Waltham*, in the said County of *Berks*, might be sold or exchanged; and that such of the said settled Estates in the said Counties of *Berks* and *Bucks*, as consisted of undivided Shares, respectively, might be sold or exchanged, or conveyed upon Partition; and that the clear Money arising by such Sales might be laid out in the Purchase of other Hereditaments, to be settled to the same Uses as the said Estates so proposed to be sold then stood limited; it was enacted that all the Hereditaments, in the said Counties of *York* and *Somerset*, and in the Parish of *Wyrardisbury* in the said County of *Bucks*, and *Lawrence Waltham*, in the said County of *Berks*, comprised in the said Indenture of Nine Parts; and all the undivided Shares comprised in the said Indenture, of and in all other the Hereditaments in the same Indenture mentioned, in the said Counties of *Bucks* and *Berks*, (a Particular of all which Estates, specifying the annual Rent thereof, was annexed by way of Schedule to the said Act), should be vested, and the same were thereby vested, in *Thomas Wyatt*, of *Ford House* in the County of *Wilts*, Esquire, and *Thomas Handley*, of *Clerkenwell*, in the County of *Middlesex*, Gentleman, and their Heirs, upon Trust (with the Consent of the said *Arthur* Marquis of *Downshire*, and *Mary* Marchioness of *Downshire*, in Writing), to make Sale of all or any Part or Parts of the Hereditaments thereby vested, or to convey all or any Part or Parts of the Premises in Exchange for other Hereditaments, or to convey all or any Part or Parts of the Premises which consisted of undivided Shares upon Partition; and it was further enacted,

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Whereby the Estates in the Counties of *York*, *Somerset*, and *Bucks*, and in *Lawrence Waltham* in *Berks*, and all undivided Shares of Estates in *Bucks* and *Berks*, comprised in the said Settlement of 1789, were vested in Trustees for certain Purposes:

that a sufficient Part of the Monies to arise from such Sales, Exchanges, and Partitions, should be applied in paying the Costs and Expences (to be taxed as therein mentioned) of soliciting and obtaining the said Act, and of carrying the Trusts thereof into Execution, and that the Residue of the Money should, (with the Approbation of the said *Arthur* Marquis of *Downshire*, and *Mary* Marchioness of *Downshire*), be invested under the Direction of the Court of Chancery, in the Purchase of Manors or Hereditaments, convenient to be enjoyed with the entire settled Estates in the County of *Berks*, and that the Hereditaments so to be purchased, received upon Exchange, or allotted upon Partition, should be settled to, upon, and for such of the Uses and Trusts, and under, and subject to such of the Powers, Provisoes, Limitations, Declarations, and Agreements, by the said Settlement of the Seventeenth Day of *July* One thousand seven hundred and eighty-nine, limited, declared, and contained, concerning the Hereditaments by the said Act vested, as should be then existing or capable of taking Effect; and it was thereby enacted that the Purchase Monies, and also any Money agreed to be paid to make up any Deficiency in Value, upon any Exchange or Partition, should be paid into the Bank of *England*, in the Name of the Accountant General of the High Court of Chancery *ex parte* the Purchaser or Purchasers of the Estate or Estates of the said Marquis of *Downshire*; which Monies when so paid in should be laid out in the Purchase of Navy Bills, or Victualling Bills, or Exchequer Bills, and the Interest arising from the Money so laid out, and the Money received for the same, as they should respectively be paid off by Government, should also be laid out in the Purchase of other Navy or Victualling or Exchequer Bills; all which said Bills should be deposited in the Bank, in the Name of the said Accountant General, and should there remain until proper Purchases should be found and approved, as therein-before directed, and until the same should be ordered to be sold for completing such Purchases, as the said Court should direct; and if the Money arising by the Sale of the said Bills should exceed the Amount of the whole Purchase Money when laid out as aforesaid, the Surplus which should remain after discharging the Expences of the Applications to the Court, should be paid to such Person, or Persons respectively, as would have been entitled to the Rents and Profits of the Lands, directed to be purchased, in case the same had been purchased in pursuance of the said Act, or to the Representatives of such Person or Persons; and it was further enacted, that until the Hereditaments thereby vested, should be so sold, or conveyed, the Trustees or Trustee for the Time being, should permit the Rents and Profits thereof to be received by such Person or Persons as respectively would be entitled to the same, in case the said Act had not been made: But it was provided, that if the said *Arthur*, then Marquis of *Downshire*, or after his Death if any Person or Persons, then being of the Age of Twenty-one Years or upwards, and who, if the said Act had not been passed, would have been entitled to an Estate or Estates Tail, in Possession in the Hereditaments thereby vested, (though subject to any prior Term or Terms of Years), should, before the same should be sold and conveyed, be desirous that the same, or any Part thereof so remaining unsold or not conveyed, should not be sold or conveyed in Exchange, or upon Partition, and should signify his, her, or their Desire by Writing, to the Trustees or Trustee for the Time being, and such Trustees or Trustee should approve thereof, then the same should be conveyed to such Uses, upon and for such Trusts, Intents, and Purposes, and subject to such Powers

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and Provisoos, as would be thereof respectively subsisting, by virtue of the said Settlement of the Seventeenth Day of *July* One thousand seven hundred and eighty-nine, in case the said Act had not been made; and it was further enacted, that in case the said *Thomas Wyatt* and *Thomas Handley*, or either of them, or any Trustee or Trustees to be appointed as therein-after is mentioned, should die, or be desirous to be discharged, or decline to act, or become incapable of acting in the Trusts thereby in them reposed, then the surviving or other Trustee, his Heirs, Executors, or Administrators, should, with the Consent and Approbation of the Person or Persons for the Time being entitled to the Rents and Profits of the said Estates, (such Person or Persons having attained the Age of Twenty-one Years; or otherwise with the Consent and Approbation of his, her, or their Guardian or Guardians, testified in Writing), appoint some other Person or Persons to be a Trustee or Trustees, in the Place of him or them so dying, desiring to be discharged, declining to act, or becoming incapable of acting as aforesaid; and when any new Trustee or Trustees should be so appointed, (in case such Appointment should be approved of by the Court of Chancery), all the Trust Estates should be conveyed and assigned, so as that the same might be vested in such new Trustee or Trustees, in Conjunction with the continuing Trustee or in such new Trustee or Trustees only, as the Case might be, upon the same Trusts as were therein-before declared concerning the same: And whereas the said *Arthur Marquis of Downshire* did not in his Lifetime by any Deed in Writing, attested by Two or more credible Witnesses, or by his last Will in Writing, or any Writing in the Nature of his last Will, attested by Two or more such Witnesses, make any Appointment respecting the said Sum of Forty thousand Pounds, or any Part thereof; but the said *Arthur Marquis of Downshire*, in his Lifetime, made his last Will and Testament in Writing, but which was not attested by any Witness, and thereby did advise, ordain, and fix, that the Division of the said Forty thousand Pounds should be divided in Proportions equal to the Proportion of Seven to Ten, or thereabouts; the Boys to have the lesser, the Girls the larger Number; and in case of the Death of any after his Decease, the Portion of him or her so allotted to be equally divided among the Remainders, Share and Share alike, and appointed the Marchioness his Wife, Sole Executrix of his said Will, which she duly proved in the Prerogative Court of the Archbishop of *Canterbury*, on or about the Seventh Day of *October* One thousand eight hundred and one, the said Marquis having died on or about the Seventh Day of *September* then last, leaving Issue, besides the said *Arthur* now Marquis of *Downshire*, *Arthur Moses William Hill* commonly called Lord *Arthur Moses William Hill*, *Arthur Marcus Cecil Hill* commonly called Lord *Arthur Marcus Cecil Hill*, Lady *Charlotte Hill*, and Lady *Mary Hill*, another Son named *Arthur Augustus Edwin* and commonly called Lord *Arthur Augustus Edwin Hill*, and he also left the said Marchioness enient of a Son, who was afterwards born and named *George Augusta*, and commonly called Lord *George Augusta Hill*: And whereas by Indentures of Lease and Release, bearing Date respectively, on or about the Twenty-second and Twenty-third Days of *February* One thousand eight hundred and five, the Release being made between the said *Thomas Wyatt* and *Thomas Handley*, of the First Part; the said *Mary Marchioness of Downshire*, of the Second Part; *William Cook* of *Clerkenwell* aforesaid, Gentleman, of the Third Part; and the said *James Burton* and

Thomas Handley, of the Fourth Part; reciting the said Act of the Thirty-ninth and Fortieth Years of the Reign of His present Majesty; and that the said *Thomas Wyatt* and *Thomas Handley* had, in pursuance of the said Act, sold and conveyed the said Premises in the Parish of *Wyrardisbury*, in the County of *Bucks*, unto *Thomas Williams* Esquire, who paid the Sum of Nine thousand Pounds, the Purchase Money agreed to be given for the same Premises, into the Bank, in the Name of the said Accountant General, in the Manner prescribed by the said Act; and that Contracts had been entered into by the said *Thomas Wyatt*, for selling some Parts of the rest of the Hereditaments in the said Counties of *Bucks* and *Berks*, by the said Act vested, but no Conveyances had been made for carrying any of those Contracts into Execution; and that by an Order of the Lord High Chancellor, dated the Twenty-fourth Day of *January* then last, made on the Hearing of a Petition of the said Marchioness of *Downshire*, in two certain Causes of *Pink* and others against the Marchioness of *Downshire*, and the Marquis against the Marchioness of *Downshire*, and in the Matter of the Marquis and the Marchioness of *Downshire*, and the Matter of Sir *Clement Cottrell Dormer* Knight, (the said *Thomas Wyatt*, by his Counsel, consenting and desiring to be discharged from the Trusts reposed in him by the said Act of the Thirty-ninth and Fortieth Years of His present Majesty, and the said *Thomas Handley*, by his Counsel, nominating the said *James Burton* a Trustee, in the Room of the said *Thomas Wyatt*, and the said Marchioness as Guardian of the said Marquis of *Downshire*, who was entitled to the Rents and Profits of the said Estates remaining undisposed of, by her Counsel consenting thereto, and the said *James Burton*, by his Counsel, consenting to accept such Trust), It was ordered, that the said *Thomas Wyatt* should be discharged from the Trusts reposed in him by the said Act, and that the said *James Burton* should be appointed a Trustee in the Stead of the said *Thomas Wyatt*, and that all necessary Deeds should be executed, for transferring the Trust Estates from the said *Thomas Wyatt*, and vesting the same in the said *James Burton* and *Thomas Handley*; it was witnessed, that in pursuance of the Power or Authority in the said Act contained, and of the said Order of the Court of Chancery, the said *Thomas Handley* (with the Consent and Approbation of the said *Mary* Marchioness of *Downshire*, as Guardian as aforesaid,) did nominate and appoint the said *James Burton* to be a Trustee for all such of the Purposes expressed in the said Act, as were then subsisting, or capable of taking Effect, in the Place of the said *Thomas Wyatt*; and it was further witnessed, that in pursuance of the Directions contained in the said Act and Order, and in Consideration of the Sum of Five Shillings to the said *Thomas Wyatt* and *Thomas Handley* paid by the said *William Cook*, the said *Thomas Wyatt* and *Thomas Handley*, (with the Consent and Approbation of the said *Mary* Marchioness of *Downshire*), did grant, bargain, sell, and release, unto the said *William Cook*, all the Hereditaments and Premises, by the said Act vested in the said *Thomas Wyatt* and *Thomas Handley* and their Heirs, (except the said Hereditaments and Premises, in the said Parish of *Wyrardisbury*, which had been so sold and conveyed as aforesaid;) to hold unto the said *William Cook* and his Heirs, but to the Use of the said *James Burton* and *Thomas Handley*, their Heirs and Assigns, upon the Trusts in and by the said Act expressed and declared concerning the same, or such of those Trusts as were subsisting, or capable of taking Effect, or being performed: And whereas by Indentures of Lease and Release, bearing Date respectively the Twenty-ninth and Thirtieth Days
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of *May* One thousand eight hundred and ten, the Release being made between the said *James Burton* and *Thomas Handley*, of the First Part; the said *Mary* Marchioness of *Downshire*, of the Second Part; the said *Arthur*, now Marquis of *Downshire*, of the Third Part; and the said *James* Marquis of *Salisbury*, and *Thomas Bruce*, (in the said Indentures called *Thomas Brudenell*) Earl of *Ailesbury*, of the Fourth Part; reciting the said Act of the Thirty-ninth and Fortieth Years of His present Majesty, and also referring to Conveyances made to Purchasers of Parts of the Hereditaments thereby vested, which had been sold in pursuance of the same Act, and stating the said Indentures of Lease and Release of the Twenty-second and Twenty-third Days of *February* One thousand eight hundred and five, and that the said *Arthur* Marquis of *Downshire*, being desirous that such of the Hereditaments and Premises by the said Act vested, as remained unsold, should not be sold or conveyed in Exchange or upon Partition, had in pursuance of the Proviso in the said Act contained in that Behalf, by Writing under his Hand, signified such his Desire to the said *James Burton* and *Thomas Handley*, and that the said *James Burton* and *Thomas Handley* approved thereof; it was witnessed, that, in pursuance of the said Act, and in Consideration of the Sum of Ten Shillings to the said *James Burton* and *Thomas Handley* paid by the said *James* Marquis of *Salisbury* and *Thomas Bruce* Earl of *Ailesbury*, the said *James Burton* and *Thomas Handley* did grant, bargain, sell, alien, and release unto the said *James* Marquis of *Salisbury* and *Thomas Bruce* Earl of *Ailesbury*, all the Hereditaments by the said Act of the Thirty-ninth and Fortieth Years of His present Majesty vested as aforesaid, remaining unsold, and which were in the said Indentures of Lease and Release of the Twenty-ninth and Thirtieth Days of *May* One thousand eight hundred and ten particularly mentioned; to hold the same unto the said *James* Marquis of *Salisbury*, and *Thomas Bruce* Earl of *Ailesbury*, and their Heirs; to such and the same Uses, upon and for such and the same Trusts, Intents, and Purposes, and with, under, and subject to such and the same Powers and Provisoes as would have been thereof respectively subsisting, under and by virtue of the said Indenture of Settlement of the Seventeenth Day of *July* One thousand seven hundred and eighty-nine, in case the last mentioned Act had not been passed: And whereas by an Order of the said Court, bearing Date on or about the Eighth Day of *August* One thousand eight hundred and ten, made by the Lord Chancellor in the said Cause, wherein the said *Arthur* now Marquis of *Downshire* was Plaintiff, and the said *Mary* Marchioness of *Downshire* and others, were Defendants, and in the said Matter of the said *Arthur* Marquis of *Downshire*, deceased, and the said *Mary* Marchioness of *Downshire*, stating that the said *Arthur* now Marquis of *Downshire* had preferred his Petition to the Lord Chancellor, setting forth the said Deeds of Settlement of the Sixteenth and Seventeenth Days of *July* One thousand seven hundred and eighty-nine; that the said *Wills* Earl of *Hillsborough*, afterwards Marquis of *Downshire*, departed this Life in *October* One thousand seven hundred and ninety-three; the said Act of the Thirty-ninth and Fortieth Years of the Reign of His present Majesty; the Appointment of the said *James Burton* to be a Trustee in the Place of the said *Thomas Wyatt*; that in pursuance of the said Act, divers Parts of the said Hereditaments thereby vested as aforesaid were sold and conveyed to various Persons who became the Purchasers thereof; and that out of the Purchase Monies paid by them into the Bank, in the Manner prescribed

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by the said Act, the Costs as taxed were paid, and that the said Accountant General had from Time to Time laid out what remained of such Purchase Monies so paid in, and the Interest produced from the Investment thereof in the Purchase of Exchequer Bills, and that there was then standing in his Name to the Account *ex parte* the Purchaser or Purchasers of the Estate or Estates of the Marquis of *Downshire*, in Exchequer Bills, the Sum of Twenty-nine thousand seven hundred Pounds, and in Cash the Sum of Three hundred and thirty Pounds Eleven Shillings and Fourpence; and noticing the Death and Issue of the said *Arthur* late Marquis of *Downshire*; that the said Petitioner's Brothers and Sisters were all then living, and under the Age of Twenty-one Years; and that the Petitioner being at the Time of the Death of his said Father also under the Age of Twenty-one Years, the said Marchioness was shortly after the Decease of the said late Marquis, by an Order of the said Court bearing Date the Second Day of *June* One thousand eight hundred and two, appointed Guardian of the said Petitioner's Person and Estates, and of the Persons and Estates of his said Brothers and Sisters; that the said *Cromwell Price* died in the Life-time of the said *William* Duke of *Leinster*, and that the said *William* Duke of *Leinster* died in the Year One thousand eight hundred and four, having first duly made and published his last Will and Testament in Writing, and appointed Lord *Henry Fitzgerald*, Lord *Robert Fitzgerald*, and *John Joseph Henry* Esquire, Executors thereof, and that the said Lord *Henry Fitzgerald*, and *John Joseph Henry*, duly proved the same, and in whom as such Executors the said Term of Two thousand Years, except as to such of the said Estates as had been so sold as aforesaid was then vested, upon the Trusts declared thereof by the said Settlement; and also noticing a Decree of the said Court made in the said Cause of *Pink* and others against the said Marchioness of *Downshire*, dated the Tenth Day of *February* One thousand eight hundred and two, (which Decree was for taking an Account of the Debts and Funeral Expences of the said *Wills* and *Arthur*, late Marquesses of *Downshire*, and of their respective Personal Estates, and for the Application thereof); and also a Decree of the said Court made in the said Cause of the Marquis of *Downshire* against the Marchioness of *Downshire*, dated the Twenty-second Day of *February* One thousand eight hundred and three, (by which a Contract with the said *Sir Clement Cottrell Dormer*, and his Trustees, for the Purchase of his undivided Shares of the Hereditaments; the other hereinbefore mentioned undivided Shares whereof were comprised in the said Act of the Thirty-ninth and Fortieth Years of His present Majesty, was ordered to be carried into Execution for the Benefit of the said *Arthur* now Marquis of *Downshire*); and stating that the said Petitioner attained his Age of Twenty-one Years on the Eighth Day of *October* One thousand eight hundred and nine, and would be entitled, if Lands were to be purchased with the Produce of so much of the said Exchequer Bills and Cash in the Bank, as should be equal to the Amount of the original Purchase Money, when invested, to have such Lands settled upon him in Tail Male free from all Incumbrances, except his said Mother's Rent Charge of Five thousand Pounds, and the said Portions and Maintenances directed to be raised by or under the Trusts of the said Term of Two thousand Years; and that as the said Petitioner would have been entitled to the Rents and Profits of the Estates to be purchased and settled as aforesaid, if so purchased and settled, he would be entitled to the Surplus of such Trust Money, beyond the Amount of what would be required to be laid out in

purchasing Lands as aforesaid; that the unsold settled Estates, subject to the said Rent Charge, were a sufficient Security for the Payment thereof, and that the Petitioner was desirous that the said Fund of Exchequer Bills and Cash standing in the Name of the said Accountant General should be applied towards Payment of the said Sum of Forty thousand Pounds, for the Portions of his said Brothers and Sisters, and was also desirous of adding to the Produce or Amount of such Fund, so much Money as would be sufficient to make the same amount to the said Sum of Forty thousand Pounds, in order that his Estates charged therewith might be exonerated from the same, and the Trusts thereof; and that the said Term of Two thousand Years might be assigned or surrendered by the Executors of the said *William Duke of Leinster*, as the said Petitioner might direct; and that the said Marchioness, who was the only other Incumbrancer upon the said Fund, (in respect of the said Rent Charge of Five thousand Pounds), prior to the said Petitioner's Estate Tail, was consenting that the said Fund should be applied accordingly; and therefore praying that it might be referred to one of the Masters of the said Court, to make the Enquiry herein-after mentioned, his Lordship ordered that it should be referred to Mr. *Thomson*, (the Master to whom the said Causes stood transferred), to enquire, and state to the Court, whether the Petitioner would be under the Act of the Fortieth Year of His present Majesty entitled to be made Tenant in Tail of the Lands, if purchased with so much of the said Twenty-nine thousand seven hundred Pounds in Exchequer Bills, and Three hundred and thirty Pounds eleven Shillings and Four-pence, in Cash, and whether there were any Charges or Incumbrances affecting the same, and whether he, or who else would be entitled to the Surplus thereof; And whereas the said Master by his Report, bearing Date the Thirteenth Day of *August* One thousand eight hundred and ten, made in pursuance of the last-mentioned Order, after stating the Instruments and Facts set forth in the said Petition, and that it had been admitted before him, that all Arrears of the said Rent Charges of Eight hundred Pounds, and One thousand two hundred Pounds, raiseable by the said Term of Ninety-nine Years, and all Arrears of the Jointure of Five thousand Pounds, secured by the said Term of One hundred Years, and likewise all Sums payable to the said Marchioness, as Guardian, for the Maintenance of the said younger Children, secured by the said Term of Two thousand Years, had been satisfied; certified his Opinion upon the Evidence therein-before stated, that the said *Arthur*, now Marquis of *Downshire*, would be entitled, under and by virtue of the said Act of the Fortieth Year of the Reign of His Majesty, to be made Tenant in Tail of the Lands if purchased with the Twenty-nine thousand seven hundred Pounds, in Exchequer Bills, then remaining on the Credit of the Matter *ex parte* the Purchaser or Purchasers of the Estate or Estates of the Marquis of *Downshire*, and Three hundred and thirty Pounds Eleven Shillings and Four-pence, in Cash, in the said Matter, or so much thereof as, by the first mentioned Act, was directed to be laid out in the Purchase of Lands, and settled pursuant to the said Act; and he certified that there were not any Charges or Incumbrances affecting the same, excepting the said Term of One hundred Years, created by the said Indenture of the Seventeenth Day of *July* One thousand seven hundred and eighty-nine, for securing the said Rent Charge of Five thousand Pounds to the said *Mary Marchioness of Downshire*, and also the said Term of Two thousand Years, also created by the same Indenture, for securing the said Sum

Sum of Forty thousand Pounds provided for the Portions of her said younger Children; and that the said *Arthur* now Marquis of *Downshire*, would be entitled to the Rents and Profits of the Estates to be purchased with the said Trust Monies, and settled as aforesaid: And that if the same were so purchased and settled, he would be entitled to the Surplus of the said Trust Monies, beyond the Amount of what would be required to be laid out in purchasing Lands: And whereas the said *Arthur* now Marquis of *Downshire* presented a subsequent Petition to the Lord High Chancellor, setting forth the said Master's Report; and that the said Marchioness was consenting that the said Fund of Exchequer Bills and Cash should be applied as herein-after mentioned, and praying that the said Sum of Twenty-nine thousand seven hundred Pounds in Exchequer Bills, and Three hundred and thirty Pounds Eleven Shillings and Four-pence in Cash, standing in the Name of the said Accountant General *ex parte* the Purchaser or Purchasers of the Estate or Estates of the Marquis of *Downshire*, might be carried over by the said Accountant General in Trust in the said Cause, the said Marquis against the said Marchioness of *Downshire*, the Account of the Portions of the younger Children of the said *Arthur* late Marquis of *Downshire* and *Mary* Marchioness of *Downshire*, provided by the Settlement of the Seventeenth Day of *July* One thousand seven hundred and eighty-nine, and that the Petitioner might be at Liberty to pay into the Bank in the Name and with the Privity of the said Accountant General, in Trust in the said Cause, the last mentioned Account, such Sum as with the said Twenty-nine thousand seven hundred Pounds in Exchequer Bills, and the Interest due and to become due thereupon, and the said Sum of Three hundred and thirty Pounds Eleven Shillings and Four-pence Cash, or the Produce thereof, or of any Bills upon which the same might be invested, would make up the full Sum of Forty thousand Pounds, (being the Amount of the Portions provided by the said Settlement for the Petitioner's said Brothers and Sisters as aforesaid), and that thereupon the said Accountant General might be directed to sell the said Exchequer Bills, and with the Produce thereof, and the Sum to be paid into the Bank by the Petitioner, to make up the said Sum of Forty thousand Pounds, to pay the said Sum of Forty thousand Pounds to the said Executors of the said *William* Duke of *Leinster*, the surviving Trustee of the said Term of Two thousand Years, to be by them as Trustees of the said Term invested upon a Mortgage of a sufficient Part of the Petitioner's Fee Simple Estates for securing the same Forty thousand Pounds, in order that all his other Estates charged therewith might be exonerated from the same, and the Trusts thereof, and the said Term of Two thousand Years assigned or surrendered, as the Petitioner might direct: And whereas, on the coming on of the last mentioned Petition to be heard before the Lord Chancellor, on the Seventeenth Day of *August* One thousand eight hundred and ten, his Lordship declining making any Order thereupon: And whereas, the Hereditaments remaining unsold, upon which the said Jointure of the said *Mary* Marchioness of *Downshire* continues charged, are of the annual Value of Forty thousand Pounds at the least, after deducting all annual Charges prior thereto; and she the said Marchioness is consenting to wave her prior Claim in respect of her said Jointure on the Money arisen by the Sales herein-before mentioned, of the other Hereditaments whereon the same was charged: And whereas the said *Arthur* now Marquis of *Downshire*, has, by means of several Common Recoveries suffered by him in His Majesty's Courts of Common Pleas at *Westminster* and in *Dublin*,
barred

barred the said Estate Tail so vested in him, as aforesaid, and all Remainders or Reversions depending thereon; but the said Court of Chancery not having thought fit to direct the Payment of the said Portions, and Doubts being entertained whether the Hereditaments and Premises comprised in the said Term of Two thousand Years, can be effectually discharged from the said Portions, until the same shall become payable to the Persons beneficially entitled thereto, the said *Arthur* Marquis of *Downshire* finds himself exposed to Inconvenience on account of the said Incumbrance continuing to affect the said Estates, and from his being thereby prevented from availing himself, with respect to the said Exchequer Bills and Cash, under the Controul of the said Court, of the Benefit of the Statute made for the Relief of Persons entitled to entailed Estates to be purchased with Trust Monies, and inasmuch as a Remedy cannot be provided without the Aid of the Legislature; wherefore Your Majesty's most dutiful and loyal Subjects, *Arthur Blundell Sandys Trumbull* Marquis of *Downshire*, and *Mary* Dowager Marchioness of *Downshire* and Baroness *Sandys*, on Behalf of herself and her younger Children, who are all Infants, 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 it shall be lawful for the said Court of Chancery, and the said Court is hereby required, upon Petition to be preferred by the said *Arthur* Marquis of *Downshire* in a summary Way, to make an Order for the said Accountant General to sell the said Exchequer Bills, or such other Bills as are or may be vested in him, or placed under the Controul of the said Court, *ex parte* the Purchaser or Purchasers of the Estate or Estates of the Marquis of *Downshire*, and to cause the Money thence arising to be paid into the Bank, in the Name of the said Accountant General, (*ex parte* the Purchaser or Purchasers of the Estate or Estates of the said Marquis of *Downshire*); and also an Order for the said *Arthur* now Marquis of *Downshire* to pay into the Bank, in the Name and with the Privity of the said Accountant General, *ex parte* the said *Arthur* Marquis of *Downshire*, such a Sum of Money as, with the Cash then in the Bank in the Name of the said Accountant General, *ex parte* the Purchaser or Purchasers of the Estate or Estates of the said Marquis of *Downshire*, will make the Sum of Forty thousand Pounds, (being the full Amount of the Portions which can, or ought, in any Event, to be raised by or under the Trusts of the said Term of Two thousand Years); and to order the said Sum of Forty thousand Pounds to be placed to the Account of Portions of the younger Children of the said late Marquis by the said Marchioness of *Downshire*.

Chancery to make an Order for the Accountant General to sell Exchequer Bills, or such other Bills as may be vested in him or placed under the Control of the Court, *ex parte* the Purchasers of the Estates of the Marquis of *Downshire*; and also an Order for the Marquis of *Downshire* to pay into the Bank such Sum as, with the Cash then in the Bank in the Name of the Accountant General, will make up 40,000l. for Portions to younger Children.

II. And it is hereby further enacted, That upon the said Sum of Forty thousand Pounds being so placed by the said Court to the said Account of Portions, the Whole and every Part of the Hereditaments and Premises subjected to the said Portions, shall be exonerated and discharged of and from the same, and all future Interest thereof, and all Claims in respect of the same.

Premises subjected to that Sum shall be discharged.

III. And it is hereby further enacted, That upon such Payment being so made as to make up the said Sum of Forty thousand Pounds, to be placed to the said Account of Portions, and also upon Payment being made by the said *Arthur* now Marquis of *Downshire*, his Heirs, Executors,

After Payment, Residue of Term in Premises to be disposed of.

[*Lac. & Per.*]

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tors,

tors, or Administrators, of such Sum or Sums of Money (if any) as may be found due for Interest and Costs, in respect of the said Portions so directed to be raised by or under the Trusts of the said Term of Two thousand Years as aforesaid, or attending such Applications as may be made to the said Court relative to this present Act, to such Person or Persons, and for such Purposes, as the said Court shall direct, or in case it shall appear to the said Court that all such Interest and Costs have been paid or satisfied, it shall be lawful for the said Court upon like Petition, to order the Trustees of the said Term of Two thousand Years for the Time being, to assign, surrender, or dispose of the Residue unexpired of the said Term of Two thousand Years, in all or any of the Hereditaments and Premises therein comprized, unto the said *Arthur* now Marquis of *Downshire*, his Heirs or Assigns, or as he or they shall direct or appoint, freed and discharged from all Trusts by the said Settlement of the Seventeenth Day of *July* One thousand seven hundred and eighty-nine, and Articles of the Twenty-ninth Day of *June* One thousand seven hundred and eighty-six, or either of them, declared or agreed to be declared, concerning the same.

Order for
taxing Costs,
&c.

IV. And it is hereby further enacted, That it shall be lawful for the said Court to make such Order or Orders of Reference to any of the Masters of the said Court, for taking an Account of such Interest and taxing such Costs, and to give such Directions touching the Payment thereof respectively as the Case shall require, or to the said Court shall seem meet.

40,000^l.
may be placed
out in the
Purchase of
Three per
Cents. or on
Mortgage.

V. And be it further enacted, That it shall be lawful for the said Court, (upon a Petition to be preferred to the same Court in a summary Way, by or on the Behalf of the said younger Children for the Time being of the said *Arthur* late Marquis of *Downshire*, or the Person or Persons for the Time being interested in the said Portions, or any Share or Shares thereof, and the said *Arthur* now Marquis of *Downshire*, his Heirs or Assigns), to order the said Sum of Forty thousand Pounds, or any Part thereof, to be placed out in the Purchase of Bank Three Pounds *per Centum* Annuities, in the Name and with the Privity of the said Accountant General, to be placed to the said Account of Portions; or to refer it to one of the Masters of the said Court to enquire and state to the Court, whether the said *Arthur* Marquis of *Downshire* can make a good Security by Way of Mortgage, of a competent Freehold Estate or Estates, in that Part of the United Kingdom called *England*, for all or any Part of the said Sum of Forty thousand Pounds, or all or any of such Bank Annuities as aforesaid; and if such Master shall report that in his Judgment such Security can be made, and the said Court should approve thereof, to order the said Sum of Forty thousand Pounds, or any Part thereof, or such Bank Annuities as aforesaid, or any of them, or the Money to arise by Sale thereof, to be placed out at Interest, upon a Mortgage or Mortgages of a competent Part or Parts of the Estates of the said *Arthur* Marquis of *Downshire*, in *England*, to such Person or Persons, and in such Manner as the said Court shall direct, on the Trust by the above recited Settlement of the Seventeenth Day of *July* One thousand seven hundred and eighty-nine, declared as to the said Sum of Forty thousand Pounds directed to be raised by or under the Trusts of the said Term of

Two thousand Years; the Costs and Charges of such Mortgage or Mortgages, and all Expences relative thereto, to be borne and paid by the said *Arthur Marquis of Downshire*.

VI. And it is hereby further enacted, That the said Sum of Forty thousand Pounds to be so placed to the Account of Portions, and all such Bank Annuities, Stocks, or Security as aforesaid, and the Interest thereof, shall be under the Controul of the said Court, and shall from Time to Time be ordered to be applied upon Petition in a summary Way, in such Manner as the same would according to the Practice of the said Court be ordered to be applied, if the same had been raised under the Direction of the said Court by a Sale or Mortgage in Execution of the Trusts of the said Term of Two thousand Years: Provided that this Act, or any Thing herein contained, shall not in any Manner prejudice such Appointment or Apportionment as the said *Mary Marchioness of Downshire* hath or may have Power to make, touching the said Portions, and the Interest thereof, or any Part thereof.

Money to be under the Controul of the Court of Chancery.

VII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Persons and Person, Bodies Politick and Corporate, (other than and except the said *Mary Marchioness of Downshire*, Lord *Arthur Moses William Hill*, Lord *Arthur Marcus Cecil Hill*, Lord *Arthur Augustus Edward Hill*, Lord *George Augusta Hill*, Lady *Charlotte Hill*, and Lady *Mary Hill*, their respective Executors, Administrators, and Assigns, and all and every other Persons and Person claiming or to claim under and by virtue of the said Marriage Articles of the Twenty-ninth Day of *June* One thousand seven hundred and eighty-six, and Indentures of Lease and Release, and Settlement of the Sixteenth and Seventeenth Days of *July* One thousand seven hundred and eighty-nine, and Twenty-ninth and Thirtieth Days of *May* One thousand eight hundred and ten, or any of them), all such Estate, Right, Title, Interest, Claim, or Demand whatsoever, of, in, to, or out of the said Hereditaments comprised in the same Articles and Settlements, or any of them, or any Part thereof, as he, she, or they had before the passing of this Act, or could, or might have had, in case this Act had not been made.

General Saving.

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.

Evidence.

