



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. 20.

An Act to enable the Guardian of *Henry Peach Keighley Peach*, an Infant, to sell the next Presentation to the Rectory and Parish Church of *Idlicote* in the County of *Warwick*.

[6th August 1844.]

WHEREAS *Samuel Peach*, formerly of the *English Factory* at *Canton* in *China*, and late of *Idlicote* in the County of *Warwick*, and of *Portland Place* in the Parish of *Saint Marylebone* in the County of *Middlesex*, Esquire, deceased, having been at the Time of making and publishing his last Will, and from thenceforth until and at the Time of his Death, seised and well entitled for an Estate of Inheritance in Fee Simple of and to divers Manors, Messuages, Farms, Lands, Tenements, and Hereditaments in certain Parishes or Places in the County of *Gloucester*, in the said Will mentioned, and in the Parish of *Idlicote* in the County of *Warwick*, and also of and to the Advowson of the Rectory and Parish Church of *Idlicote* aforesaid, by his last Will and Testament, bearing Date the Twenty-ninth Day of *April* One thousand eight hundred and fifteen, and duly executed and attested as the Law then required for the Devise of Freehold Estate, after giving and bequeathing divers Legacies and Annuities, none of which, however, affected the Hereditaments or Estates of the said Testator in the County of *Warwick*, gave and bequeathed to his Wife *Amelia Peach* during her Widow-

Will of
S. Peach,
dated 29th
April 1815.

[Private.]

hood

hood an Annuity or yearly Rent-charge of One thousand two hundred Pounds, charged upon and to be issuing and payable out of the Hereditaments or Estates of the said Testator in the Parishes or Places in the County of *Gloucester* therein mentioned, and in the said Parish of *Idlicote* in the County of *Warwick*, with such Powers of Distress and Entry upon and into the Hereditaments or Estates so charged with the said Annuity or yearly Rent-charge, and of Perception and Retention of the Rents, Issues, and Profits thereof, as are therein mentioned; and he gave and devised unto *Lestock Wilson* of *Upper Harley Street* in the County of *Middlesex*, Esquire, *Charles Edward Pigou* of *Clarges Street, Piccadilly*, in the same County, Esquire, *George Sparks* of *Baldwin* in the County of *Kent*, Esquire, and *Lestock Wilson* the younger, of *Harley Street* aforesaid, Gentleman, (whom, with certain other Persons therein named, he had therein-before appointed Executors of his said Will,) and their Heirs, all his said Hereditaments or Estates in the said Counties of *Gloucester* and *Warwick*, and all other Hereditaments in *England* of which he was seised for any Estate or Estates of Inheritance in Fee Simple, with their Appurtenances, to hold the same, and every Part and Parcel thereof respectively, unto them the said *Lestock Wilson, Charles Edward Pigou, George Sparks, and Lestock Wilson* the younger, and their Heirs, (subject nevertheless to the several Annuities thereby given or bequeathed, none of which, except the said Annuity or yearly Rent-charge of One thousand two hundred Pounds therein-before given to the said *Amelia Peach* as aforesaid, affected the said Hereditaments or Estates of the said Testator in the said County of *Warwick*,) to the several Uses, upon the Trusts, for the Ends, Intents, and Purposes, and under and subject to the Powers and Provisions therein-after limited, expressed, and contained of and concerning the same Hereditaments or Estates, (that is to say,) to the Use of the First Son of the Body of him (the said Testator) lawfully begotten, and whether born in his Lifetime or in due Time after his Decease, for and during the Term of the natural Life of such First Son, without Impeachment of or for any manner of Waste; and from and immediately after the Determination of such Estate of the said First Son by any Means in his Lifetime, to the Use of the said *Lestock Wilson, Charles Edward Pigou, George Sparks, and Lestock Wilson* the younger, and their Heirs, during the then Residue of his natural Life, upon trust to support and preserve the contingent Uses and Estates therein-after limited; with Remainder to the Use of the First Son of the Body of such First Son of the said Testator in Tail Male; with Remainders to the Use of the Second, Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of the said First Son of the said Testator lawfully to be begotten successively in Tail Male; with Remainders to the Use of the Second, Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of him the said Testator lawfully begotten, and whether born in his Lifetime or in due Time after his Decease, successively in Tail Male; with Remainder to the Use of the First Daughter of the Body of him the said Testator lawfully begotten, and whether born in his Lifetime or after his Decease, and her Assigns, for and during the Term of her natural Life, without Impeachment of or for any manner of Waste; with Remainder to the Use of the said *Lestock Wilson, Charles Edward Pigou,*

Pigou, George Sparks, and Lestock Wilson the younger, and their Heirs, during the natural Life of such First Daughter of the said Testator, upon trust to support and preserve the contingent Uses and Estates therein-after limited; with Remainder to the Use of the First Son of the Body of such First Daughter lawfully begotten in Tail Male; with Remainders to the Use of the Second, Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of such First Daughter of the said Testator lawfully to be begotten successively in Tail Male; with Remainder to the Use of the Second, Third, Fourth, Fifth, and all and every other the Daughter and Daughters of the Body of him the said Testator lawfully begotten successively in Tail Male; with Remainder to the Use of the Heirs of the Body of the said First Son of the Body of him the said Testator; with Remainder to the Use of the Heirs of the Body of the said Second Son of the Body of him the said Testator; with Remainder to the Use of the Heirs of the Body of the said Third Son of the Body of him the said Testator; with Remainder to the Use of the Heirs of the Body of the said Fourth Son of the Body of him the said Testator; with Remainder to the Use of the Heirs of the Body of the said Fifth Son, and every other Son successively of the Body of him the said Testator; with Remainder to the Use of the Heirs of the Body of the said First Daughter of the Body of him the said Testator; with Remainder to the Use of the Heirs of the Body of the said Second Daughter of the Body of him the said Testator; with Remainder to the Use of the Heirs of the Body of the said Third Daughter of the Body of him the said Testator; with Remainder to the Use of the Heirs of the Body of the said Fourth Daughter of the Body of him the said Testator; with Remainder to the Use of the Heirs of the Body of the said Fifth and every other Daughter successively of him the said Testator; with Remainder to the Use of his (the said Testator's) Brother *Charles Peach*, and his Assigns, for and during the Term of his natural Life, without Impeachment of or for any manner of Waste; with Remainder to the Use of them the said *Lestock Wilson, Charles Edward Pigou, George Sparks, and Lestock Wilson* the younger, and their Heirs, during the natural Life of the said *Charles Peach*, upon trust to support and preserve the contingent Uses and Estates therein-after limited; with Remainder to the Use of the First Son of the Body of the said *Charles Peach* lawfully issuing in Tail Male; with Remainders to the Use of the Second, Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of the said *Charles Peach* lawfully begotten successively in Tail Male; with Remainder to the Use of the First Daughter of the Body of him the said *Charles Peach* lawfully issuing in Tail Male; 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 *Charles Peach* lawfully begotten successively in Tail Male; with Remainder to the Use of his (the said Testator's) Brother *William Howard Peach*, and his Assigns, for and during the Term of his natural Life, without Impeachment of or for any manner of Waste; with Remainder to the Use of the said *Lestock Wilson, Charles Edward Pigou, George Sparks, and Lestock Wilson* the younger, and their Heirs, during the natural Life of the said *William Howard Peach*, upon trust to support and preserve the contingent

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Uses and Estates therein-after limited; with Remainder to the Use of the First Son of the Body of the said *William Howard Peach* lawfully begotten in Tail Male; with Remainders to the Use of the Second, Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of the said *William Howard Peach* lawfully begotten successively in Tail Male; with Remainder to the Use of his (the said Testator's) Kinsman *Nathaniel William Peach* of *Hyde* near *Bere Regis* in the County of *Dorset*, and his Assigns, for and during the Term of his natural Life, without Impeachment of or for any manner of Waste; with Remainder to the Use of the said *Lestock Wilson*, *Charles Edward Pigou*, *George Sparks*, and *Lestock Wilson* the younger, and their Heirs, during the Residue of the natural Life of the said *Nathaniel William Peach*, upon trust to support and preserve the contingent Uses and Estates therein-after limited; with Remainder to the Use of *William Nathaniel Peach*, only Son of the said *Nathaniel William Peach*, and his Assigns, for and during the Term of his natural Life, without Impeachment of or for any manner of Waste; with Remainder to the Use of the said *Lestock Wilson*, *Charles Edward Pigou*, *George Sparks*, and *Lestock Wilson* the younger, and their Heirs, during the Residue of the natural Life of the said *William Nathaniel Peach*, upon trust to support and preserve the contingent Uses and Estates therein-after limited; with Remainder to the Use of the First Son of the Body of the said *William Nathaniel Peach* lawfully begotten in Tail Male; with Remainders to the Use of the Second, Third, Fourth, Fifth, and all and every other of the Son and Sons of the Body of the said *William Nathaniel Peach* lawfully begotten respectively in Tail Male; with Remainder to the Use of his (the said Testator's) Kinsman *Benjamin Peach* of *Bradley* in the County of *Somerset*, and his Assigns, for and during the Term of his natural Life, without Impeachment of or for any manner of Waste; with Remainder to the Use of the said *Lestock Wilson*, *Charles Edward Pigou*, *George Sparks*, and *Lestock Wilson* the younger, and their Heirs, during the natural Life of the said *Benjamin Peach*, upon trust to support and preserve the contingent Uses and Estates therein-after limited; with Remainder to the Use of the First Son of the Body of the said *Benjamin Peach* lawfully begotten in Tail Male; with Remainders to the Use of the Second, Third, Fourth, Fifth, and all and every other of the Son and Sons of the Body of him the said *Benjamin Peach* lawfully begotten successively in Tail Male; with Remainder to the Use of his (the said Testator's) Sister *Sarah Christiana Keighley*, and her Assigns, for and during the Term of her natural Life, without Impeachment of or for any manner of Waste; with Remainder to the Use of the said *Lestock Wilson*, *Charles Edward Pigou*, *George Sparks*, and *Lestock Wilson* the younger, and their Heirs, during the natural Life of the said *Sarah Christiana Keighley*, upon trust to support and preserve the contingent Uses and Estates therein-after limited; with Remainder to the Use of his (the said Testator's) Nephew *Henry Peach Keighley*, eldest Son of his the said Testator's said Sister, and his Assigns, for and during the Term of his natural Life, without Impeachment of or for any manner of Waste; with Remainder to the Use of the said *Lestock Wilson*, *Charles Edward Pigou*, *George Sparks*, and *Lestock Wilson* the younger, and their

their Heirs, during the natural Life of the said *Henry Peach Keighley*, upon trust to support and preserve the contingent Uses and Estates therein-after limited; with Remainder to the Use of the First Son of the Body of the said *Henry Peach Keighley* lawfully begotten in Tail Male; with Remainders to the Use of the Second, Third, Fourth, Fifth, and all and every other the Son and Sons of the Body of him the said *Henry Peach Keighley* lawfully to be begotten successively in Tail Male; with the Remainders over therein expressed; and the said Testator did in and by his said Will declare and direct, that all and every the Person and Persons who by virtue of the Limitations in his said Will contained should become entitled to the Possession and to the Rents and Profits of the said Manors, Messuages, Lands, and other Hereditaments therein-before devised, and who should not then be called by the Name or use the Arms of *Peach*; should, within the Space of One Year next after they should respectively become entitled to the Possession or to the Rents and Profits thereof, and that the Husband or respective Husbands of any Female or Females who should so become entitled should, at the Time and in the Manner therein mentioned, take upon herself or themselves respectively and use in all Deeds or Writings whereto or wherein he, she, or they should or might be Party or Parties, and upon all other Occasions, the Surname of *Peach*, together with his, her, or their Family Surname, and also should quarter the Arms of *Peach* with his, her, or their own Family Arms, and should within the Space of One Year next ensuing apply for and endeavour to obtain an Act of Parliament or proper Licence from the Crown or take such other Means as might be requisite to enable and authorize him, her, or them respectively to take, use, and bear the Surname and Arms of *Peach*; and he thereby declared and directed, that in case any such Person or Persons should refuse or neglect or discontinue to take or use such Surname and Arms, and to take such proper Steps and Means as might be requisite to enable or authorize him, her, or them so to do, within the Space of One Year, the Limitation of all and every the Lands and Hereditaments therein-before limited to him, her, or them so neglecting or refusing or discontinuing, or to her or them whose Husband or Husbands should so refuse or neglect or discontinue, should cease, determine, and become utterly void, and all the said Manors and other Hereditaments should in such Case immediately thereupon go to the Person next in remainder under the Limitations therein-before contained, in the Manner therein mentioned; and the said Testator did in and by his said Will, after reciting that it might happen at or after his Decease that the Rectory or Living of *Idlicote* might be or become vacant by the Death or Resignation of the then present Incumbent, direct, that in case the same by the aforesaid or any other Means should happen to be or become vacant before his said Brother *Charles Peach*, if living, should have returned to *England*, (an Event which did not happen,) then the Trustees therein-before named to whom the Advowson of *Idlicote* was devised by him the said Testator as aforesaid, or the Survivors or Survivor of them, his Executors or Administrators, should exercise the Right of Presentation to the said Rectory, and present such Member of either of the Universities of *Oxford* or *Cambridge* thereto, and the Parsonage of *Idlicote* aforesaid, as they might consider well qualified to discharge the Duties thereof, and likely to promote the temporal as well as spiritual Welfare and

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Happiness of all his Parishioners: And whereas the said Testator *Samuel Peach*, by a Codicil to his said Will, bearing Date the Twenty-fifth Day of *August* One thousand eight hundred and twenty-three, and duly executed and attested as the Law then required for the Devise of Real Estate, revoked and made void the Bequest which in and by his said Will he had made to his said Wife *Amelia Peach*, of the said Annuity or yearly Rent-charge of One thousand two hundred Pounds thereby given to her, and charged upon his Hereditaments or Estates in the said Counties of *Gloucester* and *Warwick*, as mentioned in his said Will; and after stating that the said *Lestock Wilson*, who in and by virtue of his said Will was constituted and appointed an Executor and Trustee thereof, was since dead, the said Testator did in and by such Codicil constitute and appoint the said *Charles Edward Pigou* and *George Sparks*, and also *Lestock Peach Wilson*, therein mentioned to be the Person who is in the said Will called *Lestock Wilson* the younger, and also his the said Testator's Brother the said *Charles Peach*, and also his Wife the said *Amelia Peach*, to be joint Executors and Executrix, as well of his said last Will and Testament as of that Codicil, and did also nominate and appoint the said *Charles Peach* and his the said Testator's said Wife to be Trustees in the Room and Stead of the said *Lestock Wilson* deceased, to act in conjunction with the said *Charles Edward Pigou*, *George Sparks*, and *Lestock Peach Wilson* in the Trusts mentioned and declared in and by his said last Will and Testament, and did give, devise, and bequeath the Trust Estates therein described, according to the Nature and Tenure thereof, unto them, their Heirs, Executors, Administrators, and Assigns, to the several Uses, upon the several Trusts, and to and for the several Intents and Purposes in and by his said Will expressed and declared of and concerning the same respectively; and the said Testator, in and by his said Codicil, after giving, in default or on failure of Issue of his own Body, Power to his Brother the said *Charles Peach*, after his Return to *England*, to sell or exchange all or any of the said Testator's Hereditaments or Real Estates which were devised by his said Will, and a like Power to his Brother the said *William Howard Peach*, in case or when he should be in possession of the said Estates or any Part thereof, under the Limitations contained in his said Will, did, subject to such Powers, confirm the several Uses, Intents, and Purposes in his said Will expressed and declared concerning the said Hereditaments or Estates, excepting, however, any Estates or Interests that were in and by his said Will given or limited to his the said Testator's Kinsman *Nathaniel William Peach*, and any Issue descending from his Body, and any Estates or Interests which were under the said Will given or limited to his Kinsman the said *Benjamin Peach*, and any Issue descending from his Body, and for the Reasons therein mentioned the said Testator did declare his Intention to exclude and did exclude them and each of them, and their respective Issue, from deriving any Advantage or Benefit under his said Will, or from his Property, either real or personal, thereby solemnly revoking every Part of his said Will which might eventually or contingently have conferred such Advantage or Benefit on them or either of them, and declaring that all Limitations to them and their respective Issue should be void, as if they had respectively died without Issue in his the said Testator's Lifetime: And whereas the said Testator afterwards made a Second Codicil to

his said Will, which Codicil, however, being without a Date, and unsigned by the said Testator, did not in any Manner affect his said Hereditaments or Real Estate mentioned in his said Will and First Codicil, and so thereby devised as herein-before mentioned: And whereas the said Testator the said *Samuel Peach* died on or about the Seventeenth Day of *August* One thousand eight hundred and thirty-two, without having revoked or altered the said Devise or Disposition of his said Hereditaments and Real Estate so made by his said Will as aforesaid, except so far as the same was revoked or altered by his First Codicil, and without having revoked or altered such First Codicil, and the said Will and Codicils were duly proved by the said *Charles Peach* the Brother of the said Testator, and the said *Amelia Peach* his said Widow, in the Prerogative Court of the Archbishop of *Canterbury*, on or about the Third Day of *October* One thousand eight hundred and thirty-two: And whereas the said Testator the said *Samuel Peach* never had any Issue of his Body: And whereas the said *Amelia Peach* the Widow of the said Testator accepted the Provision made for her in and by the said recited Will and Codicils, and thereby or by other Means was barred of all Right or Title to Dower in, to, or out of the said Hereditaments or Real Estate of the said Testator, so devised by his said Will as aforesaid, and upon his Death the said *Charles Peach*, as the first Tenant for Life under the said Will, entered into the Possession or into the Receipt of the Rents and Profits of the said Premises so devised as aforesaid: And whereas the said *Charles Peach* departed this Life on or about the Twenty-first Day of *October* One thousand eight hundred and thirty-seven, without having ever had any Issue: And whereas the said *William Howard Peach* departed this Life at the *Cape of Good Hope* on or about the Twenty-ninth Day of *March* One thousand eight hundred and thirty-four, without ever having been married: And whereas the said *Sarah Christiana Keighley*, a Sister of the said Testator, departed this Life in the Lifetime of the said Testator: And whereas upon the Death of the said *Charles Peach* the said *Henry Peach Keighley*, the Nephew of the said Testator, and the eldest Son of the said *Sarah Christiana Keighley*, became entitled to the Possession of the said Hereditaments or Estates so devised as aforesaid, under and by virtue of the said Will and First Codicil of the said Testator: And whereas the said *Henry Peach Keighley* departed this Life at *Madras* in *India* on the Thirty-first of the said Month of *October* One thousand eight hundred and thirty-seven, leaving *Henry Peach Keighley* his First and eldest Son, then an Infant of the Age of Three Years or thereabouts: And whereas upon the Death of the said *Henry Peach Keighley* the Father the said *Henry Peach Keighley* the Infant became entitled, under the said Will and First Codicil of the said Testator, to the said Hereditaments or Estates thereby devised as aforesaid, for an Estate in Tail Male in Possession: And whereas the said *Henry Peach Keighley* the Infant, upon the Death of the said *Henry Peach Keighley* his Father, in compliance with the Directions of the said recited Will in that Behalf, took and has ever since used the Surname of "*Peach*," in addition to his Family Surname of "*Keighley*," and is now called by the Name of *Henry Peach Keighley Peach*, and has also quartered the Arms of *Peach* with his own Family Arms, and within due Time obtained a Licence under the Royal Sign Manual, authorizing him to take and use the said Surname and quarter the said

said Arms accordingly: And whereas by an Order of the Court of Chancery, bearing Date the Twenty-seventh Day of *July* One thousand eight hundred and thirty-eight, made by his Honour the Vice Chancellor of *England* in a Cause in which the said *Henry Peach Keighley Peach*, theretofore *Henry Peach Keighley*, an Infant, by his next Friend, was Plaintiff, and the said *Charles Edward Pigou, Lestock Peach Wilson, Sir John Poo Beresford* and *Amelia* his Wife, and another, were Defendants, it was referred to *Andrew Henry Lynch* Esquire, One of the Masters of the said Court, to approve of a proper Person to be appointed Guardian of the said infant Plaintiff: And whereas the said Master, by his Report made in pursuance of the said Order, and bearing Date the Tenth Day of *October* One thousand eight hundred and thirty-eight, certified that he had approved of the said Infant's Mother, *Emma Spicer Keighley* Widow, as a proper Person to be the Guardian of the said Infant, which Report was, by an Order of the said Court of Chancery, bearing Date the Sixteenth Day of *October* One thousand eight hundred and thirty-eight, confirmed, and the said *Emma Spicer Keighley* was appointed such Guardian accordingly: And whereas on the Eleventh Day of *July* One thousand eight hundred and forty the said *Emma Spicer Keighley* intermarried with *Henry Thomas Hitchins* Esquire, her present Husband, and thereby the Guardianship of the said Infant determined, and by an Order made in the same Cause, and dated the Eighth Day of *August* one thousand eight hundred and forty, it was referred to *Sir William Horne*, the Vacation Master of the said Court in attendance, to approve some proper Person to be such Guardian: And whereas the said *Sir William Horne*, by his Report dated the Nineteenth Day of *October* One thousand eight hundred and forty, certified that he approved of the said *Emma Spicer Hitchins* to be such Guardian; and by an Order made in the same Cause, and dated the Twelfth Day of *January* One thousand eight hundred and forty-one, the said Report was duly confirmed, and the said *Emma Spicer Hitchins* was appointed such Guardian: And whereas by an Order of the Vice Chancellor of *England*, made in the said Cause of *Peach v. Pigou*, on or about the Sixteenth Day of *December* One thousand eight hundred and forty-two, upon the Petition of the said infant Plaintiff, it was referred to the said Master to inquire and state to the Court whether it would be for the Benefit of the Petitioner that any and what Steps should be taken for effecting the Sale of the next Presentation to the said Rectory and Church of *Idlicote* (Part of the Hereditaments and Estates so devised in and by the said Will and First Codicil as aforesaid), and upon what Terms, and what Steps, if any, should be taken to enable the Petitioner to make a good Title thereto, and after the said Master should have made his Report such further Order was to be made as should be just: And whereas the said Master, by his Report bearing Date the Twenty-eighth Day of *March* One thousand eight hundred and forty-four, made in the said Cause in pursuance of the said last-mentioned Order, certified that he was of opinion (but he submitted the same to the Judgment of the said Court) that it would be for the Benefit of the Petitioner the said infant Plaintiff that Steps should be taken for the Sale of the next Presentation to the said Rectory and Church of *Idlicote*, either by public Auction or private Contract, and he found that the said next Presentation was then worth, to be sold, the Sum of One thousand five hundred Pounds, and he also found that the present

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Incumbent was then of the Age of Seventy-two Years or thereabouts, and that the said Plaintiff was then of the Age of Ten Years or thereabouts, but inasmuch as the said Plaintiff was then an Infant the Aid of Parliament would be required to enable him to make a good Title to a Purchaser, and that an Act should be applied for on behalf of the said Plaintiff for the Purpose, and to obviate Objection on account of the Possibility of his dying while the Church is full, and before any Vacancy has arisen, such Act should provide that the Purchase Money to be paid for the next Presentation should be paid into the Bank in the Name of the Accountant General of the said Court, in trust in the said Cause, to an Account to be entitled "The Account of the Sale of the next Presentation to the Rectory and Church of *Idlicote*," and that thereupon the said infant Plaintiff the said *Henry Peach Keighley Peach*, or his Guardian on his Behalf, should be authorized to convey, as if he were now of full Age, and that after defraying the Expences of obtaining such Act, and recouping the Estate of the said infant Plaintiff all Costs, Charges, and Expences incurred by him in respect of the Tithes in the said Report mentioned, the Residue of the said Purchase Money should be invested in the said Cause to the Account aforesaid; And whereas by an Order of the Vice Chancellor of *England* made in the said Cause upon the Petition of the said infant Plaintiff on or about the Twenty-ninth Day of *March* One thousand eight hundred and forty-four, the said last mentioned Report was confirmed; and it was ordered that the said infant Plaintiff should be at liberty, by the said *Emma Spicer Hitchins*, to apply for an Act for the Purpose of effecting the Sale of the said next Presentation, and to enable the said infant Plaintiff, or his said Guardian on his Behalf, to convey the same to a Purchaser; and it was ordered that the said next Presentation should be sold, with the Approbation of the said Master, to the best Purchaser or Purchasers that could be gotten for the same, to be approved of by the said Master, either by public Auction or private Contract; and it was ordered that the Purchase Money for the same should be paid into the Bank of *England*, with the Privity of the Accountant General of the said Court, in trust in that Cause, The Account of the Sale of the next Presentation to the Rectory and Church of *Idlicote*, subject to the further Order of the Court; And whereas it would be for the Benefit of the said *Henry Peach Keighley Peach* that, pursuant to the said last-mentioned Order, the said next Presentation to the said Rectory and Church of *Idlicote* should be sold, and the Purchase Money to be received for the same applied as in the said Order mentioned, but by reason of the Infancy of the said *Henry Peach Keighley Peach* the said Object cannot be effected without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subject, the said *Emma Spicer Hitchins*, the Guardian of the said *Henry Peach Keighley Peach*, 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 and with the Authority of the same, That from and immediately or at any Time after the passing of this Act it shall and may be lawful to and for the said *Emma Spicer Hitchins*, as the Guardian of the said *Henry Peach Keighley Peach* the Infant, whilst she shall continue such Guardian, or for any Person

[*Private.*]

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Empowering
Guardian of
H. P. Keigh-
ley Peach to
sell the next

or

Presentation to the Rectory of Idlicote, by Demise for 99 Years.

or Persons who may hereafter be appointed by the Court of Chancery to be the Guardian or Guardians of the said Infant during his Minority, absolutely to sell and dispose of the next Presentation to the said Rectory and Parish Church of *Idlicote* in the County of *Warwick*, with the Approbation of the Master to whom the Cause *Peach v. Pigou* is referred, either by public Auction or private Contract, to any Person or Persons whomsoever, and under and subject to such Conditions as to the Title and otherwise, and for such Price, as the said Master shall think fit, and for the Purpose of effecting such Sale, and vesting the Right to such next Presentation so to be sold in or securing the same to the Purchaser or Purchasers thereof, by any Deed or Deeds, Writing or Writings, to be by such Guardian or Guardians sealed and delivered in the Presence of and attested by Two or more credible Witnesses, to limit and appoint or demise and assure the Advowson of the said Rectory or Parish Church of *Idlicote* to the Purchaser or Purchasers of the next Presentation, or to any Person or Persons to be nominated by such Purchaser or Purchasers, for and during and unto the full End and Term of Ninety-nine Years thence next ensuing, if the said *Henry Peach Keighley Peach* should so long live, such Term to take effect in defeazance of and so as to supersede and overreach the same Limitations and all Estates of the said *Henry Peach Keighley Peach* under or by virtue of the said Will and First Codicil in the said Advowson, but not further or otherwise, nevertheless upon and for the Trusts and Purposes and under and subject to the Provision following; that is to say, upon trust that the Person or Persons to whom the said Advowson shall be so limited and appointed or demised and assured for the said Term of Ninety-nine Years as aforesaid, his or their Executors or Administrators, do and shall, when and so soon as the said Rectory and Parish Church of *Idlicote* shall next become vacant by the Death, Resignation, Cession, or Deprivation of the present Rector and Incumbent thereof, in case such Vacancy shall occur during the Continuance of the said Term, present such Person as shall or may be nominated by the Purchaser or Purchasers of the said next Presentation to the said Rectory and Parish Church of *Idlicote* aforesaid, in order that the Person so to be presented may be duly instituted and inducted into and become full Incumbent of the same Rectory and Parish Church.

When Person nominated by Purchaser is presented and inducted, or in case next Presentation should lapse, the said Term to cease.

II. Provided always, and be it further enacted, That when and so soon as the Person to be nominated by the Purchaser or Purchasers of the said next Presentation shall have been, in pursuance of the aforesaid Trust, presented, instituted, and inducted to and into the said Rectory and Parish Church, or in case the said next Presentation shall, by reason of any Act, Neglect, or Omission of or by the Purchaser or Purchasers thereof, lapse or be otherwise lost to such Purchaser or Purchasers, then and in either of such Events, whichever shall first happen, and immediately thereupon the said Term of Ninety-nine Years so to be limited and appointed or demised and assured as aforesaid, or created, shall cease, determine, and be utterly void.

Such Sale to be made with the Approbation of a Master in Chancery.

III. Provided always, and be it further enacted, That any Sale of the said next Presentation which shall or may be made by the said *Emma Spicer Hitchins*, or any other Person or Persons to be appointed Guardian or Guardians of the said *Henry Peach Keighley Peach* the Infant,

Infant, under or by virtue of the Power or Authority aforesaid, shall be made with the Approbation of the Master of the said Court of Chancery to whom the said Cause of "*Peach v. Pigou*" shall for the Time being stand referred.

IV. Provided also, and be it further enacted, That, subject to the said Power hereby given to sell the next Presentation to the said Rectory and Parish Church, and to limit or create such Term of Years as aforesaid in the said Advowson, and to such Right, Term of Years, Estate, and Interest as may be created, in execution or pursuance thereof, by virtue of this Act, the aforesaid Limitations to the Sons of the said *Henry Peach Keighley* deceased successively in Tail Male shall remain and continue in full Force as effectually and in the same Manner as they would have done if this Act had not passed.

Powers granted by this Act not to affect Limitation to Sons of H. P. Keighley deceased.

V. And be it further enacted, That the Purchaser or Purchasers of the said next Presentation so authorized to be sold as aforesaid shall pay his or their Purchase Money into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in trust in the said Cause of *Peach v. Pigou*, to an Account to be entitled "*The Account of the Sale of the next Presentation to the Rectory and Parish Church of Idlicote,*" pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Endorsements thereon, as likewise Endorsements on South Sea Bonds*, and the general Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out, on proper Securities, any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court*; and the Certificate or Certificates to be given by the said Accountant General, together with the Receipt or Receipts of the Cashier of the Bank of *England*, to be thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *England* by such Purchaser or Purchasers of the said next Presentation hereby authorized to be sold as aforesaid, of his, her, or their Purchase Money shall from Time to Time and at all Times thereafter be and be deemed and taken to be a good and sufficient Discharge or good and sufficient Discharges to such Purchaser or Purchasers, and to his, her, and their Heirs, Executors, Administrators, and Assigns, for so much of the said Purchase Monies for which such Certificate or Certificates and Receipt or Receipts as aforesaid shall be respectively given; and that after the filing of such Certificate or Certificates, and Receipt or Receipts, such Purchaser or Purchasers, or other Person or Persons, and his, her, and their respective Heirs, Executors, and Administrators, shall be and is and are hereby absolutely acquitted and discharged of and from the same Monies and every Part thereof, and shall not be answerable.

Purchase Money to be paid into the Bank in the Name of the Accountant General of Court of Chancery.

12 G. 1. c. 32.

12 G. 2. c. 24.

answerable or accountable for any Loss, Misapplication, or Nonapplication of such Monies or of any Part thereof.

Application of Purchase Money so paid into the Bank of England.

VI. And be it further enacted, That out of the Monies so to be paid into the Bank of *England* to "The Account of the Sale of the next Presentation to the Rectory and Parish Church of *Idlicote*" as aforesaid, the Costs, Charges, and Expences preparatory to and attending the soliciting and applying for and obtaining and passing this Act, or which may be incident or relating thereto, and also such Costs and Expences attending the said Sale of the said next Presentation, and such other Costs, Charges, and Expences as the said Court of Chancery shall direct, shall in the first place be paid and satisfied, and the Residue and Surplus of such Money, and all Accumulations thereof, shall belong to and form Part of the Personal Estate of the said *Henry Peach Keighley Peach*.

Court of Chancery to make Orders for taxing Costs.

VII. Provided always, and be it further enacted, That it shall and may be lawful for the said Court of Chancery from Time to Time to make such Order or Orders as to the said Court shall seem fit for taxing and settling the Costs, Charges, and Expences herein-before directed to be paid, and for taxing the Costs of the several Applications to be made to the said Court respecting the Matters aforesaid.

As to the Right of next Presentation if Rectory, &c. become vacant before the Sale.

VIII. And be it further enacted, That in case the said Rectory and Parish Church of *Idlicote* shall become vacant before the Sale of the next Presentation to the same under and by virtue of this present Act, the Right to such next Presentation shall be had, exercised, and enjoyed by the Person who under the said Will and First Codicil of the said *Samuel Peach* would have been entitled to the same if this Act had not passed.

General Saving.

IX. 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 their respective Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the said *Henry Peach Keighley Peach*, and all or any and every Persons and Person whomsoever claiming or to claim by, from, through, under, or in trust for him, or by, under, or in consequence of any Act or Deed whatsoever of or by the said *Henry Peach Keighley Peach*;) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the said next Presentation so hereby authorized to be sold as aforesaid, as he, they, or any of them had before the passing of this Act, or could or might have had, held, or enjoyed if this Act had not been passed.

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

X. And be it 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 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. 1844.