



ANNO QUARTO & QUINTO

# GULIELMI IV. REGIS.

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## Cap. 20.

An Act for facilitating the Proof of the Will of the Right Honourable *Charles Henry Coote* late Earl of *Mountrath* in certain Actions in *Ireland*.

[27th June 1834.]

**W**HEREAS the Right Honourable *Charles Henry Coote* Earl of *Mountrath* deceased signed, sealed, and published his last Will and Testament in Writing, which Will was executed and attested as by Law is required in Cases of Devises of Freehold Estates in *England* and *Ireland*, of which Will the following is an Exemplification or Transcript; (that is to say,) "Be it remembered, that this is the last Will and Testament of me, *Charles Henry Coote* Earl of *Mountrath*, of the United Kingdom of *Great Britain* and *Ireland*, late of *Weeting Hall* in the County of *Norfolk*, but now residing at *Mrs. Preston's*, at *Strawberry Hill* in the County of *Devon*, in that Part of the said United Kingdom called *England*, made and executed by me this Twenty-fifth Day of *February* in the Year of our Lord One thousand eight hundred and two, in Manner and Form following: I give, devise, and bequeath unto *Mrs. Eliza Anne Coote* of *Aldesley* in the County of *Chester*, Widow, and *James Bradfield* Esquire, of *Stoke Ferry* in the County of *Norfolk*, in that Part of the said United Kingdom called *England*, all my Manors, Messuages, Farms, Lands, Tenements, Hereditaments, and Premises, with their and every of their Rights, Members, and Appurtenances whatsoever and wheresoever, situate and lying in that Part of the said United

Will of Charles Henry Earl of Mountrath, dated 25th Feb. 1802.

[Private.]

Kingdom called *Ireland*, to hold unto the said *Eliza Anne Coot*e and *James Bradfield*, and their Heirs, upon such Trusts, and to and for such Uses, Ends, Intents, and Purposes, and under and subject to such Proviso'es and Declarations, as are herein-after mentioned of and concerning the same; that is to say, that they the said *Eliza Anne Coot*e and *James Bradfield*, and their Heirs, do and shall receive and take the Rents, Issues, and Profits of all and singular the said Premises; with the Appurtenances, during the Minority and until *Charles Henry Coot*e, Son of *Chudleigh Coot*e, late of *Ashill* in the County of *Lemerick* in *Ireland* aforesaid, Esquire, deceased, shall have attained his Age of Twenty-one Years, and in the meantime to lay out and invest the same in the Purchase of Stock in some or other of the Public Funds of the said United Kingdom, for his Use and Benefit, and upon the Attainment of such his Age of Twenty-one Years, then as to the said Manors, Messuages, Farms, Lands, Tenements, Hereditaments, and Premises, with their and every of their Appurtenances, in *Ireland* aforesaid, to the Use and Behoof of the said *Charles Henry Coot*e, his Heirs and Assigns, for ever, and in that Case to account—to the said *Charles Henry Coot*e for and pay over to him the Rents, Issues, and Profits of the said Premises, and every Part thereof, together with the Accumulation thereof in the Public Stocks or Funds, to and for his own Use and Benefit; provided always, and it is my Will and Mind, that in case the said *Charles Henry Coot*e shall happen to die before the Attainment of his Age of Twenty-one Years, and without Issue of his Body lawfully begotten, then it is my Will and Mind that the Rents, Issues, and Profits of all and singular the said Premises, with the Appurtenances, in *Ireland*, shall from and immediately thereafter be had and received by the said *Eliza Anne Coot*e and *James Bradfield*, and their Heirs, during the Minority and until the Second Son of the said *Chudleigh Coot*e shall have attained his Age of Twenty-one Years, and in the meantime to lay out and invest the same in the Purchase of Stock in the Public Funds for his Use and Benefit in the same Manner as I have before directed respecting the said *Charles Henry Coot*e, and upon the Attainment of such Second Son's Age of Twenty-one Years, then as to the said Manors, Messuages, Farms, Lands, Tenements, Hereditaments, and Premises, with their and every of their Appurtenances, in *Ireland* aforesaid, to the Use and Behoof of such Second Son, his Heirs and Assigns, for ever, and in such Case to account to such Second Son, and pay over to him the Rents, Issues, and Profits of the said Premises, and every Part thereof, together with the Accumulation thereof in the Public Stocks or Funds as aforesaid, to and for his Use and Benefit; provided also, and it is my Will and Mind, that in case such Second Son shall happen to die before the Attainment of his Age of Twenty-one Years, and without Issue of his Body lawfully begotten, then it is likewise my Will and Mind that the Rents, Issues, and Profits of all and singular the said Premises, with the Appurtenances, in *Ireland*, shall from and immediately thereafter be had and received by the said *Eliza Anne Coot*e and *James Bradfield*, and their Heirs, during the Minority or Minorities, and until the Third, Fourth, and all and every other the Son and Sons of the said *Chudleigh Coot*e, or One of them, shall attain his Age of Twenty-one Years, and in the meantime to lay out and invest the same in like Manner in the Purchase of Stock in the Public Funds

Funds, for the Use and Benefit of such Third, Fourth, or other Son and Sons, in the same Manner as I have before directed respecting the said *Charles Henry Cote* and his Brother the Second Son of the said *Chudleigh Cote*, and upon the Attainment of such Third, Fourth, or other Son or Sons of his or their Age or Ages of Twenty-one Years, then as to my said Manors, Messuages, Farms, Lands, Tenements, Hereditaments, and Premises, with their and every of their Appurtenances, in *Ireland* aforesaid, to the Use and Behoof of such Third, Fourth, or other Son and Sons, and his and their Heirs, the elder of such Sons and his Heirs to take in Priority of Birth before the younger of such Son and Sons, and their Heirs, and in that Case also to account to such Third, Fourth, or other Son and Sons, and pay over to him or them the Rents, Issues, and Profits of the said Premises, and every Part thereof, together with the Accumulation thereof in the Public Stocks or Funds as aforesaid, to and for his and their own Use and Benefit; provided also, that in case all the Sons of the said *Chudleigh Cote* shall happen to die in their several and respective Minorities, without leaving Issue by them lawfully to be begotten, then that they my said Trustees, and their Heirs, shall stand seised and possessed of all and singular the said Premises, with the Appurtenances, in Trust for my own right Heirs for ever, and to and for no other Use, End, or Purpose whatsoever: I give and bequeath unto the said *Eliza Anne Cote* and *James Bradfield* the Sum of Two thousand Pounds, to be paid them by my Executor herein-after named within Six Months after my Death, upon Trust to be by them laid out in the Purchase of Stock in the Public Funds of the said United Kingdom, and to pay the Interest, Produce, and Dividends thereof to and for the Use and Benefit of the said *Charles Henry Cote* during his Minority, and in case he should attain his Age of Twenty-one Years then to account for or transfer such Stock or Dividends to him for his own Use and Benefit, but in case the said *Charles Henry Cote* shall happen to die before his Attainment of his said Age of Twenty-one Years, then upon Trust that she the said *Eliza Anne Cote* and *James Bradfield* do and shall pay and apply the said Sum of Two thousand Pounds, and the Interest, Produce, and Dividends thereof, to the Second, Third, Fourth, or other Son and Sons of the before-named *Chudleigh Cote*, in the same Manner as I have before directed to be paid and applied to the said *Charles Henry Cote*: Also I give, devise, and bequeath unto the Right Honourable *Orlando Bridgeman Lord Bradford* of the County of *Stafford* all my Manors, Messuages, Farms, Lands, Hereditaments, and Premises, with their and every of their Rights, Members, and Appurtenances, situate and lying in the Counties of *Norfolk* and *Stafford*, to hold unto and to the Use of the said *Orlando Bridgeman Lord Bradford*, his Heirs and Assigns for ever, subject and chargeable out of my said Estate in *Norfolk* to and with the Payment of one clear Annuity or yearly Rent-charge of One hundred and fifty Pounds to Mrs. *Elizabeth Pratt* otherwise *Preston*, and her Assigns, during her Life, which said Annuity I have already secured to be paid her by a Deed executed by me for that Purpose: Also I give and bequeath unto the said *Orlando Bridgeman Lord Bradford* all that my Leasehold Chattel Estate and Premises called *Broomhill Priory*, in the said County of *Norfolk*, with all its Rights and Appurtenances, to hold unto him the said *Orlando Bridgeman*

*Bridgeman Lord Bradford*, his Executors, Administrators, and Assigns, during all my Estate, Right, Title, Term, and Interest therein: Also I give to the said *Orlando Bridgeman Lord Bradford* all my Household Goods and Furniture of every Description, Books, Plate, China, Linen, Pictures, Portraits, Stock, Cattle, and all other my Effects in my House at *Weeting* in *Norfolk*, except the Portraits and Pictures of my Father's Family in *Ireland*, which I give to the said *Charles Henry Coote*, or, in case of his Death in his Minority, to his other Brothers, in the same Manner as I have before given and devised in Trust for them my said Estate in *Ireland*: Also I give to the said *Orlando Bridgeman Lord Bradford* my large Diamond Ring and all other my Rings, my Two Gold Watches, one made by *George Graham* and the other by *Benjamin Gray*, together with the Seals affixed thereto respectively: Also I give and bequeath to the Brothers of the said *Orlando Bridgeman Lord Bradford* the Sum of Two thousand Pounds each: Also I give and bequeath unto the said *Elizabeth Pratt* otherwise *Preston* my Coach and Chaise and Horses which I now use at *Strawberry Hill* aforesaid, together with the Harness and Furniture belonging thereto respectively; and I also give her Liberty to take away and remove the Goods belonging to her in my House at *Weeting* in *Norfolk* aforesaid: Also I give and bequeath unto the Trustees, Governors, and Guardians of *Preston Hospital* in the County of *Stafford* the Sum of Four thousand Pounds, to be applied by them in augmentation of the Poor Widow's Charity belonging to the said Hospital, it being my Wish that the Widows of the said Hospital shall each and every of them receive the Sum of Thirty Pounds *per Annum*: Also I give and bequeath unto the Governors and Guardians of the Hospital in the City of *Norwich* the Sum of Two thousand Pounds, to be applied to the charitable Uses of the said Hospital: Also I give and bequeath to my Servant, *John Taylor* of *Weeting* aforesaid, one clear Annuity of Fifty Pounds a Year during his Life, and also the Living in the House (which I purchased of *John Gore*), for his Life: Also I give and bequeath unto *Joseph Redland*, my Butler, the Sum of Fifty Pounds, and a Suit of Mourning, also a clear Annuity of Twenty Pounds a Year during his Life: Also I give and bequeath unto my Servant, *William Crow*, the Sum of Fifty Pounds, and a Suit of Mourning, and also a clear Annuity of Twenty Pounds a Year during his Life: Also I give and bequeath to *Joseph Pavet* of *Kensington* a clear Annuity of Twenty Pounds a Year during his Life: Also I give to each and every of my Servants hereafter named the Sum of Fifty Pounds and a Suit of Mourning; *viz.* *Benjamin Pettit*, *William Monro*, *Thomas Allard*, *James Burnard*, *Jane Pugh*, *Mary Howard*, *Elizabeth Howard*, *Hannah Ellington*, and *Sarah Swan*; and also such other Legacy or Legacies as I shall by any Memorandum or Writing signed by me at any Time hereafter think proper to give: I will and direct that the several Annuities before mentioned shall be paid by my Executor herein-after named, by half-yearly Payments, as they shall become due; and that he shall pay the said Legacies within Six Months after my Death: All the Rest, Residue, and Remainder of my Goods, Chattels, Monies, Securities for Money, Personal and Testamentary Effects, whatsoever and wheresoever, (subject and chargeable to and with the Payment of all my just Debts, and also the said Annuities and

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Legacies,) I give, devise, and bequeath unto the said *Orlando Bridgeman* Lord *Bradford*, and do hereby make, constitute, and appoint him sole Executor and Residuary Legatee of this my Will: In Witness whereof I, the said *Charles Henry Cote* Earl of *Mountrath*, have hereunto set my Hand and Seal the Day and Year first above written—*Mountrath* (L. S.) Signed, sealed, published, and declared by the said *Charles Henry Cote* Earl of *Mountrath*, as and for his last Will and Testament, in the Presence of us who have subscribed our Names as Witnesses hereto, in the Presence and at the Request of the said Earl, and in the Presence of each other—*Mary Pratt, Philip Pratt, Henry Brutton*:" And whereas the said Earl of *Mountrath* died in or about the Month of *March* in the said Year One thousand eight hundred and two, without having revoked or altered his said Will, which was proved by the said *Orlando Bridgeman* Lord *Bradford*, the Executor therein named, in the Prerogative Court of the Archbishop of *Canterbury*, on the Fifteenth Day of *March* in the same Year, whereupon the said Will was deposited in the said Prerogative Court, where the same now remains: And whereas the said *Charles Henry Cote*, the Devisee named in the said Will (now Sir *Charles Henry Cote* Baronet), has brought or caused to be brought several Actions of Ejectment in *Ireland* for recovering the Possession of certain Lands and Hereditaments devised by the said recited Will, which Actions are now pending, and it may be necessary or expedient to bring other Actions in *Ireland*, or other Actions may be brought, in which the Proof of the said recited Will may become necessary in *Ireland* for recovering Possession of or otherwise in relation to the same or other Lands and Hereditaments devised by the said Will: And whereas the Rules of Evidence render it necessary to produce the said Will upon the Trial of each of the Actions brought or to be brought as aforesaid; but inasmuch as the Production thereof upon the Trial of each of the said Actions may be impracticable by reason of the Dispersion of the Lands and Hereditaments sought to be recovered, which lie in different Counties and within different Circuits of Assize, and would, if practicable, be attended with grievous Expence and Inconvenience, it is reasonable and expedient that the Proof of the said Will upon the Trial of the said Actions should be facilitated, which Object cannot be effected without the Aid and Authority of Parliament: Therefore Your Majesty's most dutiful and loyal Subject Sir *Charles Henry Cote* doth most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when and so often as upon the Trial of any Action or Actions brought or at any Time or Times hereafter to be brought in *Ireland* by any Person or Persons for recovering the Possession of or otherwise in relation to any Lands, Tenements, or Hereditaments devised or alleged to be devised by the said Will of the said *Charles Henry Cote* Earl of *Mountrath*, it would (but for this Act) be necessary to produce the said Will in Evidence, the Plaintiff or Plaintiffs, Defendant or Defendants, in any such Action or Actions may produce in lieu thereof a Copy of this Act printed as herein-after is directed, and that such Copy shall be deemed and taken to be Evidence of the Contents of such Will, and be deemed and

Death of Earl of Mountrath, and Probate of his Will.

Upon the Trial of any Action in Ireland a Copy of this Act shall be Evidence of the Contents of the Will.

[Private.]

allowed to have the same Force and Effect in all such Action or Actions as the said Will itself would have if the same were then and there produced, and the Custody thereof were duly proved.

This Act to  
be printed by  
the King's  
Printers.

II. And be it further enacted, That this Act shall be printed by the several Printers to the King'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.

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LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1834.