



#### CHAPTER 4.

An Act to authorize the sale of the Pictures bequeathed by the Will of the late Edward Adolphus twelfth Duke of Somerset deceased as heirlooms and to declare the trusts of the proceeds of such sale and for other purposes.

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[12th August 1889.]

WHEREAS the late Edward Adolphus twelfth Duke of Somerset Baron St. Maur Knight of the Most Noble Order of the Garter deceased (hereinafter called "the testator") duly executed his last will and testament dated the nineteenth day of January one thousand eight hundred and eighty-five and thereby after making certain specific devises of estates in the counties of Bucks Lincoln Cambridge and Norfolk gave and devised his estate at Stover and all his lands and hereditaments of whatever tenure at or near Newton Abbott and his two farms at Okenbury and Wonwell in the county of Devon unto his sons in law Lord Henry Frederick Thynne and Sir John William Ramsden Baronet upon trust for Harold St. Maur (son of the late Earl of St. Maur) his heirs and assigns if and when he should attain the age of twenty-five years or die under that age leaving a child or children but in case he should die under the age of twenty-five years without leaving a child or children then upon trust for Ruth Mary Bentinck (then Ruth Mary St. Maur and therein called Ruth St. Maur) the sister of the said Harold St. Maur her heirs and assigns if and when she should attain the age of twenty-five years or marry under that age with the consent of one of the person or persons whom the testator had by that his will directed should act as her guardian or guardians for the time being And subject to and after failure of all the trusts thereinbefore declared the testator directed that the estates so devised in trust as aforesaid should fall into and form part of his residuary real estate And the testator thereby devised his estates in the counties of Wilts and Somerset to the use of the said Lord Henry Frederick Thynne and Sir John William Ramsden their

Will of the 12th Duke of Somerset deceased.

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executors administrators and assigns for the term of one thousand years from the day of his decease upon the trusts thereafter declared concerning the same and devised his said estates in the said counties of Wilts and Somerset subject and without prejudice to the said term of one thousand years and to the trusts thereof and also all his freehold estates and hereditaments at Berry Pomeroy and Totnes and elsewhere in the county of Devon (other than the estates farms lands and hereditaments in the county of Devon thereinbefore devised) and his residuary real estate to the use of his eldest brother now the thirteenth Duke of Somerset then and in the said will called Lord Archibald Henry Algernon St. Maur and his assigns during his life with remainder to the use of the testator's second brother Lord Algernon Percy Banks St. Maur and his assigns during his life with remainder to the use of Algernon St. Maur the eldest son of the said Lord Algernon Percy Banks St. Maur and his assigns during his life with remainder to the use of the first and every other son of the said Algernon St. Maur successively according to seniority in tail with remainder to the use of Percy St. Maur second son of the said Lord Algernon Percy Banks St. Maur and his assigns during his life with remainder to the use of the first and every other son of the said Percy St. Maur successively according to seniority in tail with remainder to the use of the first and every other son of the testator's daughter Lady Ulrica Frederica Jane Thynne successively according to seniority in tail with remainder to the use of the testator's own right heirs for ever And the testator by his said will devised and bequeathed all his copyhold and customary and all his leasehold hereditaments whatsoever held for lives or for terms of years not thereinbefore devised and bequeathed unto and to the use of the said Lord Henry Frederick Thynne and Sir John William Ramsden their heirs executors administrators and assigns respectively upon trust out of the rents and profits thereof or by raising money on mortgage thereof to pay the rents and fines subject to which the same might respectively be holden and to renew at the usual periods the leases or grants of such of the said hereditaments as might be holden under leases or grants for lives or for years usually renewable and subject as aforesaid upon such trusts and subject to such powers and provisoes as would most nearly correspond with the uses powers and provisoes by his will declared concerning his freehold hereditaments situate in the county in which such copyhold customary or leasehold hereditaments should be situate respectively or if there were none such then concerning his freehold hereditaments in the county of Devon lastly devised but not so as to increase or multiply charges And the testator by his said will

bequeathed unto the said Lord Henry Frederick Thynne and Sir John William Ramsden their executors and administrators all the household linen furniture china glass and articles of household use and ornament pictures prints and articles of vertu books and manuscripts which should be in about or belonging to his mansion house at Stover aforesaid at the time of his decease upon trust to allow the same to go devolve with and remain in his mansion house at Stover and to be held for such person or persons as should first become absolutely entitled in possession to his said Stover Estate and the testator declared that if and whenever any person who would if of full age or of the age of twenty-five years (as the case might be) be entitled under that his will to the possession or receipt of the rents and profits of his freehold copyhold customary or leasehold estates thereinbefore by him devised or bequeathed all of which were thereafter included in the term "real estate" or any part thereof as tenant in fee or for life or in tail by purchase should be a minor or under the age of twenty-five years (as the case might be) the said Lord Henry Frederick Thynne and Sir John William Ramsden or the survivor of them or the executors or administrators of such survivor (who were therein referred to as his said trustees or trustee) should during such minority receive the rents and profits of and manage such real estate and might fell timber preserve game accept surrenders from and make allowances to tenants and pull down or repair buildings and carry out drainage works and improvements and should apply such part of the income of such real estate as they or he should think fit according to the age of such person in towards or for his or her maintenance education or benefit And the said testator thereby directed that the surplus of such income should be invested and accumulated in trust for such person if he or she should attain the age of twenty-one years or twenty-five years as the case might be but if he or she should die under the age of twenty-one years or twenty-five years as the case might be the same should be dealt with as money arising from sale under the power of sale and exchange thereafter contained and the testator declared that his trustees whilst having the management of his Stover Estate thereinbefore devised should have power to let furnished the mansion on the said estate and with it to let the gardens and appurtenances to the mansion house belonging for such a term of years not exceeding fourteen years and on such conditions as his trustees should in their absolute discretion think fit and he declared that his said trustees or trustee should have a power of sale and exchange over all or any part of the said real estate exerciseable during the life of any tenant for life in possession under the testator's will with his consent in writing and during the minority of any tenant in fee or for life or in tail

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by purchase under the testator's will at the discretion of the trustees or trustee And the testator declared that the moneys to arise from any sale or to be received on any exchange or partition should be again laid out in the purchase of freehold or copyhold estates or of leasehold estates for lives or years which should be settled to the same uses or upon the same trusts as the estates from the sale exchange or partition of which the moneys to be laid out should arise and pending the investment in the purchase of freehold copyhold or leasehold estates should be laid out in manner in that his will directed with regard to the moneys to arise from the conversion of his personal estate And the testator by his said will bequeathed all his personal estate not otherwise disposed of thereby to the said Lord Henry Frederick Thynne and Sir John William Ramsden upon trust that they or the survivor of them or the executors or administrators of such survivor should call in sell and convert into money such part thereof as should not consist of money And should out of the moneys to arise from such calling in sale and conversion into money and out of the ready money of which the testator should be possessed at his death pay his funeral and testamentary expenses and debts and the legacies (other than specific legacies) bequeathed by that his will or any codicil thereto And should invest the residue of the same moneys in such funds and securities as therein mentioned and should stand possessed of such funds and securities upon trust as to so much thereof as should be of the value of eighty thousand pounds sterling at the time of the testator's decease Upon trust for the said Ruth Mary Bentinck the interest of the said Ruth Mary Bentinck to be a vested interest if and when she should attain the age of twenty-five years or marry under that age with the consent of one of the person or persons who the testator had by that his will directed should act as her guardian or guardians for the time being And as to the residue of the same funds in trust for the said Harold St. Maur to be a vested interest if and when he should attain the age of twenty-five years or die under that age leaving a child or children but in case either of them the said Ruth Mary Bentinck or Harold St. Maur should die without having attained a vested interest in the share of personal estate thereinbefore bequeathed to her or him respectively the said trustees should stand possessed of the whole of the said stocks funds and securities Upon trust for the other of them if and when he or she should attain a vested interest in such personal estate And subject to and after failure of the trusts thereinbefore declared of his personal estate the testator directed that the same funds and securities should be held in trust for himself the testator his executors administrators and assigns And the testator directed

that for the purposes of that his will his daughters Lady Ulrica Frederica Jane Thynne and Lady Helen Guendolen Ramsden and the survivor of them should be considered to be and act as the guardians or guardian of the said Harold St. Maur and Ruth Mary Bentinck And he appointed the said Lord Henry Frederick Thynne and Sir John William Ramsden executors of that his will :

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And whereas the testator died on the twenty-eighth day of November one thousand eight hundred and eighty-five without having revoked or altered his said will which was on the twenty-eighth day of January one thousand eight hundred and eighty-six duly proved by the said Lord Henry Frederick Thynne and Sir John William Ramsden in the Principal Registry of the Probate Division of the High Court of Justice :

Death of the testator the 12th Duke of Somerset.

And whereas the personal estate of the testator is now being administered by the Chancery Division of the High Court of Justice in the action of " *Re Duke of Somerset deceased Thynne v. St. Maur* 1886 S. No. 1448 " in which the said Lord Henry Frederick Thynne and Sir John William Ramsden are Plaintiffs and the said Harold St. Maur Ruth Mary Bentinck and others are Defendants :

The personal estate of the testator is being administered by the Chancery Division of the High Court of Justice.

And whereas the said Harold St. Maur was born on the sixth day of June one thousand eight hundred and sixty-nine and is still an infant under the age of twenty-one years :

Harold St. Maur still an infant under the age of 21 years.

And whereas the said Ruth Mary Bentinck was born on the twenty-second day of October one thousand eight hundred and sixty-seven :

And whereas in the year one thousand eight hundred and eighty-seven William George Frederick Cavendish Bentinck made proposals of marriage to the said Ruth Mary Bentinck who with the consent of both her said guardians accepted such proposals subject to the approbation of the Chancery Division of the High Court of Justice to be obtained in the said action in which she was a ward of Court :

Engagement of Ruth Mary Bentinck (then Ruth St. Maur) to marry William George Frederick Cavendish Bentinck.

And whereas by an order of the said Chancery Division dated the fifth day of August one thousand eight hundred and eighty-seven and made by the Honourable Mr. Justice Chitty upon an application on the part of the said Lady Ulrica Frederica Jane Thynne and Lady Helen Guendolen Ramsden the guardians of the said infant Ruth Mary Bentinck and on the part of the Plaintiffs in the said action intituled in the said action and in the matter of the Act 18 and 19 Vic. cap. 43 after premising that the Judge was of opinion that the proposed marriage of the said infant Ruth Mary Bentinck

Order in re Duke of Somerset deceased Thynne v. St. Maur dated 5th August 1887.

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(then Ruth Mary St. Maur and in the said order called Ruth St. Maur) with the said William George Frederick Cavendish Bentinck was a fit and proper marriage for the said infant and that the settlement proposed to be effected by the indentures therein referred to (being the two several indentures of the fifth day of August one thousand eight hundred and eighty-seven herein-after mentioned) was a proper settlement to be made in contemplation of such marriage of the property of the said infant Ruth Mary Bentinck comprised in such settlement and that the same indentures were proper indentures for giving effect to such settlement the said Judge did pursuant to the aforesaid Act of Parliament sanction and approve of such settlement and did order that the said infant Ruth Mary Bentinck should be at liberty in contemplation of her marriage with the said William George Frederick Cavendish Bentinck to execute the said indentures accordingly and that upon the due execution thereof by the said William George Frederick Cavendish Bentinck and Ruth Mary Bentinck and by George Augustus Frederick Cavendish Bentinck and of another indenture therein mentioned by the said George Augustus Frederick Cavendish Bentinck the said William George Frederick Cavendish Bentinck and Ruth Mary Bentinck should be at liberty to intermarry :

Indenture of  
5th August  
1887 vesting  
the Stover  
Estate &c. in  
the trustees  
of marriage  
settlement of  
Ruth Mary  
Bentinck.

And whereas by an indenture dated the fifth day of August one thousand eight hundred and eighty-seven and made between the said Ruth Mary Bentinck (therein called Ruth St. Maur) of the first part the said William George Frederick Cavendish Bentinck of the second part the said Lord Henry Frederick Thynne and Sir John William Ramsden John Arthur James and Alfred Farquhar of the third part it was witnessed that in pursuance of the hereinbefore recited order and with the sanction and approbation of the Court and in consideration of the said intended marriage the said Ruth Mary Bentinck as settlor and with the approbation of the said William George Frederick Cavendish Bentinck granted and conveyed unto the said Lord Henry Frederick Thynne Sir John William Ramsden John Arthur James and Alfred Farquhar and their heirs All the hereditaments by the said will of the said testator the twelfth Duke of Somerset devised by the description of all his estate at Stover aforesaid and all and singular the said lands and hereditaments of the said testator of whatever tenure at or near Newton Abbott aforesaid and all the said testator's two farms at Okenbury and Wonwell in the county of Devon and all other (if any) the hereditaments by the said will devised to the said Lord Henry Frederick Thynne and Sir John William Ramsden upon trust for the said Ruth Mary Bentinck her heirs and assigns as aforesaid in case the said Harold St. Maur should die under the age of twenty-

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five years without leaving a child or children and all the estate and interest of the said Ruth Mary Bentinck in the same premises respectively to hold the same unto the said Lord Henry Frederick Thynne Sir John William Ramsden John Arthur James and Alfred Farquhar and their heirs after the solemnization of the said then intended marriage to the use of the said Lord Henry Frederick Thynne Sir John William Ramsden John Arthur James and Alfred Farquhar in fee simple upon trust for sale if the premises thereby granted should fall into possession. And it was thereby declared that the trustees or trustee for the time being of the indenture now in recital should hold the net moneys to arise from every or any such sale and the net rents and profits until sale of the said hereditaments or of the unsold part thereof upon the trusts to be declared thereof respectively by the indenture next hereinafter recited :

And whereas by an indenture of even date with the last hereinbefore recited indenture and made between the said William George Frederick Cavendish Bentinck of the first part the said Ruth Mary Bentinck (therein called Ruth St. Maur) of the second part the said George Augustus Frederick Cavendish Bentinck of the third part and the said Lord Henry Frederick Thynne Sir John William Ramsden John Arthur James and Alfred Farquhar of the fourth part it was witnessed that in pursuance of the hereinbefore recited Order in that behalf and with the sanction and approbation of the said Court and in consideration of the said then intended marriage she the said Ruth Mary Bentinck as settlor and with the approbation thereby testified of the said William George Frederick Cavendish Bentinck did thereby assign unto the said Lord Henry Frederick Thynne Sir John William Ramsden John Arthur James and Alfred Farquhar their executors administrators and assigns First all that the said legacy of the value of eighty thousand pounds at the time of the decease of the testator by his said will bequeathed upon trust for the said Ruth Mary Bentinck as hereinbefore recited and all investments representing the same and the income of all such investments respectively and all accumulations of such income and all investments (if any) representing such accumulations And secondly all the residuary personal estate of the testator by his said will bequeathed upon trust for the said Ruth Mary Bentinck in case the said Harold St. Maur should die without having attained a vested interest therein and all investments for the time being representing such residuary personal estate and all other if any the estate and interest of the said Ruth Mary Bentinck in such residuary personal estate or the investments thereof To have and to hold all the premises thereinbefore expressed to be thereby

Marriage settlement of Ruth Mary Bentinck comprising *inter alia* heirlooms at Stover.

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assigned unto the said Lord Henry Frederick Thynne Sir John William Ramsden John Arthur James and Alfred Farquhar their executors administrators and assigns from and after the solemnization of the said then intended marriage upon the trusts and with and subject to the powers provisoes agreements and declarations thereafter declared and contained concerning the same respectively And it was thereby agreed and declared that after the solemnization of the said then intended marriage the said Lord Henry Frederick Thynne Sir John William Ramsden John Arthur James and Alfred Farquhar and the survivors or survivor of them and the executors or administrators of such survivor (which several persons and other the trustees or trustee for the time being of the now reciting indenture were included in the expression "the said trustees or trustee" when thereafter employed) should in the first place raise thereout and pay and apply as therein mentioned such sum as therein mentioned for the outfit of the said Ruth Mary Bentinck and in discharge of such legacy duty and costs as therein mentioned And subject thereto should as soon as circumstances would admit and as conveniently might be reduce into possession all the premises thereinbefore expressed to be thereby assigned (but as to the premises secondly thereinbefore expressed to be thereby assigned not unless and until the same should have fallen into possession) And should either permit such parts of the premises thereinbefore expressed to be thereby assigned as when reduced into possession should be invested in or upon any stocks funds shares or securities thereafter authorised as investments to remain in their actual state of investment respectively or should immediately or at any time or times thereafter with the consent of the said William George Frederick Cavendish Bentinck and Ruth Mary Bentinck during their joint lives and of the survivor of them during his or her life and after the death of such survivor at the discretion of the said trustees or trustee sell or convert into money the same or any of them or any part or parts thereof respectively And should sell or convert into money such parts thereof as should not consist of money or of stocks funds shares or securities thereafter authorised as investments and should invest the moneys to arise from such sale or conversion into money as aforesaid and the moneys (if any) which might on the reduction of the same premises into possession constitute part thereof and also the net moneys to arise from any and every sale under the last hereinbefore recited indenture in or upon such stocks funds shares and securities as therein mentioned And should pay the income of all the moneys stocks funds shares and securities aforesaid to the said Ruth Mary Bentinck during her life (but during her said then



intended coverture for her separate use without power of anticipation) and after her death should if the said William George Frederick Cavendish Bentinck should survive her pay the income of one-half of the premises first thereinbefore expressed to be thereby assigned and of the investments for the time being representing the same to the said William George Frederick Cavendish Bentinck during his life And subject to the trusts thereinbefore declared should stand possessed of all the said moneys stocks funds shares and securities and the income thereof in trust for such issue of the said intended marriage as therein mentioned as the said William George Frederick Cavendish Bentinck and Ruth Mary Bentinck should by deed with or without power of revocation and new appointment jointly appoint and in default of and subject to every such appointment then as the survivor of them should in like manner or by will appoint and in default of any and subject to every such appointment in trust for all the children or any the child of the said then intended marriage who being sons or a son should attain the age of twenty-one years or being daughters or a daughter should attain that age or marry under that age and if more than one in equal shares And in the indenture now in recital are contained hotchpot and advancement clauses and a power to the said Ruth Mary Bentinck notwithstanding the trusts thereinbefore declared by will executed at any time after she should have attained the age of twenty-one years to direct that the income of the whole or any part of the residue of the several moneys stocks funds shares and securities aforesaid should be paid to the said William George Frederick Cavendish Bentinck if he should survive her during his life or for any less period absolute or determinable And it was by the indenture now in recital agreed and declared that if there should be no child of the said intended marriage who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry under that age then subject and without prejudice to the trusts thereinbefore declared the said trustees or trustee for the time being should stand possessed of the said several moneys stocks funds shares and securities and the income thereof and the accumulations (if any) thereof or so much thereof respectively as should not have become vested or have been applied under any of the trusts or powers therein contained or by statute implied In trust for such persons and purposes as the said Ruth Mary Bentinck should during coverture by will and when not under coverture by deed revocable or irrevocable or by will appoint And in default of any and subject to every such appointment upon the trusts following (that is to say) As to the premises first thereinbefore expressed to be thereby assigned and the investments

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thereof and the income and accumulations (if any) thereof respectively or so much thereof respectively as should not have become vested or have been applied under any of the trusts or powers therein contained or by statute implied. In trust for the said Harold St. Maur if and when he should attain the age of twenty-five years. But if the said Harold St. Maur should die under that age then as to all the premises thereinbefore expressed to be thereby assigned and the investments thereof and the income and accumulations (if any) thereof respectively or so much thereof respectively as should not have become vested or have been applied under any of the trusts or powers therein contained or by statute implied in trust for such person or persons as under the statutes for the distribution of the effects of intestates would have become entitled thereto at the death of the said testator the twelfth Duke of Somerset had he died possessed thereof intestate such persons if more than one to take as tenants in common in the shares in which they would in that case have taken under the said statutes. And as to the net moneys to arise from any and every sale under the said indenture of even date with the indenture now in recital including every sale under any assurance to be made in pursuance of the directions contained in such indenture of even date and the investments thereof and the income and accumulations (if any) thereof respectively or so much thereof respectively as should not have become vested or have been applied under any of the trusts or powers contained in the indenture now in recital or by statute implied upon such trusts and with and subject to such powers provisoes and declarations as should correspond with the uses trusts powers provisoes and declarations by the said will of the said testator the twelfth Duke of Somerset limited and declared of and concerning his residuary real estate as nearly as the different nature and quality of the premises and the rules of law and equity would permit but not so as to increase or multiply charges or powers of charging. Provided always and it was thereby agreed and declared that in the meantime and until all the hereditaments and premises in the said indenture of even date with the indenture now in recital expressed to be thereby granted or thereby directed to be assured as aforesaid should have been sold the said trustees or trustee should from and after the time when the same hereditaments and premises should have fallen into possession pay and apply the rents and profits (including the proceeds of sale of timber) of the said hereditaments and premises or of the unsold part thereof after payment thereout of all rates taxes expenses of repairs and insurance and other outgoings which they or he should think fit to pay in the manner in which the annual income of the

investments of the net moneys arising from the sale thereof would be payable and applicable if such hereditaments and premises had then been sold and the net moneys arising from the sale thereof had been invested as aforesaid. And it was by the indenture now in recital also witnessed that in further pursuance of the said recited order in that behalf and with the sanction and approbation of the said Court and in consideration of the said intended marriage She the said Ruth Mary Bentinck as settlor and with the approbation thereby testified of the said William George Frederick Cavendish Bentinck did thereby assign unto the said Lord Henry Frederick Thynne Sir John William Ramsden John Arthur James and Alfred Farquhar their executors administrators and assigns Thirdly all and singular the household linen furniture china glass and articles of household use and ornaments pictures prints and articles of vertu books and manuscripts in and about the said mansion house at Stover of the testator and by his said will bequeathed upon trust for such person or persons as should first become absolutely entitled in possession to his said Stover Estate To have and to hold all the premises thirdly thereinbefore expressed to be thereby assigned unto the said Lord Henry Frederick Thynne Sir John William Ramsden John Arthur James and Alfred Farquhar their executors administrators and assigns after the solemnization of the said then intended marriage and after the premises thirdly thereinbefore expressed to be thereby assigned should have fallen into possession upon trust that the said trustees or trustee should sell the same premises or any of them as thereinbefore mentioned and should hold the net moneys which should arise by every or any such sale upon the trusts and with and subject to the powers provisoes agreements and declarations thereinbefore declared and contained or by statute implied concerning such of the premises secondly thereinbefore expressed to be thereby assigned as should consist of money and the investments thereof and the income and accumulations (if any) thereof respectively or as near thereto as the deaths of parties and other circumstances would admit save and except that if there should be no child of the said then intended marriage who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry under that age then subject and without prejudice to the trusts thereinbefore expressly or by reference declared and to any exercise by the said Ruth Mary Bentinck of any of the powers of appointment thereby given to her the said trustees or trustee should stand possessed of the moneys to arise from the sale of the premises thirdly thereinbefore expressed to be thereby assigned and the investments thereof and the income and accumulations (if any) thereof or so much thereof respectively as

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aforesaid under or by virtue of the powers thereinbefore in that behalf contained and so far as no such appointment should extend the trust premises of which any such appointment or appointments should be made as aforesaid should remain and be held upon such of the trusts and with and subject to such of the powers provisoes agreements and declarations therein declared and contained or referred to of and concerning the same as should be subsisting and capable of taking effect :

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And whereas in pursuance of the said recited order the first hereinbefore recited indenture of the fifth day of August one thousand eight hundred and eighty-seven was duly executed by the said William George Frederick Cavendish Bentinck and Ruth Mary Bentinck (by the name of Ruth St. Maur) the secondly hereinbefore recited indenture of the same date was duly executed by the said William George Frederick Cavendish Bentinck Ruth Mary Bentinck (by the name of Ruth St. Maur) and George Augustus Frederick Cavendish Bentinck and the said other indenture mentioned in the said recited Order was duly executed by the said George Augustus Frederick Cavendish Bentinck and the said Ruth Mary Bentinck on the eighth day of August one thousand eight hundred and eighty-seven intermarried with and is now the wife of the said William George Frederick Cavendish Bentinck :

Marriage of  
Ruth Mary  
Bentinck  
and William  
George  
Frederick  
Cavendish  
Bentinck.

And whereas there is only one child of the said marriage namely Ferdinand William Bentinck :

One child of  
the marriage.

And whereas the said Harold St. Maur will if he should attain the age of twenty-five years or die under that age leaving a child or children become by virtue of the testator's said will absolutely entitled to all the household linen furniture china glass and articles of household use and ornament pictures prints and articles of vertu books and manuscripts which at the time of the testator's death were in about or belonging to his said mansion house at Stover and which were by his said will bequeathed as aforesaid to the said Lord Henry Frederick Thynne and Sir John William Ramsden their executors and administrators in trust to allow the same to go devolve with and remain in his said mansion house at Stover as heirlooms and to be held for such person or persons as should first become absolutely entitled in possession to his said Stover Estate but in case the said Harold St. Maur should die under the age of twenty-five years without leaving a child or children all the said last-mentioned chattels and effects will by virtue of the testator's said will and the hereinbefore recited marriage of the said Ruth Mary Bentinck and the hereinbefore recited settlement executed upon such marriage vest in the trustees

Heirlooms at  
Stover not  
yet vested in  
any person.

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Collection of pictures comprised in the heirlooms at Stover.

And whereas the said chattels and effects so bequeathed by the testator's said will as heirlooms as aforesaid comprised (amongst other things) a collection of pictures of very considerable value :

And whereas a list of the said pictures is contained in the schedule to this Act :

And whereas some of the said pictures stand in urgent want of repair and restoration and it will be necessary if the same are retained unsold to have such pictures forthwith repaired and restored in order to prevent the further and irreparable deterioration of such pictures :

And whereas it is believed that although the proposed restoration of the said last-mentioned pictures is necessary for their preservation yet the said pictures would if sold soon after such restoration realize considerably smaller sums at a sale than they would realize if sold in their present state and condition :

And whereas it would be greatly for the benefit and welfare of the said Harold St. Maur that on his attaining the age of twenty-five years he should reside at the said mansion house at Stover :

And whereas the income to which the said Harold St. Maur will become entitled on his attaining the age of twenty-five years will be insufficient to enable him to reside with comfort in the said mansion house at Stover :

And whereas in consequence of the great value of the said pictures in comparison to the extent of the fortune of either of them the said Harold St. Maur and Ruth Mary Bentinck it would be greatly for the benefit of the person or persons who may be or become entitled thereto if the same were forthwith sold and the moneys arising from such sale invested in manner hereinafter authorised and held upon the trusts hereinafter declared of and concerning the same :

Order in re Duke of Somerset deceased Thynne v. St. Maur dated 7th November 1888.

And whereas by an Order of his Lordship Mr. Justice Chitty dated the seventh day of November one thousand eight hundred and eighty-eight and made in the said action of "Re Duke of Somerset deceased Thynne v. St. Maur 1886 S. No. 1448" upon the application of the Defendant Harold St. Maur an infant by Markham Spofforth his guardian ad litem the Judge being of opinion that it would be fit and proper and for the benefit of all parties interested in the said residuary personal estate of the testator that an application should be made at the expense of the residuary personal estate

of the testator to Parliament for an Act for the purpose of conferring on the trustees of the said will full and proper powers of selling the pictures by the said will together with other chattels and effects bequeathed as heirlooms or such of the same pictures as the said Harold St. Maur Ruth Mary Bentinck and William George Frederick Cavendish Bentinck might think fit with the approval of the Court and to declare the trusts of the moneys to arise from such sale Did order that the Defendant Harold St. Maur be at liberty by his guardian ad litem the said Markham Spofforth and at the expense of the residuary personal estate of the said testator to make such application accordingly And it was ordered that the draft of the Bill for the purposes aforesaid be settled by the Judge :

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And whereas by the certificate of the chief clerk of his Lordship Mr. Justice Chitty made in pursuance of the hereinbefore recited order of the seventh day of November one thousand eight hundred and eighty-eight and dated the thirtieth day of April one thousand eight hundred and eighty-nine it was certified that the draft of a Bill to be submitted to Parliament (being the Bill for this Act) had been settled by the Judge and was identified by the signature of the chief clerk in the margin thereof and that the several instruments facts and events recited in the preamble of such draft before the recital of the said certificate had been proved in the said action of "Re Duke of Somerset deceased Thynne v. St. Maur 1886 S. No. 1448" and such certificate has been duly filed in the Central Office of the Supreme Court of Judicature :

Certificate of chief clerk of Mr. Justice Chitty that the draft of this Bill has been settled by the Judge.

And whereas the objects of this Act cannot be attained without the authority of Parliament Wherefore Your Majesty's most dutiful and loyal subject Markham Spofforth as guardian ad litem of Harold St. Maur Doth most humbly beseech Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows that is to say :

Objects cannot be attained without authority of Parliament.

1. This Act may for all purposes be cited as the *St. Maur Heirlooms (Pictures) Act 1889*.

Short title.

2. The pictures by the testator's said will bequeathed as heirlooms as aforesaid and which are specified in the schedule hereto or any of them may (if the Judge of the Chancery Division of the High Court of Justice to whose Court the said action of "Re the Duke of Somerset deceased Thynne v. St. Maur 1886 S. No. 1448" shall for the time being be attached shall think it desirable and so direct) be sold or disposed of by the trustees or trustee for the time

Power to sell pictures with sanction of the Chancery Division of the High Court of Justice.

A.D. 1889. being of the said will with the approval of Harold St. Maur and Ruth Mary Bentinck and William George Frederick Cavendish Bentinck as a whole or in lots by public auction or private contract and generally in such manner as the said Judge shall direct.

Manner in which sale moneys are to be dealt with and invested.

3. All moneys to arise from the sale of the said pictures or such of them as shall be sold shall be paid to such person or persons as the said Judge shall appoint to receive the same whose receipt shall be a good discharge for the same and such moneys shall within such time as the said Judge shall direct be paid into Court to the credit of the said action "Re Duke of Somerset deceased *Thynne v. St. Maur* 1886 S. No. 1448" to an account to be entitled "Proceeds of Heirlooms (Pictures)" and such moneys when so paid in shall be invested under the direction of the said Judge to the account aforesaid or in the names of the trustees or trustee of the said will in some or one of the Parliamentary or public stocks or funds of Great Britain or at interest on Government or Parliamentary securities or on the security of any freehold or copyhold hereditaments in England or Wales but not in Ireland or in the purchase or upon the security of any of the stocks funds or securities of the Government of India and which at the time of investment shall be guaranteed or sanctioned by the Government or charged upon the Government revenues of India or in or upon any debentures stocks or shares of any railway company in the East Indies the interest on which may be guaranteed at the time of investment by the Government of India or in or upon any loans funds bonds or securities of any British Colony or dependency or in or upon the preference or guaranteed stocks debentures or debenture stocks of any railway company in Great Britain incorporated by Act of Parliament or charter and which shall have paid dividends of not less than two pounds per centum per annum on its ordinary capital for not less than three years last preceding the time of investment or the loans funds bonds or other securities of any Municipal Corporation or Local or Harbour Authority or other public body in Great Britain.

Trusts of investments and of income.

4. The stocks funds shares and securities as aforesaid shall be subject to such trusts provisions and declarations as shall as nearly as may be regard being had to the different natures of the properties correspond with the trusts provisions and declarations by and in the said will of the testator and the said indenture of settlement of the fifth day of August one thousand eight hundred and eighty-seven declared and contained of and concerning the said heirlooms and the moneys to arise from the sale thereof respectively and the annual income arising from the said stocks funds shares and securities shall from time to time be enjoyed or paid and applied accordingly.



5. Every application to the Court for a sale of the said pictures or any of them or for any other of the purposes of this Act may be made by summons and such summons may be entitled in the matter of this Act and in the said action of "Re Duke of Somerset deceased *Thynne v. St. Maur* 1886 S. No. 1448."

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Applications for sale to be made by summons.

6. It shall be lawful for the said judge from time to time upon the application of the trustees or trustee of the testator's said will or of any person beneficially interested in the said pictures or the proceeds thereof to make such order or orders as to the said judge shall seem fit for taxing and settling the costs charges and expenses incurred in and about the obtaining and passing this Act and of the several applications made and to be made to the Court respecting the matters aforesaid and for the investment of any moneys subject to the provisions of this Act and for the payment out of any such moneys of such costs charges and expenses and for raising and paying the costs charges and expenses incurred in or about the exercise of any of the powers contained in this Act out of the moneys which shall arise by the sale of the said pictures or any of them.

Provision for costs of Act and of orders for investment.

7. Saving always unto the Queen's most Excellent Majesty Her heirs and successors and all and every other person and persons bodies politic and corporate and their respective heirs successors executors and administrators (other than and except the several persons who by this Act are expressly excepted out of this general saving) all such estate right title claim and demand whatsoever in upon to or with respect to the said heirlooms or the moneys to arise from the sale thereof or any part thereof respectively as they or every or any of them had before the passing of this Act or could or might have or enjoy in case this Act were not passed.

Saving the rights of Her Majesty the Queen and others.

8. The persons following and their heirs executors administrators appointees and assigns are excepted out of the general saving in this Act contained:—

Persons bound by the Act.

- (a) Harold St. Maur ;
- (b) Ruth Mary Bentinck ;
- (c) William George Frederick Cavendish Bentinck ;
- (d) Ferdinand William Bentinck ;
- (e) Lord Henry Frederick Thynne and Sir John William Ramsden John Arthur James and Alfred Farquhar and other the trustees or trustee under the said will and settlement ;
- (f) Every person to or upon whom under any of the limitations in the said will or settlement contained or under the exercise of any of the powers in the said will or settlement contained any estate right title interest claim or demand whatsoever in

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upon to or with respect to the said heirlooms or the moneys to arise from the sale thereof or any part thereof respectively has already devolved descended or accrued or hereafter shall devolve descend or accrue :

Provided always that this Act shall be in addition to and not in substitution for and shall not exclude the operation of any statutory or other power or right which they the said Harold St. Maur Ruth Mary Bentinck and William George Frederick Cavendish Bentinck or any of them now have or may at any time hereafter have of dealing with the said heirlooms or any of them or the proceeds thereof.

Queen's  
printers copy  
of Act to be  
evidence.

9. This Act shall not be a public Act but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom and a copy thereof so printed by any of them shall be admitted as evidence by all judges justices and others.

The SCHEDULE hereinbefore referred to.

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PICTURES AT STOVER DEVON.

|                       |   |   |
|-----------------------|---|---|
|                       |   | Portrait of Elizabeth Spencer Duchess of Hamilton.  |
|                       |   | Portrait of the Duke of Hamilton.   |
| T. Gainsborough, R.A. | - | Portrait of Alexander Duke of Hamilton.   |
| T. Gainsborough, R.A. | - | Portrait of Lord A. Hamilton, signed.   |
|                       |   | Portrait of Sir Jno. Seymour, aged 62, whole length.  |
| Hoppner               | - | Portrait of a lady seated with her right hand in a muff. 41   |
|                       |   | Portrait of the Duke of Somerset, oval. 29.   |
|                       |   | Portrait of Anne second daughter of Sir Thos. Alleyne Bart., and wife of Andrew Bonnell, Esq., oval. 34           |
|                       |   | Portrait of General Seymour in armour, oval. 35.  |
|                       |   | Mrs. Bennell, daughter of Sir Thos. Alleyne, seated, holding flowers in her lap, $\frac{3}{4}$ length. 47.        |
|                       |   | Portrait of Edward III., small, whole length in an oval on panel. 31.   |
|                       |   | Portrait of Lord Beauchamp, in a landscape, with a Greyhound.   |
| Dobson                | - | Portrait of a Gentleman with riband of the Garter, $\frac{3}{4}$ length.  |
|                       |   | Portrait of Queen Jane Seymour.   |
| Spagnoletto           | - | Portrait of Galileo.  |
| Giotto                | - | Laocoon sacrificing, with an inscription on the back (sent to the Duke of Somerset by the Duke of Hamilton 1811). |
| Lonsdale              | - | Portrait of Sir Stamford Raffles.   |
| Raeburn               | - | Portrait of a gentleman in a black coat.  |
|                       |   | Portrait of a gentleman in a wig and red coat.  |
|                       |   | Fingal's Cave.  |
| Agnolo Bronzino       | - | Portrait of Cosmo first Duke of Medici.   |
|                       |   | Portrait of Percy Seymour Lord Beauchamp.   |
| S. Rosa               | - | Soldiers quarrelling.   |
| Sir J. Reynolds       | - | Portrait of Edward ninth Duke of Somerset.  |

|            |                  |   |   |  |
|------------|------------------|---|---|--|
| A.D. 1889. | A. Ostade        | - | - | A village scene, with four peasants outside a cabaret seated round a tub in conversation with a woman a bag-piper and four other figures at the door of the inn figures and carriage on a road to the right a spire in the distance a boy on the right, 17 in. by 19 in. |
|            | Kneller          | - | - | Portrait of Elizabeth Gerrard Duchess of Hamilton.   |
|            | Guido            | - | - | An infant sleeping.<br>Portrait of a gentleman in a brown coat with ribbon and star. ? Pretender.  |
|            | C. Jansens       | - | - | Portrait of a gentleman in a black dress and white collar, with motto and emblem.  |
|            | French           | - | - | Portrait of the King of Rome, when an infant, sleeping in a garden.  |
|            | Van Harp         | - | - | Interior with an old man seated holding a tankard and two peasants at the fire. The Pot de Beer.   |
|            | Snyders          | - | - | A Boar Hunt.   |
|            | F. Mola          | - | - | A piping shepherd with sheep, a dog, and an ass.   |
|            | G. Dow           | - | - | An interior of an apartment with a trumpeter seated at a table drinking a glass of wine a female opposite holding a glass a man holding an apple and a boy at the table a birdcage overhead, 22 in. by 19 in.  |
|            | Hobbema          | - | - | A woody landscape with houses a man and a boy on a road near the centre figures in the middle distance and a peasant on the road on the right houses and a windmill in the distance signed in right-hand corner, 23 in. by 33 in.  |
|            | Raffaello School | - | - | The escape of Clœlia and her companions from Porsenna.   |
|            | Titian           | - | - | Heads of the Evangelists and one other head<br>A study (sent by the Duke of Hamilton).   |
|            | Lanfranco        | - | - | The return of the Prodigal.  |
|            | Berchem          | - | - | A landscape with ruins and figures and dogs on a road. A Cavalier halting at an inn door holding a glass attended by a female servant.<br>On copper 11 in. by 15 in.   |
|            | Guercino         | - | - | Jacob shewn Joseph's coat.   |
|            | Claude           | - | - | The Temple of Vesta at Tivoli, three peasants driving cattle through the water in the foreground.  |
|            | Slingelandt      | - | - | St. Jerome in a landscape reading (sent by Duke of Hamilton).  |
|            | Rubens           | - | - | Daniel in the den of lions, 18 in. by 25 in. (sent by Duke of Hamilton).   |
|            | E. Van der Neer  | - | - | Two boys in a landscape with a bird (sent by Duke of Hamilton).  |
|            | C. Allori        | - | - | Judith with the head of Holofernes.  |

|               |   |   |  |            |
|---------------|---|---|--|------------|
| Berchem -     | - | - | Peasants on a road with animals, 9½ in. by 11 in.  | A.D. 1889. |
| Guido -       | - | - | The Holy Family with St. John in a landscape.  | —          |
| Schalken      | - | - | A girl at a window with a lighted candle.  |            |
| G. Romano     | - | - | Christ scourged.   |            |
| L. Carracci   | - | - | Death of a Saint.  |            |
| D. Teniers    | - | - | Battle scenes, a pair, signed D.T., small on panel.  |            |
| Guido -       | - | - | The infant Christ sleeping, attended by Angels<br>(sent by Duke of Hamilton).  |            |
| S. Rosa       | - | - | A rocky bay scene with boats and figures.  |            |
| A. Carracci   | - | - | Tobit and the Angel (sent by the Duke of<br>Hamilton).   |            |
| L. Backhuysen | - | - | A sea piece with Dutch men-of-war and other<br>vessels in a fresh breeze.  |            |
| Domenichino   | - | - | A river scene with the repose of the Holy Family.  |            |
| Titian school | - | - | The Adoration of the Shepherds.  |            |
| Van Dyck      | - | - | Horses, a sketch   |            |
| G. Romano     | - | - | Apollo and the Muses, 15½ in. by 30 in. (sent<br>by the Duke of Hamilton July 1811).   |            |
| P. Potter     | - | - | A meadow near a farmhouse in centre a woman<br>seated milking cow one of a group of four cows<br>and a calf on left a goat lying down on the<br>right two sheep and a kid in the distance to<br>right cow and two sheep the farmhouse seen<br>through a group of trees to left. P. Potter<br>fecit 1546. |            |
|               |   |   | Portrait of Edward Adolpus Duke of Somerset.   |            |
|               |   |   | Portrait of Henry VIII., small, in an oval in fine<br>carved frame.  |            |
|               |   |   | Portrait of Edward VI., small in an oval in fine<br>carved frame.  |            |
| Rembrandt     | - | - | A Philosopher.<br>Portrait of a gentleman in a blue coat holding<br>a map of the Mediterranean Sea.  |            |
| Raeburn -     | - | - | Portrait of a gentleman seated by a globe.   |            |
| Sir. A. More  | - | - | Portrait of a gentleman in a black dress em-<br>broidered with gold with collar.<br>Portrait of Lady Hertford afterwards Duchess<br>of Somerset.<br>Portrait of Anne Duchess of Hamilton.<br>Portrait of Colonel Strangeways, with breast-<br>plate and jerkin, holding a bâton.                         |            |
| Wootton -     | - | - | Portrait of a gentleman on horseback with a page<br>and greyhound.   |            |
| Van Dyck      | - | - | Portrait of Queen Henrietta Maria, half length.<br>Portrait of Sir Edward Seymour seated holding<br>a paper in his right hand whole length.  |            |
|               |   |   | 1672 Speaker of the Long Parliament and chief<br>promoter of Habeas Corpus Act.<br>Portrait of Talma.  |            |

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|                       |   |  |
|-----------------------|---|--|
|                       |   | Portrait of a lady in ermine robe and dress jewelled with pearls.                    |
|                       |   | Portrait of Lady C. Edwin.   |
| Sir J. Reynolds       | - | Portrait of the Marchioness of Donegal.  |
|                       |   | Portrait of a gentleman in black coat and white cravat.                              |
|                       |   | Portrait of a lady in red dress in chalks.   |
|                       |   | Portrait of a gentleman in a ruff and gorget, his right hand on a mariner's compass. |
|                       |   | Portrait of Lady E. Stewart in a white dress. 39.                                    |
|                       |   | Portrait of a lady. The companion. 38.   |
|                       |   | Portrait of a child in a landscape. Whole length.                                    |
|                       |   | Portrait of a lady in white dress in chalks.   |
|                       |   | Portrait of a lady in a red dress and hat.   |
| Lady Catherine Parkes | - | A view in Devonshire.  |
| L. da Vinci           | - | Head of a man P. H. J. R.  |
| A. del Sarto          | - | Head of a soldier. Coloured chalks.  |
| Polidoro              | - | A battle piece. From Charles I. collection.  |
| Guercino              | - | A landscape with figures.  |
| G. Romano             | - | A landscape with figures in carved and gilt frame.                                   |
|                       |   | An illumination from a Venetian Ducale in similar frame.                             |
| L. da Vinci, after    | - | Four heads from the frescoes of the Last Supper.                                     |
| Hondius               | - | The Emperor Maximilian, after A. Durer.  |
| G. Romano             | - | The dead Christ (Ct. Gelossi's Collection)   |
| Raffaelle, after      | - | St. Cecilia, by Domenichino.   |
| L. da Vinci           | - | A female head from the collection of P. H Lankrink, on blue paper.                   |
| Poilly                | - | The Madonna and child with border of flowers.  |
| Rembrandt             | - | Door of a house with figures.  |

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