ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 38.

An Act for enabling *Thomas Barrow* Eſquire, and the Perſon and Perſons for the Time being reſpectively, entitled to the Freehold in Poſſeſſion of and in the Moiety of certain Eſtates in *Mancheſter*, in the County Palatine of *Lancaſter*, under the Will of *William Barrow* deceaſed, to grant and convey the ſame Moiety in Fee Simple, for building upon or otherwiſe improving the ſame, reſerving Rents, or to make Building Leaſes thereof, or to join with the Owner or Owners for the Time being of the other Moiety thereof, in making ſuch Grants and Conveyances or Leaſes reſpectively.

[17th *May* 1805.]

WHEREAS *William Barrow*, of *Mancheſter* in the County Palatine of *Lancaſter*, Merchant, deceaſed, by his Will bearing Date the Twentieth Day of *November*, in the Year of our Lord One thouſand ſeven hundred and ninety-four, did give and deviſe all that his undivided Moiety or equal Half Part of and in all and ſingular the Meſſuages or Dwelling Houſes, Warehouſes, Buildings, Lands, and Hereditaments, ſituate and being in *Mancheſter* aforeſaid, adjoining

Will of William Barrow dated Nov. 20, 1794.

adjoining or near to a certain Street or Place there called *The Deansgate*, and a certain other Street or Place there called *Cumberland Street*, and which had been by his Brother *Thomas Barrow* and him (the Teſtator) lately purchaſed from *John Bower Fodrell* Eſquire, and then in the Poſſeſſion and Occupation of his ſaid Brother and him (the Teſtator), and the Undertenants of his ſaid Brother and him (the ſaid Teſtator); and alſo all that his undivided Moiety or equal Half Part of and in all that and thoſe the Edifice and Building, Edifices and Buildings, Land and Hereditaments, ſituate and being in *Mancheſter* aforeſaid, adjoining or near to the ſaid Street or Place there called *Cumberland Street*, theretofore uſed as a Poorhouſe and Workhouſe for the Town of *Mancheſter* aforeſaid, and which had been by his ſaid Brother and him (the ſaid Teſtator) lately purchaſed, and were then in the Poſſeſſion or Occupation of the Undertenants of his ſaid Brother and him (the ſaid Teſtator); and alſo all that his undivided Moiety or equal Half Part of and in all that the Garden or Parcel of Land, alſo ſituate, lying, and being in *Mancheſter* aforeſaid, and adjoining or near to the ſaid Street or Place there called *Cumberland Street*, and by his ſaid Brother and him (the ſaid Teſtator) lately purchaſed from *William Hardman*, Merchant, with all and ſingular the Appurtenances to the ſame Moiety of the ſaid Meſſuages, Warehouſes, Edifices, Buildings, Lands, Hereditaments, and Premiſes reſpectively belonging, unto and to the Uſe of his (the Teſtator's) only Son *Thomas Barrow* and his Aſſigns, for and during the Term of his natural Life (he and they keeping the ſame in Repair, and the Buildings inſured from Loſs by Fire); Remainder to Truſtees to preſerve contingent Remainders; Remainder to all and every the Child and Children of his (the Teſtator's) ſaid Son (if more than One) as Tenants in common in Tail General; with croſs Remainders between or amongſt ſuch Children in Tail General; Remainder to the Second, Third, Fourth, and all and every other the Son and Sons of the Body of him (the Teſtator) (in caſe any ſuch there ſhould be) ſeverally and ſucceſſively in Tail General; Remainder to his (the Teſtator's) Daughters, *Mary Barrow* and *Henrietta Barrow*, and all and every other his Daughter and Daughters which ſhould thereafter be born, as Tenants in common in Tail General, with croſs Remainders between or amongſt them in Tail General; Remainder to his (the Teſtator's) Nephew, *Chriſtopher Marriott*, Son of his (the Teſtator's) Siſter, *Sarah Marriott*, Widow, in Tail General; Remainder to his the Teſtator's Nephews *Thomas Marriott* and *John Marriott*, two other of the Sons of his (the Teſtator's) ſaid Siſter *Sarah Marriott*, as Tenants in common in Tail Male, with croſs Remainders between them in Tail Male; Remainder to the right Heirs of him the ſaid Teſtator; and the ſaid Teſtator did thereby appoint his Wife, *Mary Barrow*, Guardian of his ſaid Two Daughters, *Mary Barrow* and *Henrietta Barrow*, and all and every other his Child and Children thereafter to be born, or who ſhould be living at the Time of his Deceaſe, or be born in due Time afterwards: And whereas the ſaid Teſtator, *William Barrow*, departed this Life in the Month of *June* One thouſand ſeven hundred and ninety-ſeven, having made a ſubſequent Diſpoſition or Bequeſt of his Perſonal Eſtate, but without revoking or in any Manner altering the Deviſe hereinbefore ſtated, leaving the ſaid *Mary Barrow* his Widow, *Thomas Barrow* his Son, *Mary Barrow* and *Henrietta Barrow* his Daughters, him ſurviving, and no other Children or Child, and alſo leaving the ſaid *Chriſtopher Marriott*, *Thomas Marriott*, and *John Marriott*, his Nephews, him

him surviving: And whereas the said *Thomas Barrow* the Son is married, and has Issue two Daughters and one Son, all Infants under the Age of Twenty-one Years, *videlicet*, *Harriet Barrow* of the Age of Five Years or thereabout, *Eliza Barrow* of the Age of Two Years or thereabout, and *Thomas William Barrow* under the Age of One Year: And whereas the said *Mary Barrow* (the Daughter) hath attained her Age of Twenty-one Years, but the said *Henrietta Barrow* is yet under the Age of Twenty-one Years, *videlicet*, the Age of Twenty Years or thereabout: And whereas the said *Christopher Marriott* some Time ago departed this Life intestate, leaving *Christopher Marriott* his eldest Son and Heir at Law him surviving, who is now an Infant of the Age of Ten Years or thereabout, and Two younger Children, *videlicet*, *Mary Marriott* of the Age of Eight Years or thereabout, and *Henry Marriott* of the Age of Three Years or thereabout: And whereas by an Order of the High Court of Chancery, made the Thirteenth Day of *February* One thousand eight hundred and five, *Nathaniel Milne*, of the Inner Temple, *London*, Gentleman, was appointed the Guardian of the said *Christopher Marriott* the Son, *Mary Marriott*, and *Henry Marriott*, for the special Purpose of consenting on their Behalf to the Provisions in this Act contained: And whereas the principal Messuages or Dwelling Houses, a Moiety whereof is so devised by the said *William Barrow* as aforesaid, by reason of their Situation cannot now be let to Advantage, but the same or some Part or Parts thereof might be advantageously converted into Dwelling Houses on a less Scale, and into Warehouses and Shops, or other Buildings, for the Purposes of Trade, and it may be necessary and convenient that other Part or Parts thereof should be taken down, and the Scite thereof laid out for Streets, Ways, or Passages; and the Gardens and vacant Land belonging to the said Premises being conveniently situated for building upon, might be advantageously disposed of for that Purpose, and the yearly Rent and Produce of the said several Premises (a Moiety of which is so devised as aforesaid) might be very greatly increased for the Benefit and Advantage of the said *Thomas Barrow* the Son, and the several other Persons interested under the said Will, if he and they were enabled to grant and convey the Inheritance in Fee Simple, or to grant Leases for long Terms of Years thereof, or to join with the Owner or Owners for the Time being of the other Moiety thereof, in making such Grants and Conveyances or Leases respectively, so as to encourage Persons to build upon or improve or alter the same, at the best or greatest Fee Farm Rent or yearly Sum that can be had or gotten for the same, and under and subject to such Covenants, Conditions, and Restrictions, as shall be thought proper in that Behalf: But forasmuch as the same cannot be effected without the Aid of Parliament, Your Majesty's most dutiful and loyal Subjects the said *Thomas Barrow* the Son, on Behalf of himself and his said infant Children, the said *Mary Barrow* Spinster, the said *Mary Barrow* Widow, on Behalf of her said infant Daughter *Henrietta Barrow*, the said *Nathaniel Milne*, on Behalf of the said *Christopher Marriott* the Son, *Mary Marriott* and *Henry Marriott*, and the said *Thomas Marriott* and *John Marriott*, 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, from and after the passing of this Act, it shall and may be

Power for Thomas Barrow the Son to take down Houses, &c. and to grant and convey in Fee the Moiety so devised to him by said Will.

be lawful for the said *Thomas Barrow* the Son, at any Time or Times during his natural Life, and from and after his Decease for the Person or Persons for the Time being respectively entitled to the Freehold in Possession of and in the said Moiety of the said Lands, Buildings, and Hereditaments, so devised by the said Will of the said *William Barrow* deceased, being of the Age of Twenty-one Years, or for the Guardian or Guardians of such Person and Persons so respectively entitled, during their respective Minorities, and he, she, and they is and are hereby respectively authorized and empowered to join and concur with the Owner or Owners for the Time being, of the other undivided Moiety thereof, in taking down and removing such Part and Parts of the Houses and Buildings now standing and being upon the said Premises, as shall be found necessary or convenient to be taken down or removed, for the Purpose of laying out and forming one or more Street or Streets, Way or Ways, Passage or Passages, and in laying out the Scite of such Buildings for that Purpose accordingly; and also from Time to Time to grant and convey the Inheritance in Fee Simple, or to make any Demise or Lease for Nine hundred and ninety-nine Years, or any other Term or Number of Years, of all or any Part of the said undivided Moiety of the said Lands, Buildings, and Hereditaments so devised by the said Will of the said *William Barrow* deceased, or to join and concur with the Owner or Owners for the Time being, of the other undivided Moiety thereof, in granting and conveying, or demising or leasing as aforesaid, the Entirety of the said Lands and Hereditaments, or of any Part or Parts thereof, unto any Person or Persons whomsoever, with Liberty for the Grantee or Grantees, Lessee or Lessees, to improve, alter, or take down all or any Part of the Buildings which shall be standing on the Premises to be comprized in any such Grant or Conveyance, Demise or Lease, at the Time of the granting or making thereof (except as is hereinafter otherwise provided); and also to lay out and appropriate any Part of the Premises, to be comprized in any such Grant or Conveyance, Demise or Lease respectively (except as is hereinafter otherwise provided) as and for a Way or Ways, Street or Streets, Passage or Passages, for the Use and Convenience of such Grantee or Grantees, Lessee or Lessees, and others the Tenants or Occupiers of the said Premises, in such Manner as shall be mentioned and agreed upon in such Grants or Conveyances, Demises or Leases respectively; so as in and by each and every such Grant or Conveyance, Demise or Lease respectively, there be reserved the best and most improved Rent or Rents in Fee Simple, or during the Continuance of the Terms of Years to be demised by such Demise or Lease respectively, as the Case may be, that can reasonably be had or obtained for the Hereditaments and Premises to be thereby granted or conveyed, demised or leased respectively, regard being had to the Value of the Buildings (if any) to be comprized in each such Grant, Conveyance, Demise, or Lease respectively, and without taking any Sum or Sums of Money or other Thing by way of Fine or Foregift, for or in respect of any such Grant or Conveyance, Demise, or Lease respectively; and so as such Rent or Rents to be reserved or limited and made payable, for or in respect of all or any Part of the said Moiety so devised by the said Will of the said *William Barrow* deceased, be so reserved or limited, and made payable unto or in Trust for or for the Benefit of such Person and Persons, and subject to such Uses, Trusts, Intents, and Purposes, as in the same Will is or are mentioned and declared touching or concerning the same Moiety; and

and ſo as the Grantee or Grantees, Leſſee or Leſſees, execute a Counterpart or Counterparts of ſuch Grants or Conveyances, Demiſes or Leaſes reſpectively; and therein enter into Covenants to build upon, improve, or alter and keep in repair ſuch good and ſubſtantial Meſſuages, Warehouſes, Shops, or other good and ſubſtantial Buildings, as ſhall be thought neceſſary and ſufficient for the Security of the ſaid Rent or Rents ſo to be reſerved or limited and made payable as aforeſaid, and as ſhall be ſtipulated and agreed upon for that Purpoſe, in and by ſuch Grants or Conveyances, Demiſes or Leaſes reſpectively; and at the Expiration or other End of the Term or Terms to be reſpectively granted by ſuch Demiſes or Leaſes reſpectively, to leave the ſaid Buildings and Premiſes in good and tenantable Repair; ſo as in every ſuch Grant or Conveyance there be contained Powers of Diſtreſs, and of Entry and Perception of Rents and Profits; and in every ſuch Leaſe or Demiſe a like Power of Entry and Perception of Rents and Profits, for ſecuring the Payment of the Rent or Rents thereby to be reſerved reſpectively.

Reſtraining Mr. Barrow from taking down more of the Houſes than ſhall be neceſſary for the Purpoſe of making Streets, &c. and directing an Eſtimate of the Materials of ſuch Part thereof as ſhall be taken down, to be made by Two diſintereſted Perſons.

II. Provided always, and be it further enacted, That nothing herein contained ſhall extend to authorize or empower the ſaid *Thomas Barrow* the Son, or the Perſon or Perſons for the Time being entitled under the Will of the ſaid *William Barrow* deceaſed, as aforeſaid, or the Guardian or Guardians of ſuch Perſon or Perſons during their reſpective Minorities, to take down or remove, or join and concur in taking down or removing any Part or Parts of the Houſes and Buildings now ſtanding and being upon the ſaid Premiſes, except only ſo much and ſuch Part or Parts thereof as ſhall be neceſſary or convenient to be taken down and removed for the Purpoſe of forming Streets, Ways, or Paſſages as aforeſaid; and when any Part or Parts thereof ſhall be ſo taken down or removed, an Eſtimate of the Materials of the Part or Parts ſo taken down, ſhall be made by two competent and diſintereſted Perſons, who ſhall verify the ſame by an Affidavit or Affidavits in Writing, to be ſworn before One of the Maſters Ordinary or Extraordinary of His Majeſty's High Court of Chancery; and after deducting from the Amount of ſuch Eſtimate the Expences of ſuch taking down and Removal, and alſo the Expences incurred in reinſtating ſuch Part or Parts of the ſame Houſes and Buildings as ſhall be left ſtanding, and the Expences of forming ſuch Streets, Ways, or Paſſages as aforeſaid, and all reaſonable and neceſſary Expences incidental thereto (all which Expences ſhall be aſcertained and ſettled by the ſaid Court of Chancery as hereinafter directed) a Moiety of the Surplus ſhall, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be placed to his Account there *ex parte* the Perſon or Perſons paying in the ſame, purſuant to the Method preſcribed by the Act of the Twelfth Year of the Reign of King *George* the Firſt, Chapter the Thirty-ſecond, and the General Orders of the ſaid Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, to the Intent that ſuch Monies may (with the Conſent and Approbation of the ſaid *Thomas Barrow*, the Son, or of the Perſon or Perſons for the Time being entitled under the Will of the ſaid *William Barrow* deceaſed, as aforeſaid, or of the Guardian or Guardians of ſuch Perſon or Perſons during their reſpective Minorities) be laid out and inveſted in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments,

Application of the Money ariſing by the Sale of the Materials, &c.

reditaments, which ſhall be conveyed and ſettled to ſuch and the ſame Uſes, upon ſuch and the ſame Truſts, Intents, and Purpoſes, and with, under, and ſubject to ſuch and the ſame Powers, Proviſoes, Conditions, and Limitations, as are, in and by the ſaid Will of the ſaid *William Barrow* deceaſed, limited, expreſſed, declared and contained, of and concerning the ſaid Moiety of the ſaid Lands and Hereditaments thereby deviſed, or as near thereto as the Deaths of Parties and other intervening Contingencies will then admit of, ſubject nevertheleſs to the ſeveral Powers, Authorities, and Proviſions in this Act contained; and ſuch Monies when ſo paid in, from Time to Time ſhall be laid out in the Purchaſe of Navy or Victualling Bills or Exchequer Bills, and the Intereſt ariſing from the Money ſo laid out in the ſaid Navy or Victualling Bills or Exchequer Bills, and the Money received for the ſame, as they ſhall be reſpectively paid off by Government, ſhall be laid out in the Name of the ſaid Accountant General, in the Purchaſe of other Navy or Victualling Bills or Exchequer Bills; all which ſaid Navy and Victualling Bills and Exchequer Bills, 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 ſhall be found and approved as before directed, and until the ſame ſhall, upon a Petition ſetting forth ſuch Approbation, to be preferred to the ſaid Court of Chancery in a ſummary Way by the ſaid *Thomas Barrow* the Son, or the Perſon or Perſons for the Time being entitled under the Will of the ſaid *William Barrow* deceaſed, as aforeſaid, or of the Guardian or Guardians of ſuch Perſon or Perſons during their reſpective Minorities, be ordered to be ſold by the Accountant General, for the completing ſuch Purchaſe, in ſuch Manner as the ſaid Court ſhall think juſt 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 ſuch Caſe only the Surplus which ſhall remain, after diſcharging the Expences of the Application to the Court, ſhall be paid to ſuch Perſon or 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 to the Repreſentatives of ſuch Perſon or Perſons: Provided always, that it ſhall be lawful for the Court of Chancery, if the ſaid Court ſhall ſo think fit, to make an Order for aſcertaining and ſettling the ſeveral Expences before directed, to be deducted from the Amount or Value of ſuch Materials as aforeſaid, and for taxing the Coſts of the ſeveral Applications to be made to the ſaid Court, reſpecting the Matters aforeſaid, and the Coſts of taking the ſaid Monies out of the Bank, and inveſting ſuch Monies in a new Purchaſe or Purchaſes as aforeſaid, and for Payment of all ſuch Coſts, Charges, and Expences, out of the ſaid Monies, or out of the Monies ariſing by Sale of the Navy, Victualling, or Exchequer Bills ſo to be purchaſed as aforeſaid.

Not to take down the Dwelling Houſes formerly in the Occupation of Thomas Barrow, and the late Chriſtopher Marriott.

III. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend to authorize or empower the Grantee or Grantees, Leſſee or Leſſees, of all or any Part of the Premiſes to be granted, conveyed, or demiſed, under the Authority of this Act, to take down the Two principal Meſſuages or Dwelling Houſes, now ſtanding and being upon the ſaid Premiſes, and formerly in the Occupation of the ſaid *Thomas Barrow* the Son, and the ſaid *Chriſtopher Marriott* deceaſed, (but

(but both now untenanted,) or either of the ſame Meſſuages or Dwelling Houſes, or any Part of either of them, or to lay out and appropriate any Part of the Scite of the ſame principal Meſſuages or Dwelling Houſes, as and for a Way or Ways, Street or Streets, Paſſage or Paſſages; any Thing herein contained to the contrary notwithſtanding.

Power for Guardians, &c. to enter into Covenants with Purchaſers, &c.

IV. And be it further enacted, That it ſhall and may be lawful to and for the Guardian and Guardians reſpectively, of the Perſon or Perſons ſo reſpectively entitled to the Freehold in Poſſeſſion of and in the ſaid Moiety of the ſaid Lands, Buildings, and Hereditaments ſo deviſed by the ſaid Will, and he, ſhe, and they is and are hereby reſpectively authorized and empowered, for and on Behalf of ſuch Perſon or Perſons ſo reſpectively entitled as aforeſaid, during their reſpective Minorities, and for and on Behalf of their reſpective Heirs, Executors, and Adminiſtrators, in and by ſuch Conveyances in Fee, Demiſes or Leaſes reſpectively, to enter into all uſual and reaſonable Covenants, Clauſes, Proviſoes, and Agreements, with the reſpective Purchaſer or Purchaſers, Leſſee or Leſſees of all or any Part or Parts of the ſaid Lands, Buildings, and Hereditaments, as ſhall be thought neceſſary and proper in that Behalf; and that all and every ſuch Grants, Conveyances, Demiſes, and Leaſes reſpectively, as ſhall be made by ſuch Guardian and Guardians, in purſuance of this Act, ſhall be as good, valid, and effectual in the Law, to all Intents and Purpoſes, as if the Perſon or Perſons for the Time being reſpectively, entitled to the ſaid Moiety of the ſaid Lands, Buildings, and Hereditaments ſo deviſed as aforeſaid, had been of full Age, and had made or joined in making and executing the ſame; and that all and every the Covenants, Clauſes, Proviſoes, and Agreements, ſo to be entered into for and on his, her, and their Behalf, ſhall be as binding and concluſive upon and againſt him, her, and them reſpectively, and his, her, and their reſpective Heirs and Aſſigns, and all other Perſons claiming under him, her, or them reſpectively, or under the ſaid *William Barrow* deceaſed, as if he, ſhe, or they reſpectively, had been of full Age and entered into the ſame.

Declaring ſuch Conveyances valid.

General Saving of Rights.

V. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators (other than and except the ſaid *Thomas Barrow* the Son, and all and every other Perſon and Perſons claiming or to claim any Eſtate, Truſt, or Intereſt, of, in, to, or out of the ſaid Moiety and Premiſes, ſo deviſed by the ſaid Will of the ſaid *William Barrow* deceaſed, from, by, or under the ſaid *Thomas Barrow* the Son, or from, by, or under under the ſaid *William Barrow* deceaſed, by virtue of the ſame Will or otherwiſe howſoever) all ſuch Right, Title, Intereſt, Benefit, Property, Claim, and Demand whatſoever, of, in, to, or out of the ſame Moiety and Premiſes, or any Part thereof, as they, every, or any of them had before the paſſing of this Act, or might have had and enjoyed if this Act had not been made.

This Act may be given in 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.

ASCHE-

A SCHEDULE of the Eſtates in *Mancheſter* in the County Palatine of *Lancaſter*, a Moiety of which is deviſed by the Will of *William Barrow* deceaſed, and included in this Act.

THIRTEEN thouſand one hundred and ninety-nine ſuperficial Square Yards, or thereabouts, of Land unbuilt upon, formerly Gardens, Court Yards, and Pleaſure Grounds, but now untenanted and lying waſte.

Two principal Meſſuages or Dwelling Houſes, formerly producing, together with the vacant Land above-mentioned, a yearly Rent of Two hundred and forty Pounds, but now untenanted.

Certain Cottages, Warehouſes, and old Buildings, now let together at the yearly Rent of Three hundred Pounds.

CHARLES M'NIVEN.

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