



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## Cap. 18.

An Act to authorize the Sale of certain Messuages, Lands, and Hereditaments in the East Riding of the County of *York*, Part of the Estates devised and settled by the Will of *Bertram Osbaldeston Mitford* Esquire, deceased, and for laying out the Money produced by such Sale in the Purchase of other Estates. [31st July 1854.]

**W**HEREAS *Bertram Osbaldeston Mitford*, late of *Mitford Castle* in the County of *Northumberland*, and of *Hunmanby* in the County of *York*, Esquire, deceased, made and duly executed his last Will and Testament in Writing, bearing Date the Ninth Day of *February* One thousand eight hundred and thirty-eight, whereby he devised to his Wife *Frances Osbaldeston Mitford* for her Life, she continuing his Widow, an Annuity of One thousand three hundred Pounds, and to his Cousin *Bertram Mitford* for his Life an Annuity of Fifty Pounds, and he charged the said Annuities respectively on his Real Estates in the County of *York*, and after bequeathing certain Chattels unto his Wife he devised unto her during her Life, she continuing his Widow, his Mansion House at *Mitford*,

Will of  
Bertram  
Osbaldeston  
Mitford,  
dated 9th  
February  
1838.

[Private.]

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together



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together with the Offices, Gardens, Hothouses, Greenhouses, Shrubberies, and Grounds called the *Lawn*, containing in the whole Fifty Acres, more or less, as then occupied by himself, she keeping the whole in good Repair and Condition, and after giving certain pecuniary Legacies to be paid out of his Personal Estate, subject and without Prejudice to the Estate and Interest of his said Wife in his said Mansion House and Premises at *Mitford* therein-before given to her, and subject to the said Two Annuities of One thousand three hundred Pounds and Fifty Pounds, he devised all his Freehold Manors, Messuages, Lands, Tenements, Tithes, Advowsons, Hereditaments, and Real Estate whatsoever, situate and being in the said Counties of *Northumberland* and *York* or elsewhere, except Real Estates vested in him by way of Mortgage or in trust, unto *George Hutton* of *Carlton-upon-Trent* in the County of *Nottingham*, Esquire, and *Charles John Bigge* of *Dunston Hill* in the County of *Durham*, Esquire, and their Heirs, to the Uses following; that is to say, to the Use of them the said *George Hutton* and *Charles John Bigge*, their Executors, Administrators, and Assigns, for a Term of Nine hundred Years, to be computed from the Day of his Decease, without Impeachment of Waste, upon the Trusts therein-after expressed and declared of and concerning the same; and from and after the Expiration of the said Term, and subject thereto in the meantime, to the Use of the Heirs of his the said Testator's own Body lawfully issuing; with Remainder to the Use of his Brother *Robert Mitford*, during his Life, without Impeachment of Waste, except wilful and permissive Waste in Houses; with Remainder to the Use of *Addison John Cresswell Baker* of *Cresswell* in the said County of *Northumberland*, Esquire, and *John Manners Fenwick* of *Long Witton* in the same County, Esquire, their Executors, Administrators, and Assigns, during the Life of his said Brother *Robert Mitford*, upon trust to support the contingent Uses therein-after limited; with Remainder to the Use of the First and other Sons of the said *Robert Mitford*, severally and successively according to their respective Seniorities in Tail Male; with Remainder to the Use of his the said Testator's Second Cousin *John Philip Mitford* (therein by Mistake called *John Mitford*), Son of his late Cousin *Robert Mitford*, and Grandson of his late Uncle *John Mitford*, during his Life, without Impeachment of Waste, except as aforesaid; with Remainder to the Use of the said *Addison John Cresswell Baker* and *John Manners Fenwick*, their Executors and Administrators, during the Life of his said Second Cousin *John Philip Mitford*, upon Trust to support the contingent Uses therein-after limited; with Remainder to the Use of the First and other Sons of his said Second Cousin *John Philip Mitford*, severally and successively according to their respective Seniorities in Tail Male; with Remainder to the Use of his the said Testator's Second Cousin *Edward Ledwich Mitford* (therein by Mistake called *Edward Mitford*), Third Son of his said late Cousin

*Robert*



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*Robert Mitford*, and another Grandson of his said late Uncle *John Mitford*, for his Life, without Impeachment of Waste, except as aforesaid; with Remainder to the Use of the said *Addison John Cresswell Baker* and *John Manners Fenwick*, their Executors and Administrators, during the Life of his said Second Cousin *Edward Ledwich Mitford*, upon trust to support the contingent Uses therein-after limited; with Remainder to the Use of the First and other Sons of his said Second Cousin *Edward Ledwich Mitford*, severally and successively according to their respective Seniorities in Tail Male; with Remainder to the Use of the Right Honourable *John Thomas Lord Redesdale* during his Life, without Impeachment of Waste, except as aforesaid; with Remainder to the Use of the said *Addison John Cresswell Baker* and *John Manners Fenwick*, their Executors and Administrators, during the Life of the said *John Thomas Lord Redesdale*, upon trust to support the contingent Uses therein-after limited; with Remainder to the Use of the First and other Sons of the said *John Thomas Lord Redesdale*, severally and successively according to their Seniorities in Tail Male; with Remainder to the Use of his the said Testator's own right Heirs for ever; with a Power for the respective Tenants for Life, under the Limitations herein-before contained, to appoint a Rentcharge of Six hundred Pounds a Year to their respective Wives, as therein mentioned; and also a Power for them respectively to appoint a Sum of Eight thousand Pounds for the Portions of their respective Daughters and younger Sons, in manner therein mentioned; and as to the said Term of Nine hundred Years therein-before limited to the said *George Hutton* and *Charles John Bigge*, he the said Testator declared that the same was so limited to them upon trust to secure in manner therein mentioned the said Two Annuities of One thousand three hundred Pounds and Fifty Pounds, and upon further trust to raise and levy all such Sums of Money as should be necessary for the Purpose of discharging such of his Debts and Funeral and Testamentary Expenses, and the pecuniary Legacies given by his said Will, or which he might give by any Codicil or Codicils thereto, as his residuary Personal Estate therein-after disposed of should be insufficient to pay; and as to all his Copyhold or Customary Messuages, Lands, Tenements, Tithes, and other Hereditaments and Premises in the said County of *York*, he gave and devised the same and every Part thereof respectively, with their and every of their Appurtenances, unto and to the Use of the said *George Hutton* and *Charles John Bigge*, their Heirs and Assigns, in trust for such Person or Persons, and for such Estates and Interests, and with such Remainders over, and subject to such Powers, Provisoos, and Declarations as were therein-before limited, expressed, and declared of and concerning the Freehold Estates, or as near thereto as might be, and the Nature of the same Copyhold or Customary Premises would admit of, other than and except the said Term of Nine hundred Years, and the Trusts therein-before  
declared



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declared concerning the same, to the Intent that the same might be held and enjoyed and go along with his said other Estates, so far as the Rules of Law and Equity would allow; and he gave and bequeathed all his Messuages, Lands, Tenements, Tithes, and other Premises in the said County of *York*, which he held by virtue of or under any Lease or Leases for Lives or Years unto and to the Use of the said *George Hutton* and *Charles John Bigge*, their Heirs, Executors, Administrators, and Assigns respectively, for all such Term, Estate, and Interest as he should have therein at the Time of his Death (freed and discharged of and from all Debts, Funeral and Testamentary Expenses, Rentcharges and Legacies), in trust to do or join in every Act that might be necessary for obtaining a new Lease or Leases of the same Premises respectively, from Time to Time, as often as should be necessary, and by and out of the Rents and Profits of the same Premises to pay the Rents reserved and to be reserved by the then present and all future Leases thereof, and to perform the Covenants and Agreements therein contained and to be contained, and also by and out of the Rents and Profits of the said Leasehold Premises, or by Mortgage thereof, to raise and levy from Time to Time such Sum or Sums of Money as should be sufficient for paying the Fines, Fees, and Expenses incident to or attending every Renewal of the Lease or Leases of the said Leasehold Premises, and to pay and apply the Money so to be raised for the answering of that Purpose; and he declared and directed that they his said Trustees should stand and be seised, possessed of, and interested in all the said Leasehold Premises, during the Continuance of the then present and all future Leases thereof, (subject nevertheless to the Trusts therein-before thereof declared,) in trust for such Person and Persons, and for such Estates and Interests, and with such Remainders over as were therein-before limited, expressed, and declared of and concerning his said Freehold Estates, or as near thereto as might be, and the respective Natures of such Leasehold Premises would admit of, (other than and except the said Term of Nine hundred Years,) to the end that the same Leasehold Premises might be held and enjoyed and go along with his said Freehold Estates, so far as the Rules of Law or Equity would allow; and he gave and bequeathed all his Plate, Linen, China, Books, Pictures, Prints, Household Goods and Furniture, Garden, Greenhouse, and Hothouse Utensils and Implements, which should be in or about his Mansion House and Premises at *Mitford* at the Time of his Death unto the said *George Hutton* and *Charles John Bigge*, their Executors and Administrators, in trust to permit and suffer his dear Wife to have the Use and Enjoyment thereof during her natural Life, she continuing his Widow, and from and after her Death or Marriage the same should be in trust for such Person as by virtue of that his Will should become entitled to his said Mansion House at *Mitford* immediately on the Death or Marriage of his said dear Wife; and he did



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did earnestly request his said Wife to make his Mansion House at *Mitford* the principal Place of her Residence, and that she would not convert the *Lawn* or any Part thereof into Tillage, but keep the same in Grass, and that she would keep the said Mansion House, with the Walks, Pleasure Grounds, Trees, Plantations, Shrubberies, Greenhouses, Hothouses, and other Things belonging thereto, in thorough Repair, and in neat and good Order and Condition; and he directed that she should not let or allow the same or any Part thereof to be occupied by any other Person whomsoever; and as to the Residue of his Personal Estate he bequeathed the same to the said *George Hutton* and *Charles John Bigge*, upon trust to pay thereout all his Debts, Funeral and Testamentary Expenses, and the several pecuniary Legacies given by his said Will; and in case there should be any Residue after such Payments as aforesaid, he directed that the same should be in trust for his said Brother *Robert Mitford*; and he appointed the said *George Hutton* and *Charles John Bigge* Executors of his said Will: And whereas the said Testator *Bertram Osbaldeston Mitford* died on the Twenty-seventh Day of *February* One thousand eight hundred and forty-two, without Issue, and leaving his said Brother *Robert Mitford* his Heir-at-Law, and without having revoked or altered his said Will, and the same was proved in the Prerogative Court of *York* on the Tenth Day of *June* in the same Year by the said Executors therein named: And whereas the said *Frances Osbaldeston Mitford*, the Widow of the said Testator, is still living, and continues unmarried: And whereas the said *Bertram Mitford*, the Cousin of the said Testator, is still living: And whereas the said *Robert Mitford*, the Brother and Heir-at-Law of the said Testator, is still living, and is in the Possession of the Estates devised by the said recited Will in strict Settlement as aforesaid, or in the Receipt of the Rents and Profits thereof: And whereas the said *Robert Mitford* has not had any Male Issue: And whereas the said *John Philip Mitford*, the Second Cousin of the said Testator, is still living, but has not any Issue: And whereas the said *Edward Ledwich Mitford*, the Second Cousin of the said Testator, is married, and has had Issue *Cuthbert Philip Mitford* his eldest Son, who was born on the Twenty-second of *January* One thousand eight hundred and forty-five, *Robert Mitford*, who was born on the Twenty-fifth of *November* One thousand eight hundred and forty-six, and *Edward Mitford*, who was born in the Month of *October* One thousand eight hundred and fifty-three, and no other Male Issue: And whereas the said *Cuthbert Philip Mitford* died on the Thirty-first Day of *March* One thousand eight hundred and fifty-four: And whereas the said *John Thomas Lord Redesdale* is still living, and a Bachelor: And whereas the said *George Hutton*, who is now called *George Hutton Riddell*, is still living: And whereas the said *Charles John Bigge* died on the Sixteenth Day of *March*

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One thousand eight hundred and forty-six: And whereas the said Testator *Bertram Osbaldeston Mitford* expended a large Sum of Money in erecting his Mansion House at *Mitford* aforesaid, so devised to his said Wife during her Life and Widowhood as aforesaid, and in furnishing and embellishing the same, and in forming and laying out the Gardens and Pleasure Grounds thereunto belonging: And whereas the said Mansion House and Premises at *Mitford* aforesaid form a very desirable Residence for the Owner for the Time being, of the Estates devised by the said recited Will in strict Settlement as aforesaid, but the Influence and Convenience of such Owner would be greatly increased if a larger Portion of the settled Estates were adjoining to or in the Vicinity of the said Mansion House and Premises: And whereas there are certain Estates or Properties in the said County of *York* which are surrounded by or adjoin certain of the Hereditaments in the same County so devised by the said recited Will as aforesaid, which it is very desirable should be purchased, and annexed to and held together with the said Hereditaments so devised as aforesaid: And whereas the Lands and Hereditaments mentioned and comprised in the Schedule hereunder written are Part of the Estates of the said Testator situate and being in the said County of *York*, and are not of any Importance to be held with the Remainder of the Estates of the said Testator so devised in strict Settlement as aforesaid, and it would be for the Advantage of the several Persons interested under the Limitations contained in the said recited Will of the Estates thereby devised in strict Settlement if the said Hereditaments comprised in the said Schedule were sold and disposed of, and the Monies thence arising were laid out in the Purchase of other Hereditaments situate, lying, or being in the said Counties of *York* and *Northumberland*, or one of them; but the same cannot be effected without the Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Frances Osbaldeston Mitford* and *Bertram Mitford*, the said *Robert Mitford* and *John Philip Mitford* on behalf of themselves and their respective Issue Male, if any, who shall hereafter be born, the said *Edward Ledwich Mitford* on behalf of himself and of his said Infant Sons, and of their respective Issue Male, and of any other Issue Male which he the said *Edward Ledwich Mitford* may hereafter have, and the said *John Thomas Lord Redesdale* on behalf of himself and his Issue Male, if any, who shall hereafter be born, do most 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,

Short Title.

I. That in citing this Act for any Purpose it shall be sufficient to use the Expression "*Mitford's Estate Act, 1854.*"

II. That



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II. That from and immediately after the passing of this Act such of the Lands and Hereditaments mentioned and comprised in the Schedule hereunder written as are of Freehold Tenure, the same being Part of the Hereditaments comprised in and devised by the said recited Will of the said *Bertram Osbaldeston Mitford* deceased, in strict Settlement, and every of them, and every Part of the same, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits thereof, shall be vested in and settled upon the said *George Hutton Riddell* of *Carlton-upon-Trent* in the County of *Nottingham*, Esquire, and the Reverend *Robert Mitford Taylor* of *Hunmanby* aforesaid, Clerk, and their Heirs and Assigns, for ever, freed and absolutely acquitted, exonerated, and discharged of and from all and every the Uses, Estates, Trusts, Entails, Remainders, Limitations, and Conditions, Powers, Charges, Provisoos, and Declarations in and by the said herein-before recited Will of the said *Bertram Osbaldeston Mitford* deceased created and declared of and concerning the same Premises respectively, but subject and without Prejudice to any existing Lease or Leases of the same, upon and for the Trusts, Intents, and Purposes herein-after expressed and declared of and concerning the same; that is to say, upon trust that the said *George Hutton Riddell* and *Robert Mitford Taylor*, or the Survivor of them, or other the Trustees or Trustee for the Time being acting under this Act, and who are and is herein-after referred to as the said Trustees or Trustee, shall, when and so soon as they or he shall think fit, with the Consent in Writing of the said *Robert Mitford* during his Life, and after his Decease then with the Consent in Writing of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments comprised in and devised by the said recited Will in strict Settlement as aforesaid, or in case of such Person or Persons being an Infant or Infants, then with the Consent in Writing of the Guardian or Guardians of such Infant or Infants, absolutely sell and dispose of the said Hereditaments and Premises so hereby vested in the said *George Hutton Riddell* and *Robert Mitford Taylor*, their Heirs and Assigns as aforesaid, with their and every of their Appurtenances, and the Fee Simple and Inheritance thereof, either by Public Auction or Private Contract, or partly by Public Auction and partly by Private Contract, and either together and in One Lot or by Parcels and in several Lots, as the said Trustees or Trustee shall deem expedient, unto any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof or of any Part thereof respectively, and for the best Price or Prices that at the Time of such Sale or Sales can or may be reasonably had or gotten for the same, and upon such Terms and subject to such Conditions or Stipulations as to the Title to be required or accepted by the Purchaser or Purchasers of the said Hereditaments

Freehold Estates vested in Trustees, with Powers of Sale.

and



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and Premises, or any Part thereof, or the Evidence of such Title, or the Conveyance or Assurance of the said Hereditaments and Premises or any Part thereof, or otherwise as they or he shall think fit, with full Power to buy in the said Hereditaments and Premises, or any Part or Parts thereof, at any such Auction, or to rescind or vary the Terms or Conditions of any Contract or Contracts which may be entered into for the Sale of the same or any Part or Parts thereof, and to resell the Hereditaments which shall be so bought in, or the Contract or Contracts for the Sale of which shall be rescinded or abandoned as aforesaid, without any Liability to answer for any Loss or Diminution of Price which may be the Consequence of so doing, and upon Payment, in manner herein-after mentioned, of the Money arising from such Sale or Sales as aforesaid, do and shall convey and assure the said Hereditaments and Premises so to be sold as aforesaid, with their Appurtenances, unto the Purchaser or Purchasers thereof respectively, and his, her, or their Heirs or Assigns, or to such Uses and in such Manner as he, she, or they respectively shall direct, freed, exonerated, and discharged as aforesaid.

Power of  
Sale of  
Copyhold  
Parts of  
Estates.

III. That it shall be lawful for the said Trustees or Trustee, and they and he are and is hereby empowered, with such Consent as aforesaid, absolutely to sell and dispose of such of the Lands and Hereditaments mentioned and comprised in the Schedule to this Act as are of Copyhold or Customary Tenure, in the same Manner and with the same Powers as they and he are and is hereby authorized to sell and dispose of the said Hereditaments of Freehold Tenure, and either separately or together therewith; and further, that it shall be lawful for the Person or Persons having the legal Estate in any Copyhold or Customary Hereditaments which shall be so sold, and he and they is and are hereby empowered, to make, do, and execute such Surrenders, Acts, and Deeds as shall be necessary or deemed expedient in order to effect any such Sale, and to vest the Premises sold in the Purchaser or Purchasers, or as he, she, or they shall direct.

Purchase  
Monies to  
be paid into  
Bank in the  
Name of the  
Accountant  
General.

IV. That the Monies arising from any Sale of Hereditaments to be effected under this Act shall be paid by the Persons or Persons to whom such Sale shall be made into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, "*Ex parte* the Purchaser or Purchasers of Part of the *Yorkshire* Estates devised by the Will of *Bertram Osbaldeston Mitford*, deceased," pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His Majesty King *George* the First, Chapter 32, and to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King *George* the Second, Chapter 24.

V. That



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V. That the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of One of the Cashiers of the Bank of *England* to be thereto annexed, and therewith filed in the Register Office of the said Court, of the Payment into the Bank of *England*, by or on behalf of such Purchaser or Purchasers as aforesaid, of his, her, or their respective Purchase Money or Purchase Monies, or an Office Copy or Copies thereof, shall be deemed and taken to be a good and sufficient Discharge or good and sufficient Discharges to such Purchaser or Purchasers respectively, and to his, her, or their Heirs, Executors, Administrators, and Assigns, for the same, or so much thereof as therein respectively shall be expressed to have been paid, and that such Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, or any of them, shall not afterwards be liable to see to the Application of such Monies, or be answerable or accountable for any Loss, Misapplication, or Non-application of the same or of any Part thereof.

Certificate of Accountant-General, with Receipt of Cashier of Bank, to discharge Purchasers.

VI. That out of the Monies to be paid into the Bank as aforesaid the Costs and Expenses which have been or shall be incurred preparatory to and in applying for and obtaining this Act, and the Costs, Charges, and Expenses of or attending the Sale or Sales hereby authorized to be made, and of or attending any Application or Proceeding in the said Court of Chancery under this Act, shall be paid and satisfied, and the Residue of such Monies shall with all convenient Speed, upon Petition to be presented to the said Court in a summary Way by the Person or Persons who if such Monies were then invested as by this Act directed would be beneficially entitled in possession to the Rents and Profits of the Hereditaments purchased, if such Person or Persons shall be of the Age of Twenty-one Years, or if not, then by his, her, or their Guardian or Guardians, be invested in the Purchase of Hereditaments in the Counties of *York* and *Northumberland*, or One of them, of Freehold or Copyhold or partly of Freehold and partly of Copyhold Tenure, of an Estate of Inheritance in Fee Simple in possession, free from Incumbrances except Leases at Rackrent, and any Leases or Tenancies whatsoever not having more than Twenty-one Years unexpired, and Land Tax, Free or Quit Rents, or such or the like Outgoings and Payments, and that all the Hereditaments and Premises so to be purchased as aforesaid shall be conveyed, settled, and assured to the Uses, and upon and for the Trusts, Intents, and Purposes, and with, under, and subject to the Powers, Provisoos, Charges, and Declarations, to, upon, for, with, under, and subject to which the said Hereditaments which shall be sold under the Authority of this Act would have stood limited and settled in case such Sale had not been made, or as near thereto as the Nature and Quality of the Hereditaments so to be purchased, and the Circumstances of each Case, will admit.

Application of Purchase Monies.

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VII. That



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Temporary Investments of Purchase Monies in Navy, Victualling, or Exchequer Bills.

VII. That all Monies paid into the Bank in the Name of the said Accountant General in the Manner herein-before directed shall, until invested in the Purchase of other Hereditaments, or otherwise applied or disposed of under the Direction of the said Court, be laid out, in the Name of the said Accountant General, in the Purchase of Navy, Victualling, or Exchequer Bills, and the Interest arising from the Bills so to be purchased, and the Money to be received from the same Bills respectively, or from any other Bills to be purchased as next herein-after directed, when and as they shall respectively be paid off by Government, shall be laid out from Time to Time, under the like Direction of the said Court, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling or Exchequer Bills.

Court of Chancery may order Exchange of such Bills.

VIII. That the said Court may make such General Orders, or, if necessary, Special Orders, whenever the Navy or Victualling or Exchequer Bills of the Date of those in the Hands of the said Accountant General shall be in course of Payment by Government, and new Navy or Victualling or Exchequer Bills shall be ready for Issue, as shall be effectual for authorizing the Receipt of such new Navy or Victualling or Exchequer Bills in exchange for those which are in course of Payment, and in that Event the Interest of the new Bills shall be laid out out as before directed with respect to the Interest of the old Bills paid off.

Deposit of such Bills at Bank in Name of Accountant General.

IX. That the Navy, Victualling, or Exchequer Bills, whether purchased or exchanged, shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until the same shall be delivered out by Order of the said Court.

Court of Chancery may order Sale of such Bills.

X. That it shall be lawful for the said Court of Chancery, upon a Petition to be presented to the said Court in a summary Way by the Person or Persons who for the Time being (if the Trust for Sale herein contained had not been exercised) would have been beneficially entitled in possession to the Rents and Profits of the Hereditaments to be sold in pursuance of this Act, (or if such Person or Persons shall be under the Age of Twenty-one Years, then upon a Petition to be presented by his, her, or their Guardian or Guardians,) to make all such Orders as may be necessary or proper for selling any Bill or Bills so purchased or received in exchange as aforesaid, and applying all Monies to be received from the Sale or on account of such Bill or Bills in making such Purchases as aforesaid, and in defraying all such Costs, Charges, and Expenses as are herein mentioned, or otherwise in the Execution of this Act.

Excess or Surplus arising from

XI. That if the Monies arising from the Sale of such Navy, Victualling, or Exchequer Bills as aforesaid shall exceed the Amount of Monies



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Monies with which the same were purchased, then and in such Case the Excess or Surplus shall be first applicable to replace any Monies that shall have been expended in Payment of the Costs, Charges, and Expenses herein-before mentioned, and, subject thereto, the same shall be paid to such Person or Persons respectively as during the Continuance of the Investment in such Bills would have been entitled to receive the Rents and Profits of the Hereditaments to be purchased in case the same had been actually purchased in pursuance of this Act, or the personal Representatives or Representative of such Person or Persons, as Part of his, her, or their Personal Estate.

Sale of such Bills to be paid to Person entitled to Rents and Profits of Estates to be purchased.

XII. That it shall be lawful for the said Court, and the said Court is hereby authorized and required, from Time to Time to make such Orders as the said Court shall think fit for taxing and settling all Costs, Charges, and Expenses which have been or shall be incurred in preparing, obtaining, or passing this Act and preparatory thereto, and in and about all Applications to and Proceedings in the said Court to be made or had in pursuance of this Act, and in making and completing the Sales hereby authorized, and in investing the Monies which shall be invested in pursuance of this Act, and in effecting the Purchases hereby directed to be made, and in settling the Hereditaments to be purchased, or otherwise in carrying the Trusts and Purposes of this Act into complete Execution, and also from Time to Time to make such Order as the said Court shall think fit for Payment of any Costs, Charges, and Expenses as aforesaid out of the Monies which shall arise from any of the Sales hereby authorized, or from the Monies arising from the Sale or Payment of the Navy, Victualling, or Exchequer Bills so to be purchased as aforesaid, or out of any other Monies to be paid into the Bank in pursuance of this Act, and the Monies so ordered to be paid by the said Court shall be paid accordingly; and that it shall also be lawful for the said Court from Time to Time to make such further and other Order or Orders for effecting the Objects and Purposes of this Act as the said Court shall think fit.

Court of Chancery may make Orders for taxing Costs and other Purposes of Act.

XIII. That in the meantime and until such Sale or Sales shall be made as aforesaid of the Hereditaments and Premises hereby authorized to be sold, the said *George Hutton Riddell* and *Robert Mitford Taylor*, their Heirs and Assigns, shall permit and suffer the Rents and Profits thereof to be had, received, and taken by the Person or Persons who would respectively have been entitled to receive the same if this Act had not been passed.

Trusts of Estate until Sale for Person who would have been entitled if Act not passed.

XIV. That in case the said *George Hutton Riddell* and *Robert Mitford Taylor*, or either of them, or any Trustee or Trustees who shall be appointed as herein-after is mentioned, or their or either of their Heirs or Assigns, shall die, or be desirous to be discharged from,

Court of Chancery to appoint new Trustees, on Petition.

or



*Mitford's Estate Act, 1854.*

or shall refuse, decline, or become incapable to act in the Trusts hereby reposed in them or him, or shall reside or travel out of *Great Britain* before the said Trusts shall be fully performed and executed, then and in every such Case it shall be lawful to and for the said Court of Chancery, in a summary Way, on a Petition to be presented by the said *Robert Mitford* during his Life, and after his Decease by the Person or Persons who for the Time being under and by virtue of the Limitations contained in the said Will of the said *Bertram Osbaldeston Mitford* deceased would (if this Act had not been passed) be beneficially entitled in possession or to the Receipt of the Rents and Profits of the Hereditaments hereby made saleable, or if such Person or Persons be under Age, then by his, her, or their Guardian or respective Guardians, to appoint any Person or Persons named by the said Court to be a Trustee or Trustees in the Room or Stead of the Trustee or Trustees so dying, desiring to be discharged, or refusing, declining, or becoming incapable, or residing or travelling out of *Great Britain* as aforesaid, and thereupon all the Trust Estates, or such of them as shall remain unsold, shall with all convenient Speed be conveyed and transferred in such Manner as to become legally and effectually vested in such new Trustee or Trustees solely, or jointly with the surviving or continuing Trustee or Trustees, as the Circumstances of the Case shall require, upon the same Trusts, and for the same Intents and Purposes, and with the same Powers as are therein declared of and concerning the same, or such of them as shall be then subsisting or capable of taking effect; and such new Trustee or Trustees shall to all Intents, Effects, Constructions, and Purposes whatsoever have all the Powers and Authorities of the Trustee or Trustees in whose Room or Stead he or they shall be so substituted or appointed.

Indemnity  
of Trustees.

XV. That no Person now or hereafter a Trustee for any of the Purposes of this Act shall be answerable or accountable for any other such Person, nor for any involuntary Loss or Expense, and that all and every such Person and Persons respectively may, by and out of any Monies coming to their or his respective Hands by virtue of this Act, retain to and reimburse themselves and himself respectively all Costs, Charges, and Expenses, not by this Act or otherwise expressly provided for, which they and he respectively may incur and sustain in or about the carrying of this Act into execution.

General  
Saving.

XVI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to every other Person and Body Politic and Corporate, and their respective Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the said Trustee of the said Term of Nine hundred Years created and limited by the said recited Will as aforesaid, his Executors, Administrators, and Assigns, and his and their Cestuique Trust, and the said *Frances Osbaldeston*



*Mitford's Estate Act, 1854.*

*Osbaldeston Mitford*, and *Bertram Mitford*, and the said *Robert Mitford*, *John Philip Mitford*, *Edward Ledwich Mitford*, and *John Thomas Lord Redesdale*, and their respective Issue Male, Heirs, Executors, and Administrators, and the said Trustee for supporting the contingent Remainders limited by the said recited Will, and his Heirs, and every other Person to or on whom any Estate, Charge, Right, Title, or Interest at Law or in Equity, in, to, out of, upon, or affecting the said Hereditaments devised by the said recited Will as aforesaid, or any Part or Share thereof, hath come or devolved, or shall hereafter come or devolve, by or by virtue of or under the said recited Will of the said *Bertram Osbaldeston Mitford* deceased, their Heirs, Executors, and Administrators,) all such Estate, Right, Title, or Interest, Claim and Demand whatsoever, of, in, to, or out of the Hereditaments hereinbefore authorized to be sold as aforesaid, and every or any Part thereof respectively, as they and every or any of them had before the passing of this Act, or could or might have had, held, or enjoyed if this Act had not been passed.

XVII. That this Act shall not be a Public Act, but 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.

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



*Mitford's Estate Act, 1854.*

The SCHEDULE herein-before referred to.

Names of Places.	Tenants.	Townships. (All in the East Riding of the County of York.)	Parishes.	Quantity.			Annual Rental.		
				A.	R.	P.	£	s.	d.
Easington -	John Atkinson -	Easington -	Easington -	88	3	19	70	0	0
Hollym -	Richard Stephenson -	Hollym and Withernsea.	Hollym -	286	3	0	290	0	0
Waxholm -	Elizabeth Giles -	Waxholm -	Owthorne -	71	2	33	60	0	0
Oustwick -	James Storr -	Oustwick -	Garton -	250	1	27	250	0	0
Fitling -	John Canham -	Fitling -	Humbleton -	57	0	20	57	0	0
Atwick -	W. S. Gofton -	Atwick -	Atwick -	189	0	27	200	0	0
Skipsea -	William Hornby -	Skipsea -	Skipsea -	234	1	1	240	0	0
Aike or Ake -	Thomas Thrusk -	Aike -	Lockington and Beverley and Beswick.	89	3	9	80	0	0
Langtoft -	Messrs. Lamplough -	Langtoft -	Langtoft -	281	2	6	225	0	0
Thwing -	Messrs. Gibson -	Thwing and Octon.	Thwing -	181	2	3	160	0	0
Wold Newton -	George Grice -	Wold Newton -	Wold Newton	84	1	33	60	0	0
Friday Thorpe -	Robert Sharp -	Friday Thorpe	Friday Thorpe	124	3	18	105	0	0
Brackenholme -	William Kilby -	Brackenholme	Hemingbrough	356	0	31	300	0	0
Millington -	William Brigham -	Millington and Ous- thorpe.	Milkington and Pocklington	307	1	22	260	0	0
Ousthorpe -	Mrs. Kilby and Sons	Ousthorpe and Mil- lington.		174	2	4	305	0	0
Ousthorpe Mill -	Thomas Hodge -	Ousthorpe and Mil- lington.		32	3	15	52	0	0
Fox Holes -	Thomas Waters -	Fox Holes -	Fox Holes -	445	2	34	430	0	0
Fox Holes -	Davidson Forster, including Three Cottages.	Fox Holes -	Fox Holes -	502	2	24	414	0	0
One undivided 3d Part Flot- manby.	Thomas Hornby -	Flotmanby -	Folkton -	648	3	30	540	0	0
Filey -	Thomas Cross -	Filey -	Filey -	99	0	18	$\frac{1}{3}$ Share. 100	0	0
A Public House and Cottages in the Village of Filey.	In the Occupation of several Parties.	Filey -	Filey -	10	2	38	80	0	0
North Burton -	Richard Gray -	North Burton -	North Burton -	244	0	37	220	0	0
North Burton -	Messrs. Robinson and Agars.	North Burton -	North Burton -	1	0	30	12	0	0
Reighton -	William Richardson	Reighton -	Reighton -	243	0	33	265	0	0
Muston -	Elizabeth Jordan -	Muston and Hunmanby.	Muston and Hunmanby.	74	3	29	97	0	0
Muston -	Three Cottagers -	Muston -	Muston -	2	2	3	10	0	0

*William Sheritan.*

LONDON:

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