ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 118.

An Act for enabling the Truſtees under the Will of *William Bankes* Eſquire, deceaſed, to change the Order of Sale of the Real Eſtates late of the ſaid *William Bankes*; and for enabling the Deviſees, under the Will of the ſaid *William Bankes*, to grant Leaſes of ſuch Part of his Eſtates as ſhall remain unſold. [18th *June* 1808.]

Will of William Bankes, Eſquire, dated 7th September 1798.

WHEREAS *William Bankes*, late of *Winſtanley* in the County of *Lancaſter* Eſquire, deceaſed, by his laſt Will and Teſtament in Writing duly executed and atteſted for the Deviſe of Lands of Inheritance, and bearing Date on or about the Seventh Day of *September* One thouſand ſeven hundred and ninety-eight, gave and deviſed all his Manors, or reputed Manors, capital and other Meſſuages, Farms, Lands, Tenements, Hereditaments, and Premiſes, and Real Eſtate whatſoever, which he was ſeiſed of or entitled unto in Poſſeſſion, Reverſion, Remainder, or Expectancy, or of which the ſaid Teſtator had in any Manner a Power or Right to diſpoſe, with their and every of their Rights, Members, and Appurtenances, unto *James Stanley* of *Lincoln's-Inn* in the County of *Middleſex* Eſquire, and the Reverend *George Heron*, of *Dareſtury* in the County of *Cheſter* Clerk, their Heirs and Aſſigns, to hold unto the ſaid *James Stanley* and *George Heron*, and their Heirs and Aſſigns for ever, upon the Truſts nevertheleſs and to and for the Ends, Intents, and Purpoſes in the ſaid laſt Will and Teſtament and in Part herein-after expreſſed (that is to ſay) upon Truſt and Confidence that his ſaid Truſtees ſhould, as ſoon after his Death as conveniently might be, by Sale of all or any Part of his ſaid Eſtates in Manner in his ſaid Will and hereinafter

after mentioned, raiſe or procure a ſufficient Sum of Money for the Payment of ſuch of his Debts and of the ſeveral Legacies by his ſaid Will, or by any Codicil or Codicils annexed thereto, give and bequeath as his Perſonal Eſtate and Effects, or the Produce thereof not ſpecifically given or diſpoſed of by his Will ſhould not extend or be ſufficient to pay; and in the making of ſuch Sale the Teſtator directed his Eſtates at *Houghton* to be firſt ſold, and in the next Place his Eſtate at *Poulton*, and after that his Eſtate at *Billinge*, and then his Eſtate at *Newton* if neceſſary; and in caſe the Money to ariſe by Sale of thoſe Eſtates ſhould be inſufficient for the Purpoſes in his ſaid Will and herein-before mentioned, the ſaid Teſtator ordered and directed his Eſtates at *Orrell* and *Pemberton*, or a competent Part thereof, to be ſold; and laſt of all, if neceſſary, a competent Part of his principal Manor and Eſtate at *Winſtanley* aforeſaid to be ſold or diſpoſed of: And as to ſuch or ſo much or ſuch Parts of his ſaid Manors and Eſtates as ſhould not be ſold or diſpoſed of for the Purpoſes in his ſaid Will mentioned, in Truſt that the ſaid *James Stanley* and *George Heron* and their Heirs and Aſſigns ſhould ſtand ſeiſed thereof to the Uſe and Behoof of his Kinſman the Reverend *Thomas Holme* of *Upholland* in the ſaid County of *Lancaſter* Clerk (ſince deceaſed) and his Aſſigns for the Term of his natural Life, with Remainder to *Meyrick Bankes* of *Winſtanley* aforeſaid Eſquire, eldeſt Son of the ſaid *Thomas Holme* (by his the ſaid *Meyrick Bankes*'s then Name of *Meyrick Holme*) and his Aſſigns, for the Term of his natural Life; with Remainder to the ſaid *James Stanley* and *George Heron* in Truſt to ſupport the contingent Remainders by the ſaid Teſtator's Will limited from being defeated or deſtroyed; with Remainder to the Firſt and all and every other Son and Sons of the ſaid *Meyrick Bankes* ſeverally and ſucceſſively in Tail Male; with Remainder to *Frederick William Holme* of *Upholland* in the County of *Lancaſter* Clerk, for his Life; with Remainder to the ſaid *James Stanley* and *George Heron*, in Truſt to ſupport and preſerve the contingent Remainders during his the ſaid *Frederick William Holme*'s Life; with Remainder to the Firſt and all and every other Son and Sons of the ſaid *Frederick William Holme* ſeverally and ſucceſſively in Tail Male; with Remainder to *John Holme* of *Mancheſter* in the ſaid County of *Lancaſter* Eſquire for his Life, with Remainder to the ſaid *James Stanley* and *George Heron* in Truſt to ſupport and preſerve the contingent Remainders during his (the ſaid *John Holme*'s Life) with Remainder to the Firſt and all and every other Son and Sons of the ſaid *John Holmes* ſeverally and ſucceſſively in Tail Male; with Remainder or Reverſion to the ſaid Teſtator's own right Heirs; and the ſaid Teſtator nominated, conſtituted, and appointed the ſaid *James Stanley* and *George Heron* Executors of his ſaid laſt Will and Teſtament: And whereas no Powers of Leaſing are granted by the ſaid Will: And whereas the ſaid *William Bankes* the Teſtator, departed this Life on or about the Thireenth Day of *February*, in the Year One thouſand eight hundred, without having altered or revoked his ſaid herein-before in Part recited laſt Will and Teſtament, leaving the ſaid *Thomas Holme* his Couſin and Heir at Law: And whereas by a Decree of the High Court of Chancery, made and pronounced on or about the Twenty-third Day of *July* in the Year One thouſand eight hundred, in a Cauſe in which the ſaid *Thomas Holme* and others were Complainants, and the ſaid *James Stanley* and *George Heron* were Defendants, it was declared that the ſaid hertinbefore in Part recited Will of the ſaid *William Bankes* the Teſtator ought to be eſtabliſhed, and the Truſts thereof performed and carried into

Execution; and by the ſaid Decree it was among other Things ordered, that in caſe the Perſonal Eſtate of the ſaid Teſtator not ſpecifically bequeathed ſhould not be ſufficient with the Monies that might ariſe by Sale of the ſaid Teſtator's Real Eſtates contracted to be ſold in his Life-time for the Payment of the ſaid Teſtator's Debts and Legacies, the Deficiency ſhould be raiſed by Sale of the ſaid Teſtator's Real Eſtate deviſed in Truſt to be ſold, or ſuch Part or Parts thereof as the Maſter to whom the ſaid Cauſe was referred ſhould think proper, in the Order and Manner in which ſuch Eſtates were by the ſaid Teſtator's Will directed to be ſold, and the uſual Directions were given for effecting ſuch Sale, and it was ordered, that the Money to ariſe by ſuch Sale ſhould be paid into the Bank, with the Privity of the Accountant General of the ſaid Court of Chancery, to be there placed to the Credit of the ſaid Cauſe; the Account of Money ariſing by Sale of the Teſtator's Eſtates deviſed in Truſt to be ſold: And whereas by Indenture, bearing Date on or about the Thirtieth Day of *December* in the Year One thouſand eight hundred and two, and made or expreſſed to be made between the ſaid *Thomas Holme* of the Firſt Part; *Mary Meyrick Holme* of *Upholland* aforeſaid Spinſter, *Harriet Holme* of the ſame Place Spinſter, the Reverend *George Borlaſe* of the Univerſity of *Cambridge*, Bachelor in Divinity, and *Ann* his Wife, and *Burgh Leighton* Eſquire, a Major in His Majeſty's Land Forces, and Captain of the Fourth or Queen's own Regiment of Dragoons, and *Jane* his Wife (which ſaid *Mary Meyrick Holme*, *Harriet Holme*, *Ann Borlaſe*, and *Jane Leighton* were deſcribed as the Four ſurviving Daughters of the ſaid *Thomas Holme* by *Mary* his late Wife deceaſed) of the Second Part; and *Robert Holt Leigh*, of *Whitley*, in the ſaid County of *Lancaſter* Eſquire, and the Reverend *Streynſham Maſter* of *Croſton* in the ſame County Clerk, of the Third Part, for the Conſiderations in the Indenture now in recital expreſſed, all that the Remainder or Reverſion in Fee after and expectant on the Determination of the ſeveral Uſes and Eſtates for Life and in Tail reſpectively limited by the Will of the ſaid *William Bankes* deceaſed, as herein-before recited, of and in all and ſingular the Manors, or reputed Manors, Meſſuages, Lands, Tenements, and Hereditaments compriſed in and deviſed by the ſame Will, with their and every of their Rights, Members, and Appurtenances, ſubject to the Truſts for Sale and for Payment of Debts and Legacies contained in the ſaid recited Will of the ſaid *William Bankes*, was conveyed and aſſured by the ſaid *Thomas Holme* to the ſaid *Robert Holt Leigh*, and *Streynſham Maſter*, to the Uſes and for the Ends, Intents and Purpoſes, in the Indenture now in recital and herein-after limited and expreſſed of and concerning the ſame (that is to ſay) as to the Reverſion or Remainder in Fee thereby granted of and in Two-fourth Parts, the Whole into Four equal Parts, being conſidered as divided, of and in all and ſingular the Manors, Meſſuages, Lands, Tenements, Hereditaments and Premiſes in the Indenture now in recital and herein-before mentioned, to the Uſe of the ſaid *Mary Meyrick Holme* and *Harriet Holme*, as Tenants in common and not as Joint Tenants, and to their reſpective Heirs and Aſſigns for ever; and as to the ſaid Remainder or Reverſion in Fee of and in One other Fourth part of and in all and ſingular the ſaid Manors, Meſſuages, Lands, Tenements, Hereditaments, and Premiſes, to the Uſe of ſuch Perſon or Perſons for ſuch Eſtate or Eſtates, Intereſt or Intereſts, by way of Legacy, Annuity, Rent Charge, or otherwiſe, and in ſuch Parts, Shares, and Proportions, and upon ſuch Truſts and for ſuch Ends, Intents and Purpoſes,

and

and charged and chargeable in such Manner, and either absolutely or conditionally, and subject to such Powers of Revocation and of new Appointment and other Powers, Provisoes, Declarations, and Agreements, as the said *Ann Borlase* at any Time or Times, and from Time to Time, during and notwithstanding her said Coverture, or at any Time thereafter, whether sole or married, by any Deed or Deeds, Instrument or Instruments in Writing, to be sealed and delivered by her, in the Presence of and attested by Two or more credible Witnesses, or by her last Will and Testament in Writing or any Writing in the Nature of and purporting to be her last Will and Testament, or by any Codicil or Codicils thereto to be severally and respectively signed and published by her in the Presence of Three or more credible Witnesses, and to be attested in her Presence by the same Witnesses should direct, limit, and appoint; and in Default of such Direction, Limitation, or Appointment, and in the mean Time subject thereto to the Use of the said *Ann Borlase*, her Heirs and Assigns for ever; and as to and concerning the Reversion or Remainder of and in the remaining Fourth-part, the whole into Four equal Parts being considered as divided of and in all and singular the said Manors, Messuages, Lands, Tenements, Hereditaments and Premises, to the Use of such Person and Persons for such Estate or Estates, Interest or Interests, by way of Legacy, Annuity, Rent Charge, or otherwise, and in such Parts, Shares, and Proportions, and upon such Trusts and for such Ends, Intents and Purposes, and charged and chargeable in such Manner, and either absolutely or conditionally, and subject to such Power of Revocation and of new Appointment, and other Powers, Provisoes, Declarations, and Agreements, as the said *Jane Leighton* at any Time or Times and from Time to Time during and notwithstanding her said Coverture, or at any Time thereafter, and whether sole or married, by any Deed or Deeds, Instrument or Instruments in Writing, to be sealed and delivered by her in the Presence of and attested by Two or more credible Witnesses, or by her last Will and Testament, or any Codicil or Codicils thereto, to be severally and respectively signed and published by her in the Presence of Three or more credible Witnesses, and to be attested in her Presence by the same Witnesses, should direct, limit, or appoint; and in Default of such Direction, Limitation, and Appointment, and in the mean Time subject thereto to the Use of the said *Jane Leighton*, her Heirs and Assigns for ever: And whereas the said Estates late of the said Testator *William Bankes*, deceased, situate at *Houghton* aforesaid, were contracted to be sold by the said Testator in his Lifetime, and the said Estates situate at *Poulton* aforesaid have been sold under the said Decree, and the Purchase Money arising from such Sales, and the Produce and Proceeds of the said Testator's Personal Estate not specifically bequeathed, have been applied in Payment and Discharge of the said Testator's Debts and of some of his Legacies, so far as the same Purchase Money and Produce respectively would extend; but Debts to an Amount not exceeding Four hundred Pounds and Legacies to the Amount of Eight thousand five hundred Pounds or thereabouts, with some Interest due thereon, remain to be paid and satisfied, and for Payment thereof it will be necessary to proceed to the Sale of some of the Estates late of the said *William Bankes* the Testator which were devised as aforesaid and remain unsold: And whereas the said Estate at *Billinge*, directed by the Will of the said *William Bankes* deceased, to be sold after the said Estates at *Houghton* and *Poulton*, is contiguous

tiguous or near to, and in ſome Part adjoins to demeſne Lands of the capital Meſſuage or Manſion Houſe late of the ſaid *William Bankes*, deceaſed, ſituate at *Winſtanley* aforeſaid; and it would be very advantageous to the Perſons for the Time being entitled to the ſaid capital Meſſuage or Manſion-houſe to retain and enjoy the ſaid Eſtate at *Billinge* with the ſaid Eſtate at *Winſtanley*, and it is alſo more eligible to retain the ſaid Eſtate at *Newton*, and to proceed to the Sale of the ſaid Teſtator's Eſtate at *Orrell* aforeſaid inſtead thereof, as a Part only of the ſaid Eſtate at *Newton* aforeſaid would neceſſarily be ſold, whereby the Reſidue of ſuch Eſtate would be greatly deteriorated in Value: And whereas the ſaid *William Bankes*, deceaſed, was at the Date and Publication of his ſaid laſt Will, and at his Death ſeiſed of or entitled to ſeveral ſmall detached Meſſuages, Farms, and Hereditaments, or ſome undivided Part or Share thereof or other Intereſt therein, ſituate, lying and being in the ſeveral Townſhips or Places of *Southworth* with *Croft*, *Woolſton* with *Martinſcroft*, *Orford* and *Warrington* in the ſaid County of *Lancaſter*, and in *Backford* in the County of *Cheſter*: And whereas the Money ariſing from the Sale of the ſaid laſt-mentioned Meſſuages, Lands, and Hereditaments, and of the ſaid Teſtator's Eſtates at *Orrell* aforeſaid, together with the Sum of One hundred and thirty-five Pounds Two Shillings and Three-pence, Three Pounds *per Centum*, Conſolidated Bank Annuities, and Sixty Pounds Ten Shillings and Ten-pence, Caſh unapplied and now in Court to the Credit of the before mentioned Cauſe, is applicable to the Diſcharge of ſuch of the Debts and Legacies of the ſaid *William Bankes*, deceaſed, as ſtill remain unpaid: And whereas the ſaid *Thomas Holmes* departed this Life on or about the Seventeenth Day of *Auguſt*, in the Year One thouſand eight hundred and three: And whereas the ſaid *Meyrick Bankes* hath not had any Iſſue, and the ſaid *Frederick William Holme* and *John Holme* reſpectively are Bachelors: And whereas the Real Eſtates deviſed by the ſaid herein-before in Part recited Will of the ſaid *William Bankes*, deceaſed, in Manner herein-before mentioned, and ſituate at *Winſtanley*, *Billinge* and *Pemberton* aforeſaid, are ſituate in a populous and manufacturing Neighbourhood, and ſeveral Mines of Coal within and under the ſame Eſtates reſpectively, or ſome Part thereof, are now open and in working (the ſame having been opened and worked in the Teſtator's Lifetime) but no Mines have been opened ſince the ſaid Teſtator's Death: And whereas it would tend greatly towards the Improvement of the Eſtates deviſed by the ſaid *William Bankes* as aforeſaid, and the Benefit of the reſpective Perſons entitled under the ſaid herein-before in Part recited Will of the ſaid *William Bankes* deceaſed, to Eſtates therein or in ſuch Part of the ſame as ſhall from Time to Time remain unſold, if the ſaid *Meyrick Bankes* and the other Perſons for the Time being entitled to the Poſſeſſion or Receipt of the Rents and Profits of the ſaid Eſtates, or ſuch Parts thereof as ſhall ſo remain unſold after Payment of the ſaid Debt and Legacies, were empowered to grant Leaſes of the ſame (except the principal Manſion Houſe of *Winſtanley* with the Buildings and demeſne Lands belonging to the ſame and occupied therewith) for any Term or Number of Years not exceeding Fourteen Years, in Poſſeſſion and not in Reverſion, reſerving the beſt and moſt improved Rent that can or may be gotten for the Premiſes ſo to be demiſed; and it would likewiſe tend greatly to the Advantage of the ſeveral Perſons

who are or ſhall hereafter become entitled to any Eſtates or Intereſt in the ſaid Eſtates at *Winſtanley*, *Bellinge*, and *Pemberton* reſpectively, or ſuch Parts thereof as ſhall ſo remain unſold, if Power were given to the ſaid *Meyrick Bankes* and to the Perſons who for the Time being ſhall be in the actual Poſſeſſion of the ſaid Eſtates deviſed by the ſaid *William Bankes* in ſuch Manner as is hereinbefore mentioned, to grant Leaſes for a Term of Years of the ſaid Mines, with Power to dig for and work the ſaid Mines, to any Perſon or Perſons willing to accept and take ſuch Leaſes under ſuch Reſtrictions as ſhall be thought expedient and the Nature of the Caſe ſhall require; but as ſuch Leaſes as aforeſaid cannot be effectually granted, nor the Order of Sale of the ſaid Real Eſtates late of the ſaid *William Bankes*, deceaſed, varied without the Aid and Authority of Parliament; therefore Your Majeſty's moſt dutiful and loyal Subjects, the ſaid *James Stanley*, *George Heron*, *Meyrick Bankes*, *Frederick William Holme*, *John Holme*, *Mary Meyrick Holme*, *Harriett Holme*, *George Borlaſe* and *Ann* his Wife, and *Burgh Leighton* and *Jane* his Wife, 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,

Powers to ſell the Teſtator's Eſtates not ſpecifically devi'ed, and the Eſtate at Orrell, &c.

That at any Time after the paſſing of this Act, the Meſſuages, Farms and Hereditaments late of the ſaid *William Bankes*, deceaſed, ſituate, lying, and being in the ſeveral Townſhips or Places of *Orrell Southworth*, with *Croft*, *Woolſton*, with *Martinſcroft*, *Orford*, and *Warrington* in the ſaid County of *Lancaſter*, and in *Backford* in the ſaid County of *Cheſter*, and deviſed by his ſaid Will, and more particularly mentioned and deſcribed in the Firſt Schedule to this Act annexed, may be ſold and diſpoſed of, in ſuch Order and Manner as ſhall be found convenient, and as the ſaid Court of Chancery ſhall think fit, without firſt ſelling all or any Part of the ſaid Eſtates late of the ſaid *William Bankes* the Teſtator, ſituate at *Billinge* and *Newton* aforeſaid, or either of them, ſo nevertheleſs as every ſuch Sale ſhall be made and completed under the Direction of the High Court of Chancery by virtue of an Order for that Purpoſe to be made in the ſaid Cauſe of *Holme* and others againſt *Stanley* and another now depending in that Court, and that the Sale or Sales to be ſo made ſhall be as good and effectual to all Intents and Purpoſes whatſoever as, if ſuch Sale or Sales had been made in the Order and Courſe of Priority directed by the Will of the ſaid Teſtator and the ſaid recited Decree of the High Court of Chancery, and that the Money ariſing from ſuch Sale ſhall be applicable in the ſame Manner to all Intents and Purpoſes as the Money to ariſe from the Sales directed by the ſaid Will of the ſaid *William Bankes*, deceaſed, and the ſaid Decree reſpectively are applicable, and be applied in the ſame Manner to all Intents and Purpoſes as if the Money to ariſe from the Sale or Sales to be made by virtue of this Act was Money ariſing from a Sale or Sales made under or by virtue of and purſuant to the Directions of the ſaid Will and Decree reſpectively.

Application of Rents until Eſtates ſold.

II. And be it further enacted, by the Authority aforeſaid, That in the mean Time and until the Meſſuages, Farms, Lands, and Hereditaments hereby authorized to be ſold and diſpoſed of ſhall be ſold and diſpoſed of under and by virtue of and purſuant to the Proviſions of

of this Act, the Rents and Profits of the ſaid Meſſuages, Farms, Lands, and Hereditaments, or ſuch Part or Parts thereof as from Time to Time ſhall remain unſold, ſhall belong to and be received by the Perſon or Perſons reſpectively who for the Time being would have been entitled to the Poſſeſſion or to the Receipt of the Rents and Profits of the ſame Hereditaments reſpectively in caſe this Act had not been paſſed.

Power to grant Leaſes of Farms and Mines.

III. And be it further enacted, by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid *Meyrick Bankes*, and ſuch other Perſon or Perſons being adult as are or ſhall be entitled to any Eſtate or Eſtates in the Freehold Lands and Hereditaments late of the ſaid *William Bankes*, deceaſed, and deviſed by his ſaid herein-before recited Will as aforeſaid, and in the Second Schedule to this Act annexed more particularly mentioned and deſcribed, which ſhall remain unſold after the ſaid Debts and Legacies are paid, and to and for the Guardian or Guardians of any Perſon or Perſons ſo entitled who ſhall be an Infant or Infants, during his, her, or their Minority, as and when the ſaid *Meyrick Bankes* and ſuch other Perſon or Perſons ſo entitled as aforeſaid, ſhall ſeverally, ſucceſſively and reſpectively be in the actual Poſſeſſion of or entitled to the Receipt of the Rents and Profits of the Real Eſtate late of the ſaid *William Bankes*, deceaſed, and deviſed as aforeſaid, or any Part thereof which ſhall remain unſold after the ſaid Debts and Legacies are paid, by Indenture or Indentures to be ſealed and delivered by them reſpectively, in the Preſence of and atteſted by Two credible Witneſſes, to demiſe and leaſe all or any Part or Parts of the Real Eſtate late of the ſaid *William Bankes* deviſed as aforeſaid which ſhall remain unſold after the ſaid Debts and Legacies are paid (except only the principal Manſion Houſe of *Winſtanley*, and the Buildings and demeſne Lands belonging to the ſame, and occupied therewith by the Teſtator at his Death with the Appurtenances) to any Perſon or Perſons for any Term or Number of Years not exceeding Fourteen Years; and alſo to demiſe and leaſe to any Perſon or Perſons for any Term or Number of Years not exceeding Twenty-one Years, all or any of the Coal Mines, Collieries, Veins, and Seams of Coals, and other Mines and Minerals whatſoever, now opened within or under any Lands or Grounds ſituate in *Billinge*, *Pemberton*, and *Winſtanley* aforeſaid, being Part of the Real Eſtate late of the ſaid *William Bankes*, deceaſed, deviſed as aforeſaid, and remaining unſold after Payment of the ſaid Debts and Legacies; and alſo ſuch Lands and Grounds as may be neceſſary to be held with the ſaid Mines, as Pit Room and Heap Room for laying and placing of the Coals, Culm, Earth, and Rubbiſh which ſhall be raiſed, dug, or gotten out of the ſaid Mines, and all ſuch Powers, Privileges, Licences, Watercourſes, Wayleaves and Authorities, Rights, and Intereſts, as may contribute to the more effectual working of the ſaid Mines and winning the ſaid Coals and Minerals, or carrying on the Buſineſs of the ſame Mines and Coal Works, and as are uſually granted in Leaſes of the like Sort: Provided always, that every Demiſe and Leaſe to be made in purſuance of this Act ſhall be granted ſo as to commence in Poſſeſſion and not in Reverſion, or by Way of future Intereſt, and there ſhall be reſerved on every ſuch Demiſe or Leaſe the beſt or moſt improved yearly Rent or Rents in Money, or as to mining Leaſes either in Money, Produce, or Toll Diſh, or partly in Money and partly in Produce and Toll Diſh, to be incident to

the immediate Reverſion of the Hereditaments ſo to be demiſed and leaſed that can or may be reaſonably had or gotten for the ſame, without taking any Fine, Premium, or Foregift for making of ſuch Leaſe or Leaſes reſpectively, and ſo as there ſhall be contained in every ſuch Indenture of Demiſe or Leaſe a Condition of Re-entry on Non-payment of the Rent or Rents thereby to be reſpectively reſerved, by the Space of Twenty-one Days after the ſame Rents reſpectively ſhall become due and payable, and ſo as the Perſon or Perſons reſpectively to whom ſuch Demiſes or Leaſes ſhall be reſpectively made ſhall execute Counterparts of the Indenture or Indentures to be made to him, her, and them reſpectively, and thereby covenant for the due Payment of the Rent or Rents to be thereby reſpectively reſerved, and ſo as the Perſon or Perſons reſpectively to whom ſuch Demiſes or Leaſes ſhall be made, his, her, or their Executors, Adminiſtrators, or Aſſigns, ſhall not by any Clauſe or Words to be contained in any ſuch Indenture or Indentures be made diſpuniſhable for Waſte, or exempted from Puniſhment for committing Waſte.

Court of Chancery to tax Coſts of Act, and to order Payment from the Produce of Sales.

IV. Provided always, and be it further enacted, That it ſhall be lawful for the High Court of Chancery from Time to Time, upon Petition to be preſented for that Purpoſe by any Perſon who ſhall be intereſted, to make an Order or Orders in the ſaid Cauſe of *Holme* and others, *verſus Stanley* and another, for taxing or ſettling all Coſts, Charges, and Expences which have been or ſhall be incurred in obtaining and paſſing this Act, or carrying the Purpoſes of the ſame into Execution, and alſo from Time to Time to make ſuch Order or Orders in the ſame Cauſe as the ſaid Court ſhall think fit for Payment of ſuch Coſts, Charges, and Expences as aforeſaid, out of the Monies which ſhall ariſe from any Sale or Sales under this Act, or out of any other Monies which ſhall be in the Power of the ſaid Court and applicable under the Directions of the ſaid Decree.

General Saving.

V. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politic and Corporate, his, her, and their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns (other than and except the ſaid *James Stanley*, and *George Heron* and their Heirs, *Meyrick Bankes*, and all and every Son and Sons of the ſaid *Meyrick Bankes*, and the Heirs Male of the Body or reſpective Bodies of ſuch Son and Sons, and the ſaid *Frederick William Holme*, and all and every Son and Sons of the ſaid *Frederick William Holme*, and the Heirs Male of the Body or reſpective Bodies of ſuch laſt-mentioned Son and Sons, and the ſaid *John Holme*, and all and every Son and Sons of the ſaid *John Holme*, and the Heirs Male of the Body and reſpective Bodies of ſuch laſt-mentioned Son and Sons, and the ſaid *Mary Meyrick Holme* and her Heirs, the ſaid *Harriett Holme* and her Heirs, the ſaid *George Borlaſe* and *Ann* his Wife, and the Heirs of the ſaid *Ann Borlaſe*, and the ſaid *Burgh Leighton* and *Jane* his Wife, and the Heirs of the ſaid *Jane Leighton*, and all and every other Perſon and Perſons whomſoever having or claiming, or who ſhall hereafter have or claim any Eſtate, Right, Title, or Intereſt in the Real Eſtate late of the ſaid *William Bankes*, deceaſed, under his ſaid herein-before in Part recited Will) all ſuch Eſtate, Right, Title, Intereſt, Claim, and Demand of, in, to, or out of the ſaid Hereditaments hereby authorized to be ſold and demiſed

as

as they, every, or any of them, had before the passing of this Act, or could or might have had, held, or enjoyed, in case this Act had not been made.

Act to be Evidence.

VI. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

First SCHEDULE.

Of the Eſtates late of WILLIAM BANKES Eſquire, deceaſed, which are included in the before-mentioned Act, and propoſed to be ſold by virtue thereof.

		Yearly Rents.
Several Meſſuages, Farms, Buildings, Lands, and Hereditaments ſituate in Orrell, in the County of Lancaſter, in the ſeveral Poſſeſſions of Mr. John Clarke, James Culcheth, and others, containing, of the large Cheſhire Meaſure, the Quantities of Land, and let at Rents as ſet forth in the Columns hereunto annexed, or thereabouts, reſpectively - - - - - - - -	A. R. P. 53 3 7	£. s. d. 142 0 0
A Meſſuage, Farm, and Lands, ſituate in Southworth with Croft, in the ſaid County, now in the Poſſeſſion of James Ridyard, containing the Quantity of Land, and let at the Rent ſet forth as aforeſaid - - - - - - - -	8 3 31	20 0 0
A Meſſuage, Farm and Lands, ſituate in Woolſton with Martinscroft, in the ſaid County of Lancaſter, now in the Poſſeſſion of containing the Quantity of Land, and of the Yearly Value ſet forth as aforeſaid, but ſubject to a Leaſe for one Life now in being - - - - - -	6 2 6	20 0 0
Divers Meſſuages, Buildings, Lands, and Hereditaments, ſituate in Orford and Warrington, in the ſaid County, now or late in the ſeveral Poſſeſſions of Mr. John Lowe, Thomas Green, Joſeph Donbavand, Mr. Jonathan Jackſon, Mr. George Ainſworth, William Rowland, and others, containing the Quantity of Land, and let at the Rents ſet forth as aforeſaid - - - - -	12 3 10	42 1 0
One undivided Third Part or Share of a Meſſuage, Farm and Buildings, ſituate in Backford, in the County of Cheſter, in the Poſſeſſion of Widow Charnley, containing the Quantity of Land, and let at the Rent ſet forth as aforeſaid - - - -	30 1 0	8 6 8
Total - -	112 1 14	232 7 8

George Heinekey.

Second

Second SCHEDULE.

Of the Eſtates late of WILLIAM BANKES Eſquire, deceaſed, which are included in the before-mentioned Act, and propoſed to be leaſed by virtue thereof.

	A.	R.	P.	£.	s.	d.
In the Pariſh of WIGAN.						
Divers Meſſuages, Farms, Lands, and Hereditaments, containing, of the large Meaſure there uſed, or thereabouts, be the ſame more or leſs, the Quantity of Land, and of the yearly Value ſet forth in the Columns annexed, and now or late in the Poſſeſſion of the ſeveral Perſons herein-after mentioned, or of their Undertenants, viz. The ſaid Meyrick Bankes, Henry Aſhall, William Foreacre, Henry Baker, John Wiſwall, William Wiſwall, George Fairclough, Richard Nixon, John Myers, Michael Roby, William Bone, Thomas Taſker, George Heinekey, Thomas Elliſon, John Elliſon, Elijah Turton, William Nicholſon, Thomas Cropper, John Hurſt, James Unſworth, Joſeph Hurlbutt, William Halliwell, Betty Harriſon, John Gerard, Meſſrs. Clarke, Thomas Heinekey, Thomas Daniel, James Fairclough, James Lyon, Henry Burch, the ſaid William Wiſwall, John Wiſwall junior, Henry Rigby, Nathan Lyon, Henry Fairhurſt, John Makin, James Hootin, Richard Myers, Thomas Farrer, Widow Snape, James Anderton, the ſaid Thomas Daniel, William Farimond, Thomas Taylor, and others - - - - - - -	1,020	0	0	2,200	0	0
In the Pariſh of WINWICK.						
Other Meſſuages, Farms, Lands and Hereditaments, containing of the like Meaſure, and of the yearly Value ſet forth as aforeſaid, and now or late in the Poſſeſſion of Mr. Thomas Houghton and John Pennington, or of their Undertenants - - - - -	211	0	0	476	0	0
Total - -	1,231	0	0	2,676	0	0

George Heinekey.

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