



CHAP. 4.

An Act for extending and varying the Provisions concerning
Leases and Sales contained in the Acts relating to the
Settled Estates of the Earl of Abergavenny; and for
other purposes connected with those Estates.

A.D. 1871.

[14th August 1871.]

WHEREAS in the session of Parliament of the second and
third years of the reigns of King Philip and Queen Mary an
Act was passed, intituled "An Act whereby the heirs of Sir Edward
" Nevyle, Knight, are restored to the remainder of the Barony of
" Burgavenye" (which Act is in this Act called the Act of Philip
and Mary, and which family name and title mentioned in the title
of the Act of Philip and Mary are for uniformity, and in accordance
with modern usage, spelt Nevill and Abergavenny throughout this
Act):

Act of Philip
and Mary.

And whereas the Act of Philip and Mary recited (among other
things) to the effect that Sir Edward Nevill, Knight, on the fourth
day of October in the thirtieth year of the reign of King Henry the
Eighth was by order of the common law attainted of high treason,
and for the same was put to execution of death:

And whereas the Act of Philip and Mary further recited (among
other things) to the effect that in the session of Parliament of the
thirty-first year of the reign of King Henry the Eighth an Act was
passed enacting (among other things) to the effect that whereas
Sir Edward Nevill, Knight, and others therein named, were by
due course of the common law severally indicted, convicted, and
attainted of high treason, they and every of them, by the authority
of that Act, should stand and be attainted of high treason, and
should lose and forfeit unto the king, his heirs and successors, all
such their manors and other estates and things therein mentioned,
and all other their hereditaments of what nature soever which they

A.D. 1871. or any other persons in their right or to their uses, or in the right or to the use of any of them, then had or ought to have had, of any estate of inheritance in fee simple or fee tail at the several days of their several treasons committed, limited, and appointed in their said several indictments, or at any time after :

And whereas the Act of Philip and Mary further recited (among other things) to the effect that in the session of Parliament of the thirty-fourth and thirty-fifth years of the reign of King Henry the Eighth an Act was passed (in the Act of Philip and Mary and this Act referred to as the Act of Restitution) enacting (among other things) to the effect that Edward Nevill, Esquire, eldest son of Sir Edward Nevill, Knight, should be restored and enabled in name and blood as son and heir to Sir Edward Nevill, and made heir unto the same Sir Edward in name and blood, and to all other to whom the said Sir Edward was heir or might have been heir if he had not been attainted, and also be restored and enabled to inherit, hold, and enjoy all such honours, castles, and other estates and things therein mentioned, and all other hereditaments and possessions which at any time thenceforth should descend, revert, remain, or come to Edward Nevill the son as son and heir of Sir Edward or heir of the body of Sir Edward, or heir or heirs male of any ancestors of Sir Edward, or of any of them, as the said Edward the son should or might have done or had if the said attainder of Sir Edward had never been had or made, saving to all persons, bodies politic and corporate, their heirs and successors, all such right, title, claim, and other things therein mentioned, and demands, as they or any of them then had or should have had in or to the said honours, castles, and other estates and things therein mentioned, and hereditaments, as though the Act of Restitution had never been made :

And whereas the Act of Philip and Mary further recited (among other things) to the effect that by the Act of Restitution it was further enacted that the Act of Restitution or anything therein contained should not in anywise extend to restore or entitle Edward Nevill the son or any of his heirs in or to any honours, castles, or other estates or things therein mentioned or other hereditaments which were late Sir Edward Nevill the father's, or which King Henry the Eighth then had or was entitled to have by reason of the attainder of Sir Edward Nevill or otherwise, but that all the same honours, castles, and other estates and things therein mentioned, and hereditaments, which were Sir Edward the father's should remain in the same condition as they were in before the making of the Act of Restitution, and as though the same had never been made :

And whereas the Act of Philip and Mary (among other things) enacted to the effect that as much of the Act of Restitution as concerned the restitution of Edward Nevill, Esquire, should be confirmed: A.D. 1871.

And whereas the Act of Philip and Mary (among other things) further enacted to the effect that for lack of heirs male of the body of Henry Nevill, then Lord Abergavenny, Edward Nevill, Esquire, might have, hold, and enjoy to him and to the heirs male of his body all such honours, castles, and other estates and things therein mentioned, and hereditaments whatsoever, and the reversion and the remainder of the same, which by the will of George Nevill, then late Lord Abergavenny, deceased, were willed in use or in possession (for default of heirs male of the bodies of the testator and Lady Mary his wife, and for lack of heirs male of the body of Sir Thomas Nevill, Knight, then deceased, the testator's brother) to Sir Edward Nevill, Knight, and to the heirs male of his body, anything contained in the Act of Restitution concerning the restitution of Edward Nevill, Esquire, or any saving, proviso, or other article in that Act contained, or in any other Act of Parliament, or any other matter or cause, to the contrary notwithstanding:

And whereas the Act of Philip and Mary (among other things) further enacted to the effect that if it should fortune Edward Nevill, Esquire, to die without heirs male of his body, then all the said honours, baronies, castles, and other estates and things therein mentioned, and all other the premises therein-before specified, and the reversion and the remainders of the same, granted by that Act to him, should after the decease of Henry then Lord Abergavenny without issue male of his body wholly remain unto Henry Nevill, Knight, brother to Edward Nevill, Esquire, and to the heirs male of his body, with remainder unto George Nevill, brother to Edward Nevill, Esquire, and to the heirs male of his body, with remainder to the heirs of the body of George then late Lord Abergavenny (the testator), with remainder to the heirs of the body of the said Sir Thomas Nevill, Knight, according to the tenour and effect of the testator's will:

And whereas the Act of Philip and Mary (among other things) further provided and enacted to the effect that if it should fortune Henry then Lord Abergavenny and the said Edward Nevill, Esquire, Henry Nevill, and George Nevill, and every of them, to decease without heirs male of their several bodies, and also if the heirs of the body of George then late Lord Abergavenny (the testator) should fortune to decease without heirs of their bodies, and also if the heirs of the body of the said Sir Thomas Nevill,

A.D. 1871. Knight, should likewise fortune to decease without heirs of their bodies (any heirs or issue of the body of the said Sir Edward Nevill then living), then Queen Mary, her heirs and successors, should and might have, hold, and enjoy all the said honours, castles, and other estates and things therein mentioned, and other hereditaments therein-before specified, and the reversion and remainders of the same, for and during all such and so long time and times as any of the said heirs or issue of the body of the said Sir Edward Nevill should or ought to have had and enjoyed the same if the said Sir Edward Nevill had not been attainted; and that no feoffment, discontinuance, fine, nor recovery, with voucher or otherwise, or any other act or acts thereafter to be made, done, suffered, or acknowledged, of the premises, or of any part or parcel thereof, by Henry then Lord Abergavenny, Edward Nevill, Esquire, Henry Nevill, and George Nevill, or by any of them, or by any of the heirs male of their several bodies, or by any of the heirs of the body of George then late Lord Abergavenny (the testator), or by any of the heirs of the body of the said Sir Thomas Nevill, or by any of them, should bind or conclude in right or put from entry Queen Mary, her heirs and successors, or any of the heirs in tail, or any to whom the premises or any parcel thereof should descend, revert, remain, or come by virtue of the will of George then late Lord Abergavenny (the testator):

And whereas Edward Nevill, Esquire, described in the Act of Philip and Mary as son and heir of Sir Edward Nevill, Knight, is hereafter in this Act referred to as Edward Nevill the ancestor:

Leasing Act
of 1790.

And whereas in the session of Parliament of the thirtieth year of the reign of King George the Third an Act relating to leases of hereditaments entailed by the Act of Philip and Mary was passed, the title whereof is set forth in the first schedule to this Act (and which is in this Act referred to as the Leasing Act of 1790):

And whereas the Leasing Act of 1790 (among other things) empowered Henry then Earl of Abergavenny, and every future heir male of the body of Edward Nevill the ancestor, being of full age and seised in possession of the hereditaments entailed by the Act of Philip and Mary, and in case of infancy his guardian, to lease all or any part of those hereditaments (subject as to certain mines and hereditaments in the county of Monmouth as therein mentioned, and except as therein excepted) as follows; (namely,)

To any person for any term not exceeding twenty-one years;

Or in case of messuages or hereditaments situate within the towns or places therein mentioned, for any term not exceeding

sixty years, or for one, two, or three lives, for the purpose of erecting new buildings or of rebuilding thereon, and forty years for the purpose of repairing ;

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Or in case of unimproved or uncultivated lands, for any term not exceeding sixty years, or for one, two, or three lives, for the purpose of improvement and cultivation, whether by erecting buildings thereon or otherwise ;

in the manner and on the terms, and subject to the conditions therein mentioned :

And whereas in the session of Parliament of the sixth and seventh years of King William the Fourth an Act was passed conferring further leasing powers in relation to the hereditaments entailed by the Act of Philip and Mary, the title whereof is set forth in the first schedule to this Act (and which is in this Act referred to as the Leasing Act of 1836) :

Leasing Act of 1836.

And whereas the Leasing Act of 1836 (among other things) empowered Henry then Earl of Abergavenny, and every future heir male of the body of Edward Nevill the ancestor, and all other person or persons (if any) who might, under the Act of Philip and Mary, at any time become entitled to or interested in the hereditaments entailed by that Act, being of full age and seised in possession of those hereditaments, and in case of infancy the guardian of the infant, to make leases as follows ; (namely,)

As to all or any part of the hereditaments therein described, for any term not exceeding ninety-nine years for building purposes ;

And as to the hereditaments comprised in the Leasing Acts of 1790 and 1836 respectively, for any term not exceeding forty years for repairing ;

in the manner and on the terms, and subject to the conditions therein mentioned :

And whereas by will dated the fifth day of March one thousand eight hundred and thirty-nine Henry then Earl of Abergavenny, after reciting to the effect that he had then only two children, (namely) his eldest son John Viscount Nevill and his son William Nevill, and that the ancient family entailed estates had been so improved that they produced in rental much more than when he came to the title, and that he had purchased and acquired estates of large value, and that it was his intention to give all such estates to his eldest son John, to descend with the title, devised certain hereditaments therein specified, and all other the freehold and copyhold hereditaments which he was then, or at the time of his death should be, beneficially seised and possessed respectively of,

Will of Henry Earl of Abergavenny, and his death.

A.D. 1871. — or entitled in any manner to, or interested in, either in possession, reversion, remainder, or expectancy, and whether in law or in equity, or over which he had any disposing power, with their several appurtenances, (except certain hereditaments in Kent,) unto his brother George Henry Nevill and Daniel Rowland, their heirs and assigns, to the uses therein limited, being in substance as follows; (namely,) to the use of the testator's eldest son John Viscount Nevill and his assigns during his life, with remainder to the use of such person or persons as should or might be so entitled as aforesaid upon the decease of the same son, to the testator's family settled estates in such order and course successively, and for such estates and subject to such provisoes as were limited and contained in the Act of Philip and Mary, and to all other provisoes contained in any Act of Parliament relating to the same estates, and he thereby gave to John Viscount Nevill power to demise the said devised estates for twenty-one years :

And whereas Henry Earl of Abergavenny died without having revoked his recited will, and without having altered it as far as it is in this Act recited, and on the twenty-seventh day of April one thousand eight hundred and forty-three it was proved by the executors thereof in the Prerogative Court of the Archbishop of Canterbury :

Settlement
of 1844.

And whereas by an indenture dated the fourteenth day of September one thousand eight hundred and forty-four, and made between John then Earl of Abergavenny (being the person called John Viscount Nevill in the recited will) of the first part, William Nevill, in the recited will named, of the second part, the said Daniel Rowland of the third part, and Owen Fuller Meyricke of the fourth part (in this Act referred to as the settlement of 1844), the freehold messuages, tenements, and hereditaments devised by the will of Henry then late Earl of Abergavenny were limited to the uses therein expressed, being in substance as follows; (namely,) to the use of John then Earl of Abergavenny and his assigns for his life, with remainder to the use of the first and every other son of the same earl severally and successively in tail male, with remainder to the use of William Nevill, party thereto, and his assigns, during his life, with remainder to the use of William Nevill, the eldest son of the same William Nevill, and his assigns, during his life, with remainder to the use of the first and every other son of the body of William Nevill, the son, and the heirs male of the body of every such son, with remainder to the use of Ralph Pelham Nevill, second son of William Nevill, party thereto, and his assigns, for his life, with remainder to the use of the first and every other

son of the body of the said Ralph Pelham Nevill and the heirs male of the body of every such son, with remainder to the use of the third, fourth, fifth, and every other son of the body of William Nevill, party thereto, and the heirs male of the body of every such son, with remainder to the use of the person who, at the time of the failure of such issue, should, under the limitations in the Act of Philip and Mary contained concerning the honours, castles, and other hereditaments thereby settled, be entitled in possession to such of the same hereditaments as should be remaining subject to the said limitations, and the heirs male of the body of such person, with remainder to the use of John then Earl of Abergavenny, his heirs and assigns, for ever :

A.D. 1871.

And whereas the state of the family of the descendants of Edward Nevill the ancestor (as far as the same is material for the purposes of this Act) has been and is as follows :

Descendants
of Edward
Nevill.

- (a.) In 1753 George first Earl of Abergavenny, who was heir male of the body of Edward Nevill the ancestor, married Henrietta daughter of Thomas Pelham, Esquire, and he had issue two sons only, (namely) Henry Nevill, his eldest son, and George Henry Nevill, his second son ;
- (b.) In 1785 George first Earl of Abergavenny died, and thereupon Henry Nevill, his eldest son, became second Earl of Abergavenny (being the earl who is named in the Leasing Acts of 1790 and 1836, and whose will is recited in this Act) ;
- (c.) In 1781 Henry second Earl of Abergavenny married Mary daughter of John Robinson, Esquire, and he had issue four sons only, (namely) Henry George Nevill, his eldest son, Ralph Nevill, his second son, John Nevill, his third son, and William Nevill, his fourth son ;
- (d.) In 1843 Henry second Earl of Abergavenny died ;
- (e.) Henry George Nevill, the eldest son of Henry second Earl of Abergavenny, had died in 1806, in his father's lifetime, without issue male, and Ralph Nevill, the second son of Henry second Earl of Abergavenny, had died in 1826, in his father's lifetime, without issue male, and on the death of Henry second Earl of Abergavenny John Nevill, his third son, became third Earl of Abergavenny (being John Viscount Nevill named in the recited will of Henry Earl of Abergavenny, and being John Earl of Abergavenny named in the settlement of 1844) ;
- (f.) In 1845 John third Earl of Abergavenny died without issue male, and thereupon William the fourth son of Henry

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second Earl of Abergavenny became fourth Earl of Abergavenny (being the William Nevill who is named in the recited will of Henry Earl of Abergavenny, and who is party to the settlement of 1844) ;

- (g.) In 1824 William fourth Earl of Abergavenny married Caroline Leeke, daughter of Ralph Leeke, Esquire, and he had issue three sons only, (namely) Henry Nevill, his eldest son (who died in 1829 an infant of tender years), William Nevill, his second son (named in the settlement of 1844), and Ralph Pelham Nevill, his third son (therein also named) ;
- (h.) In 1868 William fourth Earl of Abergavenny died, and thereupon William Nevill, his second and then eldest surviving son, became fifth Earl of Abergavenny, and he is now Earl of Abergavenny ;
- (i.) In 1848 William Earl of Abergavenny married Caroline daughter of Sir John Vanden Bempde Johnstone, Baronet, and he has had issue five sons only, (namely) Reginald William Bransby Nevill, his eldest son, and Henry Gilbert Ralph Nevill, George Montacute Nevill, William Beauchamp Nevill, and Richard Plantagenet Nevill, all of whom are now living and are infants under the age of twenty-one years ;
- (j.) In 1860 Ralph Pelham Nevill, the second son of William fourth Earl of Abergavenny, married Louisa Marianne daughter of Sir Charles Fitzroy McLean, Baronet, and he has had issue one son only, (namely) Ralph William Plantagenet Nevill, who is now living and is an infant under the age of twenty-one years ;
- (k.) In 1787 George Henry Nevill, who was the second son of George first Earl of Abergavenny (and who is named in the recited will of his brother Henry second Earl of Abergavenny), married Caroline daughter of Richard Walpole, Esquire, and he had issue three sons only, (namely) George Nevill, his eldest son, Henry Walpole Nevill, his second son, and Reginald Henry Nevill, his third son ;
- (l.) In 1844 George Henry Nevill died ;
- (m.) George Nevill, the eldest son of George Henry Nevill, had died in 1825, in his father's lifetime, without issue male ;
- (n.) In 1833 Henry Walpole Nevill, the second son of George Henry Nevill, married Frances daughter of Sir Edmund Bacon, Baronet, but had no issue male, and died in 1837 ;

(o.) In 1847 Reginald Henry Nevill married Lady Dorothy Fanny Walpole, daughter of Horatio third Earl of Orford, and he has issue three sons only, (namely) Edward Augustus Nevill, Horace John Nevill, and Ralph Henry Nevill, all of whom are now living and are infants under the age of twenty-one years : A.D. 1871.
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And whereas William Earl of Abergavenny is, as heir male of the body of Edward Nevill the ancestor, now seised of or entitled to the hereditaments subject to the limitations of the Act of Philip and Mary, and he is tenant for life in possession under the settlement of 1844, and he is also heir-at-law of John late Earl of Abergavenny :

And whereas Reginald Henry Nevill is the first tenant in tail male in remainder of full age under the settlement of 1844 :

And whereas in the session of Parliament of the eighteenth and nineteenth years of the reign of Her present Majesty an Act was passed with the short title of Earl of Abergavenny's Leasing Act, 1855 (which is in this Act referred to as the Leasing Act of 1855) : Leasing Act
of 1855.

And whereas the Leasing Act of 1855 contained recitals showing (among other things) that parts of the hereditaments comprised in the schedule to that Act were parts of the estates entailed by the Act of Philip and Mary, and that the residue of the hereditaments comprised in the same schedule was part of the hereditaments entailed by the settlement of 1844 :

And whereas the Leasing Act of 1855 (among other things) enacted to the effect that from time to time within five years after the passing of that Act William then Earl of Abergavenny, and after his decease the heir male of the body of Edward Nevill the ancestor, or in case of infancy his guardian, might lease all or any part of the hereditaments specified in the schedule to that Act in the manner and on the conditions therein mentioned (the leases thereby authorised being mining leases) :

And whereas the Leasing Act of 1855 further contained (among other things) enactments providing for the purposes or to the effect following ; (namely,)

For payment into the Court of Chancery of one fourth of the rent received on any lease under that Act of hereditaments entailed by the Act of Philip and Mary during the life of a tenant in possession for life or in tail (section seventeen) ;

For payment into court of one fourth of the rent received on any lease under that Act of hereditaments devised by the will of Henry Earl of Abergavenny during the life of a tenant in possession for life or in tail under age (section eighteen) ;

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For investment under direction of the court of the money so paid in in the purchase of freehold or copyhold hereditaments or otherwise as therein mentioned (section twenty-two);

For settlement of the hereditaments so from time to time purchased to the like uses as those affecting the demised premises whence the money invested in the purchase arose (section twenty-three);

For interim investment of money paid into court in Exchequer bills (section twenty-four);

For payment of any profit on sale of Exchequer bills to the person who would be entitled to receive the rents of the hereditaments directed to be purchased if the same were purchased and settled with power to the court to order the payment to such person of all or any part of the interest on the Exchequer bills (sections twenty-seven and twenty-eight):

Estate Act
of 1864.

And whereas in the session of Parliament of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty an Act was passed with the short title of *The Earl of Abergavenny's Estates Act, 1864* (which is in this Act referred to as the *Estate Act of 1864*):

And whereas the *Estate Act of 1864* (among other things) repealed (section two) so much of the *Leasing Act of 1790* as authorised leases for lives, and enacted to the effect that no grant by copy of court roll or any lease of hereditaments entailed by the *Act of Philip and Mary* should thereafter be made in consideration of any fine, premium, or foregift, or for life or lives, or in any other way than according to the provisions of the *Leasing Act of 1790* (except as far as that Act was by the *Estate Act of 1864* repealed), and the *Leasing Act of 1836*, and the *Estate Act of 1864*:

And whereas the *Estate Act of 1864* (among other things) further enacted to the effect (section four) that from and after the passing of that Act the estates entailed by the *Act of Philip and Mary* (except as therein excepted) should stand charged with the payment—

To Reginald Henry Nevill, his heirs, executors, administrators, and assigns, of the annual sum of five hundred pounds for such time and under such circumstances and in such manner as therein referred to, being in effect in the events that have happened, for the lives of William now Earl of Abergavenny and of Ralph Pelham Nevill, and the life of the survivor of them; and

To Ralph Pelham Nevill or his assigns of the annual sum of five hundred pounds for such time and under such circum-

stances and in such manner as therein referred to, being in effect, in the events that have happened, for the life of Ralph Pelham Nevill or until he becomes Earl of Abergavenny :

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And whereas the Estate Act of 1864 (among other things) further enacted to the effect (section six) that the powers of leasing conferred by the Leasing Acts of 1790 and 1836 (except the power of leasing for lives), and all the enactments in those Acts in reference to the leases thereby respectively authorised (except as aforesaid), and in reference to contracts for such leases, should extend and apply to all the estates in the counties of Kent and Sussex which were then subject to the limitations of the Act of Philip and Mary, or might thereafter become subject to the same, within the parishes in which the said estates were then situate (except the mansion house, park, and lands therein described), as if all such estates (except as aforesaid) had been included in the hereditaments by the Leasing Acts of 1790 and 1836 respectively authorised to be let :

And whereas the Estate Act of 1864 (among other things) empowered (section eight) William then Earl of Abergavenny and every future heir male of the body of Edward Nevill the ancestor who under the Act of Philip and Mary should become seised of or entitled in possession to the estates for the time being subject to the limitations of that Act, being of the age of twenty-one years (but subject to the rentcharges therein-before made payable to Reginald Henry Nevill and Ralph Pelham Nevill), by deed or will to appoint to any woman whom he might have married or might marry, and either before or after his marriage, for her life or for any less period, any yearly rentcharge by way of jointure not exceeding two thousand pounds, to be charged on and payable out of the estates subject to the limitations of the Act of Philip and Mary (except as therein excepted) :

And whereas the Estate Act of 1864 (among other things) further empowered (section nine) William then Earl of Abergavenny and every such future heir male as last aforesaid (subject to the rentcharges last aforesaid) by deed or will to appoint for the portion or portions of his child or children, or any one or more of them (other than the first or only son or other son as therein mentioned), for the life or respective lives of such child or children, or to any trustee or trustees for such child or children, any yearly rentcharge or rentcharges not exceeding in the whole for any one child the sum therein mentioned, to be charged on and payable out of all or any of the estates for the time being subject to the limitations of the Act of Philip and Mary (except as therein excepted), with divers limitations and provisions respecting every such rentcharge :

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And whereas the Estate Act of 1864 (among other things) further empowered (section fourteen) William then Earl of Abergavenny and every future heir male of the body of Edward Nevill the ancestor, and all other person or persons (if any) who under the Act of Philip and Mary might become entitled to or interested in the estates for the time being subject to the limitations of that Act, being of full age and seised in possession of those estates, and in case of infancy then the guardian or guardians of the infant or infants, to sell all or any of the hereditaments described in the schedules to the Estate Act of 1864 (being hereditaments situate in the counties of Norfolk, Suffolk, Hereford, and Monmouth) :

And whereas the Estate Act of 1864 (among other things) further contained provisions for the purposes or to the effect following ; (namely,)

For requiring that before any sale under that Act notice should be given to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, every such notice to be accompanied by a valuation signed by a land surveyor approved by those Commissioners, and that no sale should take place for a less sum than the amount stated in the valuation without the consent of those Commissioners or one of them, nor if notice of objection to the sale or valuation by them or one of them was given before the sale (section fifteen) ;

For payment into the Court of Chancery of all moneys payable on any such sale (section seventeen) ;

For investment under direction of the court of money in court in the purchase of hereditaments in the counties of Kent, Sussex, Warwick, Worcester, or Monmouth, or otherwise as therein provided (section nineteen) ;

For settlement of hereditaments so from time to time purchased to uses corresponding with those then affecting the estates for the time being subject to the limitations of the Act of Philip and Mary (section twenty) ;

For interim investment of money in court in the purchase of Exchequer bills, and for investment of the interest on such bills in the purchase of other Exchequer bills (section twenty-one) ;

For payment of any profit on sale of Exchequer bills to the person who would be entitled to receive the rents of the hereditaments directed to be purchased if the same were purchased and settled in pursuance of that Act (section twenty-four) :

And whereas by deed poll dated the thirtieth day of July 1864 William then Earl of Abergavenny, in pursuance of the power given to him by section eight of the Estate Act of 1864, appointed unto and to the use of Caroline his wife and her assigns for her life, in case she should survive him, a yearly rentcharge of two thousand pounds for her jointure, to be charged on the estates subject to the limitations of the Act of Philip and Mary (except as therein excepted) :

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Appoint-
ments of
rentcharges
for jointure
and chil-
dren's por-
tions.

And whereas by indenture made the thirtieth day of July 1864 between William then Earl of Abergavenny, of the one part, and Sir Walter Buchanan Riddell, Baronet, and Ralph Meyrick Leeke, Esquire, of the other part, William then Earl of Abergavenny, in exercise of the power given to him by section nine of the Estate Act of 1864, appointed and granted to the said Sir Walter Buchanan Riddell and Ralph Meyrick Leeke, their executors, administrators, and assigns, the yearly rentcharge of one thousand pounds for the portion of each of his daughters Caroline Emily Nevill, Henrietta Augusta Mostyn, widow, and Isabel Mary Frances, wife of Edward Vesey Bligh, to be respectively charged on the estates subject to the limitations of the Act of Philip and Mary (except as therein excepted), and to be payable during the respective lives of his said daughters, and the yearly rentcharge thereby appointed in respect of such one of his daughters as should first die to continue charged and payable as aforesaid after her death as to the whole thereof during the joint lives of the two survivors of his said daughters, and as to a moiety thereof also during the life of the last survivor of them, and by the same indenture trusts were declared of the rentcharges thereby appointed to the effect (among other things) that each rentcharge should go in trust for the daughter in respect of whom it was appointed during her life for her separate use, without power of anticipation, with trusts over to take effect on the death of any daughter in favour of the survivors :

And whereas the mode prescribed by the Leasing Act of 1855 and the Estate Act of 1864 respectively for the interim and ultimate investment of rents and sale moneys, and for obtaining approval on behalf of the Crown of sales is dilatory and expensive and otherwise inconvenient, and some of the restrictions imposed by the several recited Acts on the powers of leasing and sale are inexpedient, and it would be of great advantage to the persons interested in the estates subject to the limitations of the Act of Philip and Mary and of the settlement of 1844 if the Acts relating

Amendments
as to powers
of leasing
and sale, and
otherwise.

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Sale for
cemetery at
Tunbridge
Wells.

And whereas an agreement dated the twentieth day of January one thousand eight hundred and seventy-one was made or expressed to be made between William Earl of Abergavenny of the one part, and the Tunbridge Wells Improvement Commissioners, constituting the Local Board of Health for the district of Tunbridge Wells, and as such the Burial Board of that district, of the other part, relative to the acquisition by those Commissioners of land for a cemetery :

And whereas the last-mentioned agreement, after reciting or referring to the Act of Philip and Mary, witnessed (among other things) to the effect following :

- (a.) That the said Commissioners, as the Burial Board, agreed to purchase of William Earl of Abergavenny, and he, so far as he lawfully could or might under the powers of the Burial Acts and other Acts incorporated therewith, regard being had to the Act of Philip and Mary, but not further or otherwise, agreed to sell to them for the sum of four thousand pounds all his estate and interest in the pieces of land in Frant Forest, in the parish of Frant in the county of Sussex, containing by admeasurement twenty acres, as delineated and described in the plan thereto annexed, with such full and free right of drainage as therein described ;
- (b.) That the purchase money and expenses should be paid as therein mentioned, and that possession of the purchased property should be given to the said Commissioners on payment of the purchase money into the Court of Chancery to the credit of an account entitled under the Lands Clauses Consolidation Acts ;
- (c.) That nothing therein contained should bind William Earl of Abergavenny to do any act which he was not empowered to do, having regard to the Act of Philip and Mary, and that the sum agreed to be paid by the said Commissioners should be taken to be the consideration for such estate and interest in the purchased property as William Earl of Abergavenny was by law empowered to convey to them under the Burial Acts and the Acts incorporated therewith, regard being had as aforesaid ;
- (d.) That inasmuch as it was the intention of William Earl of Abergavenny to apply in the then next session of Parliament for a Private Act, containing certain powers and provisions relating to the estates comprised in the Act of Philip and

Mary, he should endeavour to obtain by such proposed Act power for Her Majesty's Commissioners of Woods and Forests to convey to the said Commissioners the reversionary interest of Her Majesty and her successors of and in the said pieces of land, subject to that agreement, without further payment by the Commissioners of compensation in respect of such reversionary interest :

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And whereas on the first day of February one thousand eight hundred and seventy-one, in pursuance of the said agreement, the sum of four thousand pounds, the purchase money therein mentioned, was paid by the said Burial Board into the Court of Chancery to the credit of an account entitled Ex parte the Burial Board for the District of Tunbridge Wells in the Counties of Kent and Sussex, and by an order of the Court of Chancery dated the twenty-fifth day of March one thousand eight hundred and seventy-one, made on the petition of William Earl of Abergavenny, the same sum (as part of a sum of ten thousand pounds in the said order mentioned) was ordered to be laid out in the purchase of land, and the land purchased therewith has been or will be settled so as to form part of the estates subject to the limitations of the Act of Philip and Mary :

And whereas the pieces of land comprised in the said agreement (inasmuch as they are situate in the county of Sussex) are not within the power of sale in the Estate Act of 1864, and the same have not been purchased or taken by the said Burial Board under any compulsory powers of purchase, but it is expedient on public grounds that the same be effectually vested in the said Burial Board, and accordingly that the aforesaid sale thereof to them be confirmed :

And whereas enfranchisements in exercise or intended exercise of the powers conferred by the Copyhold Acts have from time to time been made (with the consent of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them,) of freehold, copyhold, and customary lands; held of manors subject to the limitations of the Act of Philip and Mary, but doubts have been entertained whether the Copyhold Acts apply to those manors and lands held thereof, and it is expedient that those doubts be removed as regards the future, and that provision be made for preventing enfranchisements made as aforesaid from being invalidated or impeached on the ground of the Copyhold Acts not applying as aforesaid :

Copyhold
Acts.

And whereas the hereditaments described in the fifth schedule to this Act are or are alleged to be parts of the hereditaments now subject to the limitations of the Act of Philip and Mary :

Exchange.

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And whereas Ralph Pelham Nevill is or claims to be absolutely entitled in possession, free from incumbrances, to the hereditaments described in the sixth schedule to this Act, as to part thereof so distinguished in that schedule for a long term of years, and as to the residue thereof in fee simple :

And whereas William Earl of Abergavenny and Ralph Pelham Nevill are desirous that an exchange should be effected of the lands described in the fifth and sixth schedules to this Act respectively, the sum of fifty-three pounds having been paid to Ralph Pelham Nevill for equality of exchange, and the same would be manifestly to the advantage of all persons interested in the hereditaments subject to the limitations of the Act of Philip and Mary :

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

Therefore Your Majesty's most dutiful and loyal subjects William Earl of Abergavenny and Ralph Pelham Nevill 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,)

Short title.

1. This Act may be cited as 'The Earl of Abergavenny's Estate Act, 1871.

Interpre-
tation of
terms.

2. In this Act--

"The Act of Philip and Mary" means the recited Act of the session of the second and third years of the reigns of King Philip and Queen Mary :

"Edward Nevill the ancestor" means Edward Nevill, Esquire, described in the Act of Philip and Mary as son and heir of Sir Edward Nevill, Knight :

"The settlement of 1844" means the recited indenture of settlement of the fourteenth day of September one thousand eight hundred and forty-four :

"The Leasing Act of 1855" means Earl of Abergavenny's Leasing Act, 1855 :

"The Estate Act of 1864" means the Earl of Abergavenny's Estates Act, 1864.

Appoint-
ment of
trustees.

3. There shall be two trustees of this Act, who shall in the first instance be Gathorne Hardy and Ralph Pelham Nevill, and on any vacancy happening in the office of either of those trustees by death, resignation, or otherwise, another person shall be appointed to fill the vacancy, as follows ; (namely,)

Any successor, immediate or mediate, of Gathorne Hardy shall be appointed, with the approbation of the Court of Chancery (to be obtained on summons under this Act), by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the time being, or one of them, by writing signed by them or him :

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Any successor, immediate or mediate, of Ralph Pelham Nevill shall be appointed, with the approbation of the Court of Chancery (to be obtained on summons under this Act), by the tenant in tail in possession under the Act of Philip and Mary, or his guardian if he is an infant, by writing signed by the appointor.

4. The provisions of the Leasing Act of 1855, described in the second schedule to this Act, shall cease to operate.

Partial discontinuance of Act of 1855.

5. The person who from time to time receives the rent reserved by any lease granted under the Leasing Act of 1855 of any hereditaments entailed by the Act of Philip and Mary shall pay to the trustees of this Act the following proportion of the net amount or value of the rent so received (namely), with respect to so much of that rent as becomes due and payable during the life of any person from time to time entitled to the reversion expectant on the lease as tenant for life in possession, or as tenant in tail in possession, he shall pay to the trustees of this Act one equal fourth part of the net amount or value of the rent so received.

Proportion of rent to be paid to trustees of land entailed by Act of Philip and Mary.

6. The person who, for the time being, receives the rent reserved by any lease granted under the Leasing Act of 1855 of any hereditaments devised by the will of Henry Earl of Abergavenny, recited in this Act, shall pay to the trustees of this Act the following proportion of the net amount or value of the rent so received ; (namely,) with respect to so much of that rent as becomes due and payable during the life of any person from time to time entitled to the reversion expectant on the lease as tenant for life in possession or as tenant in tail in possession under age, he shall pay to the trustees of this Act one equal fourth part of the net amount or value of the rent so received.

Proportion of rent to be paid to trustees of land devised by will of Henry Earl of Abergavenny.

7. Such parts of the rents aforesaid as are not to be paid as aforesaid to the trustees of this Act may be retained by the person so from time to time entitled if he is of full age, or by his guardian if he is an infant.

Application of residue of rents.

8. The trustees of this Act shall keep separate accounts of the two several parts or proportions of rents from time to time paid to them as aforesaid, arising respectively from the parts of the demised premises entailed by the Act of Philip and Mary, and from the

Separate accounts of rents.

A.D. 1871. — parts of the demised premises devised by the will of Henry Earl of Abergavenny.

Investments of proportion of rents paid to trustees.

9. All money received by the trustees of this Act in respect of the two several parts or proportions of rents aforesaid, or so much thereof as the trustees from time to time think fit, shall be laid out in manner prescribed in section twenty-two of the Leasing Act of 1855 (relating to investment of money paid into court), subject to this variation (namely), that no such order or direction as is therein mentioned be required.

Settlement of lands purchased by rents.

10. Section twenty-three of the Leasing Act of 1855 (relating to settlement of lands purchased) shall apply to all purchases made under the Leasing Act of 1855 as varied by this Act.

Interim investment of proportion of rents and application of income.

11. Until the money received by the trustees of this Act, in respect of the two several parts or proportions of rents aforesaid, is laid out as directed by this Act, the same shall be from time to time invested by the trustees in Exchequer bills or in three pounds per centum consolidated bank annuities as the trustees think fit, with power to them from time to time to vary investments into or for others of the nature aforesaid, and the income from such investments shall be paid to the person who, if lands had been purchased with the money so invested and had been settled, would be entitled to the profits of those lands.

Payment out of Court of Chancery of existing funds from leases.

12. On petition or motion to the Court of Chancery in a summary way by the trustees of this Act, the Court may order that the Exchequer bills at the passing of this Act deposited in the Bank of England under the Leasing Act of 1855 be sold by the accountant general of the court, and that the money produced by the sale thereof, and any money at the passing of this Act in the bank on the several accounts specified in section twenty of the Leasing Act of 1855, be paid to the trustees of this Act, and the same when paid to them shall be held and applied by them as money received by them after the passing of this Act in respect of the two several parts or proportions of rents aforesaid ought to be held and applied by them.

Extension of leasing powers to whole settled estate.

13. Section six of the Estate Act of 1864 (relating to leasing powers) and all provisions of that Act relative thereto shall have effect as if the leasing powers by that section conferred had been thereby applied to all hereditaments for the time being subject to the limitations of the Act of Philip and Mary, except such as are described in Part I. of the third schedule to this Act, and had not been thereby limited to lands situate in the county of Kent or Sussex.

14. Section fourteen of the Estate Act of 1864 (relating to powers of sale) shall extend to all hereditaments for the time being subject to the limitations of the Act of Philip and Mary, and to all quitrents, chief rents, burgage rents, and other like rents, for the time being payable to the tenant in tail in possession under the Act of Philip and Mary, and the saving in that section for leases granted shall extend to every lease for the time being granted under any of the powers therein mentioned as extended by this Act: Provided that the application of the power of sale given by section fourteen of the Estate Act of 1864 to the hereditaments for the time being subject to the limitations of the Act of Philip and Mary (whether such application is by virtue of the Estate Act of 1864 or by virtue of this section) shall be subject to the following restrictions and provisions; (namely,)

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Extension of power of sale to whole settled estate.

(1.) The power of sale aforesaid shall not extend to the hereditaments described in Part I. of the third schedule to this Act:

(2.) It shall extend to the hereditaments described in Part II. of that schedule in any case where a body or person has authority to purchase part thereof by agreement under the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, or any of them, but not in any other case:

(3.) It shall (notwithstanding any general exception in Part II. of that schedule) extend without restriction to the hereditaments described in Part III. of that schedule.

15. The sections of the Estate Act of 1864 described in Part I. of the fourth schedule to this Act shall not apply to any sale the contract for which is made or completed after the passing of this Act, and no money shall be paid under those sections into the Bank of England after the passing of this Act.

Partial discontinuance of Act of 1864.

16. Section sixteen of the Estate Act of 1864 (relating to reservation of minerals) shall apply to all sales under that Act, as extended and varied by this Act.

Reservation of minerals, &c.

17. Every sale under the Estate Act of 1864, as extended and varied by this Act, shall be made with the approval of the trustees of this Act.

Sales with approval of trustees.

18. All money payable on any sale under the Estate Act of 1864 as extended and varied by this Act, or under any contract for sale under that Act not completed at the passing of this Act, shall be paid to the trustees of this Act.

Payment of sale moneys to trustees.

19. The aforesaid sale of land to the said Burial Board for the sum of four thousand pounds is hereby confirmed, and the con-

Confirmation of sale and conveyance

A.D. 1871.
to Tunbridge
Wells Burial
Board.

veyance thereof by the tenant in tail in possession under the Act of Philip and Mary in consideration of that sum shall, according to the tenor thereof, be as effectual to all intents and purposes as if that land had been at the date of the said agreement of the twentieth day of January one thousand eight hundred and seventy-one subject to the power of sale contained in section fourteen of the Estate Act of 1864, and as if the conveyance thereof were a conveyance made on a sale under that power.

Investment
of sale
moneys in
purchase of
lands, &c.

20. The said sum of four thousand pounds and all money received by the trustees of this Act on any sale under the Estate Act of 1864, as extended and varied by this Act, or so much thereof as the trustees of this Act from time to time think fit, shall be laid out, in such manner as the trustees think fit, in any such purchase, redemption, discharge, or payment as is mentioned in section nineteen of the Estate Act of 1864 (relating to investment of moneys paid into the bank), subject to the following variation and addition; (namely,)

- (1.) That no such order or direction as is therein mentioned be required:
- (2.) That the power of purchase of hereditaments thereby given shall extend to the purchase of hereditaments in any county of England or Wales.

Settlement
of lands pur-
chased with
sale moneys.

21. Section twenty of the Estate Act of 1864 (relating to settlement of lands purchased) shall apply to all purchases made under that Act as extended and varied by this Act.

Interim in-
vestment of
purchase
money and
application
of income.

22. Until the money received on any sale by this Act is applied as aforesaid the same shall be from time to time invested by the trustees of this Act in Exchequer bills or in three pounds per centum consolidated bank annuities, as the trustees think fit, with power to them from time to time to vary investments into or for others of the nature aforesaid, and the income from such investments shall be paid to the person who, if lands had been purchased with the money so invested and had been settled, would be entitled to the profits of those lands.

Payment out
of Court of
Chancery of
existing
funds from
sales.

23. On petition or motion to the Court of Chancery in a summary way by the trustees of this Act the court may order that the Exchequer bills at the passing of this Act deposited in the Bank of England under the Estate Act of 1864 be sold by the accountant general of the court, and that the money produced by the sale thereof, and any money at the passing of this Act in the bank in the name of the accountant general, on the account specified in section

seventeen of the Estate Act of 1864 (relating to payment of sale money into court), be paid to the trustees of this Act, and the same when paid to them shall be held and applied by them, first on trust to pay thereout the costs, charges, and expenses of, and preliminary and incidental to the preparing of, applying for, and obtaining of this Act, and subject thereto, as money received on a sale ought to be held and applied by them. A.D. 1871.

24. The trustees of this Act may from time to time if they think fit, notwithstanding anything in this Act, set apart out of the money coming to their hands in respect of sales or leases of lands subject to the limitations of the Act of Philip and Mary, any money not exceeding in the whole fifty-eight thousand pounds as the town house and improvement fund. Provision for town house and improvement fund.

25. The trustees of this Act may expend part of the town house and improvement fund, not exceeding thirty-five thousand pounds, for or towards the purchase of a dwelling house (with outbuildings and offices) in one of the parishes of Saint James's Westminster, Saint George's Hanover Square, and Saint Mary-lebone, in the county of Middlesex, held in fee simple, or for or towards the purchase of a piece of ground in one of the same parishes, held in fee simple, as a site for, and the building on that site of a dwelling house (with outbuildings and offices), any dwelling house so purchased or built to be the family town house of the Earl of Abergavenny for the time being, and to be settled as prescribed by section 20 of the Act of 1864 (relating to settlement of lands purchased). Purchase, &c. of town house.

26. The trustees of this Act may expend part of the town house and improvement fund as follows; (namely,) Improvements at Eridge and Abergavenny.

(1.) They may expend part of the fund not exceeding six thousand pounds for or towards the execution of substantial and permanent improvements, alterations, and additions of and to Eridge Castle, and its offices and outbuildings:

(2.) They may expend part of the fund not exceeding seventeen thousand pounds for or towards the building of a residence for the Earl of Abergavenny for the time being, on the site of Abergavenny Castle, with proper offices and outbuildings, and for or towards the building or providing of a farmhouse and homestead, and the execution of other substantial and permanent improvements on lands adjoining or near to the site of Abergavenny Castle, known as the Red Barn Farm:

A.D. 1871.

(3.) They may expend out of that sum of seventeen thousand pounds any sum not exceeding two thousand pounds for or towards the purchase of leasehold lands adjoining or lying near to the site of Abergavenny Castle, and convenient to be held therewith, and held for any term whereof not less than a period of five hundred years is unexpired at the time of the purchase :

Provided that the said sums of not exceeding six thousand pounds and seventeen thousand pounds, or so much thereof as is expended, shall be repaid to the trustees of this Act (the same when repaid to be held and applied as money coming to their hands from sales or leases of lands subject to the limitations of the Act of Philip and Mary) by annual instalments without interest, by the tenant or successive tenants in tail in possession under the Act of Philip and Mary, so that the respective amount expended shall be repaid within thirty years, reckoned from the expiration of one year after the completion of the respective expenditure.

Repair and insurance.

27. With respect to repairs and insurance of the town house to be provided, and of the residence to be built on the site of Abergavenny Castle as aforesaid, the following provisions shall have effect ; (namely,)

(1.) From and after the respective times when a town house has been provided and a residence has been built as aforesaid, each successive tenant in tail in possession under the Act of Philip and Mary shall during his estate therein keep the same respectively and the respective offices and out-buildings thereof in good repair and condition, and also insured in some or one of the public offices in England for insurance against fire, approved by the trustees of this Act, in the names of those trustees, in sums respectively not less than the following ; (namely,)

As regards the town house, not less than two thirds of the capital amount for the time being expended in the providing and building of the same ;

And as regards the residence aforesaid, not less than the capital amount for the time being expended in the building of the same :

(2.) If the same town house or residence while so insured is destroyed or damaged by fire, the insurance money payable shall be paid to the trustees of this Act (who in respect of the purposes of this Act shall be deemed to have sufficient interest in such insurance to enable them to sue for the sum insured), and they shall from time to

time apply or permit the tenant in tail in possession to apply the same in or towards substantially reinstating the building so destroyed or damaged : A.D. 1871.

(3.) The trustees of this Act shall not be concerned to see that any insurance is effected or continued, or be answerable for the same not having been effected or continued.

28. If the trustees of this Act at any time require to raise for the purposes of the town house and improvement fund any money beyond the amount for the time being in their hands received in respect of sales or leases of lands subject to the limitations of the Act of Philip and Mary, they may, with the concurrence of the tenant in tail in possession under the Act of Philip and Mary, from time to time borrow at interest any money not exceeding in the whole (inclusive of the costs of raising the same) the sum of fifty-eight thousand pounds. Power to borrow for town house and improvement fund.

29. Any money borrowed under this Act by the trustees of this Act shall be applied by them as part of the town house and improvement fund. Application of money borrowed.

30. As a security for any money borrowed under this Act, and the interest thereon, the trustees of this Act, with the concurrence of the tenant in tail in possession under the Act of Philip and Mary, may (subject to any mortgage theretofore made under this Act) by deed demise by way of mortgage to the person or body lending the same, or as directed by him or them, all or any of the hereditaments comprised in Part II. of the third schedule to this Act, with their rights, members, and appurtenances, for any term of years, with or without impeachment of waste, but subject to a proviso for cesser of the term on payment of the sum borrowed with interest at a rate to be agreed on, not exceeding five pounds per centum per annum, at the time and in the manner in the mortgage specified, and every such mortgage may contain stipulations for the repayment of the principal money secured thereby by instalments or otherwise, and at such time or times, and in such manner as shall be thought most beneficial and as the parties agree on, and may also contain powers of distress and entry, and all other usual or proper powers for recovery of interest on principal money secured thereby. Money borrowed to be secured by mortgage.

31. Any person lending money on mortgage under this Act shall not be bound or entitled to inquire into the validity, propriety, or expediency of any mortgage to be made to him, or to ascertain that no more money than required is raised. Protection of lenders from inquiry.

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Mortgages
to be subject
to certain
charges, &c.

32. Every mortgage under this Act shall be subject as follows ;
(namely,)

To the provisions of the sections of the Estate Act of 1864 described in Part II. of the fourth schedule to this Act, and to the charges for the time being subsisting thereunder :

To all powers of leasing, and to all leases and contracts and agreements for leases lawfully made before the execution of such mortgage.

Payment of
principal of
mortgage
money.

33. The principal money secured by every mortgage under this Act shall be paid off within thirty years, reckoned from the expiration of one year from the date of the mortgage, and the trustees of this Act shall from time to time apply in that behalf money coming to their hands in respect of sales or leases of lands subject to the limitations of the Act of Philip and Mary.

Payment of
interest.

34. The interest from time to time accruing due under any mortgage under this Act shall be duly paid and kept down by the tenant in tail in possession under the Act of Philip and Mary.

Arrears on
death of
tenant in
tail.

35. After the decease of a tenant in tail in possession under the Act of Philip and Mary no person or body claiming under any mortgage made under this Act shall be entitled to recover as against the hereditaments therein comprised more than six months arrears of interest due before such death.

Apportion-
ment of in-
terest on
death.

36. On the death of each successive tenant in tail in possession under the Act of Philip and Mary, his heirs, executors, or administrators shall pay out of his estate a proportionate part of the interest then accruing due under any mortgage under this Act for the time elapsed from the then last half-yearly or other day of payment of interest to the day of such death.

Personal
liability of
tenant in
tail.

37. So much of the interest under any mortgage under this Act as is payable by each successive tenant in tail in possession under the Act of Philip and Mary during his life, or out of his estate after his death, shall be deemed a specialty debt due by him to the person or body entitled to receive that interest, and shall be recoverable by that person or body accordingly from each successive tenant in tail, his heirs, executors, administrators, estate, and effects.

Recovery by
trustees of
instalments
or interest.

38. In case of default in payment by the tenant in tail in possession under the Act of Philip and Mary of any instalment of principal repayable under this Act to the trustees of this Act, or in case of default by the tenant in tail in possession under the Act

of Philip and Mary in duly paying and keeping down the interest from time to time accruing due under any mortgage under this Act, then and in every such case the trustees of this Act may at any time thereafter (without prejudice to any prior charges or claims) enter into and upon and receive the rents and profits of any property subject to the limitations of the Act of Philip and Mary, and apply the rents received by them therefrom in payment of any such unpaid instalment or interest, and of all costs and expenses occasioned to them by the nonpayment thereof, and their possession when taken under this section shall be without impeachment of waste.

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39. The Copyhold Acts shall for purposes of enfranchisement apply to the manors subject to the limitations of the Act of Philip and Mary, and to the lands held thereof, as if those manors were not vested in the Crown in reversion, but whenever any such lands are dealt with under the Copyhold Acts a memorial with a plan of the lands shall be lodged at the office of the Land Revenue Records and Inrolments.

Application of Copyhold Acts.

40. Any enfranchisement made before the passing of this Act, under the exercise or intended exercise of the powers of the Copyhold Acts, of lands held of any manor subject to the limitations of the Act of Philip and Mary shall not be invalidated or impeached on the ground that the Copyhold Acts did not apply to that manor or to lands held thereof.

Confirmation of enfranchisements.

41. On the passing of this Act the lands described in the fifth schedule to this Act, with their rights, members, and appurtenances (being hereditaments now subject or alleged to be subject to the limitations of the Act of Philip and Mary), shall by virtue of this Act be freed and discharged from the limitations of the Act of Philip and Mary, and so freed and discharged shall be by virtue of this Act vested in Ralph Pelham Nevill and his heirs, to the use of him, his heirs and assigns, in lieu of and exchange for the lands described in the sixth schedule to this Act in manner following; (that is to say), the lands described in each of the several parts of the fifth schedule in lieu of and exchange for the lands described in such of the several parts of the sixth schedule as bear the same respective numbers.

Discharge of lands in fifth schedule from limitations of Act of Philip and Mary, and vesting thereof in exchange.

42. On the passing of this Act the lands described in the sixth schedule to this Act, with their rights, members, and appurtenances, shall by virtue of this Act be freed and discharged from all estate, right, title, interest, claim, and demand of Ralph Pelham Nevill, his heirs, executors, or administrators (other than such estate,

Vesting of lands in sixth schedule on limitations of Act of Philip and Mary.

A.D. 1871. if any, as he or they may become entitled to under the Act of Philip and Mary), and so freed and discharged shall by virtue of this Act go and be held on and subject to such of the uses, trusts, and limitations of the Act of Philip and Mary as are now subsisting or capable of taking effect, in lieu of and exchange for the lands described in the fifth schedule to this Act in manner following; (that is to say,) the lands described in each of the several parts of the sixth schedule in lieu of and exchange for the lands described in such of the several parts of the fifth schedule as bear the same respective numbers.

Provision for
eviction in
consequence
of precedent
title, &c.

43. Provided that, if at any time by any right or title precedent to the passing of this Act, any part of the lands described in any one of the several parts of the fifth or of the sixth schedule to this Act is lawfully evicted or taken out of the possession of or recovered from any person holding the same by virtue of this Act, then and in every such case he may enter on the lands given by this Act in lieu of and exchange for the lands whereof the lands so evicted, taken, or recovered formed part; (that is to say,) the lands described in such one of the several parts of the sixth or of the fifth schedule (as the case may be) as bears the same number, and the same may have, hold, and enjoy again as in his former estate, and as if this Act had not been passed.

Saving for
leases of
lands ex-
changed.

44. Leases subsisting at the passing of this Act of lands described in the fifth or in the sixth schedule to this Act shall be unaffected by this Act.

Devolution
of leaseholds.

45. Leasehold lands purchased under this Act, or becoming by virtue of the exchange effected by this Act, subject to the limitations of the Act of Philip and Mary, shall not vest absolutely in the tenant in tail in possession under that Act, but shall go as if they had been freeholds of inheritance comprised in that Act.

Trustees
receipts to
be dis-
charges.

46. The receipt of the trustees of this Act for any money received by them under this Act shall effectually discharge the person paying the same therefrom, and from being bound to see to the application, or being answerable for loss or misapplication thereof.

Trustees
indemnity.

47. The trustees of this Act shall be respectively chargeable only for such money, Exchequer bills, bank annuities, and other securities as they respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable only for their own acts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other

person with whom or into whose hands any money or security is deposited or comes, nor for the insufficiency or deficiency of any Exchequer bills or bank annuities, or other securities, or for any other loss, unless the same happens through their own wilful default respectively, and they may reimburse themselves or pay and discharge out of the trust premises all costs and expenses incurred in or about the execution by them of the trusts or powers of this Act.

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48. Saving always to the Queen's most Excellent Majesty, her heirs and successors (except as far as her and their reversionary interests under the Act of Philip and Mary may be affected by this Act), and to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators (other than and except the several persons by this Act expressly excepted from this general saving), all such estate, right, title, interest, claim, and demand whatsoever of, in, to, or out of hereditaments for the time being subject to the limitations of the Act of Philip and Mary, or of, in, to, or out of hereditaments comprised in the settlement of 1844, or of, in, to, or out of hereditaments comprised in the sixth schedule to this Act, or any part thereof respectively, as they or any of them had before the passing of this Act or could or might have enjoyed if this Act had not been made.

General saving.

49. The following persons are excepted from the general saving in this Act; (that is to say,)

Exceptions from general saving.

(A.) With respect to hereditaments for the time being subject to the limitations of the Act of Philip and Mary :

- (1.) William Earl of Abergavenny :
- (2.) Reginald Henry Nevill :
- (3.) Ralph Pelham Nevill :
- (4.) Caroline Countess of Abergavenny, widow :
- (5.) Caroline Emily Nevill :
- (6.) Henrietta Augusta Mostyn :
- (7.) Edward Vesey Bligh and Isabel Frances Mary his wife :
- (8.) Sir Walter Buchanan Riddell and Ralph Meyrick Leeke (as trustees of the said indenture of the thirtieth day of July 1864) :
- (9.) The heirs male of the body of Edward Nevill the ancestor :
- (10.) The respective heirs, executors, administrators, and assigns of the several persons aforesaid :

A.D. 1871.

(B.) With respect to the hereditaments comprised in the settlement of 1844 :

- (1.) William Earl of Abergavenny :
- (2.) Reginald William Bransby Nevill and the heirs male of his body :
- (3.) The other sons of William Earl of Abergavenny, and the heirs male of their respective bodies :
- (4.) Ralph Pelham Nevill and his first and other sons, and the heirs male of their respective bodies :
- (5.) Reginald Henry Nevill and the heirs male of his body, and all other persons who by virtue of any of the remainders or limitations in the settlement of 1844 subsequent to that, to the third and every other son of the body of William Nevill, party thereto (being William fourth Earl of Abergavenny), and the heirs male of the body of every such son now are or at any time hereafter become interested in such part of the hereditaments thereby settled, as is comprised in the schedule to the Leasing Act of 1855 :
- (6.) The respective heirs, executors, administrators, and assigns of the several persons aforesaid :

(C.) With respect to the hereditaments comprised in the sixth schedule to this Act :

- (1.) Ralph Pelham Nevill :
- (2.) His heirs, executors, administrators, and assigns :

And the several persons so excepted as in this section mentioned are accordingly the only persons bound by this Act.

Act as
printed by
Queen's
printers to
be evidence.

50. 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.

SCHEDULES.

THE FIRST SCHEDULE.

I.—TITLE OF LEASING ACT OF 1790.

30 Geo. 3. c. 38. (Private).—An Act to confirm a lease lately made by Henry Nevill Earl of Abergavenny of certain entailed mines and other hereditaments in the county of Monmouth, and to enable granting future leases of the said entailed mines and other hereditaments, and also of all other estates of which the said earl is seised as tenant in tail male under an Act of Parliament passed in the second and third years of the reign of King Philip and Queen Mary, and under the limitations in the last will of George Lord Abergavenny in the said Act of Philip and Mary mentioned.

II.—TITLE OF LEASING ACT OF 1836.

6 & 7 Will. 4. c. 18. (Private).—An Act to enable the granting of leases of certain parts of the estates and hereditaments of which the Right Honourable Henry Nevill Earl of Abergavenny is seised as tenant in tail male under an Act passed in the second and third years of the reign of King Philip and Queen Mary, and under the limitations in the will of George Lord Abergavenny in the said Act of Philip and Mary mentioned.

THE SECOND SCHEDULE.

SECTIONS OF LEASING ACT OF 1855 DISCONTINUED.

Number of Section.	Marginal Note.
Seventeen -	Proportion of rent to be paid into bank of land entailed by Act of Philip and Mary.
Eighteen -	Proportion of rent to be paid into bank of land devised by will of Henry Earl of Abergavenny.
Nineteen -	Application of residue of rents.
Twenty -	Payment of rents into the bank.
Twenty-one -	Receipts for rents paid into bank.
Twenty-four -	Interim investment in Exchequer bills.
Twenty-five -	Exchange of Exchequer bills.
Twenty-six -	Deposit of Exchequer bills in bank.
Twenty-seven -	Profit on sale of Exchequer bills.
Twenty-eight -	Payment of interest on Exchequer bills as rents.
Twenty-nine	Orders of court as to costs, &c.

A.D. 1871.

THE THIRD SCHEDULE.

**LANDS SUBJECT TO SPECIAL PROVISIONS AS TO SALE AND
OTHER THINGS.****PART I.—ERIDGE AND ABERGAVENNY CASTLES.**

1. The capital messuage or mansion house formerly called Ewridge Place but now Eridge Castle in the county of Sussex, and all buildings, gardens, and appurtenances to the same capital messuage or mansion house belonging or therewith usually occupied or enjoyed, and the park called Ewridge Park, otherwise Frant Park, also situate in the county of Sussex; and also all such lands adjoining to the said capital mansion house or any of its appurtenances, or to the said park as have been or are now usually occupied or enjoyed with the said capital mansion house and park.

2. The site of Abergavenny Castle and grounds held therewith.

PART II.—LANDS IN CERTAIN COUNTIES.

3. All hereditaments in the county of Monmouth (other than those comprised in Part I. or Part III. of this schedule).

4. All hereditaments in the county of Kent.

5. All hereditaments in the county of Sussex (other than those comprised in Part I. of this schedule).

**PART III.—HEREDITAMENTS IN COUNTY OF MONMOUTH LIABLE TO SALE
GENERALLY.**

6. All such hereditaments in the county of Monmouth as are comprised in the fourth schedule to the Estate Act of 1864.

7. The advowsons of Bryngwyn and Llanvihangel yestern Llewern in the county of Monmouth.

8. All quitrents, chief rents, and burgage rents arising in the county of Monmouth.

THE FOURTH SCHEDULE.

SECTIONS OF ESTATE ACT OF 1864.

PART I.—SECTIONS DISCONTINUED.

Number of Section.	Marginal Note.
Fifteen -	Notice to be given to the Crown before sales.
Seventeen -	Purchase moneys to be paid into the Bank of England.
Eighteen -	Receipts for moneys paid into the bank.
Twenty-one -	Interim investment to be in Exchequer bills.
Twenty-two -	Exchange of Exchequer bills.
Twenty-three	Deposit of Exchequer bills in bank.
Twenty-four	Profit on sale of Exchequer bills.
Twenty-five -	Orders of court as to costs, &c.

PART II.—SECTIONS TO WHICH MORTGAGES SUBJECT.

Number of Section.	Marginal Note.
Four -	Charge upon the estates of certain annuities payable to R. H. Nevill, W. Viscount Nevill, and R. P. Nevill.
Eight	Power to person for the time being in possession of the estates to appoint a rentcharge or rentcharges to his widow by way of jointure.
Nine -	Power to person for the time being in possession of the estates to appoint a rentcharge or rentcharges as and for the portions or portion of his younger children.
Ten -	Estates not to be subject to more than 3,000 <i>l.</i> per annum in favour of the children of any one earl.
Eleven	Powers to jointure a widow and to charge portions for the younger children of an heir apparent dying before coming into possession of the estates.
Twelve	Estates not to be subject to more than 1,000 <i>l.</i> per annum in favour of the children of an heir apparent dying before coming into possession.
Thirteen	The estates not to be at any one time subject to rentcharges for jointure and portions exceeding in the whole 8,000 <i>l.</i>

THE FIFTH SCHEDULE.

Parts of Settled Estates given in Exchange to Ralph Pelham Nevill.

DESCRIPTION.	Quantity.			Annual Rent.			Annual Value.			Years Purchase.	Fee Simple Value.		
	A.	R.	P.	£	s.	d.	£	s.	d.		£	s.	d.
Part 1.													
Part of Birling Place Farm, Nos. 201, 202, 204, 205, 207, 208, 237, 239, 341, 349	44	1	36	71	14	0	71	14	0	33	2,386	0	0
Part 2.													
Part of Birling Place Farm, Nos. 82, 152	20	0	0	36	18	0	36	18	0	33	1,200	0	0
Part 3.													
Manor of Birling (Quitrents, 16 <i>l.</i> 13 <i>s.</i> 2 <i>d.</i> ; other manorial profits fluctuating.)	—	—	—	—	—	—	—	—	—	—	1,017	0	0
Part 4.													
The Park Farm, Ryarsh, &c.	218	2	28	207	0	0	207	0	0	30	6,210	0	0
House and grocer's shop, Birling	0	0	15	20	0	0	20	0	0	20	400	0	0
House and smith's shop, Birling	0	0	16	20	0	0	20	0	0	16	320	0	0
Garden ground	0	1	29	2	3	8	2	3	8	33	70	0	0
Three cottages, &c.	0	1	32	20	0	0	20	0	0	25	500	0	0
	219	3	0	—	—	—	—	—	—	—	7,500	0	0
Part 5.													
The upper part of Church Farm, Ryarsh, Nos. 27, 46, 47, 48, 49, 50, 51, 51A, 51B, 52, 53, 55, 56, 59, 60, 146, 147, 148, 148A, 152, 153, 154	189	2	14	130	10	0	130	10	0	30	3,915	0	0
Manor of Ryarsh (Quitrents, 7 <i>l.</i> 9 <i>s.</i> 4 <i>d.</i> ; other manorial profits fluctuating.)	—	—	—	—	—	—	—	—	—	—	585	0	0
	189	2	14	—	—	—	—	—	—	—	4,500	0	0
Part 6.													
Part of the Church Farm, Ryarsh, Nos. 155, 156, 157, 160, 162, 163, 164, 165, 169, 52	67	3	4	123	13	0	123	13	0	30	3,710	0	0
Woodland, Luddesdown	9	2	18	5	0	0	5	0	0	30	150	0	0
Part of Coney Lodge and Birling Place Farms, Nos. 151, 206	11	0	22	19	8	0	19	8	0	33	640	0	0
	88	2	4	—	—	—	—	—	—	—	4,500	0	0
Part 7.													
Tithe rentcharge in Birling	—	—	—	93	1	5	93	1	5	25	2,327	0	0
	£	749	8	1	749	8	1	—	—	—	23,430	0	0

There is no timber on any part of these lands.

*William Delves.**Robt. L. Cobb.*

THE SIXTH SCHEDULE.

Lands taken in Exchange from Ralph Pelham Nevill to become parts of Settled Estates.

DESCRIPTION.	Quantity.	Annual Rent.	Annual Value.	Years Purchase.	Fee Simple Value.
	A. R. P.	£ s. d.	£ s. d.		£ s. d.
Part 1. Part of Hamsell Farm, Rotherfield - - -	20 1 35	<i>a</i> 31 0 0	80 0 0	30	2,400 0 0
Part 2. West Meers Farm, West Chiltington - - -	<i>b</i> 26 0 19	46 0 0	52 0 0	22½	1,170 0 0
Part 3. West Nash Farm, Pulborough -	<i>c</i> 31 1 4	48 0 0	48 0 0	22½	1,080 0 0
Part 4. Marshland, Rodmell - - -	86 1 0	250 0 0	250 0 0	30	7,500 0 0
Part 5. Marshland, Bexhill - - -	60 0 23	150 18 2	150 0 0	30	4,500 0 0
Part 6. Land at Trevethen and Llanover (including timber 511 <i>l.</i> 10 <i>s.</i> 8 <i>d.</i>)	106 2 17 32 1 13 In hand, including timber valued at 511 10 8	130 0 0 —	140 0 0 21 0 0	28	4,508 0 0
Part 7. Broadclose Farm, Inkberrow -	<i>d</i> 52 1 0	77 10 0	77 10 0	30	2,325 0 0
	£	733 8 2	818 10 0	—	23,483 0 0

There is no timber on any part of these lands except that specified in Part 6.

a This is the apportioned agricultural rent, the land being held with other properties now belonging to the estate on lease. It is eligible as building land.

b This is held of Lord Abergavenny's manor of West Chiltington.

c This is held of Lord Abergavenny's manor of Pulborough.

d This is leasehold from the fifteenth January one thousand seven hundred and fifty-nine for one thousand years.

William Delves. Robt. L. Cobb.

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