



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

.....

## Cap. 179.

An Act for making, under the Direction of His Majesty's High Court of Chancery in *Ireland*, a Partition of Part of the *Irish* Estates of the Right Honourable *Edward* late Earl *Beaulieu*, in conformity to an Award therein mentioned.

[15th June 1811.]

**W**HEREAS the Right Honourable *Edward* late Earl *Beaulieu* did by his last Will and Testament in Writing, bearing Date the Twenty-third Day of *March* in the Year One thousand seven hundred and ninety-one, give and devise all and every his Lordships, Manors, Messuages, Lands, Tenements, Hereditaments, and Real Estates in the Kingdom of *Ireland*, unto and to the Use of the Honourable *Thomas Coventry*, Second Son of the Right Honourable *George William* Earl of *Coventry*, and his Assigns, during his Life; and after the Determination of that Estate in the Life-time of the said *Thomas Coventry*, to the Use of *John Martindale* Esquire, and his Heirs, during the Life of him the said *Thomas Coventry*, in Trust for him, and by the usual Ways and Means to support the contingent Remainders; and after the Decease of the said *Thomas Coventry*, to the Use of the First and every other Son of the said *Thomas Coventry*, severally and successively, according to their respective Seniorities, in Tail Male; and for Default of such Issue, to the Use of the most Noble *Francis Godolphin*, late Duke of *Leeds*, and his Assigns, during his Life, and after the Determination of that Estate in his Life-time to the Use of the said *John Martindale* and his

23d March  
1791,  
Will of Ed-  
ward late  
Earl Beaulieu.

[Loc. & Per.]

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Heirs,

26th August  
1796.  
Codicil.

Heirs, during the Life of the said *Francis Godolphin*, late Duke of *Leeds*, in Trust, to preserve the contingent Remainders; and after his Decease to the Use of the First and every other Son of the said *Francis Godolphin* late Duke of *Leeds*, severally and successively, according to their Seniorities in Tail Male, with several Remainders over: And whereas the said *Edward Earl Beaulieu* duly signed and published a Codicil to his said Will, and which Codicil bears Date the Twenty-sixth Day of *August* One thousand seven hundred and ninety-six, and by the said Codicil revoked and made void all and every the Devises, Limitations, Remainders, and Dispositions in his said Will expressed and contained, or thereby made or limited, of and concerning his said Estates in *Ireland*; and gave and devised his said Estates in *Ireland* to the Right Honourable *Sidney Godolphin Osborne*, commonly called Lord *Sidney Godolphin Osborne*, the Third Son of the said *Francis Godolphin*, late Duke of *Leeds*, and his Assigns, during the Term of his Life, and after the Determination of that Estate in his Life-time, to the Use of the said *John Martindale* and his Heirs during the Life of the said Lord *Sidney Godolphin Osborne*, in Trust to preserve the contingent Remainders; and after the Decease of Lord *Sidney Godolphin Osborne*, to the Use of the First and every other Son of him the said Lord *Sidney Godolphin Osborne*, severally and successively according to their respective Seniorities in Tail Male; and for Default of such Issue, to the Use of the said *Francis Godolphin*, Duke of *Leeds*, and his Assigns, during his natural Life, and after his Decease, to the Use of the said *John Martindale*, and his Heirs, during the Life of the said *Francis Godolphin*, Duke of *Leeds*, in Trust to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of him the said *Francis Godolphin* Duke of *Leeds*, severally and successively according to their respective Seniorities in Tail Male, with several Remainders over: And whereas the said *Edward Earl Beaulieu* duly signed and published a Second Codicil to his last Will and Testament, and which Second Codicil bears Date the Twenty-fourth Day of *June* One thousand seven hundred and ninety-seven, and thereby revoked and made void all and every the Devises, Limitations, Remainders, and Dispositions, in his said Will, or any Codicil thereto expressed or contained, or thereby made or limited, of and concerning his aforesaid Estates in *Ireland*, and gave and devised his said *Irish* Estates to the said Lord *Sidney Godolphin Osborne* and his Assigns during his Life, without Impeachment of Waste, with Remainder to the Use of *James Bradfield* of *Stoke*, in the County of *Norfolk*, Gentleman, and his Heirs, during the Life of the said Lord *Sidney Godolphin Osborne*, in Trust to preserve the contingent Remainders therein-after limited; and after the Decease of the said Lord *Sidney Godolphin Osborne*, to the Use of the First and every other Son of him the said Lord *Sidney Godolphin Osborne*, severally and successively, according to their respective Seniorities in Tail Male, and for Default of such Issue, to the Use of the Right Honourable *Francis Godolphin Osborne*, the Second Son of the said *Francis Godolphin Osborne*, Duke of *Leeds*, and his Assigns during his Life, without Impeachment of Waste; and after the Determination of that Estate in his Life-time, to the Use of the said *James Bradfield*, during the Life of him the said Lord *Francis Godolphin Osborne*, in Trust to preserve the contingent Remainders therein-after limited; and after his Decease to the Use of his First and every other Son severally and successively, according to their respective Seniorities in Tail Male; and for Default of such Issue,

24th June  
1797.  
2d Codicil.

to the Most Noble *George William Frederick* now Duke of *Leeds*, then the Right Honourable *George William Frederick Conyers*, commonly called Marquis of *Carmarthen*, and then the eldest Son and Heir apparent of the said *Francis Godolphin* Duke of *Leeds*, and to his Assigns during his Life, without Impeachment of Waste; and after the Determination of that Estate in his Life-time, to the Use of the said *James Bradfield* and his Heirs, during the Life of the said *George William Frederick* now Duke of *Leeds*, in Trust to preserve the contingent Remainders; and after the Decease of the said *George William Frederick* now Duke of *Leeds*, to the Use of the First and every other Son of the said *George William Frederick* now Duke of *Leeds*, severally and successively, according to their respective Seniorities in Tail Male; and for Default of such Issue, to the Use of the Fourth, Fifth, Sixth, and all and every other Son and Sons of the said *Francis Godolphin*, late Duke of *Leeds*, severally and successively, according to their respective Seniorities in Tail Male; and for Default of such Issue, to the Use of the Right Honourable *James Earl of Cardigan*, and the Honourable *John Bulkeley Coventry Bulkeley*, Brother of the Earl of *Coventry*, and their Heirs, during the natural Life of the Right Honourable Lady *Mary Henrietta Juliana Osborne*, by Mistake therein called *Mary Henrietta Godolphin Osborne*, Daughter of the said *Francis Godolphin* Duke of *Leeds*, and now the Wife of the Right Honourable *Thomas Earl of Chichester*, in Trust nevertheless, for her sole and separate Use and Benefit during her Life, and not subject to the Power, Controul, or Engagements of any Husband with whom she should intermarry, but her Receipts and the Receipts of her Appointees, notwithstanding any Coverture which she should be under, to be valid and effectual Discharges for the Rents and Profits thereof, or for all or any Sum or Sums of Money which should be paid to her, or to any Person or Persons by her Order, Direction, or Appointment; and also in Trust, to preserve the contingent Remainders therein-after limited thereof, from being defeated or destroyed; and from and after her Decease, to the Use of the First and every other Son of the said *Mary Henrietta* now Countess of *Chichester*, severally and successively, according to their respective Seniorities in Tail Male; and for Default of such Issue, to the Use and Behoof of such Person as should at the Time of the Decease of the said *Edward Earl Beaulieu* be Heir at Law or eldest of Two or more Coheirs at Law of the Most Noble *Sarah* late Duchess of *Marlborough*, Grandmother of his the said Earl's late Wife *Isabella* Countess of *Beaulieu*, and the Heirs and Assigns of such Person for ever: And whereas the said Earl *Beaulieu* made and signed a further Codicil to his last Will and Testament, which Codicil bears Date the said Twenty-fourth Day of *June* One thousand seven hundred and ninety-seven, and he the said *Edward Earl Beaulieu* also made and signed Two other Codicils, each bearing Date the Twelfth Day of *October* One thousand seven hundred and ninety-seven; but the said *Edward Earl Beaulieu* did not by any of the Three last mentioned Codicils revoke or alter the Devises contained of his said *Irish* Estates in his said First herein-before mentioned Codicil of the Twenty-fourth Day of *June* One thousand seven hundred and ninety-seven: And whereas the said *Edward Earl Beaulieu* departed this Life in the Month of *November* One thousand eight hundred and two, without Issue, leaving *Richard Hussy* Esquire his only Brother and Heir at Law: And whereas the said *Edward Earl Beaulieu* was, at the Time of his Decease, seised or entitled in Fee Simple

24th June  
1797.  
12th. October  
1797.  
Codicils to  
the Will of  
Earl Beau-  
lieu.

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of or to considerable Estates in the *Queen's County*, the *County of Meath*, and the *County of Dublin*, and the *King's County*, in *Ireland*: And whereas the said *John Bulkeley Coventry Bulkeley* died in the Life Time of the said *James Earl of Cardigan*, and the said *James Earl of Cardigan* is lately dead, leaving the Right Honourable *Robert*, now *Earl of Cardigan*, his Nephew and Heir at Law, who is become Trustee for the said *Lady Mary Henrietta Juliana Godolphin Countess of Chichester*, under the before recited Codicil of the said *Earl Beaulieu*: And whereas the said *Francis Godolphin*, late *Duke of Leeds*, intermarried with *Lady Amelia D'Arcy* on or about the *Twenty-ninth Day of November* One thousand seven hundred and seventy-three, and had Issue by her Three Children, *viz.* Two Sons, namely, the said *George William Frederick* now *Duke of Leeds*, and the said *Lord Francis Godolphin Osborne*, and One Daughter, namely, the said *Mary Henrietta Juliana Countess of Chichester*, and no other Child: And whereas the said *Francis Godolphin*, late *Duke of Leeds*, intermarried with *Catherine Anguish*, on or about the *Eleventh Day of October* One thousand seven hundred and eighty-eight, and departed this Life on or about the *Thirty-first Day of January* One thousand seven hundred and ninety-nine, leaving Issue by her One Son, namely, the said *Lord Sidney Godolphin Osborne*, and no other Son: And whereas the said *Lord Sidney Godolphin Osborne* attained his Age of *Twenty-one Years* on the *Sixteenth Day of December* One thousand eight hundred and ten, and hath never been married: And whereas the said *Lord Francis Godolphin Osborne* intermarried with the Honourable *Elizabeth Charlotte Eden* on or about the *Thirty-first Day of March* One thousand eight hundred, and hath Issue by her Three Sons, namely, *George Godolphin Osborne*, *William Godolphin Osborne*, and *Sidney Godolphin Osborne*, all of whom are Infants of tender Years, and no other Son: And whereas the said *George William Frederick*, now *Duke of Leeds*, intermarried with *Charlotte Townshend*, commonly called the Right Honourable *Lady Charlotte Townshend*, on or about the *Seventeenth Day of August* One thousand seven hundred and ninety-seven, and hath Issue by her One Son, namely, *Francis Godolphin D'Arcy Osborne*, now commonly called *Marquis of Carmarthen*, who is an Infant of tender Years, and no other Son: And whereas the said *Mary Henrietta Juliana* intermarried with *Thomas Earl of Chichester* on or about the *Sixteenth Day of July* One thousand eight hundred and one, and hath Issue by him, Two Sons, *Henry Pelham*, commonly called *Lord Pelham*, and *Frederick Pelham*, both of whom are Infants of tender Years, and no other Son: And whereas the said *Sarah Duchess of Marlborough* had Issue Five Children by the Most Noble *John Duke of Marlborough* her Husband, *videlicet*, One Son, namely, the Most Noble *John Marquis of Blandford*, and Four Daughters, namely, the Right Honourable *Lady Harriot*, otherwise *Henrietta Churchill*, the Right Honourable *Lady Ann Churchill*, the Right Honourable *Lady Elizabeth Churchill*, and the Right Honourable *Lady Mary Churchill*; and the said *Sarah Duchess of Marlborough* had no other Child: And whereas the said *John Marquis of Blandford* departed this Life without Issue: And whereas the said *Lady Henrietta Churchill* was the eldest of the said Four Daughters of the said *Sarah Duchess of Marlborough*, and married the Right Honourable *Francis Earl of Godolphin*, and died in the Year One thousand seven hundred and thirty-three: And whereas the said *Henrietta Countess of Godolphin* left Issue by the said *Francis Earl of Godolphin*, Two Daughters, namely, the Right Honourable *Lady Henrietta Godolphin*,  
and

and the Right Honourable Lady *Mary Godolphin*: And whereas the said Lady *Henrietta Godolphin* intermarried with the Most Noble *Thomas Holles* Duke of *Newcastle*, and died without Issue: And whereas the said Lady *Mary Godolphin* intermarried with the Most Noble *Thomas* Duke of *Leeds*, and had Issue by him *Francis*, afterwards Duke of *Leeds*, and the said *Thomas* Duke of *Leeds* and *Mary* Duchefs of *Leeds*, departed this Life some Years ago: And whereas the said *Francis*, late Duke of *Leeds*, departed this Life in the Life-time of the said *Edward* Earl *Beaulieu*, leaving the said *George William Frederick*, now Duke of *Leeds*, his eldest Son and Heir, who was at the Time of the Decease of the said *Edward* Earl *Beaulieu*, and now is, the eldest of the Coheirs at Law of the said *Sarah*, late Duchefs of *Marlborough*: And whereas the said Lord *Sidney Godolphin Osborne*, then an Infant, by the said Lord *Francis Godolphin Osborne*, his next Friend, and he the said Lord *Francis Godolphin Osborne* for himself and for the said *George Godolphin Osborne*, who was then the only Son of the said Lord *Francis Godolphin Osborne*, did, in the Month of *April* One thousand eight hundred and four, institute a Suit in His Majesty's High Court of Chancery in *Ireland*, against the said *George William* Earl of *Coventry*, *George William Frederick* Duke of *Leeds*, *Richard Hufsey*, *Thomas William Coventry*, *Thomas Coventry*, *James Bradfield*, and *John Martindale*, and thereby, after stating the said Will and Codicils of the said *Edward* Earl *Beaulieu* prayed among other Things, that the Will and Codicils of the said Earl might be declared to have been well executed, and that the Plaintiffs Title to the said several Real Estates devised by the said Codicil of the Twenty-fourth Day of *June* One thousand seven hundred and ninety-seven might be established, and that the Rights of the several Devisees claiming under the said Will and Codicils might be ascertained and declared; and that if any Doubt should arise as to the Validity of the said Will and Codicils, or any of them, an Issue might be directed to try the Validity of such Will and Codicils; and that the Defendant *Richard Hufsey*, or such other Person or Persons as should appear to have received any of the Rents of such Estates, before or since the Death of the said Earl, might be obliged to pay the same into the Bank of *Ireland*, to the Credit of the said Cause, to be disposed of as the Court should think fit, and that a Receiver might be appointed for such Time as the Court should think fit, and that all necessary Accounts might be taken, and that the said *Richard Hufsey* or such other Person as should appear to have in his Custody or Power any Title Deeds, Muniments, Evidences, Writings, Tenants Leases or other Papers whatsoever, touching or in anywise concerning the Premises, might be obliged to deposit the same in the Bank to the Credit of the Cause, and for other Relief: And whereas before the said Cause came to Issue the said *Richard Hufsey* departed this Life, having by a Codicil to his Will (which Codicil bears Date the Sixth Day of *November* One thousand eight hundred and four), devised all his Estates in the *Queen's County*, *County of Meath*, and *County of Dublin*, in the Kingdom of *Ireland*, to *Gerald Strong* Esquire, now called *Gerald Strong Hufsey*, subject to the Charges therein-after mentioned; and the same Testator did by his said Codicil devise to His said Wife *Elizabeth Hufsey*, since deceased, a Rent Charge of One thousand Pounds a Year in *English* Currency for her Life; and he also gave to his Friend, Captain *John Hamstead* of the Royal Navy, One Rent Charge of Two hundred Pounds a Year to him and his Heirs for ever; and the same Testator left further to the said Captain *John Hamstead* an Annuity of Six hundred Pounds a Year for his Life;

[*Loc. & Per.*]

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Codicil  
of the Will  
of R. Hufsey  
dated Nov. 6,  
1804.

Proceedings  
in Chancery  
in Ireland.

and the same Testator gave and devised to his Friend, *Isaac Espinasse* Esquire, Barrister at Law, the Sum of Two hundred Pounds a Year Rent Charge to him and his Heirs for ever; and the same Testator gave and devised to *George French* Esquire, Barrister at Law, the Sum of One hundred and fifty Pounds a Year for his Life, and to continue to be paid to his eldest Son for his Life; and the same Testator left to *William Cruise* Esquire, an Annuity of One hundred Pounds a Year; but the said *Richard Hussey* did not by his said Codicil devise his Estates in *King's County* in *Ireland*: And whereas soon after the Decease of the said *Richard Hussey*, *Andrew Strong*, the elder Brother of the said *Gerald Strong Hussey*, and Heir at Law of the said *Richard Hussey*, entered upon and took Possession of the said Estates in the *King's County*, and still continues therein: And whereas the Proceedings in the said Cause having abated by the Death of the said *Richard Hussey*, the same were afterwards revived against the said *Gerald Strong Hussey* and all other Persons interested under the said Will of the said *Richard Hussey* and against the said *Andrew Strong* as his Heir at Law: And whereas the said last mentioned Cause came on to be heard before the Lord Chancellor of *Ireland*, on or about the Twenty-first Day of *February* One thousand eight hundred and ten, when it was amongst other Things ordered that the Plaintiff's Bill should be retained until further Order; and it was further ordered, that the Defendant *Andrew Strong* the Heir at Law of the said *Edward* late Earl *Beaulieu*, and the Defendant *Gerald Strong Hussey*, the Devisee of the said *Richard Hussey* deceased, should forthwith bring an Ejectment for the Recovery of the Estates in the Pleadings mentioned; and it was further ordered that upon the Trial of the said Ejectment the Questions for Consideration should be, whether the Instruments of the Twenty-third Day of *March* One thousand seven hundred and ninety-one, the Twenty-sixth Day of *August* One thousand seven hundred and ninety-six, and Twenty-fourth Day of *June* One thousand seven hundred and ninety-seven, the Twenty-fourth Day of *June* One thousand seven hundred and ninety-seven, the Twelfth Day of *October* One thousand seven hundred and ninety-seven, and the Twelfth Day of *October* One thousand seven hundred and ninety-seven, or any or which of them, were or was the last Will of the said *Edward* late Earl of *Beaulieu*, the said *Andrew Strong* and *Gerald Strong Hussey* impeaching the same upon Two distinct Grounds: First, that the said *Edward* Earl *Beaulieu* was of unsound Mind at the Time of making, publishing, and declaring the said several Instruments; and Secondly, that the said *Edward* late Earl *Beaulieu* was a Papist or a relapsed Papist, and thereby disabled from devising the said Estates by his Will, and that the said Ejectment should be tried by a Special Jury of the County of *Dublin*, in the Court of King's Bench, on the First Day of the Sittings after the then next *Easter* Term: And whereas the said Ejectment came on to be tried before a Special Jury at the Sittings after *Easter* Term in the Year One thousand eight hundred and ten, when after a Trial which occupied Three Days, the Jury could not agree upon a Verdict, and thereupon it was consented by the Parties, Plaintiffs and Defendants in the said Ejectment respectively, that a Juror should be withdrawn, and the Jury were upon such Consent discharged by the Court from giving a Verdict: And whereas Application hath been made by the Defendants in the said Action to the Lord Chancellor of *Ireland*, to order a new Trial, and the same has been accordingly ordered: And whereas the said *Gerald Strong Hussey*, since the Death of the said *Richard Hussey*, has received the Rents and Profits accruing from all the said Estates in *Ireland*, (excepting those arising from the Lands situate in *King's County* aforesaid, which

which have been received by the said *Andrew Strong* the elder, Brother of the said *Gerald Strong Hussy*, as the Heir at Law of the said *Richard Hussy*): And whereas for putting an End to the aforesaid Suits, and adjusting all Disputes and Differences subsisting between the said Parties, and to prevent future Litigation, the said Lord *Sidney Godolphin Osborne*, Lord *Francis Godolphin Osborne*, *George William Frederick Duke of Leeds*, *Thomas Earl of Chichester*, and *Mary Henrietta Juliana Countess of Chichester* his Wife, and *Gerald Strong Hussy*, agreed that *John Pollock* of *Mountainstown* in the County of *Meath* in *Ireland*, Esquire, (being nominated and appointed by and on the Behalf of the said Lord *Sidney Godolphin Osborne*, Lord *Francis Godolphin Osborne*, and *George William Frederick Duke of Leeds*, *Thomas Earl of Chichester*, and *Mary Henrietta Juliana Countess of Chichester* his Wife, and *James Nangle* of *Kildalké* in the County of *Meath* in *Ireland*, Esquire, (being nominated and appointed by and on the Behalf of the said *Gerald Strong Hussy*); should order and award what they should think fit to be done in the Premises; and how, in what Manner, and by whom the Premises, for the Recovery whereof the said Ejectment was brought, should in their Opinions be thereafter held and enjoyed, and (in case they should find it convenient) to award and order in what Parts, Shares, and Proportions the same should be held and enjoyed by the said Parties, or any of them respectively: And whereas by an Award or Instrument, bearing Date the Eleventh Day of *December* One thousand eight hundred and ten, under the Hands and Seals of the said *John Pollock* and *James Nangle*, they the said *John Pollock* and *James Nangle*, after reciting or taking Notice of the said Will and Codicils of the said *Edward Earl of Beaulieu*, and the Litigations depending upon or concerning the same, expressed themselves in the Words immediately following; (that is to say),

Reference to  
John Pollock  
and James  
Nangle  
Esquires.

11th Decem-  
ber 1810.

‘ NOW know ye, and these Presents witness, that we the said *John Pollock* and *James Nangle*, having taken upon ourselves the Burthen of the said Award, and having duly considered the said several Matters in Dispute, and the Rights and Claims of the said several Parties respectively in the before-mentioned Premises, and in pursuance and Execution of the Powers to us committed and in us respectively for that Purpose vested by the said several Parties, have, in order and for the express Purpose of finally and for ever putting an End to all further Litigation, Costs, Charges, and Expences, (except the Expences of carrying this Award into Effect); and that the said several Parties may be assured in the quiet and peaceable Possession of the respective Proportions of the said Property to which in our Judgement they are respectively entitled; therefore we have by this Writing under our Hands and Seals solemnly and deliberately made our Award and Determination in the Premises; and in the First Place, it is our Opinion and Award, and we do hereby award, that the said Lord *Sidney Godolphin Osborne*, or the other Devisees of the said *Edward* late Lord *Beaulieu*, shall not be entitled to any retrospective Account of the Rents, Issues, and Profits of the said devised Estates in the Kingdom of *Ireland*, or any Part thereof, from the Time of the Death of the said *Edward* late Earl *Beaulieu*, down to the First Day of *November* last past inclusive; Secondly, we do award, order, and direct, that in respect of the several Annuities devised by the Will of the said *Richard Hussy*, together with any other Charges, Taxes, and Outgoings affecting the said Estates, if any such Charges exist, shall be paid up by the said *Gerald Strong Hussy*, in full, to and for the said First Day of *November* last, and that

that from and after the First Day of *November* last, One Moiety of the  
 said Annuities becoming due after that Time shall be paid by the said  
 Lord *Sidney Godolphin Osborne*, and the other Devisees of the said *Edward*  
 late Earl *Beaulieu*, their Heirs and Assigns, and the other Moiety thereof  
 shall be paid by the said *Gerald Strong Hussy*, his Heirs and Assigns;  
 during the Continuance of the said several Annuities; Thirdly, in order  
 to make what appears to us under the Circumstances of this Case to be  
 a just Partition and Division of the said Estates between and amongst  
 the said Lord *Sidney Godolphin Osborne*, and the other Devisees of the  
 said *Edward* late Earl *Beaulieu* on the one Part, and the said *Gerald*  
*Strong Hussy* on the other Part, we award, order, and direct that the  
 said *Gerald Strong Hussy* do, and shall stand seized of, and be entitled  
 to the House, Domain, and Lands of *West Town* in the County of *Dublin*,  
 containing Three hundred Acres or thereabouts, and now in his Occu-  
 pation, to him and to his Heirs for ever: And we do further award,  
 order, and direct, that from and after the said First Day of *November* last  
 past, the said Estates, Lands, Tenements, and Hereditaments, with their  
 Appurtenances that are comprized in the Will of the said *Richard Hussy*,  
 and whereof the said *Gerald Strong Hussy* is now or has been seized or  
 possessed of by virtue or under Colour of the said Will of the said *Richard*  
*Hussy*, (except only the said Lands of *West Town* in the said County of  
*Dublin*), shall be surveyed and divided into Two equal Parts as nearly as  
 possible in Manner and by the Means and Proceedings herein-after men-  
 tioned, not Acre for Acre, but the Quantity, Quality, Value, and the  
 Terms yet to come and unexpired in the subsisting Leases, now existing  
 upon the said Lands, and other the Circumstances which may affect the  
 Value either by probable Increase or Diminution being duly considered;  
 and when a due, proper, and equal Partition of the said Lands, Tene-  
 ments, and Hereditaments shall be had and made pursuant to the true  
 Intent and Meaning of this our Award as aforesaid; then we do award,  
 order, and direct that the said Parties may be at Liberty respectively to  
 agree amongst themselves to which of them respectively each Moiety of  
 the said Lands, Tenements, and Hereditaments shall belong; but if the  
 said Parties shall not agree upon their respective Moieties thereof, then  
 and in such Case we award, order, and direct that the said Parties shall  
 draw Lots in order to determine which of them shall have the first Choice  
 and Election of the said Moieties, and the Person who shall obtain the  
 first Choice shall make his Election of which of such Moieties he may  
 chuse, and such Moiety of the said Lands, Tenements, and Heredita-  
 ments shall forthwith from the Time of such Election, be and remain  
 assured and settled to the Use of such of the said Parties as shall have made  
 such first Election, and such Party shall immediately thereupon enter into  
 the actual Possession and Enjoyment of the said Moiety or Proportion,  
 and the other Moiety or Proportion thereof shall be and remain assured  
 and settled to the Use of the other of the said Parties, who shall imme-  
 diately thereupon in like Manner enter into Possession thereof, and each  
 Party shall hold and enjoy their respective Moieties to all Intents, Con-  
 structions, and Purposes in their respective Possession; and under all the  
 Circumstances of this Case we do further award, order, and direct, that  
 after such Division and Partition as are herein-before directed of the Pre-  
 mises aforesaid shall be made, a Survey and Valuation shall in like Manner  
 be made of the Estate of the said late Earl *Beaulieu*, situated in the *King's*  
*County*; and we award, order, and direct that if the said *Gerald Strong*  
*Hussy*



6 *Huffey* shall (as it has been proposed before us on his Behalf that he will)  
 6 procure One Moiety of the said *King's County* Estate, to be released,  
 6 assured, and settled to the Use of the said Lord *Sidney Godolphin Osborne*,  
 6 and the other Devisees of the said late Earl *Beaulieu*, that then and  
 6 in such Case the said Lord *Sidney Godolphin Osborne*, and the said other  
 6 Devisees of the said late Earl shall be and remain seised thereof for ever,  
 6 according to the Nature of the Estates devised to them by the said late  
 6 Earl; but if the said *Gerald Strong Huffey* shall not be able before the  
 6 passing of the intended Act of Parliament herein-after mentioned, to pro-  
 6 cure such Moiety of the said *King's County* Estate, to be in Manner  
 6 aforesaid released and conveyed to the said Lord *Sidney Godolphin Osborne*,  
 6 and the said other Devisees of the said late Earl, then and in such Case  
 6 we award, order, and direct that an Allotment shall be made to the  
 6 said Lord *Sidney Godolphin Osborne*, and the other Devisees of the said  
 6 late Earl *Beaulieu* out of the Moiety of the said Estates to which the said  
 6 *Gerald Strong Huffey* shall become entitled under this our Award, of so  
 6 much and such Part of the said *Gerald Strong Huffey's* Moiety as shall be  
 6 equal in Value to the Moiety of the said *King's County* Estate, and the  
 6 Lands so to be allotted as aforesaid shall forthwith be added to the  
 6 Moiety of the said Estates hereby awarded to the said Lord *Sidney Go-*  
 6 *dolphin Osborne*, and the other Devisees of the said late Earl *Beaulieu*,  
 6 and shall be and remain assured and settled, together with and in Addi-  
 6 tion to the said Moiety, to the Use of the said Lord *Sidney Godolphin Os-*  
 6 *borne*, and the other Devisees of the said late Earl *Beaulieu*; and inas-  
 6 much as the Nature of the several Estates that have been limited by the  
 6 said Codicil of the said late Earl *Beaulieu* to the said Lord *Sidney Godol-*  
 6 *phin Osborne*, and the other Devisees therein named, prevent for the  
 6 present all or any of the said Devisees from granting and releasing a good,  
 6 sure, and perfect Estate in the Proportion of the said Lands, Tenements,  
 6 and Hereditaments which may fall to the Lot of the said *Gerald Strong*  
 6 *Huffey*; therefore we advise and recommend, that forthwith an Appli-  
 6 cation be made to Parliament for an Act to confirm this our Award, and  
 6 to enable the said Parties well, sufficiently, and effectually to convey,  
 6 release, settle, and assure to the Use of each other, the respective Moieties  
 6 and Shares of the said Hereditaments and Premises, in the Manner herein-  
 6 before awarded and directed, in which Act of Parliament we advise and  
 6 recommend that the Chancellor or Keeper of the Great Seal in *Ireland*  
 6 for the Time being may be empowered in a summary Manner by Peti-  
 6 tion of either Party to award a Commission of Perambulation and Parti-  
 6 tion, to be directed to such Persons as may be named by the said Parties  
 6 respectively for that Purpose, or by the Court, if the said Parties shall not  
 6 agree upon such Persons, in order to make such fair, just, and equal  
 6 Partition of the said Lands, Tenements, and Premises, and every Part  
 6 thereof hereby directed, as is herein-before ordered and awarded con-  
 6 cerning the same, and also to enquire, ascertain, and report to the said  
 6 Court if the said Parties shall not otherwise agree amongst themselves the  
 6 fair, just, and real Value of One Moiety of the said Estate in the *King's*  
 6 *County*, and also the Description and Allotment of the Lands to be given  
 6 as aforesaid in lieu thereof, for the Purpose aforesaid, with Powers to the  
 6 said Parties respectively, after the Return of such Commission, to object  
 6 to the Substance or Propriety of the Return to be made thereon, or to the  
 6 Proceedings which may take place therein; and with such Powers and Au-  
 6 [Loc. & Per.] 46 2 thories

' thories to enforce the Orders to be from Time to Time made by the said  
 ' Court in the Premises as fully and effectually to all Intents and Purposes  
 ' as if such Partition and Valuation had been made in any ordinary Case  
 ' upon any Suit instituted in the said Court for such Purposes; and that  
 ' the final Order, Determination, and Decree to be made upon such Pe-  
 ' tition or Petitions shall in like Manner be binding, final, and conclusive  
 ' to each of the said Parties in such and the like Manner and with the like  
 ' Power of applying for a rehearing or of appealing from such Order,  
 ' Determination, or Decree as if the same were made in any such ordi-  
 ' nary Suit as aforesaid: And we do further award, order, and direct,  
 ' that the said several Parties herein-before named, with all proper and  
 ' necessary Parties do, and shall forthwith join and concur in all such Acts,  
 ' Deeds, Conveyances, and Assurance in the Law, and in all and every  
 ' or any Application or Applications to Parliament for the Purposes afore-  
 ' said, as Counsel shall advise or deem requisite to effect a Division of the  
 ' aforesaid Estates in Manner herein-before expressly awarded; and from  
 ' and immediately after such Division shall be made and confirmed, or  
 ' otherwise agreed to and ratified by the said several Parties in Manner and  
 ' in the Proportions herein-before awarded, then we award, order, and  
 ' direct that the said Parties respectively shall from and after the said First  
 ' Day of *November* last, hold, and be severally entitled to the quiet and  
 ' peaceable Possession and Enjoyment of the Premises to be allotted to each  
 ' of them respectively, pursuant to this our Award, and to the Rents,  
 ' Interests, and Emoluments thereof, to be exclusively received and taken  
 ' by the said Lord *Sidney Godolphin Osborne* and the other Devisees of the  
 ' said late Earl *Beaulieu* out of the Division of the said Hereditaments and  
 ' Premises that shall fall to his and their Lot, according to the Nature of  
 ' their respective Estates therein; and that the Rents, Interests, and Emo-  
 ' luments therein of the remaining Part of the said Hereditaments and  
 ' Premises shall be exclusively received and taken by the said *Gerald*  
 ' *Strong Hussy*, his Heirs and Assigns: And we further award, order, and  
 ' direct that the Expence attending all such Conveyances, Acts of Parliament,  
 ' or other Matters or Things necessary to give Effect to this our Award,  
 ' shall be borne and paid by the said Lord *Sidney Godolphin Osborne* and  
 ' the said *Gerald Strong Hussy*, in equal Proportions, and that each of  
 ' them shall bear and pay his own Costs and Charges in the several Suits  
 ' and other Proceedings heretofore depending respecting the Premises either  
 ' in *England* or *Ireland*: And inasmuch as it is probable that, upon a Survey  
 ' and Partition to be made of the said Estates in the Manner herein-before  
 ' directed, it may not be possible exactly and precisely to equalize the Divi-  
 ' sions thereof between the said Parties in the Manner herein-before di-  
 ' rected and awarded concerning the same, without making fractional Divi-  
 ' sions of some Parts of the said Estates; therefore, and in order as far  
 ' as possible, to prevent any Litigation or Question, or any Vexation or  
 ' Inconvenience from arising in future between the said Parties by Means  
 ' of such fractional Divisions, we further award, order, and direct that  
 ' it shall be competent to the Persons who shall be authorized or empow-  
 ' ered to make such Partition or Division effectually to equalize the same  
 ' by awarding and directing that One Division of the said Hereditaments  
 ' and Premises may be charged with the Payment of such Sum or Sums  
 ' of Money to the Person or Persons who shall become entitled to the  
 ' other Division thereof, as may be sufficient, fairly, and *bonâ fide* to equa-  
 ' lize

' lize the Value of one Division with the Value of the other Division in  
 ' Manner herein-before awarded, without resorting to make fractional Di-  
 ' visions of the Lands to be set out for either of the said Parties, pursuant  
 ' to the Directions contained in this our Award: And we finally award,  
 ' order, and direct, that the existing Leases heretofore made of the said  
 ' Lands, or any Part thereof, by the said *Gerald Strong Hufsey* shall stand  
 ' and be confirmed; and that the said *Gerald Strong Hufsey* shall forthwith,  
 ' upon Partition being finally made of the said Hereditaments and Premises  
 ' between the said Parties as herein-before is directed, deliver over, to or  
 ' for the Use of the said Lord *Sidney Godolphin Osborne* and the said  
 ' other Devisees of the said late Earl *Beaulieu*, the Counterparts of all  
 ' Leases, and all Deeds, Evidences, Muniments, Writings, and Papers as  
 ' may exclusively affect, relate, or belong to the Moiety or Proportion of  
 ' the said Hereditaments and Premises that may fall to the Lot of the said  
 ' Lord *Sidney Godolphin Osborne*, and the said other Devisees of the said  
 ' late Earl that are or shall be in the Custody, or within the Power or  
 ' Controul of the said *Gerald Strong Hufsey*, and in respect to all Title  
 ' Deeds, Muniments, Writings, Evidences, and Papers, which relate,  
 ' affect, or belong to the common Title of the said late Earl to the Whole  
 ' of the said Hereditaments and Premises, we award, order, and direct  
 ' that the same shall (after such final Partition) be deposited upon an Order  
 ' to be obtained from the said Court of Chancery for the Purpose, in the  
 ' Bank of *Ireland*, to the End to enable the said Parties respectively, when  
 ' it shall be necessary for any of them to have Access thereto, and to make  
 ' use of the same, for the Purpose of protecting their respective Estates,  
 ' Rights, Titles, and Interests in the said Hereditaments and Premises.  
 ' In Witness whereof the said *John Pollock* and *James Nangle* have here-  
 ' unto set their Hands and Seals the Eleventh Day of *December* in the Year  
 ' of our Lord One thousand eight hundred and ten, *John Pollock* (Seal),  
 ' *James Nangle* (Seal):'

And whereas the said Statement or Award being made known to the said  
*Gerald Strong Hufsey* for his Approbation, he agrees to abide by the same,  
 save so far as relates to the said *King's County* Estate, concerning which,  
 not pretending in any Manner to have Title thereto or be interested therein,  
 he declines in any Manner to interfere: And whereas under the Circum-  
 stances of this Case it is thought to be for the Benefit of all Parties inte-  
 rested in the Matters referred to the said Arbitrators as aforesaid, to carry  
 the aforesaid Statement or Award into Execution, so far as relates to the  
 Estates devised by the said Codicil to the said Will of the said *Richard*  
*Hufsey*, without Prejudice to the Right of those claiming under the said  
 first-mentioned of the Two Codicils to the Will of *Edward* Earl *Beaulieu*,  
 bearing Date respectively the Twenty-fourth Day of *June* One thousand  
 seven hundred and ninety-seven, to proceed as they may be advised for the  
 Recovery of the said *King's County* Estate: And whereas the said Lord  
*Sidney Godolphin Osborne*, on Behalf of himself, and the said Lord *Francis*  
*Godolphin Osborne*, on Behalf of himself and his said Infant Sons, and the  
 said *George William Frederick* Duke of *Leeds*, on Behalf of himself and his  
 said Infant Son, and the said *Thomas* Earl of *Chichester*, and *Mary Henrietta*  
*Juliana* Countess of *Chichester*, on Behalf of themselves and their said Infant  
 Sons, are willing and consenting that the said Statement or Award of the  
 said *John Pollock* and *James Nangle* should be carried into Execution, save

as to the said *King's County* Estate : And whereas *Thomas Ellis* Esquire, a Master in the High Court of Chancery in *Ireland*, did, by his Report in the aforesaid Cause, dated the Fifth Day of *April* One thousand eight hundred and eleven, certify to the Right Honourable *Thomas Lord Manners*, Lord High Chancellor of *Ireland*, that, pursuant to an Order made in the said Cause and mentioned in that Report, he having examined the Matters to him referred, found that, under all the Circumstances of this Case, it would be for the Benefit of all Parties claiming under the said Will and Codicil of the said late Earl *Beaulieu*, that a Compromise, pursuant to the Statement or Award of the Eleventh Day of *December* One thousand eight hundred and ten, should be carried into Execution, so far as relates to all the said Estates, save and except the said Estate situated in the *King's County*, on the said *Gerald Strong Hussy*, procuring *Mary Strong Hussy*, otherwise *Lynch*, his Wife, to join in levying a Fine in order to bar her Claim of Dower against such Portions of the said Estates as shall become the Property of the said Lord *Sidney Godolphin Osborne*, and the other Devisees of the said Earl *Beaulieu* under the said Award ; and also on *Margaret* and *Isabella Hussy* the younger Children of the said *Gerald Strong Hussy*, (who were both then of full Age), discharging the said Portion of the said Estates of all their Claims under the Deed of the Second Day of *October* One thousand seven hundred and eighty, made on the Marriage of the said *Gerald Strong Hussy* and *Mary* his Wife in the said Order mentioned : And whereas by an Order of the said Lord High Chancellor of *Ireland* made in the said Cause on the Sixth Day of *April* One thousand eight hundred and eleven, it was ordered by his Lordship that the said Report should stand confirmed : And whereas the aforesaid Disputes and Matters in Difference have been carried on at a great Expence, and the Prosecution of the same to their final Conclusion must be attended with great Expence, and it probably would take up several Years ; and the said Lord *Sidney Godolphin Osborne*, Lord *Francis Godolphin Osborne*, *George William Frederick Duke of Leeds*, and *Thomas Earl of Chichester*, and *Mary Henrietta Juliana Countess of Chichester*, are convinced that it will be greatly for the Benefit of themselves and their respective Issue Male, that the said Statement or Award of the said *John Pollock* and *James Nangle* should be carried into Execution, save as to the said *King's County* Estate ; but on account of the Limitations in strict Settlement contained in the said first-mentioned of the said Two Codicils of the said *Edward Earl Beaulieu*, dated the Twenty-fourth Day of *June* One thousand seven hundred and ninety-seven, the same cannot be accomplished without the Aid of an Act of Parliament : Wherefore Your Majesty's most loyal and dutiful Subjects, the said Lord *Sidney Godolphin Osborne* doth for himself ; and the said Lord *Francis Godolphin Osborne* doth for himself and his said Infant Sons, most humbly beseech Your Majesty ; and the said *George William Frederick Duke of Leeds* doth for himself and his said Infant Son ; and the said *Thomas Earl of Chichester*, and *Mary Henrietta Juliana Countess of Chichester*, do for themselves and their said Infant Sons, beseech Your Majesty ; and the said *Gerald Strong Hussy* doth for himself 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 immediately after the passing of this present Act the said recited Statement or Award of the said *John Pollock*

Reference to  
John Pollock  
and James

*Pollock* and *James Nangle*, save as to the said *King's County* Estate, shall be and the same is hereby established, ratified, and confirmed: For which End, Intent, and Purpose, it is hereby further enacted and declared, That the said Statement or Award, and the Directions and Provisions therein contained, shall be carried into Execution under the Directions of His Majesty's High Court of Chancery in *Ireland*, save as to the said *King's County* Estate.

*Nangle Esqrs.*  
save as to the  
*King's*  
*County Es-*  
*tate, con-*  
*firmed.*

II. And be it further enacted, That from and immediately after the passing of this Act, all and singular the Towns, Messuages, Farms, Lands, Tenements, and Hereditaments in the *Queen's County*, the County of *Meath*, and the County of *Dublin*, whereof, wherein or whereto the said *Edward Earl Beaulieu*, or any Person or Persons in trust for him was or were upon the aforesaid Twenty-fourth Day of *June* One thousand seven hundred and ninety-seven, seized or interested or intitled for any Estate of Freehold or Inheritance in Possession, Reversion, Remainder or Expectancy, with their and every of their Rights, Royalties, Easements, Members and Appurtenances, shall be settled upon and vested in, and the same are hereby from henceforth settled upon and vested in the aforesaid *John Pollock* and *James Nangle*, and their Heirs and Assigns, freed and discharged and absolutely acquitted, exonerated and discharged of and from all and every the Uses, Trusts, Ends, Intents and Purposes, Powers, Provisoës, and Limitations in and by the said Will and Codicils of the said *Earl Beaulieu*, and the said Codicil of the said *Richard Hussey*, or any or either of such Will and Codicils limited, expressed and declared of and concerning the same; but nevertheless upon the Trusts, and to and for the Ends, Intents and Purposes herein-after expressed and declared.

Estates be-  
longing to  
the *Earl of*  
*Beaulieu*.  
vested in *John*  
*Pollock* and  
*James Nangle*  
*Esquires.*

III. And it is hereby further enacted and declared, That it shall and may be lawful to and for the said *John Pollock* and *James Nangle*, and the Survivor of them, and the Executors and Administrators of such Survivor, and they and he are and is hereby directed and required to cause a full Particular to be made of the said *Irish* Estates, save said *King's County* Estate, and save the said House, Domain, and Lands of *West Town* in the County of *Dublin*, containing Three hundred Acres or thereabouts, and of the Partition proposed to be made thereof, and to certify that they believe the same to be a fair, equal, just, and proper Partition, according to the true Intent and Meaning of the said Statement or Award, and to sign the said Particular and Certificate with their Names in their respective Hand Writing; and thereupon the said *Lord Sidney Godolphin Osborne*, or in case of his Decease before that Time, the Person or Persons for the Time being intitled or claiming to be intitled under the said Second Codicil of the said *Edward Earl Beaulieu*, to the *Irish* Estates so proposed to be divided, or his or their Guardian or Guardians, during his or their Minority or respective Minorities shall prefer to the said Court of Chancery in *Ireland*, a Petition in a summary Way, for an Order to carry the said Partition into Execution; to which Petition the said Particular to be signed as herein-before is mentioned shall be annexed, and the said Petition shall state or recite this Act, and the Will, Codicils and other Matters and Things, herein-before recited, and such other Matters and Things, if any, as the Counsel signing the said Petition shall think proper, and the said Court shall thereupon, if the said Partition shall appear to them a fair, equal, just and proper Partition, order and direct the same to be carried

Particular  
and Partition  
of such Es-  
tates to be  
made.

into Execution; and if the same shall not appear to the said Court to be a fair, equal, just and proper Partition, then the said Court shall refuse to confirm the same, or shall alter, or direct the same to be altered, as they shall think reasonable, and for that Purpose shall, if necessary, issue One or more Commission or Commissions to make a fair Partition of the Estates pursuant to the said Statement or Award.

When the Court of Chancery shall approve of a Partition, Estates shall be conveyed by John Pollock and James Nangle discharged from the Trusts under the Will of Earl Beaulieu.

IV. And it is hereby further enacted and declared, That when and so soon as the said Court of Chancery shall, upon a Petition to be preferred in the Manner herein-before mentioned and prescribed, approve of a Partition to be made of the said Hereditaments, so proposed to be divided, and shall order or direct the same to be carried into Execution, all and singular the Towns, Lands, Tenements and Hereditaments, which upon such Partition shall be allotted to the said *Gerald Strong Hussy*, his Heirs and Assigns, together with the said House, Domain, and Lands of *West Town* in the County of *Dublin*, containing Three hundred Acres or thereabouts, shall be thereupon absolutely freed and discharged of and from all and singular the Uses, Trusts, Intents and Purposes, Powers, Provisoos, Limitations and Declarations in the said Will and Codicils of the said *Edward Earl Beaulieu* or any of them, devised or expressed to be devised of or concerning the same, and shall thereupon be conveyed by the aforesaid *John Pollock* and *James Nangle* or the Survivor of them, or his Heirs as aforesaid, under the Direction of the said Court of Chancery, and shall from thenceforth be and remain to such Uses upon and for such Trusts, Intents and Purposes, and with, under and subject to such Powers, Provisoos, and Declarations, as would be subsisting or capable of taking Effect, of and concerning the same Hereditaments respectively, if the said *Edward Earl Beaulieu* had wholly died intestate, and the same Hereditaments had descended to the said *Richard Hussy* as the Heir at Law of the said *Edward Earl Beaulieu*; and that the Towns, Lands, Tenements and Hereditaments which, upon such Partition as aforesaid, shall be allotted to the said Lord *Sidney Godolphin Osborne*, shall also thereupon be freed and absolutely discharged of and from all the Estate, Right, Title, Claim and Demand whatsoever of the said *Gerald Strong Hussy*, his Heirs and Assigns, and be thereupon conveyed by the said *John Pollock* and *James Nangle*, or the Survivor of them, or his Heirs or Assigns, under the Direction of the said Court of Chancery, and shall thenceforth be and remain to such Uses upon and for such Trusts, Intents and Purposes, and with, under and subject to such Powers, Provisoos, Limitations and Declarations, which would then be subsisting or capable of taking Effect in the same Hereditaments if the same had been well and effectually devised by the said Will and Codicils of the said *Edward Earl Beaulieu*.

Certain Annuities and Rent Charges not to be affected.

V. Provided always and it is hereby further enacted and declared, That the Partition so to be made as aforesaid, shall be subject, and without Prejudice, to such of the aforesaid Annuities or yearly Rent Charges devised by the said Codicil to the Will of the said *Richard Hussy*, as are now subsisting, but, that as between the Estates to be allotted on such Partition to the said *Gerald Strong Hussy*, including the said Hereditaments called *West Town* in the County of *Dublin*, and the Estates to be allotted thereupon to the said Lord *Sidney Godolphin Osborne* and the other Devisees of the said *Edward Earl Beaulieu*, the same shall be charged with the same Annuities or Yearly Rent Charges, in such Proportions, and each of the

said

faid Estates shall by One or more Term or Terms for Years to be created in the same, or a competent Part or competent Parts thereof, by the Conveyances herein-before directed to be made, indemnify the other against more than its Proportion of the same Annuities or Yearly Rent Charges in such Manner as is herein-after stated; that is to say, One Moiety of the said Annuities or Yearly Rent Charges shall be borne by that Part of the said Estates, which shall be allotted to the said *Gerald Strong Hussey*, and the other Moiety of the said Annuities or Yearly Rent Charges shall be borne by that Part of the said Estates which shall be allotted to the said Lord *Sidney Godolphin Osborne* and the other Devisees of the said Earl *Beaulieu*, without Prejudice to a Right of Contribution as against the said *King's County Estate*.

VI. Provided always, and it is hereby enacted, That all Annuities or Yearly Rent Charges given by the Codicil of the said *Richard Hussey* shall, up to the First Day of *November* last be paid and discharged by the said *Gerald Strong Hussey*, and that such Part of the said Estates as shall be allotted to the said Lord *Sidney Godolphin Osborne*, and the other Devisees of the said *Edward Earl Beaulieu*, shall be liable only to a Moiety thereof, computing from the said First Day of *November* last; but with such Right of Contribution as against the said *King's County Estate* as aforesaid.

How the same shall be discharged.

VII. Provided always, and it is hereby further enacted and declared, That all and every the Lease or Leases, and Article or Articles for Leases heretofore made by the said *Gerald Strong Hussey*, and specified in the Schedule hereunto annexed, of any Part of the said Estates so devised or expressed to be devised to him by the Codicil of the said *Richard Hussey*, shall be, and the same are hereby ratified and confirmed, and declared to be good and valid.

Leases confirmed.

VIII. Provided always, and it is hereby further enacted and declared, That if the said *John Pollock* and *James Nangle*, or any Trustees or Trustee to be appointed in their or either of their Stead as herein-after is mentioned, or their respective Heirs, shall depart this Life, or decline to act in the Trusts hereby created, then, and so often as it shall so happen, it shall and may be lawful to and for His Majesty's Court of *Chancery* in *Ireland*, on a Petition to be preferred in a summary Way as herein-before is mentioned, to appoint a Trustee in the Room of each Trustee so dying or declining to act; and upon the Appointment of any such new Trustee, the entrusted Hereditaments shall, under the Direction of the said Court of *Chancery* be conveyed to the Use of the surviving or continuing Trustee, and the new Trustee and their Heirs and Assigns, or to the Use of the new Trustees and their Heirs and Assigns, as the Case may require, upon the then subsisting Trusts of this Act.

Trustees to be appointed in case of Death, &c.

IX. And be it further enacted, That it shall and may be lawful for the said Court of *Chancery* to make such Orders and to give such Directions for such Deeds to be executed, and Matters and Things to be had, made, and done for carrying the Purposes of this Act or any of them, or any Matter or Thing relating to the same, into Execution, and respecting the Payment of the Costs, Charges, and Expences of the said Partition, and for the Payment of the Costs, Charges, and Expences incurred by the said Lord *Sidney Godolphin Osborne* in or with the view of establishing

Court of Chancery to make Orders respecting Costs and Charges in the Premises.

blishing or enforcing his Titles to the said Estates, and for charging the same upon and for securing the same by a Term or Terms for Years to be created in the Estates to be allotted on the said Partition to him the said Lord *Sidney Godolphin Osborne*, and other, the Devisees of the said Will and Codicil of the said Earl *Beaulieu*, or a competent Part or competent Parts thereof, for the securing by the Term or Terms of Years upon the Estates to be allotted as last mentioned, such Sum or Sums of Money, if any, as shall or may be, upon such Partition as aforesaid, directed to be paid in respect of the same Estates for Equality of Partition, and also for the Payment or Security, or Application of such Sum or Sums of Money, if any, as shall or may be upon such Partition as aforesaid, directed to be paid for Equality of Partition in respect of the Hereditaments which shall be allotted upon such Partition to the said *Gerald Strong Hussey*, his Heirs or Assigns; and generally to make such Orders or give such Directions for the Purposes aforesaid, or any of them, as the said Court shall judge necessary, reasonable, or expedient.

King's  
County  
Estate not to  
be affected.

X. Provided always, and be it hereby enacted, That nothing herein contained shall extend or be construed in any Manner to extend to the said *King's County* Estate, or to the Rights of any of the Parties relative thereto, or to the said Annuities or Rent Charges given by the said Codicil of the said *Richard Hussey* to the aforesaid *John Hamstead*, *Isaac Espinasse*, *George French*, and his eldest Son, and *William Cruise*, or to the Remedies for recovering the same.

Right of  
Gerald  
Strong  
Hussey saved.

XI. Provided always, That nothing in this Act contained shall extend or be construed to extend to affect the Right of the said *Gerald Strong Hussey*, his Heirs, Executors, Administrators, and Assigns, to receive and to enforce Payment of the Rents of the Whole of the said Estates up to and for the First Day of *November* One thousand eight hundred and ten, for his or their own Use, nor the Possession and Receipt of the said Rents in the said *Gerald Strong Hussey*, his Heirs and Assigns, until the final Partition shall be made pursuant to this Act.

Appropriation of Rents.

XII. Provided also, and it is further enacted, That the said *Gerald Strong Hussey*, his Heirs and Assigns, according as such Rents and Profits shall be received by him or them, shall, from Time to Time, and until such final Partition shall be made as aforesaid, pay into the Bank of *Ireland* in the Name of the said Trustees the said *John Pollock* and *James Nangle*, their Heirs or Assigns, a full Moiety of the Rents, Issues, and Profits of the said Hereditaments and Premises, which are to be the subject of the said Partition as aforesaid, which shall have accrued due since the said First Day of *November* One thousand eight hundred and ten, to be paid and applied under the Directions of the said Court of Chancery, for the Purposes, and to the Person or Persons for and to whom it shall appear to the said Court that the same should be respectively applied under the Trusts, and according to the true Intent and Meaning of this Act.

General  
Saving.

XIII. Saving and excepting to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Persons and Person and to all Bodies Politic and Corporate, and to their respective Heirs, Successors, Executors, Administrators, and Assigns (other than and except



cept the said Lord Sidney Godolphin Osborne, Lord Francis Godolphin Osborne, George William Frederick Duke of Leeds, Thomas Earl of Chichester, and Mary Henrietta Juliana Countess of Chichester his Wife, and all and every the Son and Sons born and hereafter to be born of the said Lord Sidney Godolphin Osborne, Lord Francis Godolphin Osborne, George William Frederick Duke of Leeds, and Mary Henrietta Juliana Countess of Chichester, and the Heirs Male of the respective Bodies of all and every such Son and Sons, and the Heirs and Assigns of the said George William Frederick Duke of Leeds, and all and every other Persons and Person claiming or to claim any Estate, Right, Title, or Interest in the said Irish Estates devised or expressed to be devised by the said Will and Codicils of the said Edward Earl Beaulieu or any of them, or any Part or Parts of the same, by virtue of or under the said Will and Codicils of the said Edward Earl Beaulieu or any of them, and the said Gerald Strong Hussey, his Heirs and Assigns), all such Estates, Rights, Titles, and Interests as they, every or any of them had before the passing of this Act, or could or might have had, enjoyed, or claimed in case this Act had not passed, but without Prejudice nevertheless to the aforesaid subsisting Annuities or Rent Charges devised by the said Codicil, and to all such Remedies for the Recovery of the said Rent Charges and Annuities as are given by the said Codicil.

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

SCHEDULE of Leases made by *Gerald Strong Hussy* Esquire of the Estates of  
*Edward* late Earl *Beaulieu*.

KILMAINHAM WOOD, County MEATH.

			A.	R.	P.	£	s.	d.		
Edward Smith and Andrew Smith - }	Part of Upper Shancor	containing	16	1	7	at	1	3	0 per Acre,	{ For Three Lives or Thirty one Years, dated 12 September 1809.
Thomas Smith and Philip Smith - }	Part of fame	- containing	16	0	1	at	1	6	0 per Acre,	For like Term and same Date.
John Muldoon and Philip Muldoon - }	Part of fame	- containing	13	1	20	at	1	4	6 per Acre,	For like Term and same Date.
Hugh Smith -	Part of Borlea	- containing	12	2	0	at	1	10	0 per Acre,	For like Term and same Date.
Thomas M'Gouran -	Part of fame	- containing	20	1	35	at	1	5	6 per Acre,	For like Term, same Date.
Matthew Brien -	Part of Edenegora	- containing	27	0	0	at	1	7	6 per Acre,	For like Term, same Date.
Patrick Reiley -	Part of fame	- containing	6	0	0	at	1	7	6 per Acre,	For like Term, same Date.
Patrick Duffy -	Part of fame	- containing	19	2	0	at	1	7	6 per Acre,	For like Term, same Date.
Thomas Duffy -	Part of fame	- containing	19	2	0	at	1	7	6 per Acre,	For like Term, same Date.
Philip Caffidy, James Cruife, and John Barber - }	Part of Tawife	- containing	14	1	19	at	1	5	0 per Acre,	For like Term, same Date.
Anne Conner, Hugh M'Gee and Patrick Carolin - }	Part of fame	- containing	23	0	20	at	1	5	0 per Acre,	For like Term, same Date.
John Kelly -	Part of Borlea	- containing	5	0	0	at	1	5	6 per Acre,	For like Term, same Date.
Edward M'Givney -	Part of fame	- containing	12	2	0	at	1	10	0 per Acre,	For like Term, same Date.
Patrick Smith -	Part of Shancor	- containing	19	2	0	at	1	4	6 per Acre,	For like Term, same Date.
Mary M'Goveran -	Part of Borlea	- containing	10	0	0	at	1	5	6 per Acre,	For like Term, same Date.
Barney M'Guire -	Part of Upper Shancor	containing	13	0	0	at	1	5	6 per Acre,	For like Term, same Date.
Philip Blake -	Part of Shancor	- containing	47	2	10	at	53	9	3 per Annum	For like Term, dated 3d August 1808.
Robert Mayne -	Part of Upper Edon.	containing	52	1	7	at	90	0	0 per Annum	{ For like Term, dated 25th No- vember 1808.
Philip Blake and David Blake - }	Part of Newtown	- containing	200	2	10	at	228	2	10 per Annum	{ For Thirty-one Years, dated 3d August 1808.
James Brady -	Part of Aughamore	- containing	127	0	0	at	1	2	9 per Acre,	{ For Three Lives or Thirty-one Years, dated 6th August 1808.
William Corbally and Thomas Corbally - }	Part of Lower Edon	{ containing 14, 0 15 } together with the Mill }				at	56	17	6 per Ann.	{ For like Term, dated 6th August 1808.

QUEEN'S COUNTY.

Richard Dowling — Coolevara, containing 379 Acres of Arable Land, 6 Acres and 2 Roods of Course Land, and 30 Acres of Bog, at 560*l.* per Annum, together with Sixpence in the Pound Receiver's Fees, for Four Lives or Thirty-one Years, dated 13th February 1808.

Samuel Goodbody — Part of Forest, containing 150 Acres at 157*l.* 10*s.* per Annum, for Three Lives or Thirty-one Years, dated 2d May 1808.

COUNTY DUBLIN, detached Estate.

William Ward — Lands of Killogher, containing 197 Acres, 2 Roods, at 296*l.* 5*s.* per Annum, for Three Lives or Thirty-one Years, dated 6th August 1808.

COUNTY MEATH, detached Estate.

William Henry Mooney — Part of Merrywell, containing 86 Acres, 3 Roods, 36 Perches, at 2*l.* per Acre, for Three Lives or Thirty-one Years, dated 17th September 1808.

*Gerald Strong Hussy.*