



ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. 17.

An Act to authorize the Trustees of the Will of *William Mellish* Esquire, deceased, to invest a Portion of the Funds subject to the Trusts of the Will of the said *William Mellish* in the Purchase of the Family Estates in *Ireland* of the Right Honourable *Richard* Earl of *Glengall*.

[14th August 1850.]

WHEREAS an Act of Parliament was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for the Relief of the Right Honourable Richard Earl of Glengall in respect of his Estates in the Counties of Waterford and Tipperary in Ireland, and for vesting the same Estates in Trustees for effecting such Relief:* 11 & 12 Vict. c. 22.
And whereas the said *Richard* Earl of *Glengall* intermarried with his Wife the Right Honourable *Margaret Lauretta*, now Countess of *Glengall*, in the Month of *February* in the Year One thousand eight hundred and thirty-four, and there are Issue of the said Marriage Two Children only, namely, the Lady *Margaret Butler* and the Lady *Matilda Butler*, both of them now Infants under the Age of Twenty-

[Private.]

Earl of Glengall's Estate.

Will of
William Mellish,
Esq.

one Years, the said Lady *Margaret* being of the Age of Fifteen Years, and the said Lady *Matilda* of the Age of Thirteen Years, and there is no other Issue of the said *Richard* Earl of *Glengall* now living: And whereas *William Mellish*, the Father of the said Countess of *Glengall*, made and published his last Will and Testament in Writing, duly executed and attested as by Law was then required for passing Real Estates, in the Words following:—“ I give and devise
 “ all my Real Estate whatsoever and wheresoever unto *William*
 “ *Astell* and *Benjamin Barnard*, Esquires, their Heirs and Assigns, for
 “ ever, upon the following Trusts: as to my Freehold and Copyhold
 “ Estates at *Woodford* and elsewhere in the County of *Essex*, my Free-
 “ hold Estate in the Parish of *Saint George-in-the-East, Middlesex*,
 “ formerly called the Livery Stables, but now covered with Buildings,
 “ my Freehold House in *Church Row, Hampstead*, and my Land at
 “ *Ramsay, Huntingdonshire*, in trust to pay the Rents and Profits
 “ thereof to my Daughter Lady *Edward Thynne* for her own sole
 “ and separate Use during her Life, free from the Control or Engage-
 “ ments of her present or any future Husband, and so as that she
 “ shall not be able to anticipate any Portion thereof, Remainder to
 “ the First and other Sons of my said Daughter in Tail in strict
 “ Settlement, Remainder to her Daughters as Tenants in Common in
 “ Tail, with cross Remainders among them in Tail, Remainder to
 “ my Daughter *Margaret Laurretta Mellish* for her Life for her sole
 “ and separate Use in the same Manner as her Sister, Remainder to
 “ her First and other Sons in Tail Male in strict Settlement, Remain-
 “ der to her Daughters as Tenants in Common in Tail, with cross
 “ Remainders amongst them in Tail, Remainder to my own right
 “ Heirs; and as to all my Real Estates in the Parish of *All Saints*,
 “ *Poplar*, including the *Isle of Dogs*, upon the same Trusts, for the
 “ Benefit of my Daughter *Margaret Laurretta Mellish* and her Chil-
 “ dren, and with Remainder over in case of Failure of Issue to Lady
 “ *Edward Thynne* and her Children, as I have declared with respect
 “ to the Property given to Lady *Edward Thynne* in the same Man-
 “ ner as if such Trusts *mutatis mutandis* were here repeated; I give
 “ my Leasehold House on *Richmond Terrace, Whitehall*, to my said
 “ Trustees, upon the same Trusts, for the Benefit of my Daughter
 “ Lady *Edward Thynne* and her Children, as I have declared with
 “ respect to the Real Estate given to her, or as near thereto as the
 “ Nature of the Property will admit; I give my Shares in the *East*
 “ *India Dock*, in the *Wey and Avon Canal*, and the *Poplar and*
 “ *Greenwich Ferry* to my said Trustees for the Benefit of my
 “ Daughter *Margaret Laurretta Mellish* and her Children in the
 “ same Manner; I give all my Household Furniture, Books, Plate,
 “ Linen, China, Wine, Carriages, and Horses to my Wife *Margaret Mellish*; I also give to my said Wife an Annuity of Two
 “ thousand Pounds during her Life, to be charged upon and payable
 “ out

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“ out of my funded and other Property next herein-after bequeathed,
“ to be accepted by her in lieu of all Dower to which she may be
“ entitled out of my Estate, and to be payable half-yearly, the First
“ Payment to be made at the Expiration of Six Months from my
“ Decease; I give all the Residue of my Personal Estate, whatever
“ and wheresoever, unto my said Trustees, in trust to sell my Ships
“ and Cargoes, and such other Parts thereof as they may think ad-
“ visable, and to invest the Money arising therefrom on Government
“ or Real Securities, and after providing for the Payment of the
“ Annuity to my said Wife, and paying such Legacies as I may here-
“ after give by any Codicil or Writing, to stand possessed thereof
“ upon the Trusts following, as to one Moiety thereof, in trust to
“ pay the Interest thereof to my said Daughter *Lady Edward Thynne*
“ for her sole Use for her Life, in the same Manner as I have directed
“ with respect to the Rents of the Real Estate given to her, Remain-
“ der to the Children of my said Daughter in such Shares as she
“ shall by Deed or Will appoint, and in default of such Appointment
“ to such Children equally, Sons to take vested Interests at Twenty-
“ one, and Daughters at that Age or Marriage, and in default of
“ such Issue upon the same Trusts for my Daughter *Margaret Lau-*
“ *retta Mellish* and her Children, with the like Power of Appoint-
“ ment, and if both shall die without Issue, then in trust for my next
“ of Kin, and as to the other Moiety, upon the same Trusts for my
“ Daughter *Margaret Lauretta Mellish* and her Children, with the
“ like Power of Appointment, and failing Issue to her Sister and
“ her Children, and with ultimate Remainder to my next of Kin, as
“ declared with respect to the First Moiety; and I desire that there
“ may be inserted in my Will the usual Powers with respect to
“ Maintenance and Advancement of my Daughters Children during
“ their Minorities, also full Power to my Trustees to let and manage
“ my Real Estates, and to grant Building Leases thereof, also to sell
“ or exchange any Portions thereof that they may consider desirable,
“ also to lay out any Portion of my Personal Estate in the Purchase
“ of Land, with the Consent of my Daughters respectively; I also
“ give them full Power to compound for and adjust any Debts that
“ may be due to me, and I declare that their Receipts shall be suffi-
“ cient Discharges to Purchasers and all Persons paying Money on
“ account of my Estate, and in case either of my Trustees shall die
“ or decline to act, a new Trustee shall be appointed by the Trustee
“ so declining, or Executor of such as shall die, and they shall not
“ be answerable one for another, nor for involuntary Losses, and they
“ may retain to and reimburse themselves their Trust Expenses out
“ of any Money which may come to their Hands; and I appoint my
“ said Trustees, and also *William Pitts Dimsdale, John Dimsdale,*
“ and *John Barnard*, Executors of my Will; and I revoke all former
“ Wills, and until the above can be put in the proper Form I desire
“ this

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“ this may be taken as and for my Will. In witness whereof I have
 “ hereunto set my Hand and Seal this Second Day of *November*
 “ One thousand eight hundred and thirty-three. *William Mellish.*
 “ (L. s.)—Signed, sealed, published, and declared by the above-named
 “ *William Mellish* as and for his last Will and Testament in the
 “ Presence of us, who, in his Presence, at his Request, and in the
 “ Presence of each other, have hereunto subscribed our Names as
 “ Witnesses.—*Charles Parker, 39, Bedford Row, Solicitor; Hinton*
 “ *Gibbs, John Brown, his Clerks:*” And whereas the said Testator
William Mellish died without altering or revoking the said Will on
 the Twenty-seventh Day of *January* in the Year One thousand eight
 hundred and thirty-four, leaving the said *Margaret Mellish* his Widow,
 and the Lady *Edward Thynne* and *Margaret Lauretta* now Countess
 of *Glengall*, his Two Daughters and only Children, his Co-heiresses
 at law, him surviving: And whereas the said Will was duly proved
 in the Prerogative Court of the Archbishop of *Canterbury* by *Ben-*
jamin Barnard, One of the Executors, alone, the other Executors
 therein named having respectively renounced Probate thereof: And
 whereas upon the Twenty-fifth Day of *April* One thousand eight
 hundred and thirty-four a Bill was filed by the said *Richard Earl*
 of *Glengall* and *Margaret Lauretta* his Wife against the said *Ben-*
jamin Barnard and several others for the due Administration of
 the Assets of the said *William Mellish*, and praying certain Decla-
 rations in respect of the Property settled by the said *William Mellish*
 on the Marriage of his Daughter Lady *Edward Thynne*, and agreed
 to be settled on the intended Marriage of his Daughter the Countess
 of *Glengall*, but which it is unnecessary to refer to, all the said
 Rights having been declared by the Decrees and other Proceedings
 after stated: And whereas a supplemental Bill was filed in the said
 Cause on the Fourteenth Day of *May* One thousand eight hundred and
 thirty-six, whereby the said Lady *Margaret Butler*, the eldest Child
 of the said Earl and Countess of *Glengall*, was made a Defendant,
 and Issue having been joined, the same and the said original Cause
 were set down for hearing before the Right Honourable the Master of
 the Rolls in *England*, and a Decree was pronounced therein on the
 Seventh Day of *November* One thousand eight hundred and thirty-
 six, whereby it was (among other things) declared that the said
 Will of the said Testator *William Mellish* was well proved, and that
 the Trusts thereof ought to be performed and carried into execution,
 and did order and decree the same accordingly, and it was referred
 to the Master to take an Account of the Personal Estate of the said
 Testator not specifically bequeathed, possessed, or received by or
 come to the Hands of the said *Benjamin Barnard*, and of his Appli-
 cation thereof, and that the Master should take an Account of the
 Testator's Debts, Funeral Expenses, and Legacies, and of the An-
 nuities bequeathed to the said *Margaret Mellish*, and should also
 state

Will of Wil-
 liam Mellish,
 Esq. proved
 by B. Bar-
 nard, One of
 the Execu-
 tors.

Suit for Ad-
 ministration
 of the Assets
 of William
 Mellish,
 Esq., dated
 25th April
 1834.

Supplemen-
 tal Bill, dated
 14th May
 1836.

Decree in
 original and
 supplemental
 Suit, dated
 7th Nov.
 1836.

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state to the Court the Amount of the clear Residue of the said Testator's Personal Estate, and that the same should be paid into the Bank to the Credit of the Accountant General of the said Court, to be placed to the Credit of the said Cause, and that the same should be laid out in the Purchase of Bank Three *per Cent.* Annuities in the Name and with the Privity of the said Accountant General in trust in the said original Cause; and it was ordered that so much of the Plaintiff's Bill as prayed that the Sum of One hundred thousand Pounds Three *per Cent.* Bank Annuities, proposed to be settled by the Testator in his Lifetime on the intended Marriage of the Plaintiffs, should be deemed a Debt of the said Testator, should be dismissed, and it was by the said Decree declared that One Moiety of the Residue of the said Testator's Personal Estate by the said Will bequeathed to or in trust for Lady *Edward Thynne* and her Issue, if any she might have, was to be considered a Satisfaction and in lieu of a certain Bond executed by the said Testator on the Eighth Day of *July* in the Year One thousand eight hundred and thirty; and it was ordered that the Master should report whether it would be for the Benefit of the said Lady *Edward Thynne* and her Issue, if any thereafter, to elect and take under the Provision of the said Bond, or under the said Will of the said *William Mellish*; and it was further ordered that the Master should take an Account of the Real Estates of the said Testator possessed or received by the said *William Astell* and *Benjamin Barnard*, and should report if any Contract had been entered into by the Testator for the Purchase from the *West India Dock Company* of certain Hereditaments and Premises in the Pleadings mentioned, and whether such Contract was valid and subsisting, and ought to be carried into effect, and in case *William Astell*, One of the Trustees in the said Will named, should continue his Refusal to act, that the Master should appoint a new Trustee in his Stead: And whereas on the Twenty-second Day of *February* One thousand eight hundred and thirty-seven the said Complainants filed a further supplemental Bill in said Cause, whereby the said Lady *Matilda Butler*, the only other Child of the said Earl and Countess of *Glengall*, was made a Defendant, and an Answer for the said Defendant having been filed, a further Decree, bearing Date the Third Day of *December* One thousand eight hundred and thirty-nine, was pronounced, whereby it was ordered that the Decree, dated the Seventh Day of *November* One thousand eight hundred and thirty-six, made in the said Two former Causes, and the Accounts and Inquiries thereby directed, should be carried on and prosecuted by and between the Parties to the said supplemental Suit: And whereas under the said Decrees of the Seventh Day of *November* One thousand eight hundred and thirty-six and Third Day of *December* One thousand eight hundred and thirty-nine *James William Farrer* Esquire, the Master in the said Causes, made his Report therein,

[*Private.*]

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bearing

Further supplemental Bill, dated 22d Feb. 1837.

Decree in supplemental Suit, dated 3d Dec. 1839.

Master's Report, dated 23d Dec. 1841.

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bearing Date the Twenty-third Day of *December* One thousand eight hundred and forty-one, which by an Order, bearing Date the Eighth Day of *February* One thousand eight hundred and forty-two, was absolutely confirmed, and thereby, among other things, found that the clear Residue of the said Testator's Personal Estate amounted to the Sum of Four thousand nine hundred and sixty-four Pounds Nineteen Shillings and Three-pence, due from the said *Benjamin Barnard* Fifty-eight thousand seven hundred and sixty-seven Pounds and Five-pence Bank Three *per Cent.* Annuities, Twelve thousand Pounds *East India* Stock, One hundred thousand Pounds Three *per Cent.* Reduced Annuities, and Ten thousand Pounds Stock of the Bank of *England*, standing in the Name of the said Accountant General in trust in the first-mentioned Cause, and certain outstanding Debts amounting to One hundred and forty-three Pounds Eleven Shillings and Eight-pence; and the said Master found that it would be for the Benefit of the said Lady *Edward Thynne* and her Issue to elect to take under the Provisions of the said Will, and not under the Bond of the said Testator executed on her Marriage; and the Master appointed *John Barnard* to be Trustee in the Room of the said *William Astell*, who still declined to act in the Trusts of the said Will: And whereas the said Causes came on to be heard for further Direction, and a Decree was pronounced, on the Twenty-third Day of *March* One thousand eight hundred and forty-two, whereby it was among other things ordered that so much of the Fifty-eight thousand seven hundred and sixty-seven Pounds and Five-pence Three *per Cent.* Bank Annuities standing to the Credit of the original Cause as would be sufficient to raise the Sum of Four thousand five hundred and thirty Pounds One Shilling and Four-pence should be sold, with the Privity of the Accountant General, and it was ordered that one Moiety thereof be paid to the Countess of *Glengall* for her separate Use, and the other Moiety to the said Lady *Edward Thynne* for her separate Use; and it was ordered that the Costs of all Parties should be paid between Solicitor and Client, and that so much more of the said Stock as should appear necessary should be sold to discharge the same; and it was ordered that the said Lady *Edward Thynne* and her Issue, if any, should elect to take under the Will of the said *William Mellish* in place of his Bond, bearing Date the Eighth Day of *July* One thousand eight hundred and thirty, for Sixty-six thousand six hundred and sixty-six Pounds Thirteen Shillings and Four-pence Three *per Cent.* Annuities, and after providing for the Payment of certain Annuities bequeathed by the Will of the said Testator the Court declared that the said Countess of *Glengall* and Lady *Edward Thynne* were entitled to the Interest and Dividends of the Residuary Personal Estate in equal Moieties for their separate Use; and it was ordered that the Dividends to accrue on the said Fifty-eight thousand seven hundred and sixty-seven Pounds and Five-pence Bank Three

per

Final Decree,
dated
23d March
1842.

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per Cent. Annuities, or on the Residue thereof, and on Twenty-nine thousand four hundred and forty Pounds Reduced Annuities, Residue of the said One hundred thousand Pounds like Annuities, and on the Twelve thousand Pounds *East India* Stock, and Ten thousand Pounds Bank Stock, standing in the Name of the Accountant General, should be paid to the said Countess of *Glengall* and the said Lady *Edward Thynne* in equal Shares and Proportions for their sole and separate Use during their Lives respectively, and that on the Death of either of them any of the Parties should be at liberty to apply to the Court, as Occasion might require: And whereas the said Lady *Edward Thynne* appealed against the said Decree in respect of the Direction therein contained as to the said Bond so executed upon her said Marriage, and the said Earl and Countess of *Glengall* appealed against the said Decree in respect of the Direction therein as to the Dismissal of that Portion of their said Bill which required a Declaration with reference to the said Sum of One hundred thousand Pounds Three *per Cent.* Consols constituting a Debt against the Personal Estate of the said *William Mellish*, which respective Appeals were dismissed by the Lords Spiritual and Temporal in Parliament assembled on the Twenty-first Day of *August* One thousand eight hundred and forty-eight: And whereas the said *Margaret Mellish* departed this Life on the Sixth Day of *September* One thousand eight hundred and forty-five: And whereas by an Order of the said Court of Chancery in *England*, bearing Date the Sixteenth Day of *December* One thousand eight hundred and forty-five, it was amongst other things ordered, that, subject to the Payment thereof of Annuities of One hundred Pounds and Sixteen Pounds Sixteen Shillings to *Mary Cockburn* and *Margaret Millie* respectively, as provided by the said Decree of the Twenty-third Day of *March* One thousand eight hundred and forty-two, the Dividends thereafter to accrue due on the Seventy thousand five hundred and sixty Pounds Reduced Annuities standing in the Name of the Accountant General of that Court in trust in the original Cause "The Annuities Account," should be paid to the said Plaintiff *Margaret Lauretta* Countess of *Glengall* and to the said Defendant *Elizabeth Thynne* in equal Shares and Proportions, and for their separate Use respectively, during their respective Lives or until the further Order of that Court: And whereas the said Lady *Edward Thynne* departed this Life on the Sixth Day of *March* One thousand eight hundred and forty-nine without Issue, and upon her Decease her Sister the said Countess of *Glengall* became entitled to all the Estates, Real and Personal, of the said *William Mellish*, for her Life, for her separate Use: And whereas by an Order of the said Court of Chancery in *England*, bearing Date the Second Day of *June* One thousand eight hundred and forty-nine, it was amongst other things ordered that, subject to the Payment of the said Annuities of One hundred Pounds and

Sixteen

Appeals of
Lady E.
Thynne and
Earl and
Countess of
Glengall
dismissed
the 21st Aug.
1848.

Order of
Court, dated
16th Dec.
1845, on
Death of
Mrs. Mellish.

Order of
Court, dated
2d June 1849
on Death of
Lady Edward
Thynne.

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Sixteen Pounds Sixteen Shillings to the said *Mary Cockburn* and *Margaret Millie* respectively out of the Dividends thereafter to accrue due on the Seventy thousand five hundred and sixty Pounds Reduced Annuities standing in the Name of the said Accountant General in trust in the first-mentioned Cause "The Annuities Account," the Dividends thereafter to accrue due on the Fifty-five thousand five hundred and eighty-five Pounds One Shilling and Sixpence Bank Three Pound *per Cent.* Annuities, Twenty-nine thousand four hundred and forty Pounds Reduced Annuities, Twelve thousand Pounds *East India* Stock, and Ten thousand Pounds Bank Stock, standing in the Name of the Accountant General of that Court in trust in the first-mentioned Cause, and the Bank Annuities to be purchased with the Sum of One hundred Pounds as therein was directed, and on the Seventy thousand five hundred and sixty Pounds Reduced Annuities standing in the Name of the said Accountant General in trust in the first-mentioned Cause "The Annuities Account," should be paid to the said *Margaret Lauretta* Countess of *Glengall* for her separate Use during her Life, or until the further Order of the Court: And whereas the said *Benjamin Barnard* died on the Thirtieth Day of *April* One thousand eight hundred and forty-eight, and *Joseph Cockfield Dimsdale* of *Cornhill* in the City of *London*, Banker, has by an Order of the said Court of Chancery, bearing Date the Twenty-third Day of *May* One thousand eight hundred and fifty, been appointed a Trustee under the Will of the said *William Mellish* in the Place of the said *Benjamin Barnard* deceased: And whereas the only Annuities now payable out of the Estate of the said *William Mellish* are One hundred Pounds to the said *Mary Cockburn* and Sixteen Pounds Sixteen Shillings to the said *Margaret Millie*: And whereas under the Settlement bearing Date the Eighth Day of *July* One thousand eight hundred and thirty executed on the Marriage of the said Lord *Edward Thynne* and the said *Elizabeth Mellish*, which Marriage was shortly afterwards solemnized in pursuance of an Agreement therein contained, amongst other things, a Sum of Thirty-three thousand three hundred and thirty-three Pounds Six Shillings and Eight-pence Consolidated Bank Annuities was transferred into the Names of Lord *Henry Thynne*, Lord *John Thynne*, *William Astell*, and *Benjamin Barnard* as Trustees of the said Settlement, upon trust to pay the Dividends thereof unto the said Lord *Edward Thynne* during his Life, and from and after his Decease in trust to pay the said Dividends unto the said *Elizabeth Mellish* during her Life, and after the Decease of the Survivor in trust for the Child or Children of the said Marriage as therein provided, and if there was no Issue of the said Marriage, immediately after the Death of the Survivor of them the said Lord *Edward Thynne* and *Elizabeth Mellish*, in trust for the said *William Mellish*, his Executors, Administrators, and Assigns: And whereas the Estates of the said *Richard Earl of Glengall*

Settlement
on Marriage
of Lord and
Lady E.
Thynne,
dated
8th July
1830.

Proportions
as to Settle-

Earl of Glengall's Estate.

gall situate in the Counties of *Tipperary* and *Waterford* in *Ireland*, mentioned or referred to in the said recited Act, are ancient Family Estates and are heavily encumbered, and the same or some Part of them may be sold, and it is highly desirable that the said Estates should be preserved for the Family of the said *Richard* Earl of *Glengall*, and it is conceived that the Objects aforesaid will be best attained if the said Estates or Parts thereof were purchased with and out of the Trust Funds of the said *William Mellish*, and that the said Estates, when and if the same shall be so purchased, should be so settled and assured as that the Rents, Issues, and Profits of the same should be received by the said Countess of *Glengall* for her sole and separate Use during her Life, in lieu of the Interest, Dividends, and Proceeds of the Trust Funds so applied, and, subject to the Life Estate of the said Countess, that the said Estates should be settled for the Benefit of the Children of the said Countess, as provided by the Will of the said *William Mellish*: And whereas by an Order of the Right Honourable the Master of the Rolls, bearing Date the Twelfth Day of *July* in the Year One thousand eight hundred and fifty, made in the said Chancery Causes herein-before recited, after declaring that it was the Opinion of his Lordship that it would be for the Benefit of the Petitioner the Countess of *Glengall*, and the infant Defendants *Lady Margaret Butler* and *Lady Matilda Butler*, that the Bill introduced into Parliament by the said Earl of *Glengall* and Countess of *Glengall* his Wife on behalf of themselves and the said *Lady Margaret Butler* and *Lady Matilda Butler*, for authorizing the Purchase of the Estates of the said *Richard* Earl of *Glengall* in *Ireland*, should pass into Law upon the Introduction in such Bill of Clauses authorizing and requiring the Trustees of the said Will of the said *William Mellish* to bid or agree to pay for the said Estates, or any Parts thereof, such Sum or Sums as the said Court should approve of; and it was ordered, in case the said Bill with such Clauses should pass into a Law, that the said Petitioner, and the said Infants *Lady Margaret Butler* and *Lady Matilda Butler*, and the said Trustees, or any of them, should be at liberty from Time to Time to lay before the Master to whom the said Causes stood referred, or the Master of the Court in attendance during the Vacation, Proposals relative to the Biddings to be made or Price to be offered for the said Estates, or the Parts thereof to be purchased as aforesaid, and for the Purpose of carrying into execution any such intended Purchase, and it was ordered that the Master before whom such Proposals should be laid should state the same, with his Opinion thereon, to the Court, and also out of what Fund the Purchase Money for any Purchases which he should approve ought to be paid, and such further Orders should be made from Time to Time after such Reports should have been made as should be just: And whereas if such Purchase as is before mentioned were carried into effect the

ment of Trust Estates.

Order of Court of Chancery in England, 12th July 1850.

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natural Position of the said Children of the said Earl and Countess of *Glengall* would be hereafter maintained in *Ireland*, and by the Management of the said Estates under the Control of the said Countess of *Glengall* and her Trustees considerable annual Improvements may be accomplished, and much Benefit arise to the Part of *Ireland* in which such Estates are situated: And whereas inasmuch as by reason of the Trusts and Provisions in the said recited Will of the said *William Mellish* contained the said beneficial Objects cannot be effectually attained without the Aid and Authority of Parliament, therefore Your Majesty's most dutiful and loyal Subjects, the said *Richard Earl of Glengall* and *Margaret Lauretta Countess of Glengall*, on behalf of themselves and of the said Lady *Margaret Butler* and Lady *Matilda Butler*, their only Children, do hereby humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen'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 in case of any Sale or Sales of the said Manors and Hereditaments comprised or mentioned in the said recited Act, or any of them, either together or in Lots, by public Auction, or in case an Offer for the Sale of the same Manors and Hereditaments, or any of them, by private Contract shall be made to the said *John Barnard* and *Joseph Cockfield Dimsdale*, or the Survivor of them, or other the Trustees or Trustee for the Time being of the said Will of the said *William Mellish*, the said Trustees or Trustee for the Time being are and is hereby authorized and required to bid or agree to pay for the Hereditaments so offered or put up for Sale, or any of them, such a Sum or Sums of Money (to be raised out of the said Personal Estate of the said *William Mellish*, including, if necessary, the Proceeds of the Sale of any Parts of his Real Estates which have been or may be sold by virtue of his Will, or any Part of such Proceeds,) as the Master in Chancery to whom the said Causes stand referred, or the Vacation Master, shall determine to be fit and proper to be bid or paid for the Purchase of such Hereditaments, and it shall and may be lawful for the said Court of Chancery to direct that the Trustees or Trustee of the said Will of the said *William Mellish* shall enter into such Contracts and Agreements for the Purchase or Purchases of the said Manors, Lands, and Hereditaments, or any Parts thereof, as the said Court shall approve, and to make such Orders relative to and for the Completion of such Purchase or Purchases as the said Court shall think proper, and the said Trustees or Trustee shall do all Acts necessary to be done by them or him for carrying such Orders as aforesaid into effect: Provided nevertheless, that no such Purchase shall be completed unless or until such a Title shall be shown to the Hereditaments so to be purchased as the said Court of Chancery shall approve of.

Trustees
of Will of
William Mellish,
Esq.
authorized
and required
to become
Purchasers.

II. And

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II. And be it enacted, That with a view to completing any such Purchase or Purchases as aforesaid it shall and may be lawful for the said Trustees or Trustee of the said Will, and they and he are and is hereby required, to get in and dispose of or convert into Money such Personal Estate, or any Part thereof, including, if necessary, such Proceeds as aforesaid of the said Testator's Real Estate, and to apply the Money so raised for the Purposes aforesaid, and it shall be lawful for the said Court of Chancery in *England* to make such Orders as may be requisite and necessary for enabling the said Trustees or Trustee or the Accountant General of the said Court to sell, dispose of, or transfer and apply in manner directed by this Act so much of the said Personal Estate and Property of the said *William Mellish*, including such Proceeds as aforesaid of his Real Estates, as may be under the Control of the said Court, and as shall be necessary for the Purpose of paying or providing for the Purchase Money of the Hereditaments so purchased, or any Part of such Purchase Money, and also to pay the Costs, Charges, and Expenses preparatory to and attendant upon the making and Completion of such Purchase.

If Trustees of *William Mellish*, Esq. shall become Purchasers, Price to be produced from their Trust Funds.

III. Provided nevertheless, and be it enacted, That no Purchase under the Provisions of this Act shall be made by the said Trustees or Trustee of the said Will of the said *William Mellish* without the Consent of the said Countess of *Glengall* during her Life, in case she shall at the Period thereof be living, or without the Consent of the Guardian or Guardians of the Child or Children of the said Countess of *Glengall* during the Minority or Minorities of such Child or Children in case of her Decease.

No Purchase to be made without the Consent of the Countess of *Glengall*, &c.

IV. And be it enacted, That in case the said Trustees or Trustee of the said Will of the said *William Mellish* shall become the Purchasers or Purchaser of the said Manors, Lands, and Hereditaments, or any Part or Parts thereof, the Manors, Lands, and Hereditaments so purchased and conveyed to such Trustees or Trustee shall be held by them or him, their or his Heirs or Assigns, to, for, and upon the several Trusts, Intents, and Purposes following; that is to say, as to so much of the said Manors, Lands, and Hereditaments as shall be purchased with Money arising from the Personal Estate of the said *William Mellish* upon the several Trusts, Intents, and Purposes expressed and declared in and by the said Will of the said *William Mellish*, and subject to the several Powers therein contained in respect of his Personal Estate, and as to so much of the said Manors, Lands, and Hereditaments as shall be purchased with Money arising from the Sale of any Part of the Real Estates of the said *William Mellish* to, for, and upon the several Trusts, Intents, and Purposes mentioned, expressed, and declared in and by the said Will of the said *William Mellish*, and subject to the several Powers therein contained

Manors, &c. to be vested, after Conveyance in Trustees of Will of *William Mellish* upon certain Trusts.

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tained in respect of his said Real Estate, and to and for no other Use, Intent, or Purpose whatsoever.

Leasing
Power by
Countess of
Glengall, &c.

V. And be it enacted, That it shall and may be lawful to and for the said *Margaret Lauretta* Countess of *Glengall* during her Life, and after her Decease for the Guardian or Guardians of any Infant, who under the Provisions of this Act may from Time to Time become seised or entitled to an Estate or Interest in the Manors, Lands, and Hereditaments aforesaid, to demise or lease the same to such Person or Persons as may be willing to become Tenant or Tenants thereof, or of any Part or Parts thereof, for any Term or Terms not exceeding that of Thirty-one Years, the same to commence in possession, or within One Year from the Expiration of any subsisting Lease of the Hereditaments so proposed to be leased, but not otherwise, in reversion, and every such Lease to be made at the best and most improved Rent, without taking any Fine or pecuniary Consideration by way of Fine that can or may be had or gotten for the same, and to contain all necessary Covenants for the good Cultivation and Improvement of such Holdings, and so as in every Case a Counterpart of every such Lease be executed.

Extension
of Term
when for the
Purposes of
building.

VI. Provided always, and be it enacted, That in case of any Lease or Leases being required for the Purposes of building or rebuilding or of repairing Buildings upon the said Manors, Lands, and Hereditaments; it shall and may be lawful for the Person or Persons aforesaid to make and execute such Lease or Leases for any Term not exceeding Ninety-one Years. at the best and most improved Rent as aforesaid, without taking any Fine or pecuniary Consideration by way of Fine, and with all necessary Covenants to insure the Performance of any Agreements that may be entered into by any Tenant or Tenants in respect of the Buildings and Improvements to be erected or done on the same or any Part thereof: Provided also, that it shall be lawful for the Person or Persons aforesaid to make such Grants or Demises of any of the said Hereditaments which are held on Grant or Lease, with Covenants for perpetual Renewal, as the respective Persons entitled to the Benefit of such Covenants are or may be entitled to require.

Power to sell
or exchange
Lands.

VII. And be it enacted, That it shall and may be lawful for the Trustees or Trustee for the Time being of the said Will of the said *William Mellish* from Time to Time, with the Assent of the said *Margaret Lauretta* Countess of *Glengall*, to sell or exchange any Portions of the said Manors, Lands, and Hereditaments, and to purchase or substitute other Freehold Lands in *Great Britain* or *Ireland* for and in respect of those sold or exchanged, and the Conveyance and Conveyances of said Trustees or Trustee of the Hereditaments
which

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which shall be sold or given in exchange shall be good and valid Assurances to the Person or Persons to whom same shall be made, or to the Uses which such Person or Persons shall direct, and the Receipt or Receipts of such Trustees or Trustee shall be good and valid Discharges for any Money which he or they may receive in respect of the Hereditaments which shall be sold or given in exchange by them or him, and the Purchaser or Purchasers thereof shall not be bound in any Manner to look to the Application of his, her, or their Purchase Money, or be in any way answerable for the Non-application or Misapplication thereof, and the Lands, Hereditaments, or Premises which shall be purchased or taken in exchange by said Trustees or Trustee shall be settled and conveyed to the same Uses, Trusts, and Purposes, and be subject to the same Powers, as shall for the Time being be subsisting by virtue of this Act in respect of the said Manors, Lands, and Hereditaments hereby authorized to be purchased.

VIII. And be it enacted, That after the Decease of the said *Margaret Lauretta* Countess of *Glengall* it shall and may be lawful for the Trustees or Trustee for the Time being of the said Estates during the Minority of any Child or Children who shall, expectantly or presumptively, be entitled to the said Manors, Lands, and Hereditaments, if purchased as aforesaid, or any Share or Interest therein, from Time to Time to make such annual Allowance or Allowances out of the Rents and Profits thereof unto the Guardian or Guardians of such Child or Children as may to the said Trustees or Trustee appear necessary or requisite for the Support, Maintenance, Education, or Advancement of such Child or Children, so as such Allowance do not amount to more than the annual Income of the expectant or presumptive Share or Proportion of each such Child, and from Time to Time to diminish or increase such Allowance or Allowances as to the said Trustees or Trustee in their or his Discretion shall seem fit.

Provision
for Infants
during Mi-
nority.

IX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Person and Persons, Bodies Politic, Corporate, and Collegiate, his and their Heirs, Successors, Executors, and Administrators, (other than and except the said *Margaret Lauretta* Countess of *Glengall*, her Heirs, Executors, and Administrators, and the said *Richard* Earl of *Glengall*, and the first and all and every other the Sons and Son hereafter to be born of the said *Margaret Lauretta* Countess of *Glengall*, and the Heirs of the Body, Executors, and Administrators of all such Sons, severally and respectively, and the said Lady *Margaret Butler* and Lady *Matilda Butler*, and the Heirs of their Bodies, and Executors and Administrators, severally and respectively, and all and every the Daughters

General
Saving.

[Private.]

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and

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and Daughter hereafter: to be born of the said *Margaret Laretta* Countess of *Glengall*, and the Heirs of the Body, and Executors and Administrators of all such Daughters, severally and respectively, and the right Heirs of the said Testator *William Mellish*,) all Right, Title, and Interest which they or any of them could or might have held or enjoyed therein had this Act not been passed.

Act as
printed by
Queen's
Printers to
be Evidence.

X. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.