



### CHAPTER 5.

An Act to charge certain Moneys on the interests of Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, infants, in a Moiety of certain Estates in the counties of Limerick, Dublin, and Queen, and the city of Dublin in Ireland; and for other purposes. A.D. 1879.  
[21st July 1879.]

WHEREAS by an indenture of settlement, dated the sixth day of June one thousand eight hundred and fifty-seven, and made between Matthew Dobson Lowndes of the first part, Joshua Evans of the second part, Eyre Dixon Evans of the third part, George Evans of the fourth part, William Rome and William Thomas of the fifth part, and William Healing and Alexander McGregor of the sixth part, certain real estates in Ireland therein described and specified in the schedule hereto were assured unto the said William Rome and William Thomas, and their heirs, to the use that the said George Evans might during the joint lives of the said Joshua Evans and George Evans receive thereout a yearly rentcharge of three hundred pounds, and after his decease, in the lifetime of the said Joshua Evans, his widow might receive a yearly rentcharge of three hundred pounds during her widowhood and the life of the said Joshua Evans; and, subject thereto, to the use of the said Joshua Evans for life, with remainder to the said William Rome and William Thomas for one thousand years from the date of the said indenture, upon trusts therein-after declared for raising and paying to the personal representatives of the said Joshua Evans a sum of three thousand pounds, and a sum equal to the aggregate amount received by the said George Evans, or his widow, in respect of their said rentcharges, with remainder to the use that the said George Evans might during the joint lives of the said Eyre Dixon Evans and George Evans receive an annuity of three hundred pounds out of the said premises, and on his decease, in the lifetime of the

6th June  
1857.  
Settlement  
of Edwards  
Estate.

A.D. 1879. — said Eyre Dixon Evans, leaving a widow, she might after the decease of the said Joshua Evans and George Evans, during the widowhood of herself and the lifetime of the said Eyre Dixon Evans, receive out of the said premises an annuity of three hundred pounds, with remainder to the use of the first and other sons of the said Joshua Evans successively in tail male, with remainder to the use that Pierre Francois Evans might receive a yearly rent-charge of two hundred pounds during his life, with remainder to the use of the said Eyre Dixon Evans for his life, with remainder to the said William Healing and Alexander McGregor for two thousand years, upon certain trusts thereby declared for raising and paying to the representatives of the said Eyre Dixon Evans the sum of three thousand pounds, and also for raising the sum of six thousand pounds for portions for the younger children of the said George Evans; and, subject thereto, to the use of the said George Evans for life, and after the decease of the said George Evans, leaving a widow, and in case he should, after becoming tenant for life in possession by any deed or testamentary instrument so appoint, to the use that his widow might during her widowhood, or for any shorter period, receive a yearly rentcharge not exceeding six hundred pounds a year, with remainder to the use of the first and every other son successively of the said George Evans in tail male, with remainder to the first and every other son successively of the said George Evans in tail, with remainder to the daughter or daughters of the said George Evans, with cross remainders among such daughters and their issue, with remainder to the use of such one or more of the children of the said George Evans in such manner as he should by deed appoint, with remainder to the daughters or daughter of the said George Evans in tail, with cross remainders among such daughters, with remainder to the use of all and every of such one or more exclusively of the other or others of the other children of the said Eyre Dixon Evans, namely, Charles Evans, Eliza Evans, Annie the wife of William Eustace Shearman, and Margaret the wife of John Donald McNeale, or any issue of them, the said other children respectively, or any of them, for such estates or estate, interest or interests, upon, and for such trusts, intents, and purposes, and charged and chargeable in such manner and form as the said Eyre Dixon Evans and George Evans, or the survivor of them, after the decease of the other of them, should by any deed or deeds, with or without power of revocation and new appointment, or as the survivor of them should by any testamentary instrument appoint, and in default of and subject to any such appointment, to the use of the right heirs of the said Eyre Dixon Evans for ever :

And whereas by a deed poll dated the tenth day of June one thousand eight hundred and fifty-seven, and made and executed by the said Eyre Dixon Evans and George Evans, after reciting the said indenture of settlement of the sixth day of June one thousand eight hundred and fifty-seven, and that the said Eyre Dixon Evans and George Evans had agreed to exercise the power of appointment so limited to them as aforesaid in manner therein-after appearing, and that the said Eyre Dixon Evans in consideration thereof had agreed to enter into a covenant for payment to the said George Evans of a further annuity of two hundred pounds a year during their joint lives, it was witnessed that they, the said Eyre Dixon Evans and George Evans, under and by virtue of the power and authority limited and reserved to them in and by the said recited indenture, and of every other power and authority in anywise enabling them in that behalf, did by that deed now in statement appoint that, subject and without prejudice to the uses, trusts, limitations, and powers expressed and declared in the said recited indenture previous to the power of appointment limited to the said Eyre Dixon Evans and George Evans, all and singular the manors, towns, lands, tenements, and hereditaments mentioned and comprised in the said recited indenture, or other the manors, towns, lands, tenements, and hereditaments for the time being subject to the trusts thereof, or the moneys to arise from the sale of all or any part thereof respectively, (therein-after designated or referred to as "the said trust premises"), should go, remain, and be held by the trustees or trustee for the time being of the said recited indenture upon the trusts and for the intents and purposes therein-after expressed and declared; (that was to say,) as to half of the said trust premises to the use of the said William Healing and Alexander McGregor, their executors and administrators, during the life of Margaret McNeale, the wife of John Donald McNeale, of Honfleur, in France (daughter of the said Eyre Dixon Evans), in trust to pay the rents, interest, and annual income thereof unto the said Margaret McNeale during her life, for her sole and separate use, free from the control, debts, and engagements of her then present or any future husband without anticipation, and so that she might not have power to alienate or charge the same or any part thereof, and that her receipts in writing should alone be sufficient discharges for the same; and after the decease of the said Margaret McNeale to the use of the only child, or all the children, of the said Margaret McNeale, and if more than one in equal shares, and the heirs of his or her body or respective bodies, and on failure of issue of the only child, or of all the children, of the said Margaret McNeale to the use of all the children or any the child then living

A.D. 1879.

Appointment  
by deed poll  
of 10th June  
1857.

A.D. 1879. of Charles Evans (the son of the said Eyre Dixon Evans), then in California, Eliza Evans (the daughter of the said Eyre Dixon Evans), and Annie the wife of William Eustace Shearman, to take in equal shares if more than one, and the heirs of his or her body or respective bodies; and as to the other half of the said trust premises to the use that the said William Healing and Alexander McGregor, and the survivor of them, his executors or administrators, or other the trustees or trustee for the time being of the said recited indenture, should and might during the life of the said Eliza Evans receive and take out of the rents or the annual income of the said last-mentioned moiety of the said trust premises the yearly rent-charge of three hundred pounds sterling, clear of all taxes and deductions (except the property or income tax), by equal half-yearly portions, on the twenty-fourth day of June and the twenty-fifth day of December in each year, and the first of such payments to be made on such of the days as should happen next after the determination of the uses and trusts on failure or determination whereof that appointment was to take effect; and a proportionate part of the said rentcharge to be paid for the time from the last half-yearly day to the death of the said Eliza Evans, with power to the said trustees or trustee to enforce payment of the said rentcharge in such manner as a landlord can do by distress and entry for recovery of rent in arrear, and such rentcharge should be held by the said trustees or trustee in trust for the sole and separate use of the said Eliza Evans independently of any husband with whom she might intermarry, and without power of anticipation by her by any mode, and that her receipts in writing during her life should alone be sufficient discharges for the same; and after the death of the said Eliza Evans the said trustees or trustee should pay the said rentcharge from time to time, when received, to the child or children of the said Eliza Evans if she should die in the lifetime of the said Charles Evans and Annie Shearman, or the survivor of them, if more than one, in equal shares, and in case of infancy of any such child or children, then to their, his, or her guardian or guardians, without seeing to the application thereof or requiring any account of the same, and subject to the said rentcharge to the use of the said trustees or trustee during the lives and life of the said Charles Evans and Annie Shearman, and the survivor of them, upon trust to receive the rents and annual income thereof, and pay the same in equal shares to the said Charles Evans and Annie Shearman during their joint lives, and to the survivor of them during his or her life, but so that any portion thereof to which the said Charles Evans should or might become entitled within seven years from the date thereof should be accumulated by the said trustees or trustee

A.D. 1879.

until the return of the said Charles Evans to Great Britain or Ireland, or the expiration of the said term, which should first happen, and should on such his return be paid to him, or in case he should not return within seven years from that date, then on the expiration of such period, such accumulations (if any) should be paid to the said Annie Shearman, nevertheless the share of the said Annie Shearman, as well in the said rents or annual income as in the said accumulations, should be for her sole and separate use, and independent of her then present or any other future husband, and without power of anticipation by her by any mode, and so that her receipts in writing alone should be good discharges for the same; and upon the decease of the survivor of them the said Charles Evans and Annie Shearman, then as to one undivided third part of the last-mentioned moiety of the said trust premises to the use of the only child or all the children of the said Eliza Evans, and if more than one in equal shares, and the heirs of his or her body or respective bodies; and on failure of issue of any such child, then as to the share or shares (as well under that present as under the foregoing limitation) of such child to the use of the other or others of the said children, and if more than one in equal shares, and the heirs of his or her body or respective bodies, and as to the other two undivided third parts of the said trust premises to similar uses thereby respectively appointed in respect of the children of the said Charles Evans and Annie Shearman, and on failure of the issue of the only child or all the children of any of them, the said Eliza Evans, Charles Evans, and Annie Shearman, then as to their, his, or her shares (as well under that present as under the foregoing limitation) to the use of all the children or any the child then living of the others, or other of them, the said Eliza Evans, Charles Evans, and Annie Shearman, in equal shares if more than one, and the heirs of his or her body or respective bodies, and on failure of the issue of all the children of the said Eliza Evans, Charles Evans, and Annie Shearman, then to such uses, upon such trusts, and for such intents and purposes in all manner as were therein-before declared and contained in reference to the first-mentioned half of the said trust premises in favour of the said Margaret McNeale during her life, and afterwards in favour of her children and their issue in tail, as if the same were there repeated in reference to the second last-mentioned half of the said trust premises:

And whereas the said Joshua Evans died in the year one thousand eight hundred and sixty-four without issue:

And whereas the said Eyre Dixon Evans died on the second day of October one thousand eight hundred and sixty-two:

A.D. 1879.

27th August  
1855.  
Marriage  
settlement  
of George  
Evans.

And whereas the said Pierre Francois Evans died several years ago :

And whereas, by an indenture of settlement, dated the twenty-seventh day of August one thousand eight hundred and fifty-five, and made between the said George Evans of the first part, the said Eyre Dixon Evans of the second part, Harriett Mary Coote of the third part, Chidley Coote of the fourth part, and Robert Carr Coote and Maxwell Henry Coote of the fifth part (being the settlement executed upon the marriage of the said George Evans with the said Harriett Mary Coote), for the purpose of securing an adequate jointure and provision for the said Harriett Mary Coote, in case she should survive the said George Evans, and also portions for the children of the said intended marriage, the said George Evans covenanted with the said Robert Carr Coote and Maxwell Henry Coote, their heirs, executors, administrators, and assigns, or other the trustees or trustee for the time being, in manner following ; (that was to say,) when and so soon as the said George Evans should come into or succeed in the possession of the several hereditaments comprised in or subject to the uses or limitations of certain indentures and deeds poll therein mentioned (being the lands and premises comprised in or subject to the hereinbefore recited indenture of the sixth day of June one thousand eight hundred and fifty-seven, and deed poll of the tenth day of June one thousand eight hundred and fifty-seven), he the said George Evans would join in and execute such deed or deeds, conveyances, settlements, assignments, or other valid assurances, as the counsel of the said Robert Carr Coote and Maxwell Henry Coote, or other the trustees or trustee for the time being should direct or require, for granting or assuring one yearly rentcharge or annual sum of four hundred pounds to the said Harriett Mary Coote for her life, in case the said then intended marriage should take effect, and she should happen to survive the said George Evans, her then intended husband, for and in nature of a jointure, the said jointure to be charged and made chargeable upon and payable out of the said several lands therein mentioned, and also to charge the said lands with a sum of four thousand pounds, as and for portions for the children of the said then intended marriage, and also for limiting and assuring the said lands and premises to them the said Robert Carr Coote and Maxwell Henry Coote, or other the trustees or trustee for the time being, for a term or terms of years for the purpose of securing the due and punctual payment of the said jointure, or annual sum of four hundred pounds to the said Harriett Mary Coote during her life, and also for raising the said sum of four thousand pounds for the portions of the children of the said then intended marriage :

And whereas, on the twenty-seventh day of August one thousand eight hundred and fifty-five, the said intended marriage between the said George Evans and Harriett Mary Coote was duly solemnised: A.D. 1879.

And whereas the said George Evans died on the twenty-sixth day of May one thousand eight hundred and seventy-three without issue:

And whereas by his will, bearing date the twenty-eighth day of January one thousand eight hundred and sixty-four, after reciting the said indenture of the sixth day of June one thousand eight hundred and fifty-seven, the said George Evans, by virtue and in exercise of every estate, power, and authority him in that behalf enabling, devised and appointed to his wife the said Harriett Mary Evans, during her widowhood, in case she should survive him, an annuity of six hundred pounds to be charged upon and payable out of the said lands, hereditaments, and premises comprised in the said indenture; and the said George Evans directed that the said rentcharge of six hundred pounds a year should be taken and accepted by his said wife Harriett Mary Evans, during her widowhood, in lieu and satisfaction of the yearly rentcharge of four hundred pounds, which by his said marriage settlement of the twenty-seventh day of August one thousand eight hundred and fifty-five, he covenanted to charge by way of jointure for his said wife, in case she should survive him, but in case his said wife should marry again, after his decease, the said George Evans declared that she should not be considered to have waived her right to the said rentcharge of four hundred pounds a year from the time of such second marriage by reason of her acceptance of the said rentcharge of six hundred pounds a year:

28th January 1864.  
Will of George Evans.

And whereas the said Margaret McNeale died in the month of May one thousand eight hundred and seventy-four, leaving three children, her surviving, namely, Margaret McNeale, Bella Grace McNeale, and Emmeline Evans McNeale:

And whereas the said Margaret McNeale, the daughter, has attained the age of twenty-one years:

And whereas the said Bella Grace McNeale and Emmeline Evans McNeale are infants and wards of the Court of Chancery of the County Palatine of Lancaster:

And whereas the said Charles Evans died some years ago a bachelor:

And whereas the said Annie Shearman died in the year one thousand eight hundred and sixty-three leaving no issue:

And whereas the said Eliza Evans, now Eliza Edwards, married the late John Edwards in the year one thousand eight hundred and

A.D. 1879.

fifty-eight, and Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, are the only children of that marriage, and are all infants :

And whereas the said John Edwards died some years ago, and the said Eliza Edwards has not married again since his death :

27th June  
1874.  
Order of  
Master of  
the Rolls in  
Ireland.

And whereas by an order dated the twenty-seventh day of June one thousand eight hundred and seventy-four, and made by His Honour the Master of the Rolls of the High Court of Chancery in Ireland in the matter of the trusts of the said indenture of the sixth day of June one thousand eight hundred and fifty-seven, and of the said deed poll of the tenth day of June one thousand eight hundred and fifty-seven, and in the matter of the Trustee Acts, 1850 and 1852, Nathaniel Hill Fish and the Reverend Samuel Percival Warren were appointed trustees of the said term of two thousand years created by the said indenture and deed poll; and it was further ordered that the estate and interest of the said William Healing and Alexander McGregor, under the said deeds in the said trust-term of two thousand years thereby created, should vest and they were thereby vested in the said Nathaniel Hill Fish and Samuel Percival Warren upon the respective trusts thereof :

13 & 14 Vict.  
c. 60.  
15 & 16 Vict.  
c. 55.

2nd Novem-  
ber 1874.  
Report of  
the district  
registrar.

And whereas by his report, dated the second day of November one thousand eight hundred and seventy-four, and made in the matter of the said Edwards infants on the petition of the same infants to the said Court of Chancery of the county palatine of Lancaster, the district registrar (inter alia) certified that he approved of Abraham Hume, Peter Thompson, and the said Eliza Edwards as proper persons to be guardians of the persons and estates of the infant petitioners, that the fortunes of the infant petitioners consisted of an equal half part of the said real estates in Ireland, comprised in the said indenture of settlement of the sixth day of June one thousand eight hundred and fifty-seven, to which share the said infants were under the said deed of appointment, dated the tenth day of June one thousand eight hundred and fifty-seven, entitled as tenants in common in tail with cross remainders between and amongst them in tail subject to the payment out of such half part of the said annuity of three hundred pounds a year, payable to the infants' mother the said Eliza Edwards for her life, and that the entirety of the said premises was subject to an annuity of six hundred pounds a year to the widow of George Evans for life, and to certain head and chief rents and other outgoings, leaving the net rents of the entirety at about four thousand and eighty pounds or thereabouts, and that the share of the infants therefore amounted together to one thousand seven hundred and forty pounds or thereabouts a year, and that the infants were also entitled to a share of the rents which had accrued



due since May one thousand eight hundred and seventy-three, the date of the death of the said George Evans, and that that was the only property to which the infants were entitled in possession :

A.D. 1879.

And whereas by an order dated the third day of November one thousand eight hundred and seventy-four, and made in the said matter upon the said petition, the said Court appointed the said Abraham Hume, Peter Thompson, and Eliza Edwards to be the guardians of the persons and estates of the said infants during their respective minorities, and the Court approving of the scheme contained in the said report for the maintenance and education of the said infants, sanctioned the same and ordered in manner therein mentioned respecting the education of the said infants; and it was ordered that there should be allowed for the maintenance and education of the said infants, as from the twenty-sixth day of May one thousand eight hundred and seventy-three, the date of the death of the said George Evans, during their respective minorities or until the further order of the court, as to the said infant Jessie Edwards, the sum of two hundred and fifty pounds a year, and as to the three other infants, two hundred pounds a year a-picce :

3rd November 1874.  
Order of the Court of Chancery of the county palatine of Lancaster.

And whereas by an order dated the second day of January one thousand eight hundred and seventy-five, and made in the said matter upon motion by the said Abraham Hume and Peter Thompson, it was by consent ordered that, notwithstanding certain previous orders in the said matter, the said Nathaniel Hill Fish and Samuel Percival Warren should be at liberty, half-yearly, on the first day of January and the first day of July, or within thirty days thereafter, in every year during the respective minorities of the said infants, to pay the shares of the said infants of and in the net rents of the freehold estates situate in Ireland, mentioned in a draft petition therein referred to as admitted by them to be in their hands into the said court to the credit of the said matter, subject to the further order of the court; and it was ordered that the same moneys, when and as the same should be so paid into court as aforesaid, should be carried over in trust in the above matter as to one equal fourth part thereof, to an account to be entitled "The account of the share of the infant Jessie Edwards," as to one other equal fourth part thereof, to an account to be entitled "The account of the share of the infant Anna Dorothea Edwards," as to one other equal fourth part thereof, to an account to be entitled "The account of the share of the infant Eyre Evans Edwards," and as to the other fourth part thereof, to an account to be entitled "The account of the share of the infant Mary Eliza Edwards;" and it was ordered that out of the moneys which should be so

2nd January 1875.  
Order of the Court of Chancery of the county palatine of Lancaster.

A.D. 1879. carried over to the said respective accounts of the shares of the said infants, the sums by the herein-before recited order of the third day of November one thousand eight hundred and seventy-four, allowed for their respective maintenance, should be paid to the said Abraham Hume, Peter Thompson, and Eliza Edwards, the guardians of the said infants; and it was ordered that the residue of the moneys to be so carried over to the said respective accounts remaining, after payment of the said allowances, should be invested and accumulated as therein mentioned; but in case the said Nathaniel Hill Fish and Samuel Percival Warren should not avail themselves of the liberty given to them to pay the said shares of rents and profits into the said court as aforesaid, then it was ordered, that the said Abraham Hume, Peter Thompson, and Eliza Edwards, the guardians of the said infants, or any two of them, should be at liberty to take and prosecute such proceedings as the said Abraham Hume, Peter Thompson, and Eliza Edwards were by an order, dated the third day of November one thousand eight hundred and seventy-four, made in the said matter on the motion of the said Abraham Hume and Peter Thompson authorised to take and prosecute:

And whereas, on the first day of June one thousand eight hundred and seventy-five, the said Harriett Mary Evans married John Gordon, and thereupon her said rentcharge of six hundred pounds per annum, mentioned in the said report of the district registrar, became and was reduced to a rentcharge of four hundred pounds per annum:

1st April  
1876.  
Order of  
Lord Chan-  
cellor of  
Ireland.

And whereas by an order dated the first day of April one thousand eight hundred and seventy-six, and made by His Lordship the Lord Chancellor of Ireland in the said matters, and in the matter of the Act 4 & 5 William IV. c. 78., it was ordered that Beecher Pitcairn Fleming therein named should be and he was thereby appointed receiver to receive the rents and profits of the said lands and hereditaments in Ireland, and that the said Beecher Pitcairn Fleming, as such receiver, should, after payment of all outgoing and the costs therein-after mentioned, transmit and pay by two half-yearly payments one moiety of the net rents and profits which should be received by him as such receiver into the Court of Chancery of the county palatine of Lancaster, to the credit, entitled, "In the matter of Margaret McNeale, Bella Grace McNeale, and Emmeline Evans McNeale," and the other moiety, less the sum of three hundred pounds a year, payable to the said Eliza Edwards into the same court to the credit, entitled, "In the matter of Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edward, and Mary Eliza Edwards,

“ infants ;” and it was further ordered that the said receiver should pay the annuity of three hundred pounds, when and on the day the same should become due and payable to the said Eliza Edwards : A.D. 1879.

And whereas on the thirteenth day of May one thousand eight hundred and seventy-six the said Peter Thompson died :

And whereas by an order of the Court of Chancery of the county palatine of Lancaster, dated the sixteenth day of August one thousand eight hundred and seventy-six, and made in a suit of *McNeale v. Chambers*, and in the said matters upon the petition and motion of the said Edwards infants by the said Abraham Hume, their next friend, the said Abraham Hume and Eliza Edwards were appointed to be the guardians of the persons and estates of the said Edwards infants during their respective minorities ; and it was ordered that certain directions contained in the previous orders in the said matters, with regard to the said Abraham Hume and Peter Thompson, deceased, as guardians of the said Edwards infants, should be continued as to the said Abraham Hume, and that the directions contained in the previous orders in the same matters with regard to the said Eliza Edwards as one of the guardians of the said Edwards infants, and with regard to the allowances for the said Edwards infants, except so far as the same were varied by the order now in statement, should be also continued :

16th August  
1876.  
Order of the  
Court of  
Chancery of  
the county  
palatine of  
Lancaster.

And whereas by an order dated the fifth day of May one thousand eight hundred and seventy-seven, and made in both the said matters, the said Court of Chancery of the county palatine of Lancaster authorised the payment into the said court, to the credit of the said matters respectively, of the moneys which by the said recited order of the first day of April one thousand eight hundred and seventy-six, and any future order of the High Court of Chancery in Ireland, had been or should be authorised to be so paid by the said Beecher Pitcairn Fleming, the receiver appointed by the said order of the first day of April one thousand eight hundred and seventy-six ; and it was ordered that the moneys which should under the said order now in recital be paid into court to the credit of the first therein above-mentioned matter, being the matter of the Edwards infants, should be carried over, and when so carried over should be paid, applied, and disposed of, as was directed by the said recited order of the second day of January one thousand eight hundred and seventy-five of and concerning the moneys thereby directed to be carried over as therein was mentioned, save and except that the moneys thereby made payable to the said Abraham Hume, Peter Thompson, and Eliza

5th May  
1877.  
Order of the  
Court of  
Chancery of  
the county  
palatine of  
Lancaster.

A.D. 1879. — Edwards were in lieu thereof to be paid to the said Eliza Edwards alone, and it was ordered that the moneys which should under the order now in recital be paid into court to the credit of the second therein above-mentioned matter, being the matter of the McNeale infants, should be carried over, and when so carried over should be paid, applied, and disposed of as directed by an order in the second therein above-mentioned matter, dated the thirteenth day of May one thousand eight hundred and seventy-five, of and concerning the moneys thereby directed to be carried over as therein was mentioned :

And whereas the succession duty payable by the said infants Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, in respect of their said shares in the said moiety of the said real estates in Ireland specified in the schedule hereto, became overdue, and was not paid to the Commissioners of Inland Revenue, and the said Commissioners required immediate payment thereof :

21st January  
1878.  
Order of the  
Court of  
Chancery of  
the county  
palatine of  
Lancaster.

And whereas by an order dated the twenty-first day of January one thousand eight hundred and seventy-eight, and made on the petition of the said Edwards infants by the said Abraham Hume, their next friend in both the said matters, it was ordered that the succession duty accounts, so far as the same related to the said Edwards infants' shares in the said moiety of the said real estates specified in the schedule hereto, should be prepared and passed by the said Abraham Hume :

And whereas, in pursuance of the said order of the twenty-first day of January one thousand eight hundred and seventy-eight, the succession duty payable in respect of the shares of the said Edwards infants in the said real estate specified in the schedule hereto was, on the twenty-sixth day of December one thousand eight hundred and seventy-eight, duly assessed as follows ; namely, as to the said infant Jessie Edwards, at one thousand and ten pounds three shillings and ninepence, as to the said infant Anna Dorothea Edwards, at one thousand and forty-four pounds two shillings and eightpence, as to the said infant Eyre Evans Edwards, at one thousand and sixty-three pounds five shillings and elevenpence, and as to the said infant Mary Eliza Edwards, at one thousand and fifty-one pounds six shillings and fourpence :

And whereas if the immediate payment of the said succession duties had been insisted on by the Commissioners of Inland Revenue, there would have been no funds available for some years to come for the maintenance and education of the said Edwards infants :

And whereas by an order of the said Court made on the said petition on the sixth day of November one thousand eight hundred and seventy-eight, it was ordered that the words "subject to succession duty" should be added to the respective titles of the several accounts of the said infants, Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards; and, notwithstanding any former orders made in the said matter of the Edwards infants directing payments out of the funds then standing or thereafter to stand to the credit of the same several accounts for the maintenance of the said infants or for costs or otherwise, it was ordered that all further payments under such orders respectively should be stayed until production should have been made to the district registrar of the proper official receipts for the succession duty, in respect of the succession of the respective infants to their respective shares or interests in the estates in Ireland, from the rents of which the funds to the credit of the said several accounts of the said infants had or should have arisen, or until the further order of the court; and it was ordered that the said Abraham Hume, as one of the guardians of the said infants, should be at liberty, on behalf of the said infants, to make such an application as he might be advised to the Commissioners of Inland Revenue for the purpose of ascertaining whether the consent of the Commissioners could be obtained to an enlargement of the time for payment of the succession duties, or any and which of them, for any and what period or periods of time, and on any and what terms (if any), as to security for the deferred payment or payments, being given by the orders of the said court, or otherwise upon any and what real and personal property, of which the fortunes of the respective infants then wholly or in part consisted, and it was ordered that the petition should stand over with the view to such application as aforesaid being so made to the said Commissioners, with liberty for the petitioners to re-amend their petition on foot of the result of such application, and generally as they might be advised, and with liberty for any of the parties to apply to the said court as they might be advised:

And whereas by an order dated the third day of March one thousand eight hundred and seventy-nine, and made in the said matter, the said court being of opinion that it would be for the benefit of the said Edwards infants that the succession duty payable by the said infants in respect of their interests in the estates in Ireland, referred to in the herein-before recited report of the district registrar of the 2nd day of November 1874, should be provided for in manner therein-after appearing, it was (inter alia) ordered that the said Abraham Hume, as one of the guardians

A.D. 1879.  
6th November 1878.  
Order of the Court of Chancery of the county palatine of Lancaster.

3rd March 1879.  
Order of the Court of Chancery of the county palatine of Lancaster.

A.D. 1879. of and in the names of the said infants, should be at liberty to enter into a provisional agreement with the Commissioners of Inland Revenue, in the terms of a certain proposal of the said Commissioners, and that upon such agreement being executed by all proper parties, the said Abraham Hume should be at liberty, as one of the guardians and in the names of the said infants, and with the concurrence of all other necessary parties (if any), to apply to Parliament for leave to bring in a Bill giving effect to the said agreement, and providing in accordance therewith for the said duty, and also providing for the payment of the costs, charges, and expenses incurred and to be incurred by the said Abraham Hume and Eliza Edwards, the other guardian of the said infants, in the negotiation, preparation, and execution of the said agreement, and in preparing, lodging, and promoting the said Bill: And it was ordered that a draft of the Bill for the aforesaid purposes should be settled and approved of by the Vice-Chancellor at the office of the district registrar:

March 1879.  
Provisional  
agreement  
with Com-  
missioners  
of Inland  
Revenue.

And whereas, in pursuance of the said last recited order, a provisional agreement, dated the fifteenth day of March one thousand eight hundred and seventy-nine, was entered into between the said Abraham Hume on behalf of the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, infants under the age of twenty-one years, of the one part, and the Commissioners of Inland Revenue of the other part, whereby, after reciting that the said infants were entitled as tenants in common in tail, with cross remainders between and amongst them in tail to one moiety of certain hereditaments situate in Ireland, subject to the payment to their mother Eliza Edwards during her life of an annuity of three hundred pounds per annum, and that the said infants were wards of the Chancery of the county palatine of Lancaster, and that the said infants were liable to pay succession duty in respect of their succession to the said estates tail, and that the said succession duty was then in arrear, and the said board had required immediate payment thereof, and that the only funds available for the maintenance and education of the said infants consisted of their share of the rents and profits of the said hereditaments, and that there was due from the said infants in respect of such duty as aforesaid the following sums, namely, from the said Jessie Edwards, the sum of nine hundred and thirty-three pounds four shillings and sixpence, from the said Anna Dorothea Edwards, the sum of six hundred and sixty-seven pounds five shillings and sixpence, from the said Eyre Evans Edwards, the sum of seven hundred and seven pounds and one penny, and from the said Mary Eliza Edwards, the sum of six

hundred and seventy-four pounds nine shillings and sixpence, together with interest on the said several sums respectively, from the 29th day of January last, at the rate of four pounds per centum per annum, until payment, and that the parties thereto had entered into that agreement provisionally, and subject to the condition therein-after mentioned; it was thereby agreed in the words and figures following; (that is to say,)

A.D. 1879.

“ 1. There shall be paid over half-yearly, on the 1st of May  
“ and the 1st of November in each year, in liquidation  
“ of the balance of the said duties, and the interest therefor,  
“ the full amount of the surplus rental of the said infants  
“ moiety of the said hereditaments, after deducting an  
“ allowance of eight hundred pounds a year for the main-  
“ tenance and education of the said infants under the  
“ direction of the said court.

“ 2. By way of security to the said Commissioners, the said  
“ Abraham Hume shall forthwith, with the sanction of the  
“ Court of Chancery of the said county palatine, which has  
“ been obtained in that behalf, make application to Parlia-  
“ ment, and use his best endeavours to obtain in the present  
“ session of Parliament an Act charging the whole of the  
“ said duties upon all and every the interest of the said  
“ infants in the said hereditaments, with the payment of the  
“ said duties and interest, in such a manner as will secure  
“ the said Commissioners a charge against the whole  
“ interests of the said infants for the whole of the said  
“ duties, and interest, so that if any one of the said infants  
“ shall attain the age of twenty-one years, the whole of the  
“ said duties, and interest, will be effectually charged on his  
“ or her interest, but so that as between the said infants  
“ themselves and their respective interests each of them  
“ shall bear his or her own duty.

“ 3. This agreement shall be void in case such an Act shall not  
“ be obtained in the present session of Parliament :”

And whereas the said real estates, subject to the limitations of the herein-before recited indenture of settlement of the 6th day of June 1857, consist of the manors, messuages, lands, tenements, and hereditaments, the particulars whereof are specified in the schedule hereto :

And whereas the said real estates, specified in the schedule hereto (subject nevertheless as to the entirety thereof to the said rentcharge of four hundred pounds per annum to the said Harriett Mary Gordon), now stand limited as to one moiety thereof, subject

A.D. 1879.

to the said rentcharge of three hundred pounds per annum, to the said Eliza Edwards for her life, to the use of the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, and any future children of the said Eliza Edwards, as tenants in common in tail, with cross remainders between and amongst them in tail with remainders over :

Certificate  
of the dis-  
trict regis-  
trar of the  
Court of  
Chancery of  
the county  
palatine of  
Lancaster.

And whereas, in pursuance of the said order of the third day of March one thousand eight hundred and seventy-nine, the draft of this Act has been settled and approved of by the said Vice-Chancellor at the office of the said district registrar, and by the certificate of the district registrar of the Liverpool District of the said Court, dated the twenty-first day of April one thousand eight hundred and seventy-nine, it was certified that, pursuant to the said order of the third day of March one thousand eight hundred and seventy-nine, the draft of a Bill to be submitted to Parliament for an Act, to be intituled "An Act to charge certain  
" moneys on the interests of Jessie Edwards, Anna Dorothea  
" Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, infants,  
" in a moiety of certain estates in the counties of Limerick,  
" Dublin, and Queen, and the city of Dublin in Ireland ; and for  
" other purposes," had been settled and approved of by the said Vice-Chancellor at the said office, and was identified by the said district registrar's signature on the margin thereof, and that the several instruments, facts, and events recited in the preamble of such Draft Bill had been proved to the satisfaction of the said court :

And whereas the aforesaid provisional agreement of the fifteenth day of March one thousand eight hundred and seventy-nine cannot be carried into effect, and the objects of such agreement cannot be effectually accomplished without the authority of Parliament :

Wherefore Your Majesty's most dutiful and loyal subjects, the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, by the said Abraham Hume, one of their guardians, and the said Abraham Hume 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 :

Short title.

1. In citing this Act for any purpose it shall be sufficient to use the expression "Edwards Infants' Succession Duty Act, 1879."



2. The following expressions used in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :

A.D. 1879.  
Interpreta-  
of terms.

(A.) The expression "real estates in Ireland" shall mean the manors, messuages, lands, tenements, and hereditaments specified in the schedule to this Act, and all other hereditaments, if any, which now are or which may hereafter be or become subject to the subsisting limitations, uses, or trusts of the herein-before recited indenture of settlement of the sixth day of June one thousand eight hundred and fifty-seven and deed poll of the tenth day of July one thousand eight hundred and fifty-seven :

(B.) The several expressions "liabilities to be charged" and "liabilities hereby charged" shall mean the said sums of nine hundred and thirty-three pounds four shillings and sixpence, six hundred and sixty-seven pounds five shillings and sixpence, seven hundred and seven pounds and one penny, and six hundred and seventy-four pounds nine shillings and sixpence, succession duties, with interest, at the rate of four pounds per centum per annum thereon, from the twenty-ninth day of January one thousand eight hundred and seventy-nine, and the costs, charges, and expenses of the said Abraham Hume and Eliza Edwards of and incidental to the preparing and passing of the said succession duties, accounts, and the assessments of the said succession duties incurred and to be incurred in the negotiation, preparation, and execution of the said agreement, and in preparing, lodging, and promoting the said Bill as moderated and settled according to the usage and practice of Parliament, or as taxed by the Court of Chancery of the county palatine of Lancaster, and the costs of and attending such moderation and settlement or taxation respectively, and the costs of and incidental to any application under section 6 of this Act.

3. The whole of the liabilities to be charged shall be and the same are hereby charged upon all and every the interests of the said infants Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards in the said real estates in Ireland until their satisfaction in the manner herein-after provided for.

Liabilities to  
be charged  
on entirety  
of infants  
shares of  
moiety of  
real estates  
in Ireland.

4. So long as any of the liabilities hereby charged shall remain unsatisfied, and whether any one or more of them, the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary

Power to  
appoint a  
receiver of  
infants rents

A.D. 1879.  
—  
and profits  
of moiety of  
real estates  
in Ireland.

Eliza Edwards, shall or shall not have attained the age of twenty-one years, it shall be lawful for the High Court of Justice in Ireland from time to time to appoint a receiver or receivers of the rents and profits of the interests of the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards in the said real estates in Ireland, and to direct such receiver or receivers, out of the rents and profits comprised in any such receivership, to keep down any outgoings and to pay any costs which in the opinion of the said court ought to be kept down and paid thereout, and, subject as aforesaid, to transmit and pay the net rents and profits comprised in the receivership by two half-yearly payments into the said Court of Chancery of the county palatine of Lancaster, to the credit of the matter of the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, subject to the order of the said last-mentioned court: Provided always, that nothing herein contained shall prejudice or affect the operation of the said order of the Lord Chancellor of Ireland of the first day of April one thousand eight hundred and seventy-six in the meantime and until the same order shall have been discharged or varied and some other order shall have been made by the High Court of Justice in Ireland for such appointment of receiver or receivers as is herein-before authorised to be made, together with such accompanying directions as aforesaid.

Application:  
of infants  
said rents  
and profits.

5. So long as any of the liabilities hereby charged shall remain unsatisfied, and whether any one or more of them, the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, shall or shall not have attained the age of twenty-one years, it shall be lawful for the said Court of Chancery of the county palatine of Lancaster from time to time to cause any moneys which have been or which from time to time may be so as aforesaid transmitted or paid into the said court, in accordance with the provisions of section 4 of this Act, to be from time to time carried over to the credit of an account to be entitled in the matter of this Act and of the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, and such several aforesaid carryings over shall be made under the direction of the said court to the credit of the said last-mentioned account as respects all moneys which may be in court upon the several credits of the respective separate accounts of the said several infants Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards respectively, so soon as conveniently may be after the passing of this Act, and as respects all moneys which shall be transmitted or paid into court at any times after the passing of this

Act, as mentioned in section 4 of this Act periodically upon every first day of November and first day of May next after the transmission or payment thereof into court, and all the moneys which shall so as aforesaid be from time to time carried over to the credit of the said last-mentioned account shall be appropriated and applied under the direction of the said court periodically at such several times as aforesaid or as soon as conveniently may be thereafter respectively in the manner following; namely,

First. In providing and paying such allowances, whether of equal or unequal amount, as the said court may think fit to make for the education and maintenance or for the maintenance of each of them the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards respectively, and whether any one or more of them shall or shall not have attained the age of twenty-one years, so always that such allowances do not together and in the whole exceed eight hundred pounds per annum, computed from the first day of November one thousand eight hundred and seventy-eight, and subject as aforesaid :

Secondly. In or towards the payment of the costs, charges, and expenses mentioned in section 2 of this Act, as the same shall have been previously moderated and settled or taxed in the manner provided for by the same section, and subject as aforesaid :

Thirdly. In payment to the said Commissioners of Inland Revenue of the said principal sums of nine hundred and thirty-three pounds four shillings and sixpence, six hundred and sixty-seven pounds five shillings and sixpence, seven hundred and seven pounds and one penny, and six hundred and seventy-four pounds nine shillings and sixpence, and the interest on the said several principal sums respectively, from the twenty-ninth day of January one thousand eight hundred and seventy-nine, at the rate of four pounds per centum per annum until the same principal sums and interests, shall have been fully paid and subject as aforesaid :

Fourthly. In adjusting all matters of account between them the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, which shall arise out of the aforesaid provisions of this Act, and any payments which shall have been made thereunder, so and in such manner that, notwithstanding such aforesaid provisions and the payments which may be made thereunder, the respective shares of each of them, the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, of the net

A.D. 1879.

rents and profits of the said real estates in Ireland, shall, by means of such adjustment as aforesaid, be made ultimately to bear its own proper proportion of the liabilities hereby charged, and also the particular allowance made by the court for the education and maintenance or for the maintenance of the owner of each such share; and, subject as aforesaid, the residue remaining of such net rents and profits, after satisfying the several purposes aforesaid, shall be paid or applied by direction of the said court to the persons and in the manner in which the same would have been payable or applicable in case this Act had not been passed: Provided that the sum required to be paid by any of the said infants for the purpose of adjusting the accounts shall be and is hereby charged upon the interest of such infant in the said estates, and in the case of the death of any infant before the sum so required for adjustment shall have been paid out of the interest of such infant, the balance of the sum so remaining unpaid shall be paid by the legal personal representative of such infant.

Powers  
under Act  
to be exer-  
cised by  
Chancery  
Division of  
the High  
Court of  
Justice in  
Ireland and  
by Court of  
Chancery of  
county  
palatine of  
Lancaster.

6. The powers hereby vested in the High Court of Justice in Ireland shall be exercised by the Chancery Division of that court, and the powers hereby vested in that court and in the Court of Chancery of the county palatine of Lancaster respectively shall be exercised by orders to be made by those courts respectively, upon any applications which may be made to them respectively in the matter of this Act, and of the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, by petition or motion, by any person or persons interested in the exercise of the same powers respectively, and after such notice (if any) of the several applications as the said several courts respectively may in any particular cases require to be given to any other person or persons, and upon any such application as aforesaid to the said High Court of Justice in Ireland, that court may, if it shall think fit, direct the payment of the costs of the application, or any part thereof, out of any moneys in the hands of any receiver or receivers who may have been appointed under the provisions of section 4 of this Act, and upon any such application as aforesaid to the said Court of Chancery of the county palatine of Lancaster, that court may, if it shall think fit, direct the payment of the costs of the application, or any part thereof, out of any moneys for the time being standing or which may thereafter come to the credit of the said account, to be entitled in the matter of this Act and of the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards.

7. Whenever it shall be made to appear to the Court of Chancery of the county palatine of Lancaster by the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards, or any of them, or by any other person or persons who may be interested in procuring such declaration as herein-after is mentioned, to be made by the said court, that the liabilities hereby charged, and the other purposes of this Act, have been fully satisfied, that court may by its order declare the same to have been satisfied, and such declaration shall be conclusive evidence that the same have been in fact so satisfied.

A.D. 1879.  
Power to  
declare pur-  
poses of Act  
satisfied.

8. Saving always to the Queen's most Excellent Majesty, her heirs and successors, and to all and every other person or persons, bodies politic and corporate, his, her, and their heirs, successors, executors, administrators, and assigns (other than and except the said Jessie Edwards, Anna Dorothea Edwards, Eyre Evans Edwards, and Mary Eliza Edwards respectively), all such estate, right, title, and interest of, in, or out of the said moiety of the said real estates in Ireland, or any part thereof, as they every or any of them had before the passing of this Act, or would or might have had in case this Act had not been passed.

General  
saving.

9. 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. 1879.

## The SCHEDULE referred to in the foregoing Act.

## DESCRIPTION OF PROPERTY.

## No. 1.—COUNTY OF LIMERICK :

Held in fee—

Lands Ballyphilip.

Glenasteil.

Inchiclara.

Baneigtra.

## No. 2.—CITY OF DUBLIN :

Frances Street, held in fee.

Ditto.

Great Britain Street, held in fee farm.

## No. 3.—COUNTY OF DUBLIN :

Manor of Portrane, held in perpetuity under See of Dublin—

Portrane.

Ballcarrick.

Beaverstown.

Burrow.

## No. 4.—QUEEN'S COUNTY :

Pallas Clonboyne.

Clonkeen.

## No. 5.—LORDSHIP OF LEA :

Held in fee farm—

Lea.

Kilbride.

Lough.

Garryvacum.

Doolough.

Ullard.

Inchacoaly.

Clondoolisk.

Traescan.