



CHAP. 3.

An Act for enabling the Trustees of the Will of the late Right Honorable James Mann, Earl Cornwallis, deceased, to improve and develop his Estate at Hastings; and for other purposes. A.D. 1870.
[1st August 1870.]

WHEREAS the late Right Honorable James Mann, Earl Cornwallis, by his will, dated the fifteenth day of November one thousand eight hundred and forty-seven, devised all his real estates in the counties of Kent and Sussex (exclusive of such parts thereof as might happen to be under contract for sale) unto his son-in-law, Charles Wykeham Martin, of Leeds Castle in Kent, Esquire, James Cocks, of Chesterfield Street, Mayfair, in Middlesex, Esquire, and the Right Honorable John Hume Home Cust, commonly called Viscount Alford, and their heirs, during the life of his daughter the Right Honorable Julia Mann Cornwallis (now the Right Honorable Julia Mann Viscountess Holmesdale, the wife of the Honorable William Archer Amherst, commonly called Viscount Holmesdale), upon trust to permit her while unmarried to receive the rents without impeachment of waste, but while she should be married to pay such rents to her for her separate use, without power of anticipation, with remainder to her first and other sons successively in tail male, with remainder to her first and other daughters successively in tail male, with remainder to the said Trustees while the testator's grandson Fiennes Wykeham Martin, (since deceased,) second son of the testator's late daughter Lady Jemima Isabella Wykeham Martin, should be under the age of twenty-six years, upon certain trusts, with remainder to Fiennes Wykeham Martin for life, with remainder to his first and other sons successively in tail male, with remainder to Trustees while the testator's grandson Cornwallis Wykeham Martin (who has attained the age of twenty-six years) was under that age, upon certain trusts, with remainder to Cornwallis Wykeham Martin for life, with remainder to his first and other sons successively in tail male, with remainder to the Trustees during the

Will of Earl Cornwallis, dated 15th Nov. 1847.

A.D. 1870. life of the testator's granddaughter Maria Wykeham Martin upon trusts for her benefit, with remainder to her first and other sons successively in tail male, with remainder to the Trustees while the testator's grandson Philip Wykeham Martin (who has attained the age of twenty-six years) was under that age, upon certain trusts, with remainder to Philip Wykeham Martin for life, with remainder to his first and other sons successively in tail male, with remainder to the first and other daughters of Fiennes Wykeham Martin successively in tail male, with remainder to the first and other daughters of Cornwallis Wykeham Martin successively in tail male, with remainder to the first and other daughters of Maria Wykeham Martin successively in tail male, with remainder to the first and other daughters of Philip Wykeham Martin successively in tail male, with remainder to the first and other sons of Fiennes Wykeham Martin successively in tail general, with remainder to the first and other sons of Cornwallis Wykeham Martin successively in tail general, with remainder to the first and other sons of Maria Wykeham Martin successively in tail general, with remainder to the first and other sons of Philip Wykeham Martin successively in tail general, with remainder to the first and other daughters of Fiennes Wykeham Martin successively in tail general, with remainder to the first and other daughters of Cornwallis Wykeham Martin successively in tail general, with remainder to the first and other daughters of Maria Wykeham Martin successively in tail general, with remainder to the first and other daughters of Philip Wykeham Martin successively in tail general, with an ultimate remainder to Henry Mann, Esquire, the eldest son of the testator's late cousin, the Reverend Horace Mann, clerk, in fee simple. The will contains power for male tenants for life in possession to charge the estates with a jointure, and power for Lady Holmesdale to charge the same estates with portions not exceeding twenty-five thousand pounds for her younger children, and power for tenants for life in possession, and for the Trustees while in the possession or management of the estates, to grant leases of all or any of the devised premises; except the mansion house and park of Linton in Kent, for terms not exceeding fourteen years in possession at rack rentals; and powers of sale and exchange of the devised estates to be exercised by the Trustees at the request in writing of the tenant for life in possession, with a direction for investing the money to arise from such sales, and to be received for equality of exchange, in the purchase of other lands in fee simple in England or Wales, to be settled to the uses therein-before declared of the lands sold or given in exchange, (yet so that every such purchase be made with the consent in writing of the person who would under the will be for the time being entitled to the possession or receipt of the rents of the hereditaments to be purchased or received in exchange,

in case the same were then actually purchased or received in exchange,) and with power for the Trustees to apply any money received on a sale or exchange in paying off any charges or incumbrances for the time being subsisting on the said estates. And the said testator bequeathed all his leaseholds for years (except his house in Hill Street, Berkeley Square) to the Trustees, upon trusts corresponding with the uses therein-before declared of his freehold estates, but with a gift over in the event of any tenant in tail male or in tail dying under the age of twenty-one years, without leaving issue inheritable to such estates in tail male or in tail; and he bequeathed his leaseholds for lives to the Trustees, upon trust to procure renewals of the leases, and, subject thereto, upon trusts corresponding with the uses of his freehold estates; and the testator bequeathed certain articles of personal property specifically, and empowered his Trustees to make any other articles of his personal property which they might consider suitable for the purpose heirlooms; and he gave all the rest of his personal estate to his Trustees, upon trust to convert the same into money, and thereout to pay his debts and funeral and testamentary expenses, and legacies, and to invest the residue in the purchase of manors, messuages, lands, or hereditaments in fee simple in England or Wales, or of copyhold lands of inheritance convenient to be held therewith, or with any of the estates settled by or under his said will, such purchase to be made with such consent as any purchase of the land to be made with any moneys to arise from a sale of any part of his devised estates under the power of sale therein-before contained was directed to be made; and he directed that the purchased lands and hereditaments should be settled to the uses limited by his will of his settled freehold estates; and the testator thereby appointed the said Charles Wykeham Martin, James Cocks, and Viscount Alford executors of his said will, and empowered the surviving or continuing Trustees or Trustee, or the executors or administrators of the last surviving or continuing Trustee, to appoint a new Trustee or Trustees in the room of any Trustee or Trustees dying, or declining or becoming incapable to act:

And whereas the testator did not revoke or alter any of the devises and bequests herein-before recited, except that by a codicil dated the fifteenth day of January one thousand eight hundred and fifty-one, reciting the death of Lord Alford, he appointed the Right Honorable Richard Griffin, Lord Braybrooke, to be a Trustee and executor of his will instead of Lord Alford, and he declared that in case Lord Braybrooke should die in his lifetime, or after his decease, and before the trusts of his will should be fully executed, or in case either of the other persons named in his will as Trustees and executors should die, or in case any or either of the persons by

Codicils,
dated 15th
Jan. 1851.

A.D. 1870. that codicil named as Trustees and executors should become incapable or unwilling to act in the trusts thereof, then he appointed the Right Honorable Beaumont Hotham, Lord Hotham, to be a Trustee and executor of his will instead of the person so dying or becoming incapable or unwilling to act :

Death of Earl Cornwallis, 21st May 1852, and probate by Charles Wykeham Martin, Richard Lord Braybrooke, and Lord Hotham.

And whereas Earl Cornwallis, the testator, died on the twenty-first day of May one thousand eight hundred and fifty-two, and his will and codicils were proved in the Prerogative Court of the Archbishop of Canterbury on the twenty-third day of June one thousand eight hundred and fifty-two by Charles Wykeham Martin, Richard Griffin, Lord Braybrooke, and Lord Hotham alone, James Cocks having by a deed poll under his hand and seal, dated the twelfth day of June one thousand eight hundred and fifty-two, disclaimed the executorship and trusteeship of the said will and the estates thereby devised and bequeathed to him :

Death of Richard Lord Braybrooke.

And whereas Richard Griffin, Lord Braybrooke, died in the year one thousand eight hundred and fifty-eight :

Marriage of Lord and Lady Holmesdale and their settlement.

And whereas the testator's daughter Lady Julia Mann Cornwallis married Lord Holmesdale on the twenty-seventh day of August one thousand eight hundred and sixty-two, she being then a minor, and by an indenture of settlement dated the twenty-sixth day of August one thousand eight hundred and sixty-two, and made and executed by her in contemplation of her marriage, and with the approbation of the Court of Chancery, and under the powers of the Infants Settlement Act (18 and 19 Vic. cap. 43) she exercised the power given to her by the said will of charging twenty-five thousand pounds for the portions of her younger children, if any, but the charge was imposed on only a portion of the devised estates, and not on any part of the Priory Farm at Hastings herein-after mentioned :

Appointment of Charles Lord Braybrooke to be a Trustee, dated 16th April 1864.

And whereas Charles Wykeham Martin and Lord Hotham by a deed poll under their hands and seals, dated the sixteenth day of April one thousand eight hundred and sixty-four, appointed the Right Honorable Charles Cornwallis, Lord Braybrooke, to be a Trustee of the will in the place of Richard Griffin, Lord Braybrooke, deceased ; and by an indenture dated the eighteenth day of April one thousand eight hundred and sixty-four, and made between Charles Wykeham Martin and Lord Hotham of the first part, Charles Cornwallis, Lord Braybrooke, of the second part, and Edward Leigh Pemberton of the third part, all the trust estates, moneys, and premises then vested in the said Charles Wykeham Martin and Lord Hotham were conveyed, assigned, and transferred to Charles Wykeham Martin, Lord Hotham, and Lord Braybrooke, their heirs, executors, administrators, and assigns, upon the trusts of the will :

No issue at present of Lord and Lady Holmesdale.

And whereas there has not been any issue of the marriage of the Lord and Lady Holmesdale :

And whereas the testator's grandson Fiennes Wykeham Martin assumed the name of Cornwallis, instead of that of Wykeham Martin, in the year one thousand eight hundred and sixty, and he married Harriet Elizabeth Mott on the twenty-ninth day of July one thousand eight hundred and sixty-three, and died on the twenty-third day of April one thousand eight hundred and sixty-seven, having had issue four children and no more, namely, his eldest son, Fiennes Stanley Wykeham Cornwallis, who was born on the twenty-seventh day of May one thousand eight hundred and sixty-four, and is the first tenant in tail male under the will, Arthur Wykeham Cornwallis, Helen Florence Cornwallis, and Caroline Vere Cornwallis :

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—
Marriage of testator's grandson, Fiennes Wykeham Martin, and change of name.

And whereas the said Fiennes Cornwallis by his will dated the twelfth day of October one thousand eight hundred and sixty-six, and duly proved in the Principal Registry of Her Majesty's Court of Probate on the ninth day of May one thousand eight hundred and sixty-seven, appointed his wife guardian of his infant children :

Appointment of guardian of his infant children.

And whereas the testator's grandson Cornwallis Wykeham Martin married Anne Katherine Rolls on the twenty-fourth day of January one thousand eight hundred and sixty-one, and has had issue five children and no more, namely, one son, Charles Allan Wykeham Martin, who was born on the second day of January one thousand eight hundred and sixty-four, and four daughters, Eleanor Wykeham Martin, Theodora Wykeham Martin, Alice Wykeham Martin, and Annie Wykeham Martin :

Marriage of testator's grandson, Cornwallis Wykeham Martin.

And whereas the testator's granddaughter Maria Wykeham Martin has never been married :

Maria Wykeham Martin is unmarried.

And whereas the testator's grandson Philip Wykeham Martin married Elizabeth Ward on the twenty-seventh day of November one thousand eight hundred and fifty, and has had issue only one child, namely, Cornwallis Philip Wykeham Martin, who was born on the nineteenth day of March one thousand eight hundred and fifty-five :

Marriage of testator's grandson, Philip Wykeham Martin.

And whereas Lady Holmesdale is tenant for life in possession of the settled estates, and there is no adult tenant in tail male or in tail under the said will in existence :

Lady Holmesdale is tenant for life in possession.

And whereas the said testator's cousin Henry Mann, the ultimate remainder man in fee under the said will is living :

Ultimate remainder man is living.

And whereas part of the settled estate consisted of three equal undivided fourth parts of a freehold farm, called the Priory Farm, containing about one hundred and sixty-six acres, at Hastings in the county of Sussex, the particulars whereof are set forth in the schedule hereto :

Three undivided fourths of Priory Farm, Hastings, belonged to testator.

And whereas in June one thousand eight hundred and sixty-nine Charles Wykeham Martin, Lord Hotham, and Lord Braybrooke

Trustees purchased

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 ———
 remaining
 one fourth.

(the then and present Trustees of the said will) purchased, with the consent of Lord and Lady Holmesdale, for eleven thousand two hundred and fifty pounds or thereabouts the remaining undivided fourth part of the said farm out of the testator's residuary personal estate applicable to such a purchase, and that fourth part was conveyed to the uses of the will by an indenture dated the twentieth day of July one thousand eight hundred and sixty-nine, and made between Henry Cornelius Pierson, Alfred Leighton Sayer, and Charles Henry Gatty of the first part, Sarah Dowager Countess of Waldegrave of the second part, Lord and Lady Holmesdale of the third part, and Charles Wykeham Martin, Lord Hotham, and Lord Braybrooke of the fourth part:

Priory Farm estate now let at low rent, but ripening for building purposes.

And whereas the Priory Farm is at present let at a net rental of about two hundred and eighty pounds, which is below its value, even for agricultural purposes, if let for a term of years, but part of it is already ripe for building operations, and if judiciously developed the whole of it may be brought into the market for building purposes within a few years:

No power for leases over 14 years in will.

And whereas the will does not contain any power of granting leases for a longer term than fourteen years:

Order in Chancery, dated 29th Jan. 1870.

And whereas by an order of the Court of Chancery made by his Lordship the Master of the Rolls on the twenty-ninth day of January one thousand eight hundred and seventy, in the matter of the settled estates of the late Right Honorable James Mann, Earl Cornwallis, and in the matter of the Priory Farm estate in the parish of the Holy Trinity, in the borough of Hastings, in the county of Sussex, and in the matter of an Act of Parliament made and passed in the nineteenth and twentieth years of the reign of Her Majesty (c. 120), intituled "An Act to facilitate Leases and Sales of Settled Estates," and of another Act of Parliament made and passed in the twenty-first and twenty-second years of the reign of Her Majesty (c. 77), intituled "An Act to amend and extend the Settled Estates Act of 1856," upon the petition of Lord and Lady Holmesdale, and all other necessary or proper parties, his Lordship being of opinion that it was proper and consistent with a due regard to the interest of all parties entitled under the will of Earl Cornwallis that building leases of such parts of the lands and hereditaments comprised in the Priory Farm estate as are situate in the parish of Holy Trinity in the borough of Hastings should be authorised, ordered that the general powers of granting building leases of all or any parts of the said Priory Farm estate as are situate in the said parish of the Holy Trinity in the borough of Hastings should, in conformity with the above-mentioned Act, and subject to the provisions and restrictions in the said Acts contained, vest in the said Charles Wykeham Martin, Lord Hotham, and Lord Braybrooke, the present Trustees of the will

of the said testator, and the survivors or survivor of them, or other the Trustees or Trustee for the time being of the will; such powers to be exercised with the consent of the tenant for life for the time being in possession of the estates devised by the will who had attained the age of twenty-one years, or if there should be no such tenant for life, then without consent :

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And whereas no lease or agreement for a lease has been made or entered into by the Trustees under the authority given to them by the order in Chancery :

No lease yet granted.

And whereas at the time when the proceedings in Chancery upon which the said order was made were instituted it was supposed that the whole of the Priory Farm was situate within the parish of the Holy Trinity, Hastings, but it is now alleged that a small part thereof is situate within the adjoining parish of St. Andrew, Hastings :

Part of Priory estate said to be in Saint Andrew's parish.

And whereas it is desirable that powers of granting building leases should not be confined to such parts of the Priory Farm as are within the parish of the Holy Trinity, but that such powers and general powers of otherwise developing the value of and improving the lands should be extended over the whole of the farm and over all other lands within the limits of the municipal borough of Hastings which may hereafter be purchased or taken in exchange or otherwise acquired by the Trustees as part of the estates settled by the will :

Power of granting building leases should cover the whole estate.

And whereas in order duly to develop the Priory Farm estate as a building property it is desirable to expend money in making roads, sewers, and drains, forming and joining streets and squares, laying out sites for buildings, gardens, and pleasure grounds, and other works of similar descriptions, and to make agreements with the South-eastern Railway Company, whose railway intersects the farm, and probably also with local boards, commissioners, public bodies, and persons for the construction and maintenance of bridges, viaducts, roadways, sewers, drains, and other works :

Preliminary expenditure necessary to develop the estate for building purposes.

And whereas Lord and Lady Holmesdale (having no issue, and having, as before recited, consented to the expenditure of the said moneys in the purchase of the said fourth part of the said farm,) are unwilling to lay out money for the purposes aforesaid, and it would be for the advantage of the persons entitled in remainder, and the said Harriet Elizabeth Cornwallis on behalf of her infant children, and the said Cornwallis Wykeham Martin, Maria Wykeham Martin, and Philip Wykeham Martin are desirous that the taking of steps necessary for those purposes should not be postponed :

Advantage to persons interested in remainder that steps for purposes aforesaid should not be postponed.

And whereas some parts of the Priory Farm estate could be more advantageously and economically developed for building purposes if power were given to carry on such development with the owners of adjoining estates :

Advantage of developing estate and estates of other owners conjointly.

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And of arranging for repayment of preliminary expenditure.

Trustees in treaty for sale of part of estate as recreation ground.

And with South-eastern Railway Company for an exchange.

No power of sale or exchange during minorities.

Short title of Act.

Interpretation of terms.

And whereas it is usual and necessary for the purpose of advantageously dealing with land for building purposes at Hastings that the setting out and formation of roads and streets, and the construction of other works preparatory to the use and occupation of land for building purposes, should be in the first instance effected by and at the expense of the owner, the lessees or purchasers, being charged with gross sums in repayment of the expense incurred by the owner :

And whereas the Trustees, with the consent of Lord and Lady Holmesdale, are (in exercise of the power of sale contained in the will) in treaty with certain inhabitants of Hastings for the sale to the said inhabitants at the price of five thousand pounds of a piece of the Priory Farm to be preserved as a pleasure ground and place of general recreation, and such sale will probably be carried out by the Trustees :

And whereas the Trustees, with the consent of Lord and Lady Holmesdale, are (in exercise of the power of exchange contained in the will) in treaty with the South-eastern Railway Company for an exchange of some small pieces of the Priory Farm estate for some small pieces of adjoining land belonging to the railway company, and required by the Trustees for straightening boundaries and otherwise improving the estate :

And whereas, although the will contains powers of sale and exchange over the settled estates exercisable by the Trustees at the request of the tenant for life in possession, yet it does not contain any power of sale or exchange exercisable during the minority of a tenant for life or tenant in tail in possession, and it is desirable that the powers of sale and exchange should be extended so as to authorise sales and exchanges during any such minority :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

Wherefore Your Majesty's most dutiful and loyal subjects, Charles Wykeham Martin, Lord Hotham, Lord Braybrooke, Lord Holmesdale, and Lady Holmesdale 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, as follows ; (that is to say,)

1. This Act may for all purposes be cited as "The Cornwallis Estate Act, 1870."

2. The expression "Cornwallis settled estates" means and includes all manors, messuages, lands, tenements, and hereditaments in England or Wales for the time being subject at law or in equity to the subsisting limitations in strict settlement created by

the said will and codicils of the late Earl Cornwallis, whether included in the term of two hundred years herein-after limited or not. The expression "Cornwallis Hastings estate" means and includes such of the Cornwallis settled estates as are or shall be situate within the limits of the municipal borough of Hastings. The word "Trustees" means and includes Charles Wykeham Martin, Lord Hotham, and Lord Braybrooke, and the survivors and survivor of them, and the heirs, executors, or administrators of such survivor, or other the Trustees or Trustee acting in the execution of the trusts or powers of this Act and of the said will and codicils respectively in the place of them or any of them, or in the place of any subsequently appointed Trustees or Trustee. The expression "tenant for life" means and includes Lady Holmesdale during her life, and after her death the person who from time to time is beneficially entitled as tenant for life in possession of the rents and profits of the Cornwallis settled estates, either immediately or subject only to some terms of years. The expression "tenant in tail" means and includes the person who from time to time after the death of Lady Holmesdale is beneficially entitled as the tenant in tail male or in tail in possession to the rents and profits of the Cornwallis settled estates, either immediately or subject only to some term of years, being of full age, or if and when he is an infant, then means and includes his guardians or guardian. The expression "guardian" means an acting testamentary guardian, or if there shall be no acting testamentary guardian then a guardian appointed by the Court of Chancery. The expression "lessee" shall in this Act and in any lease or contract made in pursuance thereof include the executors, administrators, and assigns of the lessee.

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3. The Priory Farm in the parishes of the Holy Trinity and St. Andrews, or one of them, at Hastings in the county of Sussex, consisting of the lands and hereditaments mentioned in the schedule hereto, which said farm and lands are delineated and coloured green upon the plan No. 1, drawn on the said indenture of the twentieth day of July one thousand eight hundred and sixty-nine, shall vest for a legal estate in possession in Charles Wykeham Martin, Lord Hotham, and Lord Braybrooke, their executors, administrators, and assigns, for a term of two hundred years from the passing of this Act, to take effect in priority to (but without otherwise altering, displacing, or disturbing) the limitations which immediately before the passing of this Act were subsisting or capable of taking effect therein under the will and codicils of Earl Cornwallis and the said last-mentioned indenture respectively.

Priory Farm estate vested in Trustees of will for two hundred years in priority to uses of will.

4. All lands and hereditaments within the limits of the municipal borough of Hastings which shall be hereafter purchased or taken in

Lands in Hastings subsequently

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 acquired by
 Trustees to
 be similarly
 settled.

exchange or otherwise acquired by the Trustees of the will, as such Trustees, and whether under existing or under future contracts, shall on or forthwith after the acquisition thereof be conveyed and assured to the use of the Trustees for the time being, their executors, administrators, and assigns, for the said term of two hundred years, and subject thereto to such of the uses, upon such of the trusts, and with and subject to such of the powers and provisions by and in the will and codicils of Earl Cornwallis limited, declared, expressed, and contained concerning the lands and hereditaments thereby settled as shall for the time being be subsisting or capable of taking effect, and for the purposes of this Act shall become part of the Cornwallis Hastings estate, but not so as to increase or multiply charges or powers of charging.

Trusts of
 term as
 herein men-
 tioned.

5. The Trustees shall hold the said term of two hundred years upon trust that they shall enter on the premises comprised therein and receive the rents and profits thereof, and shall apply such rents and profits—

(A.) First, in paying all costs, charges, and expenses in the nature of yearly outgoings of and incidental to the management of, and the trusts, powers, and provisions under this Act or the said will for the time being affecting the Cornwallis Hastings estate :

(B.) Secondly, in paying to the tenant for life a clear yearly sum of two hundred and eighty pounds, and such further clear yearly sum as shall be equivalent to interest at the rate of four per centum per annum upon any gross sums expended by the Trustees upon the Cornwallis Hastings estate under the authority of this Act, and not recouped to them as herein-after mentioned :

(C.) But if in any year the rents and profits shall be insufficient to pay in full those annual sums, or such of them as may be payable, then and so often those annual sums shall be made good and paid to the tenant for life out of the gross sum of fifteen thousand pounds herein-after authorised to be expended by the Trustees, and shall ultimately be recouped to the Trustees out of the rents and profits in subsequent years of the premises comprised in the term :

(D.) Thirdly, in recouping to the Trustees the gross sums expended by them on the Cornwallis Hastings estate under the authority of this Act :

(E.) Fourthly, any surplus of the rents and profits after answering the above purposes shall be paid by the Trustees to the person or persons who would for the time being have been beneficially entitled to receive the same if the term of two hundred years had not been created.

6. The said annual sums payable to the tenant for life shall be considered as accruing from day to day, but shall be paid half-yearly on the first day of January and the first day of July, and the first half-yearly payment shall be made on such of those days as shall occur next after the passing of this Act. Such of those annual sums as shall be payable to Lady Holmesdale shall belong to her for her sole and separate use, independently of her present or any future husband, and without power of anticipation.

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How life tenant's annuity is to be paid.

7. When all the trusts hereby declared of the term of two hundred years have been fully performed and satisfied, and all gross sums expended by the Trustees under the authority of this Act have been fully repaid, and every Trustee has been repaid all costs and expenses incurred by him in or about the execution of the trusts thereof, and the first estate tail for the time being in possession under the will in the Cornwallis Hastings estate has been effectually barred, then the term of two hundred years shall cease.

Provision for cesser of term.

8. The Trustees may from time to time raise out of the residuary personal estate of the testator, or out of any other moneys, stocks, funds, or securities for the time being in their hands or names, or under their control, and applicable to be laid out in the purchase of land to be settled to the uses of the will, any sum or sums not exceeding altogether fifteen thousand pounds, and may apply the same in or towards the development of the Cornwallis Hastings estate as a building property, and otherwise as in this Act mentioned; but all such moneys shall ultimately be recouped to the Trustees under the trusts of the term of two hundred years, and when recouped shall be applied and disposed of as if the same were money which had arisen from a sale of part of the Cornwallis Hastings estate under the power of sale contained in the said will.

Power for Trustees to raise 15,000*l.* out of personalty for developing estate.

9. The net moneys raised by the Trustees under the last preceding section of this Act may be applied by the Trustees as follows:

Application of such money.

(A.) In payment of the expenses of and incidental to the preparing and applying for and obtaining and passing of this Act (including therein any costs, charges, and expenses expended or incurred since the first day of January one thousand eight hundred and sixty-nine upon or in relation to the Priory Farm, with a view to the preparation and development thereof as a building estate, and the legal business connected therewith):

(B.) In making good and paying to the tenant for life so much of the annual sums mentioned in the fifth section of this Act as the rents and profits of the premises comprised in the said term of two hundred years may from time to time be insufficient to pay in full:

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- (C.) In or towards making or contributing to the expenses of making any roads, ways, bridges, sewers, drains, water-courses, squares, gardens, and other conveniences on or in connexion with the Cornwallis Hastings estate or the laying out and developing the same for building purposes :
- (D.) In contributing towards the building of a church and parsonage house and schools, or any of them, on or near to the Cornwallis Hastings estate :
- (E.) Otherwise for the permanent improvement and development of the Cornwallis Hastings estate.

Trustees may appropriate land for improvement and development of Hastings estate.

10. The Trustees may from time to time appropriate, gratuitously or otherwise, any parts of the Cornwallis Hastings estate as sites for squares, crescents, streets, roads, bridges, viaducts, gardens, pleasure grounds, places of public resort or recreation, and other open places, sewers, drains, pipes, and other works, and otherwise for the general improvement of the Cornwallis Hastings estate, and any other parts of the same estate as lots for building purposes, and may grant, gratuitously or otherwise, any parts of the same estate as sites for churches, churchyards, parsonage houses, and national or parochial schools, and may convey the same upon such trusts and in such manner for securing the use and enjoyment thereof accordingly as are thought expedient : Provided that there shall not be so granted in any one parish or ecclesiastical district more than half an acre for a church, or more than one acre for a churchyard, or more than two acres for a parsonage house, or more than one acre for a school.

Trustees may execute preliminary works on Hastings estate.

11. The Trustees may from time to time make, construct, and maintain upon any parts of the Cornwallis Hastings estate appropriated for the purpose under this Act, any squares, crescents, streets, roads, ways, bridges, viaducts, gardens, pleasure grounds, places of public resort or recreation, and other open places, sewers, drains, pipes, works, and conveniences, for the general improvement or development of the estate, and for any of those purposes may take down, cut, dig, get, make use of, sell, dispose of, or remove such buildings, trees, fences, stone, clay, sand, chalk, gravel, and earth, and execute such works and do such things as the Trustees may consider necessary or expedient, and the Trustees may expend and apply for any of the purposes mentioned in this section any part of the said sum of fifteen thousand pounds herein-before authorised to be raised.

Trustees may procure public bodies or private

12. The Trustees may procure any commissioners, corporation, board, public body, company, or persons, to make, construct, and maintain any such streets, roads, ways, bridges, viaducts, sewers,

drains, pipes, works, and conveniences upon, for, or in connexion with the Cornwallis Hastings estate as are mentioned in the last preceding section, and the Trustees may out of the said sum of fifteen thousand pounds repay all or so much as may be agreed on of the expenses of such making and construction, but any expense of maintenance not borne by such commissioners, corporation, board, public body, company, or persons shall be defrayed out of the rents and profits of the Cornwallis Hastings estate.

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persons to execute works.

13. The Trustees may make any arrangements they may consider expedient or desirable with any corporation, company, public body, or persons for the time being proprietors of or interested in any lands or hereditaments adjoining or near to any part of the Cornwallis Hastings estate respecting any of the following matters:

Trustees may make arrangements with adjoining landowners.

(A.) The laying out and construction of any roads, streets, squares, crescents, open places, bridges, ways, reservoirs, waterworks, watercourses, sewers, drains, and other works either upon, over, under, or across the Cornwallis Hastings estate or upon, over, under, or across any such other hereditaments, for the joint benefit of the Cornwallis Hastings estate or some part thereof and of such other hereditaments or some part thereof, or for the exclusive benefit either of the Cornwallis Hastings estate or some part thereof or of the said other hereditaments or some part thereof:

(B.) The raising and paying of the expenses of and incident to the laying out and construction of any such works as aforesaid, and of and incident to the maintenance thereof:

(C.) The purchase, sale, or enjoyment of any easements or other rights. The contribution (if any) of the Cornwallis Hastings estate towards such laying out and construction or towards any such purchase as aforesaid may be paid out of the said sum of fifteen thousand pounds, and the contribution of that estate towards the maintenance of any such works shall be paid out of the rents and profits of the estate.

14. The Trustees may from time to time agree with any lessee, purchaser, or other person, or any commissioners, corporation, board, public body, or company, for the repayment to the Trustees of all or part of any moneys expended under this Act, and any such moneys payable by a lessee shall not be deemed a fine or premium for the making of a lease.

Trustees may arrange for repayment to them of preliminary expenditure.

15. The general powers of granting building leases of such parts of the said Priory Farm estate as are situate in the parish of the Holy Trinity, Hastings, vested in the Trustees under the said order of the Court of Chancery of the twenty-ninth day of January one

Extension of building powers over whole of the Hastings estate

A.D. 1870.

thousand eight hundred and seventy, and the Acts therein referred to, shall be and are hereby extended over the whole of the Cornwallis Hastings estate, and all leases granted conformably with those powers so extended shall operate as if the term of two hundred years limited by this Act had been created by the said will.

Trustees may lease the Hastings land and stone, &c. in it for fourteen years,

16. The Trustees may from time to time lease all or any part of the Cornwallis Hastings estate, or all or any of the stone, clay, gravel, sand, and earthy substances whatever therein, (whether previously worked or not,) to any person, for any term of years not exceeding fourteen years, to take effect in possession, or within three months next after the making of the lease, and not otherwise, or by way of future interest. Every such lease may contain any licenses, authorities, easements, advantages, and privileges whatsoever in, upon, or affecting the Cornwallis Hastings estate, or any part thereof, deemed convenient for purposes of the lease or usual in the neighbourhood of the demised premises, or agreed upon with the lessee.

All rents to be yearly income.

17. The rents and royalties reserved by every such last-mentioned lease shall be treated as part of the current rents and profits of the Cornwallis Hastings estate, and shall be applied accordingly under the fifth section of this Act.

Trustees may accept surrenders of tenancies in Hastings estate.

18. The Trustees may procure on such terms as they may deem expedient, and may accept, surrenders of any tenancies or leases for the time being subsisting in or affecting any parts of the Cornwallis Hastings estate, either unconditionally, or for the purpose of granting any new lease or leases, and the accepting of a surrender of a lease shall not be deemed to be taking a fine or premium for the granting of a new lease.

Extension of powers of sale and exchange as to all the settled estates.

19. The powers of sale and exchange contained in the will of Earl Cornwallis shall be extended and enlarged, and the Trustees may during the minority of any tenant for life or tenant in tail, at the discretion of the Trustees, dispose of and convey, either by way of absolute sale or in exchange for other estates to be situate in England or Wales, all or any part of the Cornwallis settled estates and the inheritance thereof in fee simple, as fully and effectually in all respects as they may under the said will sell or exchange lands forming part of the estates thereby settled at the request in writing of a tenant for life in possession.

Purchasers may be required to submit to restrictions.

20. Any purchaser or other person taking any parts of the Cornwallis settled estates on any sale or exchange under any of the powers contained in the said will and this Act, or either of them, may be required to enter into any covenants or submit to any restrictions of any description which may be deemed beneficial to the

property retained or taken in exchange, or otherwise expedient, and the assurance of the premises sold or exchanged may be made in such manner and form as may be considered expedient for giving effect to every or any such covenant or restriction. A.D. 1870.

21. The Trustees, if they think fit, in the exercise of the powers of selling or exchanging any part of the Cornwallis settled estates, may reserve any rights, easements, or privileges whatsoever, out of, in, through, over, upon, or underneath all or any part of the premises sold or given in exchange, and may sell or exchange any estate or interest less than the entire fee simple in any lands part of those estates. Trustees selling or exchanging may reserve rights.

22. The several leases, sales, and exchanges of parts of the Cornwallis settled estates from time to time made by the Trustees as herein-before mentioned shall have the like priority and effect, and override the limitations, trusts, powers, and provisions of the will and of this Act respectively, as if they respectively were made in due pursuance of valid powers of leasing, sale, and exchange created by the will, in the place of the powers of leasing, sale, and exchange thereby created, and as if the term of two hundred years hereby created in the Cornwallis Hastings estate had been created therein by the will, and the moneys received by the Trustees upon any such sale or exchange, and the annual income thereof, shall respectively be dealt with, applied, and disposed of by them accordingly. Operation of leases, sales, and exchanges.

23. The powers and provisions contained in the will, and the general powers of leasing sanctioned by the said order of the Court of Chancery of the twenty-ninth day of January one thousand eight hundred and seventy, shall respectively not be abridged or prejudicially affected by this Act, otherwise than by the exercise of the powers hereby given. Existing powers not prejudiced.

24. The powers herein conferred on the Trustees are so conferred as to the Cornwallis Hastings estate during the continuance of the said term of two hundred years therein, and as to the residue of the Cornwallis settled estates, until the first estate tail in possession therein has been effectually barred; and, except only as by this Act otherwise expressly provided, the several powers by this Act conferred on the Trustees shall be exerciseable by them at their discretion. Duration of powers conferred by Act.

25. Every receipt in writing from time to time given by the Trustees for any money received by them under this Act shall be a legal and conclusive discharge to the person paying the same, and effectually release him from all liability, claims, and demands in respect thereof. Trustees' receipts to be discharges.

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Trustees
may employ
agents.

26. The Trustees may employ such surveyors, valuers, accountants, clerks, solicitors, agents, and other persons as they think proper for better enabling them to make any leases or sales pursuant to this Act, or otherwise for assisting them to carry this Act into execution, and may pay or allow to those persons respectively such remuneration as the Trustees think reasonable.

Costs may
be taxed.

27. Her Majesty's High Court of Chancery may from time to time, upon petition or motion in a summary way, or summons, make such orders as the Court think just for allowing, taxing, and settling any costs, charges, and expenses from time to time payable under this Act, and for payment of the costs, charges, and expenses out of any moneys for the time being in the hands of the Trustees.

Trustees re-
sponsible
only for their
own acts.

28. The Trustees and their respective heirs, executors, and administrators shall be charged for such moneys only as they respectively actually receive by virtue of this Act, notwithstanding giving, signing, doing, or joining in any receipt or act for the sake of conformity, and no one of them shall be accountable for any other of them or for involuntary losses; and they respectively, out of any moneys coming to their respective hands by virtue of this Act, may retain for and reimburse themselves respectively, and allow to the others of them respectively, all costs, damages, and expenses which they respectively pay or incur in or about the carrying of this Act into execution.

General
saving.

29. 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 several persons who are by this Act expressly excepted out of this general saving,) all such estate, right, title, interest, claim, and demand whatsoever of, in, upon, to, or with respect to the Cornwallis settled estates, or any part thereof, as they, every or any of them, had before the passing of this Act, or could or might have had or enjoyed in case this Act had not been passed.

Exceptions
from general
saving.

30. The following persons, and their respective heirs, executors, administrators, and assigns, are excepted out of the general saving in this Act contained, and accordingly are the only persons bound by this Act; that is to say,

- (A.) Charles Wykeham Martin Beaumont, Lord Hotham, and Charles Cornwallis, Lord Braybrooke, as Trustees under the will and under this Act respectively, and every person being hereafter a Trustee under the will or under this Act, in their capacity of Trustees only:

- (B.) The Viscount Holmesdale and Viscountess Holmesdale, and the sons and daughters hereafter to be born of Viscountess Holmesdale, and the heirs of their respective bodies : A.D. 1870. —
- (C.) Fiennes Stanley Wykeham Cornwallis, Arthur Wykeham Cornwallis, Helen Florence Cornwallis, and Caroline Vere Cornwallis, the infant children of Fiennes Cornwallis, deceased, and the heirs of their respective bodies, and Harriet Elizabeth Cornwallis, as the guardian of the said infant children :
- (D.) Cornwallis Wykeham Martin and his sons and daughters born or hereafter to be born, and the heirs of their respective bodies :
- (E.) Maria Wykeham Martin and her sons and daughters hereafter to be born, and the heirs of their respective bodies :
- (F.) Philip Wykeham Martin and his son already born, and his sons and daughters hereafter to be born, and the heirs of their respective bodies :
- (G.) Henry Mann.

31. This Act shall not be a Public Act, but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised 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.

A.D. 1870.

The SCHEDULE referred to in the foregoing Act.

No. on plan referred to in the Act.	Description.	Quantity.		
		A.	R.	P.
1	Priory House, gardens, buildings, &c. -	2	2	12
2	„ Gardens - - -	0	2	10
3	„ Gardens - - -	0	2	13
4	Step Meadow - - -	11	3	24
5	Waste adjoining railway - - -	0	1	0
6	Gardens ditto - - -	0	2	25
7	Roadway ditto - - -	0	0	11
8	Roadway ditto - - -	0	0	8
9	Bricket's Field - - -	5	1	5
10	Gardens - - -	2	0	2
11	Brake Piece - - -	6	1	18
12	Ward's Field - - -	12	3	0
13	Lime-kiln Field - - -	12	0	27
14	Windmill Field - - -	23	2	4
15	Brook - - -	1	3	5
16	Wood - - -	2	0	5
17	Square Field - - -	12	2	30
18	Long Brook - - -	3	2	21
19	Fairdown Field - - -	15	3	11
20	Parlour Field - - -	8	0	6
21	Water-mill Field - - -	6	3	3
22	Long Nose Field - - -	19	1	5
23	Gardens north of railway - - -	2	0	9
24	Gardens south of railway - - -	7	3	36
25	Recreation ground - - -	6	0	10
26	Parts of Step Meadow - - -	1	0	30
	Total acres - - -	166	0	10

GERARD C. MEYNELL.