



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. 18.

An Act for vesting a Piece of Land in the Parish of *Childwall* in the County of *Lancaster*, belonging to *Edward Paton Cearn*s an Infant, in Trustees for Sale, and for investing the Monies thence arising in the Purchase of other Estates to be conveyed to the Infant. [30th June 1837.]

WHEREAS by Indentures of Lease and Release bearing Date respectively the Tenth and Eleventh Days of *April* One thousand eight hundred and thirty-three, the Release being made or expressed to be made between *Samuel Thompson* of *Liverpool* in the County of *Lancaster*, Banker, of the First Part, *Joseph Thompson* of the same Place, Merchant, of the Second Part, *Edward Cearn*s the younger, of the same Place, Merchant, of the Third Part, and *James Lowe* of the same Place aforesaid, Gentleman, of the Fourth Part, in consideration of the Sum of Eight thousand eight hundred and thirty Pounds Twelve Shillings and Sixpence to the said *Samuel Thompson* paid by the said *Edward Cearn*s the younger, all that Piece or Parcel of Land or Ground situate, lying, and being in *Aigburth* in the Township or Chapelry of *Garston* and Parish of *Childwall* in the said County of *Lancaster*, theretofore estimated to contain Twenty-five Acres Two Roods and Three Perches of Statute Measure or thereabouts, but which by a recent Admeasurement was found to contain Twelve
[Private.]

Indentures of
10th and
11th April
1833.

Acres One Rood and Thirty Perches of the customary Measure of Eight Yards to the Rod or Perch, (be the same more or less,) and which said Piece or Parcel of Land or Ground was bounded on the West Side thereof by the Lane or Road leading from *Liverpool* to *Aigburth*, on the South or South-east Side thereof by a Lane leading from the last-mentioned Road into the old Road from *Mossley Hill* towards *Garston*, on the East Side thereof by a certain Lane or intended Lane or Passage of Thirty Feet wide lying between the aforesaid Land and Land of *Nicholas Robinson* Esquire, and bounded on the North or West-by-north Side thereof by Land and Hereditaments formerly belonging to *Thomas Tarleton*, deceased, more late of Mister *William Macmurdo Duncan*, and then to *Samuel Sandback* Esquire, and which Piece or Parcel of Land or Ground intended to be thereby assured comprised Part and Parcel of certain Closes of Land anciently called or known by the respective Names of the *Sand Hey*, the *Barn Hey*, and the *Twelve Acre*, and were formerly the Inheritance of the said *Thomas Tarleton* and then late of his Devisees in Trust, and also all Walls, Hedges, Ditches, Fences, Ways, Paths, Passages, Waters, Watercourses, Liberties, Easements, Privileges, and Advantages whatsoever to the said Piece or Parcel of Land or Ground in anywise appertaining, were conveyed and limited to such Uses, upon such Trusts, and for such Intents and Purposes, and charged and chargeable in such Manner and Form as the said *Edward Cearn*s the younger should at any Time or from Time to Time, by any Deed or Deeds, with or without Power of Revocation, direct or appoint, and in default of such Direction or Appointment, and so far as any such Direction or Appointment should not extend to the Use of the said *Edward Cearn*s and his Assigns during the Term of his natural Life, without Impeachment for any Manner of Waste, and immediately after the Determination of that Estate by any means in his Lifetime, to the Use of the said *James Lowe* and his Executors or Administrators during the natural Life of the said *Edward Cearn*s the younger, in Trust for him and his Assigns, and from and after the Expiration or sooner Determination of the Estates thereby limited then to the Use of the said *Edward Cearn*s the younger, his Heirs and Assigns for ever: And whereas the said *Edward Cearn*s departed this Life on or about the Fourteenth Day of *June* One thousand eight hundred and thirty-four intestate as to the said Piece or Parcel of Land or Ground and Hereditaments comprised in the said herein-before in part recited Indentures, leaving *Edward Paton Cearn*s his eldest Son and Heir at Law, but having duly made his last Will and Testament in Writing, bearing Date the Fourteenth Day of *July* One thousand eight hundred and thirty, and thereby appointed his Wife *Maria Cearn*s, and his Friends *Christopher Bullin* Banker, *Henry Holmes* the younger, Merchant, and *William Rushton* the younger, all of *Liverpool* aforesaid, Guardians of his Children during their respective Minorities, and the said Will was duly proved in the Court of the Bishop of *Chester* on the Thirteenth Day of *October* One thousand eight hundred and thirty-four: And whereas the said *Edward Paton Cearn*s is now an Infant of the Age of Ten Years or thereabouts: And whereas the said Piece or Parcel of Land or Ground comprised in the said herein-before in part recited Indentures is situate in the Neighbourhood of the populous Town of *Liverpool* aforesaid, and

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was purchased by the said *Edward Cearn*s deceased as a Building Speculation : And whereas the said Piece or Parcel of Land or Ground might be sold for a considerable Sum of Money to Persons who might be desirous of erecting Buildings thereon : And whereas the said *Maria Cearn*s, *Christopher Bullin*, *Henry Holmes*, and *William Rushton*, as Guardians of the said Infant appointed by the Will of the said Testator, being well satisfied that it would be for the Benefit of the said Infant that the said Piece or Parcel of Land and Hereditaments should be sold, and the Money produced thereby invested in the Purchase of other Estates, are desirous that the said Piece or Parcel of Land or Ground and Hereditaments should be vested in Trustees for these Purposes ; but that by reason of the Infancy of the said *Edward Paton Cearn*s the same cannot be effected without the Aid and Authority of Parliament : Therefore Your Majesty's most dutiful and loyal Subjects, the said *Maria Cearn*s, *Christopher Bullin*, *Henry Holmes*, and *William Rushton*, on behalf of the said Infant, do 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 the said Piece or Parcel of Land or Ground and other Hereditaments comprised in and conveyed by the said herein-before in part recited Indentures, and which said Hereditaments are specified in the Schedule to this Act annexed, together with all and every the Rights, Members, and Appurtenances thereunto belonging or in anywise appertaining, and all the Estate and Interest therein which descended to the said *Edward Paton Cearn*s as aforesaid, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits thereof and of every Part thereof, shall from and immediately after the passing of this Act be and the same are hereby henceforth vested in the said *Maria Cearn*s, *Christopher Bullin* Banker, *Henry Holmes* the younger, Merchant, and *William Rushton* the younger, Gentleman, all of *Liverpool* in the County of *Lancaster*, their Heirs and Assigns for ever, upon the Trusts and to and for the Intents and Purposes herein-after expressed or declared concerning the same ; (that is to say,) upon Trust that they the said *Maria Cearn*s, *Christopher Bullin*, *Henry Holmes*, and *William Rushton*, or the Survivor of them, or the Heirs or Assigns of such Survivor, do and shall, as soon as conveniently may be after the passing of this Act, make sale and dispose of the said Piece or Parcel of Ground and Premises by this Act vested as aforesaid, and every Part thereof, by public Auction or private Contract, and either together or in Parcels, for the best Price or Prices which in the Opinion of the said *Maria Cearn*s, *Christopher Bullin*, *Henry Holmes*, and *William Rushton*, or the Survivor of them, or the Heirs or Assigns of such Survivor, can be reasonably obtained for the same, and upon such Terms and under such Conditions as he or they shall think expedient, with Power t^o buy in the same Premises, or any Part thereof, at any such Auction or Auctions, and to rescind any Contract or Contracts for the Sale of the same Premises or any Part or Parts thereof, and afterwards resell the same, without being answerable for any Loss to be occasioned by a Diminution in Price upon a Re-sale, and to do, perform, and execute all such Acts and Deeds as may be requisite or proper for the Purpose of effecting such

The Lands specified in the Schedule vested in Trustees upon Trust to sell the same.

such Sale or Sales and Payment into the Bank of *England*, in manner herein-after mentioned, of the Purchase Money or Purchase Monies for which the same Premises or any of them, or any Part or Parts thereof, shall be sold, upon Trust that they or he shall do convey and assure the Premises which shall be so sold unto or to the Use of the Purchaser or Purchasers thereof, and his, her, or their Heirs and Assigns, or to such Uses and in such Manner as he, she, or they shall direct or appoint.

Purchase Monies to be paid into the Bank of England.

12 G. 1. c. 32.

12 G. 2. c. 24.

II. And be it further enacted, That the Purchaser or Purchasers of the Piece or Parcel of Land or Ground and Premises which shall be sold under the Powers and Authorities in this Act contained, or of any Part or Parts thereof, shall pay his, her, or their Purchase Money or Purchase Monies into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Purchaser or Purchasers of the Estate of the Infant *Edward Paton Cearn*s, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, intituled *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds*, and the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out upon 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 arising therefrom for answering the Charges of the Office of the Accountant General of the said Court*.

Certificate of the Accountant General and the Receipt of the Cashier of the Bank to be a sufficient Discharge to the Purchasers.

III. And be it further enacted, That the Certificate and Certificates of the said Accountant General, together with the Receipt and Receipts of the Cashier of the Bank, to be thereunto annexed and therewith filed in the Registry Office of the said Court of Chancery, of the Payment into the Bank of *England* by such Purchaser or Purchasers of his, her, or their Purchase Money or Monies, or of any Part or Parts thereof as aforesaid, or any Office Copy or Office Copies thereof, shall from Time to Time be and be deemed and taken to be a good and sufficient Discharge and good and sufficient Discharges to such Purchaser or Purchasers, and to his, her, and their Heirs, Executors, Administrators, and Assigns, for so much or such Part or Parts of the Purchase Money or Monies for which such Certificate or Certificates and Receipt or Receipts respectively shall be so given as aforesaid; and after filing such Certificate or Certificates and Receipt or Receipts such Purchaser or Purchasers, and his, her, or their Heirs, Executors, Administrators, and Assigns, shall be absolutely acquitted and discharged of and from the same, and shall not be answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or of any Part thereof.

Money arising from such Sale to

IV. And be it further enacted, That as soon as conveniently after any Money shall be paid into the Bank as aforesaid the same, after deducting

deducting so much thereof as shall be ordered by the Court of Chancery to be applied in Payment of Costs, Charges, or Expences, according to the Direction herein-after contained, shall, upon Petition, to be preferred to this Court in a summary Way by the Guardians or Guardian for the Time being of the said Infant *Edward Paton Cearn*s, or by the said *Edward Paton Cearn*s, if of full Age, or his Heirs or Assigns, be laid out and invested, under and subject to the Direction of the said Court, in pursuance of an Order or Orders for that Purpose to be obtained upon such Petition, in the Purchase or Purchases of any Freehold Manors, Messuages, Lands, Tenements, and Hereditaments of an Estate of Inheritance in Fee Simple in Possession, to be situate, lying, being, or arising in that Part of the United Kingdom called *England*, and in the Purchase of any Copyhold Lands, Tenements, and Hereditaments which may lie near to the same Freehold Hereditaments so to be purchased or be convenient to be held therewith, so that no more than One Sixth Part or thereabouts of the Hereditaments to be comprised in each such Purchase shall consist of Copyhold; all which Hereditaments shall be conveyed, surrendered, and assured unto and to the Use of the said *Edward Paton Cearn*s, his Heirs and Assigns.

be invested
in the Pur-
chase of Real
Estate.

V. And be it further enacted, That all Sums of Money which shall be paid into the Bank in the Name of the said Accountant General to the Account and in the Manner herein-before directed, or so much thereof as shall not be ordered by the said Court of Chancery to be applied in payment of Costs and Expences, according to the Directions herein-after contained or the Practice of the said Court, shall, in the meantime and until the said Monies shall be invested in the Purchase of other Messuages, Lands, or Hereditaments as aforesaid, be from Time to Time laid out in the Purchase of Navy or Victualling or Exchequer Bills; and the Interest arising from the Money so laid out in the said Navy or Victualling or Exchequer Bills, or so much thereof as shall not be applied by the Direction of the said Court for the Maintenance and in support of said *Edward Paton Cearn*s the Infant during his Minority, and the Money to be received for the same Bills respectively when and as they shall respectively be paid off by Government, shall be laid out from Time to Time in the Purchase of other Navy or Victualling or Exchequer Bills; provided always, that it shall be lawful for the said Court of Chancery to make such General Order or Orders or Special Order or Orders, if necessary, that whenever the Navy or Victualling or Exchequer Bills of the Date of those in the Hands of the said Accountant General shall be in the course of Payment by Government, and new Navy or Victualling or Exchequer Bills shall be issued, such new Navy or Victualling or Exchequer Bills may be received in Exchange for those which are so in the course of Payment as shall be effectual for enabling such Receipt in Exchange; and that in the event of every such Renewal or Exchange of Bills the Interest of the old Bills, or so much thereof as shall not be applied under the Direction of the said Court for the Maintenance of the said *Edward Paton Cearn*s the Infant during his Minority, shall be laid out in like Manner as herein-before directed with respect to the Monies to be received for the Bills which may be actually paid off as aforesaid; all which said Navy or Victualling and

Purchase
Monies until
applied to be
invested in
Exchequer,
Navy, or
Victualling
Bills.

[Private.]

Exchequer Bills respectively, whether purchased or exchanged, shall be deposited in the Bank of *England* in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases be found and approved as herein-before directed, and until the same Navy or Victualling or Exchequer Bills shall, upon a Petition to be preferred to the Court in a summary Way by or on the Behalf of the Guardian or Guardians for the Time being of the said *Edward Paton Carns* the Infant, be respectively ordered to be sold by the said Accountant General for the Purpose of making or completing such Purchase or Purchases of Land in such Manner as the said Court shall think fit and direct; and if the Money arising by the Sale of such Navy, Victualling, or Exchequer Bills shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then and in that Case only the Surplus which shall remain after discharging the Expence of the Applications to the Court shall be paid to such Person and Persons respectively as would have been entitled to receive the Rents and Profits of the Lands directed to be purchased in case the same had been purchased pursuant to this Act, or the Representative or Representatives of such Person or Persons.

Until Purchases are made, the Monies shall, in case of the Death of the Infant, vest in his Heirs.

VI. And be it further enacted, That in the meantime and until such Purchases as aforesaid shall be completed the said Monies and Securities shall, in case of the Death of the said Infant, go and descend and be vested in his Heirs, in like Manner as the said Freehold and Copyhold Lands, Tenements, and Hereditaments to be purchased by and with the said Monies would have gone and descended to and become vested if the Purchase or Purchases so directed to be made under this Act had been actually made.

Court of Chancery to make Order as to allowing the Costs.

VII. And be it further enacted, That it shall be lawful for the said Court of Chancery from Time to Time to make such Orders as this Court shall think fit for allowing, perusing, and settling all such Costs, Charges, and Expences as have been or shall be incurred preparatory to and attending the soliciting, applying for, and obtaining and passing this Act, or which may be incident or relating thereto, and of making and completing the Sales herein-before directed to be made, and also of the Costs of the several Applications to be made to the said Court respecting the Matters aforesaid, and of the Costs of taking the said Monies out of the Bank and investing the same in such Purchases as aforesaid, and of all other Costs to be occasioned in the Execution of this Act, and also from Time to Time to make such Orders as the said Court shall think fit for the Payment of all such Costs, Charges, and Expences as aforesaid out of any Monies to arise by any Sale or Sales to be made in pursuance of this Act, or out of the Money arising by the Sale or calling in of any Navy or Victualling or Exchequer Bills to be purchased as aforesaid; and it shall also be lawful for the said Court of Chancery from Time to Time to make such Order or Orders for facilitating or effecting the Execution of all or any of the Trusts or Purposes of this Act as the said Court shall think fit.

Until Sale the Rents to descend as Real Estates.

VIII. And be it further enacted, That in the meantime and until the said Piece or Parcel of Land or Ground and Premises hereby directed to be sold as aforesaid shall be sold by virtue of this Act the said

said *Maria Cearn*s, *Christopher Bullin*, *Henry Holmes*, and *William Rushton*, and the Survivor of them, and his Heirs, shall hold the same, and receive and take the Rents, Issues, and Profits thereof, or permit the same to be had, received, and taken by such Person and Persons as would have been entitled thereto respectively and ought to have received the same in case this Act had not been made.

IX. And be it further enacted, That if the said *Maria Cearn*s, *Christopher Bullin*, *Henry Holmes*, and *William Rushton*, or either of them, or any future Trustee or Trustees to be appointed as herein-after is mentioned, shall die, or be desirous to relinquish, or shall refuse or decline to act or become incapable of acting in the Execution of the Powers and Trusts hereby created, or shall go out of *Great Britain* before the same Powers and Trusts shall be fully performed and executed, then and in any such Case, and when and so often as the same shall happen, it shall and may be lawful for the said Court of Chancery, upon Petition to be preferred in a summary Way by their Guardians for the Time being, or by the said *Edward Paton Cearn*s if of full Age, his Heirs or Assigns, or by or on behalf of the Person or Persons who for the Time being shall be entitled to the Rents and Profits of the said Trust Estates, Monies, and Premises, to appoint the Person or Persons to be proposed in such Petition, or any Person or Persons to be named by the Court, to be a Trustee or Trustees in the Stead or Place of the Trustee or Trustees so dying or desiring to be discharged, or refusing or declining or becoming incapable to act as aforesaid; and that when and so often as any new Trustee or Trustees shall be appointed as aforesaid all the said Trust Estates, Monies, and Premises shall be thereupon, with all convenient Speed, conveyed and transferred in such Manner as that the same shall and may be vested in the surviving or continuing Trustee of the same Trust Estates, Monies, and Premises and such new Trustee or Trustees jointly, or if there shall be no continuing or surviving Trustee of the same Trust Estates, Monies, and Premises, then in such new Trustee or Trustees wholly, upon and for such and the same Trusts, Intents, and Purposes as are herein-before declared or expressed of and concerning the said Trust Estates, Monies, and Premises, or such of them as shall be then subsisting or capable of taking effect; and that all and every such new Trustee or Trustees shall and may in all things act and assist in the Management, carrying on, and Execution of the Trusts to which he or they shall be so appointed as fully and effectually to all Intents, Effects, Constructions, and Purposes whatsoever, and shall have and be considered as vested with such and the same Powers and Authorities, as if he or they had been originally in and by this Act nominated a Trustee or Trustees for the Purposes aforesaid.

X. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body and Bodies Politic or Corporate, his, her, and their Heirs, Executors, Administrators, Successors, and Assigns, (other than and except the said *Edward Paton Cearn*s the Infant aforesaid, and his Heirs,) all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever of, in, to, or out of the said Piece or Parcel of Land or Ground

Power given to the Court of Chancery to change the Trustees.

General Saving.

1° VICTORIÆ, Cap.18.

Ground and Premises hereby authorized to be sold as aforesaid as they, every or any of them, had before the passing of this Act, or could or might have had or enjoyed or been entitled to if this Act had not been made.

Copy of the Act printed by the King's Printers to be Evidence.

XI. 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.

The SCHEDULE to which the foregoing Act refers.

Particular of the Piece or Parcel of Land in the Township or Chapelry of Garston and Parish of Childwall in the County of Lancaster.

Description.	Tenant's Names.	Incumbrances.	Yearly Rent.
All that Piece or Parcel of Land or Ground situate, lying, and being in Aigburth in the Township or Chapelry of Garston and Parish of Childwall, containing by recent Admeasurement 12 A. 1 R. 30 P. - - - - }	Samuel Sandback	- - - -	£60 per Annum.

Thomas Haigh.

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