



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

Cap. 27.

An Act for carrying into effect certain Provisions contained in the Will of *Thomas Swinnerton* Esquire, deceased, relative to the building of a Mansion House on the Testator's Estate at *Butterton* in the County of *Stafford*, and building a Church or Chapel on the said Estate; and for other Purposes. [30th July 1842.]

WHEREAS *Thomas Swinnerton* of *Butterton* in the County of *Stafford*, Esquire, by his last Will and Testament in Writing, bearing Date the Fourth Day of *August* One thousand eight hundred and twenty-nine, executed and attested in such Manner as was then by Law required for passing Real Estates, after directing that his just Debts and his funeral and testamentary Expences should be paid, as soon as conveniently might be after his Decease, out of his Personal Estate, and if that should be insufficient then that the Deficiency should be made good out of his Real Estate, declared his Will and Desire to be (amongst other things) that in case the Mansion House and Buildings which he had for some Time past had it in contemplation to erect at *Butterton* aforesaid should not have been finished previous to his Decease, the same should be erected and built or completed according to the last Plans, [Private.]

Will of
Thomas
Swinnerton,
dated 4th
August 1829.

Designs, and Models made by Mr. *Leonard Wilde Lloyd*, and that the Expence should be paid; one Half out of the Income of the Residue of his Personal Estate, and the other Half out of the Rents and Profits of his Real Estates situate in the County of *Stafford*, in such Manner as was therein-after provided, but nevertheless it was his express Desire that not more than Two thousand Pounds should be laid out and expended in any One Year for that Purpose; and he further declared, that his Trustees might take Ten Years or more for the Completion of the said House and Buildings, but not more than Fifteen thousand Pounds in the whole should be expended therein, and the Works should not be begun till the Expiration of Two Years after his Death, or until the Trustees should have Four thousand Pounds in hand for that Purpose; and he further directed, that the then present Mansion House and Buildings should be pulled down, and the old Materials either worked up in the new Works or sold, and the clear Produce thereof carried to the Account of the new Buildings, as an Addition to the Funds thereby provided for that Purpose; and the said Testator gave and devised his Capital Mansion House at *Butterton* aforesaid, with the Buildings, Lands, and Hereditaments thereto belonging, and all his Manors, Capital and other Messuages, Farms, Lands, Tenements, and Hereditaments thereto belonging, and all his Manors, Capital and other Messuages, Farms, Lands, Tenements, and Hereditaments situate at or near *Butterton* aforesaid, or elsewhere in the County of *Stafford*, with their Appurtenances, (including the Estates lately purchased by him at the *Delph-house* in the Parishes of *Stone*, *Cheadle*, and *Caverswall*, *Dilhorne*, and *Swinnerton*, or *Whitemore* and *Stoke*, and also his Land and Estate at *Moddishall* in the said County,) to the Uses therein-after declared and herein-after in part recited; (that is to say,) to the Use of *Henry Allen Wedgewood* Esquire and *George Leeke Baker* Gentleman, their Executors, Administrators, or Assigns, for the Term of One thousand Years, to begin from the Day of his (the said Testator's) Decease, upon and for the Trusts, Intents, and Purposes, and with, under, and subject to the Powers, Provisoos, and Declarations therein-after declared and contained, with Remainder to the Use of Sir *Thomas Fletcher Fenton Boughey*, in the Will called Sir *Thomas Boughey* Baronet, and *Francis Twemlow* Esquire, their Executors, Administrators, and Assigns, for and during the Term of the natural Life of his Daughter Dame *Mary*, then and now the Wife of Sir *William Pilkington* Baronet, upon Trust, in the first place, to preserve contingent Remainders, and upon further Trust that they the said Trustees, their Executors, Administrators, and Assigns, should receive and take all the Rents and Profits of his said devised Estates in the County of *Stafford*, and after thereout paying and satisfying all Taxes, Charges, and Outgoings, and making all proper and necessary Allowances, should pay to his (the said Testator's) Daughter *Martha*, the Wife of *William Bagot* Esquire, from and after the Decease of her said Husband (in case she should survive him), One Annuity or clear yearly Sum of Five hundred Pounds, for and during the joint natural Lives of herself and the said Dame *Mary Pilkington*, clear of all Taxes and Deductions whatsoever, and, subject thereto, upon Trust to pay and dispose of the said Rents, Issues, and Profits to such Persons and for such Purposes and in such Manner as his said
Daughter

Daughter Dame *Mary Pilkington* (notwithstanding her present or any future Coverture) should from Time to Time (but not by way of Anticipation), by any Notes, Drafts, Cheques, or other Writings signed by her, direct or appoint, or into the proper Hands of her the said Dame *Mary Pilkington*, for her own sole and separate Use, and after the Decease of the said Dame *Mary Pilkington* to the Use of the last-named Trustees, their Executors, Administrators, and Assigns, for and during the Term of Ninety-nine Years, to commence and be computed from the Day of her Decease (if his said Daughter *Martha Bagot* should be then living, and should so long live), upon Trust by and out of the Rents and Profits of the said Premises to raise and pay or continue to pay the aforesaid Annuity of Five hundred Pounds to her the said *Martha Bagot*, if she should become entitled to the same as aforesaid, and upon Trust to permit and suffer the Residue of the said Rents and Profits, after paying the said Annuity, and the whole thereof, so long as the said Annuity should not be payable to the Person or Persons for the Time being entitled to the next Estate in Remainder expectant on the said Term of Ninety-nine Years; with Remainder to the Use of the Second Son of the Body of the said Dame *Mary Pilkington* to be lawfully begotten, and of the Heirs Male of the Body of such Second Son lawfully issuing; with Remainder to the Use of the Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of the said Dame *Mary Pilkington* (other than or besides an eldest or only Son), severally and successively as they should be in Seniority of Age, in Tail Male; with Remainder to the Use of the Second Son of the Body of the said Dame *Mary Pilkington* to be lawfully begotten, and the Heirs of the Body of such Second Son to be lawfully issuing; with Remainder to the Use of the Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of the said Dame *Mary Pilkington* (other than or besides an eldest or only Son), severally and successively as they should be in Seniority of Age, in Tail General; and to the further Use, Intent, and Purpose that in case the said Dame *Mary Pilkington* should have Issue of her Body an eldest or only Son who should marry and have Issue of his Body Two or more Sons born in the Lifetime of the said Sir *William Pilkington* and Dame *Mary* his Wife, or the Survivor of them, then and in such Case it should be lawful for the said Dame *Mary Pilkington*, notwithstanding her Coverture, by Deed or Will, to be executed as therein mentioned, to limit and appoint the said Manor, Estates, and Hereditaments thereby devised, or any Part or Parts thereof, in Remainder, to take effect on the Failure or Determination of the several Uses and Devises therein-before contained, or such of them as should arise, to the Use of the Second or any younger Son of such eldest or only Son of her the said Dame *Mary Pilkington* as aforesaid, for any Estate or Estates Tail, with any Remainder or successive Remainders to any other Son or Sons of the same Parent other than or besides and always excluding an eldest Son, for any Estate or Estates Tail, so as to take the Heirs Male of the Body of all or any of them before the Heirs General of the Body of any of them, in such Course and Order as she the said Dame *Mary Pilkington* should think fit; and in case any such Appointment by the said Dame *Mary Pilkington* should be made, then that the said Manors and Hereditaments,

or

or the appointed Parts thereof, should go and remain to such Uses as might be necessary for giving effect to such Appointment or Appointments as last mentioned; and in default of or subject to any such Appointment as last aforesaid, to the Use of the Second Son of the Body of his (the said Testator's) Daughter *Elizabeth*, the Wife of *Charles John Kemeys Tynte* Esquire, begotten or to be begotten, and the Heirs Male of the Body of such Second Son lawfully issuing; with Remainder to the Use of the Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of the said *Elizabeth Tynte* begotten or to be begotten (other than and besides an eldest or only Son), severally and successively as they should be in Seniority of Age, in Tail Male; with Remainder to the Use of the Second Son of the Body of the said *Elizabeth Tynte*, and of the Heirs of the Body of such Second Son lawfully issuing; with Remainder to the Use of the Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of the said *Elizabeth Tynte* (other than or besides an eldest or only Son), severally and successively as they should be in Seniority of Age, in Tail General; and to the further Use, Intent, and Purpose that in case the said *Elizabeth Tynte* should have Issue of her Body an eldest or only Son who should marry and have Issue of his Body Two or more Sons born in the Lifetime of the said *Elizabeth Tynte*, then that it should be lawful for the said *Elizabeth Tynte*, notwithstanding her Coverture, by Deed or Will executed and attested as therein mentioned, to limit and appoint the said Manors, Estates, and Hereditaments, or any Part or Parts thereof, in Remainder, to take effect on the Failure or Determination of the several Uses and Devises therein-before contained, or such of them as should arise, to the Use of the Second or any younger Son of such eldest or only Son of her the said *Elizabeth Tynte* as aforesaid, for any Estate or Estates Tail, with any Remainder or successive Remainders to any other Son or Sons of the same Parent (other than or besides and always excluding an eldest Son), for any Estate or Estates Tail, so as to take the Heirs Male of the Body of all or any of them before the Heirs General of the Body of any of them, in such Course and Order as she the said *Elizabeth Tynte* should think fit; and in case any such Appointment by the said *Elizabeth Tynte* should be made, then the said Manors and Hereditaments, or the appointed Parts thereof, should go and remain to such Uses as might be necessary for giving effect to such Appointment or Appointments as last mentioned; and in default of or subject to any such Appointment as last aforesaid, to the Use of the First Daughter of the Body of his said Daughter Dame *Mary Pilkington* lawfully begotten or to be begotten, and of the Heirs Male of the Body of such Daughter lawfully issuing, with Remainder to the Use of the Second, Third, Fourth, Fifth, and all and every other the Daughter and Daughters of the Body of the said Dame *Mary Pilkington* lawfully to be begotten, severally and successively as they should be in Seniority of Age, in Tail Male; with Remainder to the Use of the First Daughter of the Body of the said Dame *Mary Pilkington* lawfully begotten or to be begotten, and of the Heirs of the Body of such First Daughter lawfully issuing; with Remainder to the Use of the Second, Third, Fourth, Fifth, and all and every other the Daughter and Daughters of the Body of the said Dame *Mary Pilkington* lawfully begotten and

to be begotten, severally and successively as they should be in Seniority of Age, in Tail General; with Remainder to the Use of the First Daughter of the Body of the said *Elizabeth Tynte* lawfully begotten or to be begotten, and of the Heirs Male of the Body of such Daughter lawfully issuing; with Remainder to the Use of the Second, Third, Fourth, Fifth, and all and every other the Daughter and Daughters of the Body of the said *Elizabeth Tynte* lawfully begotten or to be begotten, severally and successively as they should be in Seniority of Age, in Tail Male; with Remainder to the Use of the First Daughter of the Body of the said *Elizabeth Tynte* lawfully begotten or to be begotten, and of the Heirs of the Body of such First Daughter lawfully issuing; with Remainder to the Use of the Second, Third, Fourth, Fifth, and all and every other the Daughter and Daughters of the Body of the said *Elizabeth Tynte* lawfully begotten or to be begotten, severally and successively as they should be in Seniority of Age, in Tail General; with Remainder to the Use of an eldest or only Son of the said Dame *Mary Pilkington*, or the Heirs Male of his Body issuing; with Remainder to the Use of an eldest or only Son of the said *Elizabeth Tynte*, and the Heirs Male of his Body lawfully issuing; with Remainder to the Use of an eldest or only Son of the said Dame *Mary Pilkington*, and the Heirs of his Body lawfully issuing; with Remainder to the Use of an eldest or only Son of the said *Elizabeth Tynte*, and the Heirs of his Body lawfully issuing; with Remainder to the Use of his the said Testator's said Daughter *Elizabeth Tynte* and her Assigns for her Life; with Remainder to the Use of the said Sir *Thomas Fletcher Fenton Boughey* and *Francis Twemlow*, and their Heirs, during the Life of the said *Elizabeth Tynte*, upon Trust to preserve contingent Remainders, but to permit her to receive the Rents and Profits during her Life; and after the Decease of the said *Elizabeth Tynte*, to the Use of the Reverend *Egerton Arden Bagot* and his Assigns for his Life; and after the Determination of that Estate by Forfeiture or otherwise in his Lifetime, to the Use of the said Sir *Thomas Fletcher Fenton Boughey* and *Francis Twemlow*, and their Heirs, during the Life of the said *Egerton Arden Bagot*, upon Trust to preserve contingent Remainders; with Remainder to the Use of the said Sir *Thomas Fletcher Boughey* and *Francis Twemlow*, and their Executors, Administrators, and Assigns, for and during the natural Life of the Right Honourable Lady *Elizabeth Boulton*, Daughter of the Right Honourable *George Marquis Townshend*, and the Wife of *Boulton* Esquire, upon Trust, by the Ways and Means therein mentioned, to preserve contingent Remainders; and upon further Trust that the said Trustees, their Executors, Administrators, and Assigns, should receive all the Rents and Profits of the said devised Estates and Hereditaments as the same should arise and become payable, and should pay the same from Time to Time into the Hands of the said Lady *Elizabeth Boulton*, to or for her sole and separate Use (without Power of Anticipation), as therein mentioned; with Remainder to the Use of the First Son of the Body of the said Lady *Elizabeth Boulton* lawfully begotten or to be begotten, and of the Heirs Male of the Body of such First Son lawfully issuing; with Remainder to the Use of the Second and other Sons of the said Lady *Elizabeth Boulton*, successively according to Seniority, in Tail Male; with Remainder to the Use of her First

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and other Sons, successively according to Seniority, in Tail General; with Remainder to the Use of her First and other Daughters, successively according to Seniority, in Tail Male; with Remainder to the same Daughters, in the like Succession, in Tail General; with Remainder to the Use of *Richard Beech* of *Eccleshall* in the County of *Stafford*, Esquire, and his Assigns, for the Term of his Life; with the ultimate Reversion to the Use of the said Testator's own right Heirs for ever; and as to the said Term of One thousand Years, therein-before limited to the said *Henry Allen Wedgewood* and *George Leeke Baker*, their Executors, Administrators, and Assigns, the said Testator declared that the same was so limited to them upon the Trusts and under and subject to the Provisoes and Declarations therein-after expressed and declared, and herein-after recited of and concerning the same; (that is to say,) upon Trust that they his said Trustees, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, should, by Mortgage of any competent Part or Parts of his said devised Manors and Hereditaments comprised in the said Term of One thousand Years for all or any Part of the said Term, raise and levy such Sum of Money as, in addition to his Personal Estate therein-after bequeathed, should be sufficient to pay the Sum of Ten thousand Pounds, for the Payment whereof to the said Sir *William Pilkington*, his Executors, Administrators, or Assigns, the said Testator had covenanted by the Settlement made upon the Marriage of his said Daughter Dame *Mary Pilkington*, and such Interest as might become payable in respect of the same, and should pay the same accordingly; and upon further Trust that they the said *Henry Allen Wedgewood* and *George Leeke Baker*, and the Survivor of them, and the Executors, Administrators, and Assigns of such Survivor, should, by Mortgage as aforesaid, at such Time or Times as they or he should think proper, raise and levy such Sum or Sums of Money as, in addition to the Residue of his said Personal Estate, should be necessary and sufficient to pay all his just Debts, and the Expences of his Funeral, and of proving and executing his said Will, and the Legacies given thereby, or which should or might be given by any Codicil or Codicils thereto; and upon further Trust, that they the said *Henry Allen Wedgewood* and *George Leeke Baker*, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, should, by and out of the Rents, Issues, and Profits of his said devised Estates comprised in the said Term, (but subject to such Mortgage or Mortgages as should be made for effecting the other Purposes of the said Term, raise) and levy from Time to Time such Sum and Sums of Money as, in addition to the Income of his residuary Personal Estate, therein-after directed to be invested, would be sufficient to pay One Half (or the Whole, in case there should be a Deficiency in such residuary Personal Estate, as therein-after mentioned,) of the annual Expences of building and completing the said Mansion House and Buildings at *Butterton*, according to the Direction but subject also to the Restriction therein-before in that Behalf respectively contained; and upon further Trust that they the said *Henry Allen Wedgewood* and *George Leeke Baker*, and the Survivor of them, and the Executors, Administrators, and Assigns of such Survivor, should, by Mortgage as aforesaid, raise and levy such Sum and Sums of Money as would be sufficient to pay and

satisfy his said Daughter *Martha's* Share or Portion of the Sum of Eight thousand Pounds charged on his said Real Estates in the County of *Stafford* by his Marriage Settlement, together with all Interest, if any should become due in respect thereof, and should pay the same accordingly; and in the said Will was and is also contained a Proviso, whereby the said Testator expressly declared his Will to be, that all and every Person or Persons taking any Estate for his, her, or their Life or Lives, or the Life or Lives of any other Person or Persons, or other particular Estate, under or by virtue of his said Will, should be subject to Impeachment for Waste, but nevertheless that he, she, or they should, during such his, her, or their Estate or Estates, when and as he, she, or they should respectively come into possession, and into the Receipt of the Rents, Issues, and Profits of the same, be at liberty (with the Consent of his said Trustees for preserving contingent Remainders, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor,) to cut and take off from all or any Part or Parts of his said devised Estates (other than and except such Part or Parts thereof as are situate within the several Townships of *Butterton*, *Seabridge*, and *Clayton*,) sufficient Timber and other Trees, being of proper Growth, and not being ornamental to the said Estates, for the necessary Repairs of all the Houses, Buildings, Gates, and Fences on the said Estates or any of them, and to use the same or allow the same to be used accordingly; and the said Testator declared and directed, that in case any of the Timber upon any such Estates, as well in the said excepted Townships as elsewhere, should be in a State of Decay, having attained its full Growth and Maturity, and it should be thought advisable and expedient to fell and cut down the same (such Timber not being ornamental), it should be lawful for all and every Person and Persons taking any Estate for his, her, or their Life or Lives, or the Life or Lives of any other Person or Persons, or other particular Estate, under or by virtue of the Limitations therein-before contained, when and as he, she, or they should respectively come into possession of such Estate or Estates, (with the Consent of his said Trustees for the Time being for preserving contingent Remainders, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor,) to sell and dispose of such Timber so being in decay as aforesaid, from Time to Time, either by public Auction or by private Contract, for the best Price or Prices in Money that could or might be reasonably had or gotten for the same; and he further directed that all and every Sum and Sums to arise by any such Sale or Sales as last mentioned should be paid to the Trustees therein-after named of his residuary Personal Estate, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, to be by them or him carried to the Account of such Residue, and to be subject to such and the same Trusts, Declarations, and Provisoes as were therein-before and therein-after declared of and concerning the same; and in the said Will were and are contained certain Powers of granting Leases under the Restrictions therein mentioned, and also a Proviso or Condition requiring the said Dame *Mary Pilkington*, and also the Persons taking in Remainder, as therein-before mentioned, to take and use the Surnames of *Milborne* and *Swinerton*, with Provision for determining the Estates and Limitations therein-before contained to or for the
Benefit

Benefit of such of the said Parties as should refuse or neglect to comply with such Condition; and the said Testator thereby also declared and directed that his said Daughter *Mary* during her Life, and also his said Daughter *Elizabeth*, and the said *Egerton Arden Bagot*, *Lady Elizabeth Boulton*, and *Richard Beech* respectively, during their Lives, in case and when they should come into possession of the said Estates, or be entitled to the Rents and Profits thereof, under the Limitations and Trusts therein-before contained, should respectively keep up the Mansion House to be erected at *Butterton* as aforesaid, and all the Buildings, Gardens, Hothouses, Grounds, and Fences thereto belonging, after the said House and Buildings should have been erected, in good and perfect Repair and Order, and that the same Parties respectively should reside with their respective Families and Establishments in or at the said Mansion House after it should have been built, and in the meantime at some other House upon the Estate during the Space or Term of Three Calendar Months at the least in each and every Year during the Continuance of her or his Interest or respective Interests in the said Estates (unless such Non-residence should be occasioned by Illness, or the Education of Children); and his Will was, that in case his said Daughter *Mary* should refuse or neglect to comply with the last-mentioned Condition, then and in such Case the Trust for the separate Use of her his said Daughter should cease, and so much of the Rents and Profits of his said Estates as would have been applicable according to that Trust should during the Remainder of her Life be laid out in the Manner therein-after directed with respect to Monies to arise under the Power of Exchange therein-after contained, and if his said Daughter *Elizabeth*, or the said *Egerton Arden Bagot*, *Lady Elizabeth Boulton*, and *Richard Beech*, should refuse or neglect to comply with the said Conditions, the Use and Estate in his Will limited to her or him should from and immediately after such Refusal or Neglect cease, determine, and be absolutely void; and the said Testator directed that all his Silver and Gold Plate at his House at *Butterton* aforesaid, and all the Household Furniture, Linen, China, Glass, Books, Pictures, and Prints at his said House, and the Fixtures therein, should go as Heirlooms along with the said House and his said *Staffordshire* Estate, and accordingly he bequeathed the same, with their Appurtenances, to the said Sir *Thomas Fletcher Fenton Boughey* and *Francis Twemlow*, their Executors, Administrators, and Assigns, upon such Trusts as would most nearly correspond with the Limitations therein contained as to his said Estates in the County of *Stafford*, or as near thereto as the Nature of the said Chattels and the Rules of Law and Equity would permit, and that the same might be held, consumed, used, and enjoyed by the Person or Persons who for the Time being should be entitled to the said House and Estate by virtue of the Devises therein-before made; but nevertheless it was his Will that no Person entitled to any Estate Tail by Purchase in the said last-mentioned Real Estate should have an absolute Interest in the said Heirlooms, or be capable of disposing thereof, until he, she, or they should have attained the Age of Twenty-one Years; and after reciting that he had lately purchased an Estate called *Coalamore*, situate in the Parish of *Stoke-upon-Trent* in the County of *Stafford*, for the Purpose of endowing a private Chapel which he intended to
 build

build upon some Part of his Estate at *Butterton* adjoining his said House, but certain Difficulties had arisen which had prevented him from carrying his said Intention into effect, the said Testator directed, that in case at the Time of his Decease such Chapel should not be built and endowed as aforesaid, then such Estate so purchased as aforesaid should be and enure, and the said Testator thereby gave and devised the same, unto and to the Use of the said Sir *Thomas Fletcher Fenton Boughy* and *Francis Twemlow*, their Heirs and Assigns, upon Trust as therein mentioned, but which Trust hath been since declared void, as contrary to the Law which restrains Devises for charitable Purposes; and the said Testator gave and bequeathed all his Canal Shares, Railroad Shares, and Turnpike Securities, with their respective Appurtenances, together with all and singular other his Personal Estate and Effects whatsoever and wheresoever, or of what Nature or Kind soever, not therein-before specifically bequeathed and disposed of, unto the said *Henry Allen Wedgewood* and *George Leeke Baker*, their Executors, Administrators, and Assigns, upon Trust that they or the Survivor of them, his Executors, Administrators, or Assigns, should make Sale and dispose of all such Canal and Railroad Shares, Turnpike and other Securities, and should collect, get in, and receive all and every Sum or Sums of Money which might be due and owing to him at the Time of his Decease, so as to convert the whole of his residuary Personal Estate into Money, and should, after paying or making Provision for Payment of all his just Debts, Funeral, and testamentary Expences, and any Legacies or other Charges therein-before bequeathed and directed to be paid out of his Personal Estate, according to the Provision therein-before contained, lay out and invest so much of the Monies to be produced as aforesaid in their or his Names or Name in the Three Pounds *per Centum* Consolidated Bank Annuities as would purchase sufficient Stock to produce a clear annual Income of Three thousand Pounds, out of which said annual Sum of Three thousand Pounds he directed that, in the first place, One Half of the Money to be annually laid out in completing the Buildings at *Butterton*, according to the Direction therein-before contained, should be paid, and the Residue thereof, or the Whole so soon as the said Buildings at *Butterton* should be finished, should be accumulated by Reinvestments in the Public Funds in the Nature of Compound Interest for the Term of Twenty-one Years to be computed from the Day of his Decease, and from and after the Expiration of the said Term of Twenty-one Years he directed that his said Trustees, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, should sell out the said Stock, together with all the Accumulations thereon, and lay out and invest the Money produced thereby in the Purchase of Freehold or Copyhold Estates, to be situate as therein-before directed concerning the Estates to be purchased with Monies arising under the Power of Exchange therein-before contained, and under such other Restrictions as in the same Power was expressed; and also in the same Will was contained a Proviso that it should be lawful for his said Trustees or Trustee for the Time being, at any Time or Times during the Continuance of the said Term of Twenty-one Years, to sell out the Stock which for the Time being should have been raised by such

[Private.]

Accumulations as aforesaid, or any Part thereof, and to lay out the clear Produce thereof in any Purchase or Purchases of Real Estates, subject to the Restrictions before referred to, and then and in such Case the clear Rents and Profits of the Real Estates so to be purchased as last mentioned should during the then Residue of the said Term of Twenty-one Years go and be laid out and invested by way of Accumulation, in the same Manner as the Dividends and Income of the Stock sold out for making such Purchases would have gone and been applicable in case the same had not been sold out, and as to the Rest, Residue, and Remainder of the Monies to arise and be produced from the Sale and Conversion of his Personal Estate and Effects (if any such there should happen to be), after such Investment in the Three Pounds *per Centum* Consolidated Bank Annuities as therein-before directed, and Payment of all his just Debts, funeral and testamentary Expences, and any Legacies or other Charges therein-before directed to be paid thereout, together with all Charges and Expences which his said Trustees, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, might have incurred in the Execution and Performance of the Trusts therein-before contained, he desired that the same might forthwith be laid out and invested in the Purchase of Freehold and Copyhold Estates of Inheritance, of such and the like Nature, and under such and the like Restrictions as were therein-before contained concerning the Estates to be purchased with the Monies to arise under the Powers of Exchange therein-before contained, and as to all the Estates to be purchased under any or either of the Powers therein-before contained he directed that the same should from Time to Time be settled and conveyed to such and the same Uses, upon such and the same Trusts, and with, under, and subject to such and the same Powers, Provisoos, Restrictions, and Declarations, as were therein-before limited, declared, and contained of and concerning his said *Staffordshire* Estates therein-before devised, or as near thereto as the Deaths of Parties, the Determinations of Interests, and other Contingencies would at the respective Times of such Purchase admit of; and the said Testator further declared and directed that in case it should happen that the Surplus of the Monies to arise by the Sale and Conversion of his Personal Estate, as therein-before directed, (after Payment of all his just Debts, funeral and testamentary Expences, and any Legacies or other Charges or Expences directed to be paid thereout,) should not be sufficient to purchase so much Stock as would yield a net annual Income of Three thousand Pounds as aforesaid, then during the Period of Accumulation therein-before directed the Deficiency in such annual Sum of Three thousand Pounds should from Time to Time be made good and supplied out of the Rents, Issues, and Profits of his said Real Estates in the County of *Stafford*, and the said annual Sum of Three thousand Pounds so raised as aforesaid should nevertheless be applicable in the same Manner as if the whole had been produced by the Income of his residuary Personal Estate, so that while his said Mansion House at *Butterton* was building and completing as aforesaid there might be a clear Sum of Two thousand Pounds in each and every Year, and after it was finished a clear Sum of Three thousand Pounds in each and every

Year, to be accumulated as aforesaid, and he further directed that his said Trustees, their Executors, Administrators, and Assigns, should from Time to Time lay out all Monies in their Hands on account of his Real or Personal Estate, when and so often as the same should not be otherwise immediately applicable in the Purchase of Real Estates, and in the meantime in the Public Stocks or Funds, or in or upon Government or Real Securities in *England*, in the same Manner and upon and for the same Trusts, Intents, and Purposes as he had therein-before declared concerning the Monies to arise by Sale of his Shares and other Properties therein-before devised: And whereas the said Testator duly made and published a Codicil to his last Will and Testament, which Codicil bore Date the Sixth of *May* One thousand eight hundred and thirty, and was also executed and attested as by Law required for passing Real Estate, and thereby revoked and made void every Gift, Devise, and Bequest in his said Will contained to or in favour of the said *Henry Allen Wedgewood*, and gave, devised, and bequeathed the same Manors, Capital and other Messuages, Farms, Lands, Tenements, and Hereditaments, and also all his said Canal and other Shares, Legacies, Monies, and all other his Personal Estate and Effects whatsoever, unto *Thomas Fitzherbert* of *Swinnerton Park* in the County of *Stafford*, Esquire, and the said *George Leeke Baker*, their Heirs, Executors, Administrators, and Assigns, upon the like Trusts and with the like Powers as by the said Will declared concerning the same: And whereas the said Testator also made and published a Second and Third Codicil to his said Will, which Codicils bore Date respectively the Fourteenth Day of *February* and the Sixth Day of *August* One thousand eight hundred and thirty-five, and were duly executed and attested for passing Real Estate, and did thereby devise all Freehold and Copyhold Lands, Tenements, and Hereditaments which he had purchased since the Execution of his said Will and former Codicil to the same Uses as he had declared in his said Will concerning his said Manors and Hereditaments in the County of *Stafford*, but not so as to increase any annual Charges made by his said Will, or authorized to be made by any of the Powers therein contained, and he did thereby in all other respects confirm his said Will: And whereas the said Testator *Thomas Swinnerton* departed this Life on or about the Ninth Day of *May* One thousand eight hundred and thirty-six, without revoking his said Will and Codicils, and was buried at *Trentham* in the County of *Stafford*: And whereas an Act of Parliament was passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to authorize Dame Mary the Wife of Sir William Pilkington Baronet to bear the Surnames of Milborne and Swinnerton jointly with the Surname of Pilkington, and to be called by the Surnames of Milborne Swinnerton Pilkington; and for authorizing the said Sir William Pilkington and Dame Mary his Wife to bear or quarter the Arms of Swinnerton of Butterton and Milborne, and also for authorizing the Second Son of the said Sir William Pilkington and Dame Mary his Wife, and his Issue, to assume and bear the Surnames of Milborne Swinnerton in lieu of the Surname of Pilkington, and to bear or quarter the said Arms of Swinnerton of Butterton and Milborne, in compliance with a Condition contained in the Will of*

1st Codicil
dated 6th May
1830.

2d and 3d
Codicil, dated
14th Feb.
and 6th Aug.
1835.

6 & 7 W. 4.
c. 52.

Thomas

Disclaimer
by Thomas
Fitzherbert,
18th August
1836.

Decree of
Court of
Chancery,
9th August
1838.

Master's Re-
port,
15th April
1841.

Thomas Swinnerton *Esquire, deceased*, in pursuance of which Act, and of the Condition contained in the said recited Will of the said *Thomas Swinnerton*, the said Dame *Mary Pilkington* assumed and hath ever since borne and now bears the Names of *Milborne Swinnerton Pilkington*: And whereas the said Sir *Thomas Fletcher Fenton Boughey* and *Francis Twemlow* having renounced Probate of the said Will and Codicils of the said *Thomas Swinnerton*, Letters of Administration of his Goods, Chattels, and Effects, with the said Will and Codicils annexed, were granted to the said Dame *Mary Milborne Swinnerton Pilkington* by the Prerogative Court of *Canterbury* on or about the Tenth of *October* One thousand eight hundred and thirty-six: And whereas the said *Thomas Fitzherbert*, by Deed under his Hand and Seal, bearing Date the Eighteenth of *August* One thousand eight hundred and thirty-six, fully, absolutely, and irrevocably refused, disclaimed, and renounced all and singular the Devises, Limitations, and Bequests, and all other Estates, Rights, Titles, and Dispositions devised, given, and bequeathed to him by the said Will and Codicil or either of them: And whereas by a Decree or Order of the High Court of Chancery, bearing Date the Ninth Day of *August* One thousand eight hundred and thirty-eight, and made by his Honour the Vice Chancellor in certain Causes depending in the said Court, in one of which the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton Pilkington* his Wife were and are Plaintiffs, and the said Sir *Thomas Fletcher Fenton Boughey* Baronet, *Francis Twemlow*, *George Leeke Baker*, *William Bagot* and *Martha* his Wife, *Charles John Kemeys Tynte* and *Elizabeth* his Wife (since deceased), and *William Milborne Swinnerton*, an Infant, by *John Jolliffe Tuffnell* Esquire, his Guardian, were Defendants, and in the other of which Suits the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton Pilkington* his Wife were and are Plaintiffs, and *Charles Kemeys Tynte*, an Infant, by the said *George Leeke Baker*, his Guardian, the said *Charles John Kemeys Tynte*, and the said *George Leeke Baker* were Defendants, after directing the usual Accounts to be taken of the Personal Estate and Effects of the said Testator *Thomas Swinnerton*, and of his funeral and testamentary Expences, Debts, and Legacies, it was (amongst other things) ordered, that it should be referred to the Master in Rotation to inquire what (if any) were the last Plans, Designs, and Models for building a new Mansion House and Offices at *Butterton*, referred to by the said Testator in his Will, and whether he had taken any and what Steps for carrying his Intention of building into effect, and whether such Plans, Designs, and Models (if any) could be carried into effect consistently with the Trusts of the said Will, and the Means provided for that Purpose, and it was ordered that the said Master should inquire whether it would be beneficial for the Defendant *William Milborne Swinnerton*, the infant Tenant in Tail, and all others interested therein, that an Act of Parliament should be applied for in respect of building, or for any and what Matter, relating to the Trusts of the said Will: And whereas Sir *William Horne* Knight, One of the Masters of the said Court, made his general Report in the said Causes, bearing Date the Fifteenth Day of *April* One thousand eight hundred and forty-one, (which was duly confirmed

confirmed on the Twenty-seventh Day of the said Month,) and thereby stated (amongst other things) that a State of Facts had been laid before him by or on behalf of the said Plaintiffs, verified as therein mentioned, which State of Facts set forth the said Will of the said Testator, his Death, and the Disclaimer of the Trust of the said Will and Codicils by the said *Thomas Fitzherbert* to the Effect herein-before recited, and the present State of the Family of the said Dame *Mary Milborne Swinnerton Pilkington* and *Elizabeth Kemeys Tynte* (the said Testator's Daughters) and of the said Lady *Elizabeth Boulbee*, to the same Effect as is herein-after stated and set forth; and further set forth, that the said Dame *Mary Milborne Swinnerton Pilkington*, *Martha Bagot*, and *Charles Kemeys Kemeys Tynte*, the eldest Son of the said Testator's Daughter *Elizabeth Tynte* deceased, were then the Co-heirs of the said Testator, and that the said infant Defendant *William Milborne Milborne Swinnerton* (the Second Son of the said Plaintiffs) was the First Tenant in Tail in Remainder under the Limitations contained in the said Testator's Will; and which said State of Facts further set forth, that the said Testator had during his Lifetime purchased and collected large Quantities of Stone, Timber, Marble, and Lead for the Purpose of building the proposed Mansion House, but died before the Commencement thereof, and which Materials are lying at *Butterton*, and the same are of the Value of Five thousand one hundred Pounds and upwards, to be used in building the Mansion, but not for the Purpose of Sale, but that the said Testator did not by his said Will give any Directions for the Application of the said Materials; and further stated, that the present Mansion House and Buildings at *Butterton*, in which the said Testator resided in his Lifetime, had been standing for a great Number of Years, and the Materials thereof were of very little Value, being very old and worn out, and the same would not if sold produce more than Three hundred and fifty Pounds or thereabouts; and which said State of Facts further stated, that in order to build the new Mansion House it would be necessary to pull down the old one, as it was proposed to build very nearly on the Site thereof, and that there was not any other House on the said Testator's Estate in *Staffordshire* of sufficient Size or suitable for the Accommodation of the Plaintiff and her Family, all the other Houses on the said Estate being Farmhouses occupied by the Tenants of the Farms, Cottages occupied by Labourers, and a Steward's or Bailiff's House occupied by the Steward or Bailiff of the Estate, and therefore it would be impossible for the Plaintiff to comply with the Directions contained in the said Testator's Will, namely, to reside with her Family and Establishment in the old Mansion House, or at some other House upon the Estate, during the Space or Term of Three Calendar Months at the least in every Year; and the said State of Facts further set forth, that all the Silver and Gold Plate, and the Household Furniture, Linen, China, Glass, Books, Pictures, and Prints at *Butterton* aforesaid, and the Fixtures therein, were directed by the said Testator's Will to go as Heirlooms with the House directed to be built, and that the said Household Furniture and Linen was in a State of great Decay, and could not be made applicable to the furnishing the Mansion House directed to be built as aforesaid, and that no Provision was made by the said Testator in his said Will for the Purchase of the necessary Fixtures

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and Furniture for the said Mansion House, except so far as the said Heirlooms might be adapted for that Purpose; and which State of Facts further set forth, that the said Testator employed *Leonard Wilde Lloyd*, an Architect and Surveyor, to prepare Plans and Designs and a Model of a Mansion House and Buildings intended by the said Testator to be erected and built at *Butterton* aforesaid, and that the said *Leonard Wilde Lloyd* did accordingly during the Lifetime of the Testator prepare several Plans, Designs, and a Model, and a Duplicate of such Model, in pursuance of such Instructions; and further stating, that the said Plans and Models referred to in the said Testator's Will had been examined by *Thomas Hopper*, an eminent Architect and Surveyor, who stated that the Plans and Designs for the said Building did not agree with the Model, and that great Alteration must be made either in the Elevations or in the Model, as the former were made in conformity with the Plans, but the Model was not; that the said Plans could not be executed, as Walls and Chimneys were shown in the Chamber Story without any Walls below to support them, and where it was not possible to place them; that a Staircase was also drawn without any Head Room above, and therefore very considerable Alteration must be made in the said Plans; that in forming an Estimate of the probable Expence of building the said Mansion the said *Thomas Hopper* stated that he had adhered to the said Plans as they were drawn, although he considered it impossible to build according to them, and that the Cost of such Building, if practicable, would be upwards of Thirty-six thousand Pounds; and which said State of Facts further showed, that the said *Thomas Hopper* had, under the Instructions of the Plaintiffs, prepared a Plan or Design for building the new Mansion House at *Butterton* aforesaid, conformable, as far as practicable, to the Plans, Designs, and Models prepared by the said *Leonard Wilde Lloyd*, under the Direction of the said Testator, as aforesaid, which Plan or Design, if adopted for the said Mansion House, would not exceed the Sum of Thirty thousand Pounds, including in the said Sum of Thirty thousand Pounds the Value of the Building Materials collected by the said Testator, and the Value of the Materials of the old Mansion House now standing on the said Estate; and further, that there was upon the Estates of the said Testator in the County of *Stafford*, of which the said Plaintiff Dame *Mary Milborne Swinnerton Pilkington* is Tenant for Life under the said Will, a large Quantity of Timber and other Trees not ornamental, which had arrived at their full Growth and Maturity, and were not capable of further Improvement, but the same were of considerable Value, and ought to be cut down, and the Produce thereof, if so cut down, would form a fit and proper Fund to be applied towards the Execution of the said Trust or Direction for building; and by which State of Facts the Plaintiffs submitted that the Plans, Designs, and Model therein-before mentioned were the same as were referred to by the said Testator in his said Will, and that the Building Materials then at *Butterton*, of the Value of Five thousand one hundred Pounds and upwards, were collected by the said Testator for the Purpose of carrying his Intention of building into effect, and that the same were provided by the said Testator for the building of the said Mansion House, in addition to the said Sum of Fifteen thousand Pounds so provided for the Purpose by the said Will, and that it was impracticable to carry

into effect such Plans, Designs, and Models consistently with the Trusts of the said Will and the Means provided for the Purpose, and that therefore it was fit and proper, and would be beneficial to the Defendant *William Milborne Milborne Swinnerton*, the infant Tenant in Tail, and to all other Persons interested therein, that an Act of Parliament should be applied for to enable the building of a Mansion House at *Butterton*, according to the Plans and Designs of *Mr. Hopper*, or such other Plans and Designs and Models as Parliament might approve of, and to authorize the Use of the Stone, Timber, Marble, and Lead and other Materials collected by the said Testator at *Butterton* towards the building of the said Mansion House, and also to authorize the Purchase of proper Fixtures and Furniture for the said Mansion House, and for settling the same in the Nature of Heirlooms, and to authorize the Sale of such Part of the Fixtures and Furniture belonging to the old House at *Butterton* as cannot be conveniently used in the new House, and to raise by Sale of Timber now growing on the Estate at *Butterton* such Sum of Money for the Purpose aforesaid as to Parliament should seem reasonable, to be so applied, over and above the Sum of Fifteen thousand Pounds provided by the said Testator, and the Value of the Materials to be used as aforesaid, and lastly, for releasing the Tenant for Life from residing at *Butterton* during Three Months in every Year, until the said new Mansion House should be completed and fit for Habitation; and the said Master in his said Report, after further setting forth Affidavits of the said *Leonard Wilde Lloyd* and the said *Thomas Hopper*, in support of the said State of Facts, and after stating that he (the said Master) had considered the State of Facts of the said Plaintiffs, and the Evidence which had been so laid before him as aforesaid in support thereof, and the Plans, Designs, and duplicate Model prepared by the said *Leonard Wilde Lloyd*, and referred to in his said Affidavit, and also the Plans, Elevations, and perspective Drawing of a proposed new Mansion House to be erected at *Butterton* aforesaid prepared by the said *Thomas Hopper*, and referred to in one of his said Affidavits, and having examined and inspected the same, he (the said Master) found that the Plans, Designs, and duplicate Models referred to in the Affidavit of the said *Leonard Wilde Lloyd* were the same as those referred to by the said Testator in his Will, as the last Plans and Designs and Models for building a new Mansion House and Offices at *Butterton*; and he further found, that for the Purpose of carrying his Intention of building into effect the said Testator had during his Lifetime purchased and collected large Quantities of Stone, Timber, Marble, and Lead, which Materials were lying at *Butterton*, and the same were of the Value of Five thousand one hundred and seventy-four Pounds Seven Shillings and Sixpence, to be used in the said Building, but not for the Purpose of Sale, and that the said Testator did not by his Will or Codicils give any Directions for the Application of the said Materials; and he found, that the Value of the Materials of the old Mansion House and Offices in which the said Testator resided, and which he directed to be used in the Construction of the said new Mansion House and Offices, would not if sold produce more than Three hundred and fifty Pounds or thereabouts; and the said Master found, that the Plans, Designs, and Model so prepared as aforesaid by the said *Leonard Wylde Lloyd* contained a Plan of a
Chapel

Chapel appurtenant to and forming Part of the said intended Mansion House, but the Plan and Drawings prepared by the said *Thomas Hopper* did not contain any Plan or Design for a Chapel either in or adjoining to the said proposed Mansion; but whether or not it was fit and proper or beneficial to the Interests of the Parties entitled to the Testator's *Staffordshire* Estate that a Chapel should be erected with the said proposed Mansion House, upon a proper Site to be selected for that Purpose, the said Master stated that he had not thought fit to inquire, and he submitted the same to the Court; and the said Master further certified, that for the Reasons stated before him in that Behalf he was of opinion that it would not be practicable to carry into effect the Plans, Designs, and Models referred to by the said Testator in his said Will, consistently with the Trusts of the said Will and the Means provided for the Purpose, and that therefore it was fit and proper, and would be beneficial to the Defendant *William Milborne Milborne Swinnerton*, the infant Tenant in Tail, and to all other Persons interested therein, that an Act of Parliament should be applied for, to authorize the building of a Mansion House at *Butterton* according to the Plans and Designs of the said *Thomas Hopper*, or such other Plans and Designs as Parliament might approve of, and to authorize the Use of the Stone, Timber, Marble, and Lead and other Materials collected by the said Testator at *Butterton* towards the building of the said Mansion House, and also to authorize the Purchase of proper Fixtures and Furniture for the said Mansion House, and for settling the same in the Nature of Heirlooms, and to authorize the Sale of such Part of the Fixtures and Furniture belonging to the old Mansion House at *Butterton* as could not conveniently be used in the new House, and to raise by Sale of Timber growing on the Estate at *Butterton* such Sum of Money for the Purposes aforesaid as to Parliament should seem reasonable to be so applied, over and above the Sum of Fifteen thousand Pounds provided by the said Testator, and the Value of the Materials to be used as aforesaid, and for releasing the Tenants for Life from residing at *Butterton* during Three Months in every Year, until the said new Mansion House should be completed and fit for Habitation; but whether the said Act of Parliament should be extended so as to authorize the Erection of a Chapel on the said Estate, and providing a Fund for the Expences of building the same, he submitted to the Judgment of the Court: And whereas by a Decree or Decretal Order made in the said Causes by his Honour the Vice Chancellor, on the said Causes coming on to be heard for further Directions, and also upon a Petition of the said Plaintiffs, on the Seventh Day of *May* One thousand eight hundred and forty-one, his Honour declared that the Will and Codicils of the said *Thomas Swinnerton* the Testator were well proved, and decreed that the same should be established, and that the Trusts thereof should be carried into execution, subject to the Declarations therein-after mentioned; and his Honour declared that the Devise of the *Coalamore* Estate, in the said Will mentioned, was void under the Statute of Mortmain; and that the same descended to the Co-heiresses; and further declared, that it was fit and proper, and would be beneficial to the Defendant *William Milborne Milborne Swinnerton*, the infant Tenant in Tail, and to all other Persons interested in the Devise of the *Staffordshire*

Decree on further Directions, authorizing Application to Parliament, 7th May 1841.

shire Estate of the said *Thomas Swinnerton* the Testator, that an Act of Parliament should be applied for by the said Plaintiffs, to authorize the building of a Mansion House according to the Plans and Designs of the said *Thomas Hopper*, or such other Plans and Designs as Parliament might approve of, and to authorize the Use of the Stone, Timber, Marble, and Lead and other Materials collected by the said Testator at *Butterton* towards the building of the said Mansion House, and also to authorize the Purchase of proper Fixtures and Furniture for the said Mansion House, and for settling the new Mansion House, with the Appurtenances, to the subsisting Uses of the said Testator's Will, and settling the said Fixtures and Furniture in the Nature of Heirlooms, to go and be enjoyed with the said Mansion House, as far as the Rules of Law and Equity would permit, and to authorize the Sale of such Part of the Fixtures and Furniture belonging to the old Mansion House at *Butterton* as cannot be conveniently used in the new House, and to raise by Sale of Timber now growing on the Estate at *Butterton* such Sums of Money for the Purposes aforesaid as to Parliament should seem reasonable to be so applied, over and above the Sum of Fifteen thousand Pounds provided by the said Testator, and the Value of the Materials to be used as aforesaid, and for releasing the Tenant for Life from residing at *Butterton* during Three Months in every Year, until the new Mansion House should be completed and fit for Habitation, and for such other Purposes and Objects connected with the Matters aforesaid, or with the Enjoyment of the said Testator's Estates and Property by the Persons entitled under the Limitations of his said Will and Codocils, or the Management thereof, as Parliament might be pleased to sanction; and his Honour further declared, that it was fit and proper, provided Parliament should think fit, that a Church or Chapel should form Part of the Buildings to be erected in pursuance of the said Testator's Will, or should be erected upon some proper Site near to the Mansion House and Offices which might be built in pursuance of his said Will; and that it was fit and proper (provided Parliament should think fit) that the Funds for building such Church or Chapel should be raised by means of the Proceeds of the Timber already sold, and by the Proceeds of a further Sale of Timber in a mature State now standing on the said *Staffordshire* Estate, provided there should be a sufficient Sum remaining of such Proceeds, after Payment for the building of the said new Mansion House and Offices, and the necessary Fixtures and Furniture mentioned and approved of in the said Master's Report, or that such Funds, or a competent Part thereof, should be raised, in case of a Deficiency in such Proceeds, out of the residuary Personal Estate of the said Testator; and that it was fit and proper that an Application should be made to Parliament by the said Plaintiffs to authorize the building of such Church or Chapel, and the Application of Funds for the Purpose, in such Manner as to Parliament should seem fit, the said Plaintiffs having offered and submitted by their Counsel to advance Funds or settle Lands producing an annual Income equal to the annual Rent of the *Coalamore* Estate purchased by the said Testator, with a view to the Endowment of such Church or Chapel as in his said Will mentioned: And whereas the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton* his Wife have Issue now living Three Sons and

[Private.]

Three Daughters, namely, *Mary Pilkington*, who was born on the Fifth Day of *June* One thousand eight hundred and twenty-six, *Sophia Portia Pilkington*, who was born on the Second of *November* One thousand eight hundred and twenty-seven, *Thomas Edward Pilkington*, who was born on the Nineteenth Day of *March* One thousand eight hundred and twenty-nine, *Elizabeth Pilkington*, who was born on the Twenty-eighth Day of *June* One thousand eight hundred and thirty, *William Milborne Milborne Swinnerton*, born the Eighteenth Day of *June* One thousand eight hundred and thirty-one, and *Lionel Pilkington*, who was born on the Seventh Day of *July* One thousand eight hundred and thirty-five; and the said *Elizabeth Kemeys Tynte*, the youngest Daughter of the said Testator *Thomas Swinnerton* deceased, departed this Life on the Tenth Day of *May* One thousand eight hundred and thirty-eight, and was buried at *Goathurst* in the County of *Somerset*, leaving her Husband, *Charles John Kemeys Tynte* Esquire, and Two Children, surviving her, namely, *Charles Kemeys Kemeys Tynte*, who was baptized on the Eighteenth Day of *October* One thousand eight hundred and twenty-two, and *Milborne Kemeys Tynte*, baptized on the Twenty-sixth Day of *February* One thousand eight hundred and twenty-three; and the said *Elizabeth Boulton*, in the said Testator's Will described as the Wife of *Boulton* Esquire, is the Wife of *Joseph Moore Boulton* Esquire, and is living, and hath Issue Six Children, namely, *Charlotte Elizabeth*, born in the Year One thousand eight hundred and seventeen, *Henrietta*, born in the Year One thousand eight hundred and eighteen, *Elizabeth*, born in the Year One thousand eight hundred and twenty, *Emily*, born in the Year One thousand eight hundred and twenty-five, *Henry Townshend*, born in the Year One thousand eight hundred and twenty-seven, and *Selina Arabella*, born in the Year One thousand eight hundred and twenty-eight: And whereas the Estates in *Staffordshire* devised by the said recited Will and Codocils, and now subject to the Limitations thereof, are of the annual Rental or Value of Five thousand Pounds and upwards, and the residuary Personal Estate of the said Testator is of considerable Amount, but the Accounts thereof have not yet been finally taken: And whereas certain Timber standing upon the said Estates was in the Year One thousand eight hundred and thirty-nine felled and sold, pursuant to an Order of the said Court of Chancery made in the aforesaid Causes, and bearing Date the Twenty-eighth Day of *March* in that Year, and the clear Proceeds thereof, amounting to the Sum of Three thousand eight hundred and fifty-eight Pounds and Five-pence, was received by the said *George Leeke Baker*, the continuing Trustee of the said Term of One thousand Years created by the said Will: And whereas there is now standing upon the said Estates, or Part thereof, other Timber and Trees, which have been estimated by Mr. *Thomas Barratt* of *Woore* in the Parish of *Mucclstone* in the County of *Salop* (an experienced Valuer of Timber) to be of the Value of Three thousand five hundred Pounds or thereabouts, and such Timber has arrived at full Maturity, and is not of the Character of ornamental Timber, but might be properly felled and sold: And whereas the said *George Leeke Baker* (as such continuing Trustee of the said Term of One thousand Years as aforesaid) hath since the Decease of the said Testator received the annual Sum

of Four thousand Pounds, arising in part from the Income of the Personal Estate of the said Testator, and in part from the Rents and Profits of the said Real Estate, and the Moiety of the said annual Sum of Four thousand Pounds, which by the Directions of the said Will is applicable to the building of a Mansion House at *Butterton* aforesaid, has been laid out by the said *George Leeke Baker* from Time to Time in the Purchase of Exchequer Bills, and there are now in his Hands Exchequer Bills of the Amount of Eleven thousand five hundred Pounds, and Two Pounds Ten Shillings and One Penny in Cash: And whereas the Hamlet or Place called *Butterton*, where the principal Estate of the said Testator is situated, and where it is proposed that a new Mansion House shall be erected, is situated in the Parish of *Trentham* in the said County of *Stafford*, forming Part of a Vicinage or District consisting of Places called *Seabridge*, *Milstone Green*, *Acton*, *Shutland Head*, and *Roe Lane*, and it is at a great Distance from the Church of the said Parish of *Trentham*, and there is no Place where Divine Worship is performed according to the Forms of the United Church of *England* and *Ireland* nearer than the said Parish Church, except the Church of *Whitmore*, an adjoining Parish, which is also at a considerable Distance, and is moreover not larger than is necessary for the Accommodation of its own Parishioners, and the Road from *Butterton* to the said Church of *Trentham* is very hilly and difficult: And whereas there is a numerous Population, consisting for the most Part of the Tenants of the said Testator's Estates, and Labourers and others employed thereon, residing in and near to *Butterton*, which Population, by reason of the Circumstances herein-before mentioned, is in a great measure deprived of the Benefit of religious Instruction: And whereas it was the Desire and Intention of the said Testator *Thomas Swinnerton*, in his Lifetime, not only that a new Mansion House should be erected and fitted up for the Residence of the Persons entitled to the said Testator's Estates under the Limitations of his said Will, as mentioned in the said Will, and in the said recited Report and Orders of the Court of Chancery, but also that a Church or Chapel should be erected on a convenient Site near to the said new Mansion House: And whereas they the said *Sir William Pilkington* and *Dame Mary Milborne Swinnerton Pilkington* are desirous that such new Mansion House should be built according to the Plans and Design prepared by the said *Thomas Hopper* as aforesaid, and that the Stone, Timber, Marble, Lead, and other Materials collected by the said Testator, as mentioned in the said recited Master's Report, should be used, together with such of the Materials of the old Mansion House aforesaid as may be capable of being so used, in the Erection of such new Mansion House; and they are desirous that the Expence of building such new Mansion House, and the Offices to be held and occupied therewith, as aforesaid, should be defrayed, partly by the Means provided by the said Testator for defraying the Expences of building the new Mansion House at *Butterton* mentioned in his said Will, and partly by the Application of the said Sum of Three thousand eight hundred and fifty-eight Pounds now in the Hands of the said *George Leeke Baker*, being the Proceeds from Sale of the Timber felled in One thousand eight hundred and thirty-nine, as aforesaid, and partly by the Sale of a sufficient further Quantity of the Timber now standing
on

on the said Testator's Estates in the County of *Stafford*, to be from Time to Time felled for that Purpose: And whereas the Plans and Design prepared by the said *Thomas Hopper* as aforesaid are deposited in the said Master's Office, and he the said *Thomas Hopper* has made an Estimate of the Expence of carrying the same into execution, amounting to the Sum of Thirty thousand Pounds, inclusive of the Value of the Building Materials collected by the said *Thomas Swinnerton*, and the Value of the Materials of the said old Mansion House now standing at *Butterton*, which Estimate he has stated in Writing under his Hand upon one of the said Plans so deposited as aforesaid: And whereas it is reasonable that a Sum of Money, not exceeding in the whole the Sum of Thirty-one thousand Pounds, to be raised and made up as herein-before mentioned, should be so raised, and applied to the building such new Mansion House at *Butterton* aforesaid, and that the Building Materials collected by the said *Thomas Swinnerton* in his Lifetime should be used in the said Building: And whereas the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton* his Wife are desirous that a new Church or Chapel, to become a District Church, according to the Provisions of the existing Acts of Parliament in that Behalf; should be erected as aforesaid, and they are willing that sufficient Ground (Parcel of the said devised Estate) for the Site of such Church or Chapel should be vested in Her Majesty's Commissioners for building new Churches and Chapels, to be used for the Purpose aforesaid; and they are also desirous that the whole of the Monies necessary to be raised for defraying the Expence of erecting such new Church or Chapel, and fitting up the same, and rendering it fit for the Performance of Divine Service, (not exceeding in all the Sum of One thousand five hundred Pounds,) should be raised by the Sale of Timber off the said devised Estates, in the like Manner as herein-before mentioned as to the Expence of building such new Mansion House as aforesaid; and the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton Pilkington* are willing to purchase the said *Coalamore* Estate, and convey the same, or other Land of equal annual Value, to the Governors of the Bounty of *Queen Anne*, as an Endowment for the said new Church or Chapel, and are desirous that in consideration of such building and Endowment the Perpetual Advowson or Right of Presentation to the said Church or Chapel when built should be vested and settled as a Presentative Advowson in Gross to the Uses and upon and for the Trusts and Purposes of the said Will and Codicils of the said *Thomas Swinnerton* deceased: And whereas the Piece or Parcel of Ground herein-after described, and intended to be appropriated for the Site of such new Church or Chapel, would be a proper and convenient Site for the same: And whereas the said recited Desires on the Part of the said Sir *William Pilkington* and the said Dame *Mary Milborne Swinnerton Pilkington* his Wife are reasonable, and the effecting thereof would be beneficial to the said *William Milborne Milborne Swinnerton*, and the other Persons entitled in Remainder under the said Will and Codicils of the said *Thomas Swinnerton*, as aforesaid; but by reason of the Coverture of the said Dame *Mary Milborne Swinnerton Pilkington*, and the Infancy of the said *William Milborne Milborne Swinnerton*, and the Restrictions and Limitations contained in the said Will, none of the Objects herein-before mentioned can be effected

effected without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton* his Wife on behalf of themselves, and the said Sir *William Pilkington* on behalf of his said infant Children, and the said *Charles John Kemeys Tynte* on behalf of his said infant Sons, and the said *Joseph Moore Boulton* and Lady *Elizabeth* his Wife, and the said *Joseph Moore Boulton* on behalf of his said infant Son, and the said *Charlotte Elizabeth Boulton*, the eldest Daughter of the said Lady *Elizabeth*, do severally 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, That it shall and may be lawful for the said Sir *William Pilkington*, *Edward Stanley of Ponsonby* in the County of *Cumberland*, Esquire, and the said *George Leeke Baker*, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, at any Time or Times (but as soon as conveniently may be) after the passing of this Act, to cause to be erected and built on some Part of the Lands and Hereditaments late of the said *Thomas Swinnerton* deceased, situated in or at *Butterton* aforesaid in the County of *Stafford*, a Capital Messuage or Mansion House, with suitable Offices and Outbuildings to be held and occupied therewith, conformably in all respects as nearly as may be to the Plans and Designs prepared by the said *Thomas Hopper*, and deposited in the said Master's Office, as herein-before stated, and for that Purpose to retain, hire, and employ such Builders, Bricklayers, Carpenters, Artificers, and Workmen of all Kinds as shall be necessary, at such Prices and Wages as may be reasonable, and to enter into all such Contracts or Agreements, and from Time to Time to make such Payments by and with or out of the Monies herein-after provided, to be raised and applied for the Purposes of this Act, and to do and execute all such Acts, Deeds, Matters, and Things whatsoever as the said Sir *William Pilkington*, *Edward Stanley*, and *George Leeke Baker*, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, shall think fit and proper, and which shall not be inconsistent with any of the Provisions of this Act.

Certain Trustees empowered to build a new Mansion House, &c. on the Estate at *Butterton*.

II. Provided always, and it is hereby enacted, That all such Stone, Timber, Marble, Lead, and other Materials collected by the said Testator *Thomas Swinnerton* during his Lifetime as are now upon the said Estate, or any Part thereof, shall be used, as far as shall be found practicable, in or for the Purpose of the Erection of such new Mansion House and Offices, and the Chapel herein-after provided or authorized to be built.

Materials collected by the Testator may be used in new Building.

III. And be it further enacted, That it shall be lawful for the said Sir *William Pilkington*, *Edward Stanley*, and *George Leeke Baker*, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, at any Time or Times after the passing of this Act, to cause the said old Mansion House, and all Offices and Buildings belonging thereto (except Coach-houses and

The same Trustees authorized to pull down the old Mansion House, &c. and to use

[Private.]

Stabling),

Materials
of old House
in the new
House.

Stabling), to be pulled down, and to cause the Building Materials of the said old Mansion House, or such Parts thereof as it shall be deemed advisable so to use, to be used in or towards the building of such new Mansion House as aforesaid, and the Offices to be occupied therewith.

Remainder
of the old
Materials to
be sold.

IV. And be it further enacted, That such Parts of the Building Materials of the said old Mansion House as it shall not be deemed advisable to use in the building of such new Mansion House as aforesaid shall be and the same are hereby vested in the said Sir *William Pilkington*, *Edward Stanley*, and *George Leeke Baker*, their Executors, Administrators, and Assigns, upon Trust, at such Time or Times as shall be found convenient, to sell and dispose of the same by public Auction or private Contract, in such Lots or Parcels and for such Prices as they the said Sir *William Pilkington*, *Edward Stanley*, and *George Leeke Baker*, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, shall think reasonable, and to apply the Monies to be produced by such Sale as last mentioned, or any Portion thereof, in or about the building of such new Mansion House as aforesaid, or the Offices to be occupied therewith.

How Funds
for the new
Building, &c.
are to be
made up.

V. And be it further enacted, That the Produce to arise by Sale of the aforesaid Exchequer Bills of the Value of Eleven thousand five hundred Pounds (which are hereby directed to be sold when and as Occasion may require), and all Accumulation of Interest thereon, and also the aforesaid Sum of Two Pounds Ten Shillings and One Penny, Cash in the Hands of the said *George Leeke Baker*, as aforesaid, and also such further Sums of Money as the said *George Leeke Baker* is by the said recited Will authorized to raise for the Erection of a new Mansion House, as therein mentioned, (being so much as with the Monies already raised will make up the Sum of Fifteen thousand Pounds allowed for that Purpose by the said Testator,) and which the said *George Leeke Baker*, his Executors, Administrators, and Assigns, are hereby authorized and directed to raise, as by the Will provided, shall be applied, in the first place, or as the primary Fund, in, for, or towards defraying the Expences of building and completing such new Mansion House as aforesaid, and the Offices and Appurtenances to be held therewith; and the said Sum of Three thousand eight hundred and fifty-eight Pounds, now in the Hands of the said *George Leeke Baker*, being the Proceeds of the Timber sold in the Year One thousand eight hundred and thirty-nine, as aforesaid, and all present and future Accumulations of Interest thereon, shall be applied, in the second place, in, for, or towards defraying the Expences of such building and completing as aforesaid; and so much Money as it shall be found necessary to raise for such building and completing as aforesaid, in addition to the several Sums of Money herein-before directed to be applied for those Purposes, shall be raised by the Fall and Sale of Timber and Timber-like Trees, which now are and from Time to Time hereafter shall be standing, growing, or being upon the Estates late of the said *Thomas Swinerton* deceased, in the said County of *Stafford*, or any Part or Parts thereof, and which shall have attained its full Growth and

Maturity, for which Purpose it shall be lawful for the said Sir *William Pilkington*, *Edward Stanley*, and *George Leeke Baker*, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, (and they are hereby authorized and required,) with Workmen or others in their or his Company, and with Waggon, Carts, and other Carriages, or without, from Time to Time and at all Times when convenient and necessary for the Purposes of this Act, to enter into and upon the Lands and Tenements late of the said *Thomas Swinnerton* in the said County of *Stafford*, or any of them or any Part thereof, and to cause to be felled or cut down all such Timber or other Trees as is or are or shall or may be standing and growing or being upon the said Lands and Tenements, or any of them, and which shall have attained their full Growth and Maturity, and be in all respects fit for falling (not being Timber or Trees planted or designedly left for Ornament or Shelter of any Houses or Buildings), and from Time to Time to cause all such Timber and other Trees to be sold by Auction or private Contract to such Persons as shall be willing to become Purchasers thereof, for such Prices as can be reasonably got for the same: Provided always, that such of the said Timber as it may be found desirable to use in the Erection of such new Mansion House and Offices as aforesaid may be so used instead of being sold as before directed.

VI. And be it further enacted, That when and so soon as such new Mansion House as aforesaid, and the Offices and Appurtenances thereof, shall have been built and completed, pursuant to the Directions of this Act, and the whole rendered fit for Habitation, the said Mansion House, Offices, and Appurtenances shall be and the same are hereby made and declared to be a Part of the Estate of the said *Thomas Swinnerton* deceased, and shall go and enure and are hereby settled to such of the Uses, upon and for such of the Trusts and Purposes, and with, under, and subject to such of the Powers, Provisoos, Declarations, and Limitations declared and contained in the said Will of the said *Thomas Swinnerton* as from Time to Time shall be remaining undetermined and capable of taking effect, in such Manner as would have been the Case if the said new Mansion House, Offices, and Buildings had been erected and finished in the said Testator's Lifetime; and the said Condition relating to Residence contained in the said Will shall be deemed to relate to and require Residence at the said new Mansion House when the same shall be erected and finished pursuant to this Act.

New Mansion House settled to the Uses of the Will of *Thomas Swinnerton*.

VII. Provided always, and be it enacted, That no greater Sum than the Sum of Thirty-one thousand Pounds in all, including therein the Value of the Materials collected by the said Testator, and of such of the Materials of the said old Mansion House as may be used in the said new Buildings, shall be expended in building and completing the said new Mansion House, and the Offices and Appurtenances thereof.

Total Expence of new Buildings not to exceed 31,000*l*.

VIII. Provided also, and be it further enacted, That the Erection of such new Mansion House and Offices as are hereby authorized to

New Building, &c. under this

Act to be a Satisfaction of the Trust in the Will.

to be erected as aforesaid shall be deemed and taken as the Performance of or in lieu of the Performance of the Trust contained in the said recited Will of the said *Thomas Swinnerton* for or relating to the Erection and finishing of a Mansion House and Buildings, as therein mentioned and provided for, and in satisfaction thereof.

Lady Pilkington authorized to convey certain Land to the Church Commissioners for a Site for a new Church or Chapel at *Butterton*.

IX. And be it further enacted, That it shall be lawful for the said Dame *Mary Milborne Swinnerton Pilkington*, at any Time after the passing of this Act, by any Deed or Instrument in Writing under her Hand and Seal (to be executed with such Forms and Sanctions and enrolled in such Manner as prescribed by an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, Chapter Forty-five, with reference to the Conveyance of Land for the Purposes of that Act by incapacitated Persons), to grant, bargain, sell, and convey to Her Majesty's Commissioners for building additional Churches and Chapels, and their Successors, all that Piece or Parcel of Land, Part of a certain Close or Field called *Upper Green Field*, situate, lying, and being at *Butterton* aforesaid, in the said Parish of *Trentham* and County of *Stafford*, Part of the Estate late of the said *Thomas Swinnerton* deceased, devised by his said Will, (which said Piece or Parcel of Ground contains by Admeasurement on the North Side thereof Eighty Feet, on the South Side thereof Eighty Feet, on the East Side thereof Seventy-two Feet, and on the West Side thereof Seventy-two Feet, and comprises in the whole Five thousand seven hundred and sixty superficial Square Feet, be the same several Dimensions more or less, as the same has been already marked and staked out, and the same is bounded on the North Side thereof by a Field called *Shaw Field*, on the South Side by a Field called *Pit Field*, on the East Side by *Butterton Plantation*, and on the West Side by a Field called *Lower Green Field*, with the Appurtenances,) to the Intent that the same may be used as the Site of a new Church or Chapel to be built thereon, as herein-after is provided, or otherwise; and the said Piece or Parcel of Ground and Premises, when so conveyed as aforesaid, shall be and are hereby vested in the said Commissioners and their Successors for ever, for the Purpose aforesaid, freed and discharged of and from all the Uses, Trusts, and Limitations of the said Will and Codicils of the said *Thomas Swinnerton* deceased.

If Sir W. and Lady Pilkington shall engage to build a Church or Chapel at their own Expence, and to furnish an Endowment, the Ordinary empowered to settle the Right of Pre-

X. And be it further enacted, That if the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton Pilkington*, or the Survivor of them, shall by Deed or Writing under their Hands and Seals, or the Hand or Seal of the Survivor of them, enter into an Engagement with the Lord Bishop of *Lichfield* (the Ordinary of *Butterton* aforesaid) and his Successors, or with such Trustees as the said Lord Bishop shall in that Behalf approve of, to erect and build, at their, his, or her own Costs and Charges in all Things, a Church or Chapel upon the said Piece or Parcel of Ground herein-before described, of such Dimensions and Particulars in all respects as shall be approved of by the said Lord Bishop or his Successors, and the said Commissioners for the Time being, and to complete, fit up, and furnish the same fit in all respects for the Performance of Divine Worship according to the

Forms

Forms of the United Church of *England* and *Ireland*, and shall in like Manner bind themselves, himself, or herself, their, his, or her Heirs, Executors, and Administrators, to the Satisfaction of the said Lord Bishop and the said Commissioners, to purchase, convey, and assure, or cause to be conveyed and assured, Lands, Tenements, and Hereditaments, of a good Estate of Inheritance in Fee Simple in possession, free from Incumbrances, to be situate in the said County of *Stafford*, or in some adjoining County or Counties, yielding at the Time of such Conveyance the clear yearly Rent or Sum of Thirty Pounds, over and above all Taxes, Charges, Reprizes, and Deductions whatsoever, unto the Governors of the Bounty of Queen *Anne* and their Successors, or (at the Option of the Parties or Party so engaging, their, his, or her Executors or Administrators,) to transfer or cause to be transferred into the Names of the said Governors of the Bounty of Queen *Anne*, in the Books of the Governor and Company of the Bank of *England*, such a Sum of Stock in the Three Pounds *per Centum* Consolidated Bank Annuities as according to the medium Price of that Stock on the Day when such Transfer shall be made shall be of the full Value of One thousand Pounds Sterling, such Lands, Tenements, and Hereditaments so to be conveyed and settled, or such Capital Stock so to be transferred, to be held by the said Governors of the Bounty of Queen *Anne* and their Successors as an Endowment for the Use of the Minister of the said new Church or Chapel, in addition to the Pew Rents, if any, of such Church or Chapel, and shall also, to the Satisfaction of the said Lord Bishop for the Time being, make Provision for the Repairs of such new Church or Chapel, of such Nature and Amount as prescribed by any Act or Acts of Parliament which shall at that Time be in force for or relating to the building of additional Churches and Chapels, then and in such Case it shall be lawful for the aforesaid Lord Bishop, at any Time after the passing of this Act, to declare, by Writing under his Hand and Seal, that the perpetual Right of presenting to the Bishop a fit Clerk to serve the Cure of such Church or Chapel, when so built and endowed as aforesaid, shall belong to and be a Part of the Estates of the said *Thomas Swinnerton* deceased, and be subject to the same Uses, Trusts, and Limitations as by the said Will and Codicils were and are declared and created of and concerning his said Estates; and after the Execution of such Declaration by the said Lord Bishop, and the Enrolment thereof in the Register of his Diocese, the said Right of Presentation shall be and is hereby vested as a Perpetual Advowson in Gross in the Devisees of the said Will and Codicils, and settled to the Uses and Limitations thereby declared and created, or such of them as from Time to Time shall be subsisting and capable of taking effect: Provided always, that the new Church or Chapel to be erected as aforesaid, and the Incumbents thereof, from Time to Time, shall be subject to the Visitation and Jurisdiction of the Bishop of the said Diocese of *Lichfield* and the Archdeacon of *Stafford* respectively for the Time being, to all Intents and Purposes of Law whatsoever; and in Cases of Vacancy the Right of presenting to the said Church or Chapel shall be subject to Lapse to the said Bishop of *Lichfield* or his Successors, and from him then to the Lord Archbishop of *Canterbury* or his Successors, and from him or them to the Crown, according in all respects

resentation to
the Uses of
Mr. Swin-
nerton's Will.

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to the Course of Law used in Cases of Presentative Livings or Benefices within the Province of *Canterbury*.

After such Settlement of the Right of Presentation, the Trustees of this Act authorized to raise Money by Sale of Timber to pay or repay all the Expences of erecting the Church, &c.

XI. And be it further enacted, That from and after the Right of Presentation to such new Church or Chapel shall have been declared by the said Lord Bishop to belong and be settled as herein-before mentioned, it shall be lawful for the said Sir *William Pilkington*, *Edward Stanley*, and *George Leeke Baker*, or the Survivors or Survivor of them, or the Executors, Administrators, and Assigns of such Survivor, at any Time or Times thereafter, to raise and levy, by felling and selling Timber of full Growth and Maturity, and in other respects under the Restrictions herein-before contained, from off the Lands and Hereditaments late of the said *Thomas Swinnerton* deceased, or any Part thereof, (which Timber they the said Sir *William Pilkington*, *Edward Stanley*, and *George Leeke Baker*, and the Survivors and Survivor of them, and the Executors and Administrators of such Survivor, are hereby authorized to cut, sell, and dispose of, in such Manner as herein-before provided for raising Money to be expended in the building of such new Mansion House as aforesaid,) and for that Purpose to enter into and upon the said Lands and Hereditaments as Occasion may require, such Sum and Sums of Money as will be sufficient to pay or reimburse to the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton Pilkington* his Wife, their Heirs, Executors, or Administrators, all the Costs, Charges, and Expences whatsoever which they shall have expended or which shall be from Time to Time expended in or about the Erection or fitting up of such Church or Chapel, and the obtaining of such Advowson or Right of Presentation as aforesaid, or in anywise relating thereto.

Expence of new Church, &c. not to exceed 1,500*l*.

XII. Provided always, and be it enacted, That no greater Sum than the Sum of One thousand five hundred Pounds in the whole (but not including any Sum as the Value of the said Piece or Parcel of Ground authorized to be given as a Site as aforesaid) shall be expended in or about the erecting, completing, and fitting up of such new Church or Chapel as aforesaid.

Court of Chancery to make Order for Payment of Costs.

XIII. And be it further enacted, That it shall be lawful for the said Court of Chancery from Time to Time, upon Petition in a summary Way, to be presented by the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton Pilkington* his Wife, during their joint Lives, or by the Survivor after the Decease of either of them, and after the Decease of such Survivor by the Person for the Time being entitled to the Rents and Profits of the said Estates devised by the said Will of the said *Thomas Swinnerton*, or the Guardian or Guardians of such Person (if a Minor), to make such Order as the said Court shall think expedient or reasonable for allowing, taxing, and settling all Costs, Charges, and Expences which have been or shall be incurred in obtaining and passing this Act, and in the several Steps and Proceedings preparatory thereto, and of all and every or any Acts, Deeds, Matters, and Things which shall be done or executed pursuant to and in carrying into execution the Purposes of this Act, and also from Time to Time to make Orders for the

Payment of all such Costs, Charges, and Expences as aforesaid, by the Administratrix of the said *Thomas Swinnerton*, out of the Residue of his Personal Estate.

XIV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Persons and Person, Bodies Politic and Corporate, and to his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the said Sir *William Pilkington* and Dame *Mary Milborne Swinnerton* his Wife, and her Appointees or Assigns, and the said *William Milborne Milborne Swinnerton* (her Second Son), and the Heirs Male and Heirs of his Body, and the said *Lionel Pilkington* (her Third Son), and the Heirs Male and Heirs of his Body, and the said *Thomas Edward Pilkington* (her eldest Son), and the Heirs Male and Heirs of his Body, and every Son of the Body of him the said *Thomas Edward Pilkington* hereafter to be born to whom the said Dame *Mary Milborne Swinnerton Pilkington* is by the said Will authorized to appoint the devised Estates, as therein mentioned, and the Heirs Male and Heirs of their Bodies respectively, and also the said *Mary Pilkington*, *Sophia Portia Pilkington*, and *Elizabeth Pilkington*, the Daughters of the said Dame *Mary Milborne Swinnerton Pilkington*, and the Heirs Male and Heirs of their Bodies respectively, and all and every the Son and Sons, Daughter and Daughters of the Body of her the said Dame *Mary Milborne Swinnerton Pilkington* hereafter to be born, and the Heirs Male and Heirs of their respective Bodies, and also all and every Son or Sons of an eldest or only Son of her the said Dame *Mary Milborne Swinnerton Pilkington* to whom she is authorized to appoint the said Estates, as herein-before mentioned, and the Heirs Male and Heirs of their Bodies respectively, and the said *Milborne Kemeys Tynte*, the Second Son, and the said *Charles Kemeys Kemeys Tynte*, the eldest Son of the said *Elizabeth Tynte* deceased, and the Heirs Male and Heirs of their Bodies respectively, and the said *Joseph Moore Boulton* and Lady *Elizabeth* his Wife, and the Appointees and Assigns of the said Lady *Elizabeth*, and the said *Henry Townsend Boulton*, the only Son, and *Charlotte Elizabeth Boulton*, *Henrietta Boulton*, *Elizabeth Boulton*, *Emily Boulton*, and *Selina Arabella Boulton*, the Daughters of the said Lady *Elizabeth Boulton*, and all and every Son and Sons, Daughter and Daughters of the said Lady *Elizabeth Boulton* hereafter to be begotten, and the Heirs Male and Heirs of the Bodies of all such Daughter and Daughters respectively now born and hereafter to be born, and the said *Richard Beech* and his Assigns, and the said Sir *Thomas Fletcher Fenton Boughey* and *Francis Twemlow*, their Heirs, Executors, Administrators, and Assigns respectively, and the said *George Leeke Baker*, his Heirs, Executors, Administrators, and Assigns, and the Heirs, Executors, Administrators, and Assigns of all the said excepted Parties, and all other Persons claiming or to claim by, from, through, or under them, or under the said Will and Codicils of the said *Thomas Swinnerton* deceased, and the Heirs at Law of the said Testator,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the Messuages, Lands, Tenements, and Hereditaments to be affected by this Act, and every Part thereof, as they, every or any
of

General
Saving.

of them, had before the passing of this Act, or could have had, held, or enjoyed in case this Act had not been passed.

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

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1842.