ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 144.

An Act for veſting the Fee Simple of the Eſtates deviſed by the Will of *Edward Careſwell* Gentleman deceaſed, in Truſtees for the Charitable Purpoſes therein mentioned. [25th *June* 1808.]

3d February 1689, Will of Edward Careſwell.

WHEREAS *Edward Careſwell* late of *Bobbington* in the County of *Stafford* Gentleman deceaſed, duly made and publiſhed his laſt Will and Teſtament in Writing bearing Date on or about the Third Day of *February* One thouſand ſix hundred and eighty-nine, therein reciting that by a certain Indenture tripartite bearing Date on or about the Ninth Day of *January* in the Firſt Year of the Reign of King *William* and *Mary*, and made between the ſaid *Edward Careſwell* of the Firſt Part, *Francis Forreſter*, *Robert Lloyd*, *Edward Corbett*, and *Henry Woolaſton*, Truſtees therein named of the Second Part, and *Andrew Charlton* therein named of the Third Part, he the ſaid Teſtator, for the Conſiderations in the ſaid Indenture mentioned did demiſe to the ſaid Truſtees, their Executors, Adminiſtrators, and Aſſigns, all that his Meſſuage and Farm or Tenement called or known by the Name of *Walkerlow*, alias *Walkerſlow*

kerſlow Farm in the Pariſh of *Stotteſden* in the County of *Salop*, then or then late in the Occupation or Tenure of *Thomas Wall*, his Undertenants or Aſſigns, and other the Meſſuages, Lands, Tenements and Hereditaments therein particularly deſcribed, To hold the ſame unto the ſaid Truſtees, their Executors, Adminiſtrators and Aſſigns, from and after his the ſaid Teſtator's Death, for the Term of Five hundred Years from thence next enſuing, upon the Truſts therein mentioned, and amongſt other Truſts therein ſpecified, upon Truſt for the Benefit of the ſaid *Andrew Charlton* during his Life, and of ſuch Perſon as at the Time of his Deceaſe ſhould be his Widow, and alſo of his eldeſt Son during his Life, and in caſe the ſaid *Andrew Charlton* ſhould leave no Son, then for the Benefit of *Thowas Lloyd* and his Widow and eldeſt Son in like Manner, and from and after the Determination of thoſe Eſtates, upon Truſt that the then Reſidue of the ſaid Term of Five hundred Years ſhould be attendant upon the Reverſion and Inheritance of the Premiſes, to ſuch Uſes as the ſame ſhould be conveyed, deviſed or aſſured unto by the ſaid Teſtator by any Deed or Deeds, or by his laſt Will: And alſo reciting, that the ſaid Teſtator deſigning and intending to diſpoſe of the Reſidue of the ſaid Term, and the Reverſion thereof, after the Five hundred Years, for a public Benefit, and taking notice that the Scholars of the ſeveral Free Schools of the ſaid County of *Salop* were deſtitute of any Place of Preferment in either of the Univerſities, whereby Learning in the ſaid Free Schools became greatly diſcouraged, for the Supply therefore of that Defect, and for the Support and Encouragement of ſuch Scholars of the Free Schools therein and hereinafter mentioned as were not enabled to maintain themſelves at the Univerſity, he the ſaid Teſtator did by his ſaid Will give, deviſe, order, direct and appoint that the ſaid Meſſuages, Farms, Lands and all other the Premiſes after the Death of the ſaid Perſons, and Determination of the ſeveral Eſtates limited to them for and during all the Reſidue of the ſaid Term of Five hundred Years that ſhould be then to come and unexpired, and alſo all that his Reverſion of the Premiſes expectant upon the ſaid Term, and all his Eſtate of Inheritance in the Premiſes ſhould be at all Times for ever thereafter charged and chargeable with the Maintenance of Eighteen Scholars in the College of *Chriſt Church Oxford*, or in caſe the ſaid Scholars could not be incorporated with and made Part of the Foundation, or admitted into the Society of the ſaid College, and have Chambers there, then in ſome other College or Hall of the ſaid Univerſity where the ſaid Scholars might beſt and moſt conveniently be accommodated, *viz.* by allowing to each of the ſaid Scholars yearly for Four Years while he remained an Under Graduate Eighteen Pounds, to each of them after he ſhould commence Batchelor of Arts Twenty-one Pounds yearly for Three Years until he ſhould commence Maſter of Arts, and the Sum of Twenty-ſeven Pounds yearly to each of the ſaid Scholars for Three Years after he ſhould commence Maſter of Arts and no longer, the ſaid Teſtator hoping that within that Space of Time each of the ſaid Scholars ſo maintained and provided for as aforeſaid, might by their own fair and good Carriage, Endeavours and Induſtry obtain better and greater Preferment than what was thereby to them limited, either in ſuch College where they ſhould be reſident, or in the County of *Salop* from whence they were firſt elected; and the ſaid Teſtator thereby declared his Will to be, that the ſaid Eighteen Scholars ſo as aforeſaid to be maintained at the ſaid Univerſity,

upon

upon their first Election, should be chosen from and out of the most ingenious and deserving Scholars, either Natives of the said several Parishes where the Estate lay, or elsewhere of the said County of *Salop*, and of least Ability to maintain themselves, of the six Free Schools after mentioned, whether the said Scholars should be free or not free of the said Schools, to the Number and Proportion, and in Manner following, that is to say, Four from and out of the Free School of *Shrewsbury*, Three from and out of the Free School at *Bridgenorth*, Four from and out of the Free School at *Newport*, Three out of the Free School at *Shiffnal*, Two out of the Free School of *Wem*, and Two out of the Free School of *Donnington*, all the said Scholars to be from the said Schools removed to the said College of *Christ Church* or to some other College or Hall in the said University of *Oxford*, where a Settlement for them could most conveniently be provided: And the said Testator, by his said Will directed, that as any Vacancy in such College should afterwards happen by the Death or Removal of any of the said Scholars, or other Scholars to be chosen out of the said Schools, that such Vacancies should be supplied by a new Election of One or more Scholars, as the Case should require, from and out of the same Free Schools from whence the Persons or Person so dying or removing was or were first elected; and to the end that such Vacancy, so as aforesaid happening by the Death or Removal of any of the said Scholars might be supplied and filled up from the same School only from whence the said Person so dying or removing was elected, and not from any other of the said Schools; the said Testator thereby declared his Will to be, that Catalogues fairly written of the Names of the Scholars from Time to Time elected should be carefully kept as well in the College of the said University to which the said Scholars should be removed, as in the Schools from whence the said Scholars should be elected, for the preventing any Elections contrary to the Intentions of his said Will; and the said Testator thereby further declared his Will to be that all the Elections should be made by the Chief Governor or Master of the said College where the said Scholars were to be resident for the Time being, or some One by him as his Representative to be deputed, and the Justices of the Peace inhabiting or acting in the several Hundreds of *Bradford*, *Stottesden* and *Brimtree* for the Time being, or any Three of them, whereof the said Master of the said College, or his Delegate, should be One; and the said Testator thereby further declared his Will to be, that if the Rents and Profits of the Premises should thereafter be improved and become of greater Value yearly than the same then were, that then and in such Case the said Increase of Rent and Improvements, after Satisfaction of all incidental Charges and Expences in and concerning the Execution of his said Will, should be applied for and towards the Maintenance of a greater Number of Scholars at the University of *Oxford* aforesaid, to be chosen proportionably from and out of the said Six Free Schools, in such Manner, with such Allowance, and for such Time as thereinabove was directed and appointed: But otherwise, in case the Rents of the Premises thereafter should fall short of what they were then set at, then the said Testator thereby further declared his Will to be, that the Election of One, Two or more of the Number of Scholars abovementioned, designed to be elected out of the two last mentioned Free Schools should be omitted and cease until the Lands and Premises should again come to be of sufficient yearly Value to maintain the said Eighteen Scholars.

II. And

24th February 1689. Codicil to the Will of Edward Careswell.

II. And whereas the ſaid Teſtator afterwards made a Codicil to his ſaid Will, dated the Twenty-fourth Day of the ſame Month of *February* One thouſand ſix hundred and eighty-nine, thereby reciting his ſaid Will, and the ſaid Deviſe thereby made for the Benefit of the ſaid Eighteen Scholars, he declared that notwithſtanding ſuch Proviſion ſo as aforeſaid made for the ſaid Eighteen Scholars, for as much as he had taken into his Conſideration that there was no more than Six pounds thirteen ſhillings and four pence annually paid to the Miniſter of the Pariſh church of *Bobbington* for his Support and Maintenance, which was inſufficient for that Purpoſe, and being deſirous to augment ſuch Allowance, therefore for the Encouragement of ſuch Miniſter, fully and legally ordained, (and no other) as ſhould thereafter officiate there, he the ſaid Teſtator did by the ſaid Codicil deviſe, order and appoint the Sum of Ten Pounds *per Annum* to be paid yearly into the Hands of one or two of the moſt ſubſtantial Freeholders in the Pariſh of *Bobbington*, or to the Miniſter himſelf officiating in the ſaid Pariſh Church for the time being, by the Tenant or Tenants of the ſaid Teſtator's Farm in the ſaid Pariſh called *Bobbington Farm*, as an Augmentation to the ſaid annual Sum of Six pounds thirteen ſhillings and four-pence for ever, which ſaid Ten pounds he the ſaid Teſtator thereby ordered and appointed ſhould be annually deducted out of the ſeveral Allowances appointed for the ſaid Eighteen Scholars, when the ſame ſhould become payable, by an Abatement of Eleven ſhillings and one penny halfpenny out of each of the ſaid Scholars' Allowance, and the ſaid Teſtator thereby further declared that upon ſuch Payment made of the ſaid Ten pounds yearly to the Miniſter as aforeſaid. his Receipt thereof for ſo much only ſhould be a good Diſcharge to the Tenant, any thing in his ſaid Will mentioned to the contrary in anywiſe notwithſtanding.

18th April 1738, Information exhibited.

III. And whereas on the eighteenth Day of *April* One thouſand ſeven hundred and thirty-eight His late Majeſty's then Attorney-general at the Relation of the Relators therein named, exhibited his Information in the High Court of Chancery againſt *William Hayward* Serjeant at Law, *Margaret Meeſon* Widow, *William Cooke* and *Damaris* his Wife, *Samuel Alcock* and *Mary* his Wife, and *Joſiah Mills* and *Sarah* his Wife, thereby ſetting forth (*inter alia*) the ſaid recited Will and Codicil, and alſo ſtating that the ſaid Teſtator died in or about the Month of *February* One thouſand ſix hundred and ninety, and that the ſaid Truſtees under the ſaid Settlement of the ninth Day of *January* One thouſand ſix hundred and eighty-nine, neglecting or refuſing to act in the ſaid Truſt, the ſaid *Andrew Charlton* for whoſe Benefit chiefly the ſaid Settlement was made, entered upon the ſaid Premiſes and held the ſame till his Death, which happened in *October* One thouſand ſeven hundred and thirty-ſix; and further ſtating that *Thomas Lloyd* in the ſaid Settlement named, died long before the ſaid *Andrew Charlton* without Iſſue, and that the ſaid Truſtees were all long ſince dead, and that the ſaid *Henry Woolaſton* the ſurviving Truſtee made his Will and thereof appointed *Sarah* his Daughter Executrix, who proved the ſame, and took upon herſelf the Execution thereof, and afterwards intermarried with the ſaid *Joſiah Mills*, and that the ſaid *Andrew Charlton* dying a Bachelor without Iſſue, the ſaid Premiſes became veſted in the ſaid *Joſiah Mills* and *Sarah* his Wife, in right of the ſaid *Sarah* as Executrix of the Will of the ſaid ſurviving Truſtee, for the Remainder of the ſaid Term

of five hundred Years, in truſt to attend the Inheritance of the ſaid Premiſes for the Benefit of the ſaid ſeveral Charities in the ſaid Will and Codicil before mentioned, and praying that the ſaid Truſt might be ſettled, and Truſtees appointed for the Management thereof, and the ſaid Charities regulated and eſtabliſhed according to the Will and Codicil of the ſaid Teſtator: And whereas by a Decree made upon hearing the ſaid Cauſe, dated the Sixth Day of *July* One thouſand ſeven hundred and forty-one, it was (amongſt other Things) decreed, that the ſaid charitable Deviſes and Bequeſts ſhould be eſtabliſhed and carried into Execution; and ſundry Directions were given touching the Accounts to be taken before the ſaid Maſter, and alſo as to Schemes to be laid before the ſaid Maſter reſpecting the ſaid Charity and other Matters, but no Direction was given for the Appointment of any Truſtee or Truſtees of the Inheritance of the ſaid Hereditaments and Premiſes, or any Notice taken thereof: And whereas by the Report of the Maſter to whom the ſaid Cauſe ſtood referred, made in the ſaid Cauſe, dated the Eighteenth Day of *July* One thouſand ſeven hundred and forty-three, he certified (*inter alia*) that the ſaid Relators had, purſuant to the ſaid Order on hearing, laid before him a Scheme for eſtabliſhing and carrying into Execution the Charity created by the ſaid Teſtator's Will for the Benefit of the ſaid Scholars mentioned in the ſame Will to be ſent from the Schools therein mentioned to *Chriſt Church* in *Oxford*, that the ſeveral Truſts upon which the Premiſes before mentioned were deviſed by the ſaid Teſtator's Will to the ſaid Truſtees for the Term of five hundred Years as aforeſaid were all determined, whereby the Reſidue of the ſaid Term, and alſo the Reverſion expectant upon the ſaid Term, and the Inheritance of the ſaid Eſtates were become chargeable with the Maintenance of the Scholars in the ſaid College of *Chriſt Church* in Manner before mentioned: And whereas by an Order made in the ſaid Cauſe, dated the Nineteenth Day of *July* One thouſand ſeven hundred and forty-four, it was ordered that the ſaid Report ſhould ſtand confirmed, and that the Scheme therein ſtated ſhould be approved and eſtabliſhed, and that the ſame ſhould be carried into Execution: And whereas by a further Information exhibited by His preſent Majeſty's then Attorney-General, on or about the Sixteenth Day of *June* One thouſand ſeven hundred and ſeventy-five againſt *Joſeph Amphlett* and the ſaid Dean and Chapter of the ſaid College of *Chriſt Church*, after ſtating therein ſeveral of the Matters aforeſaid, and that divers other Reports, Orders and Proceedings took place in the ſaid Cauſe, and ſeveral Sums ariſing from ſurplus Income or Profits of the ſaid Eſtates were paid into the Accountant-General's Name to the Credit of the ſaid Cauſe, but that no Directions were given for veſting the Fee of the ſaid Hereditaments and Premiſes in any Perſon or Perſons as Truſtee or Truſtees thereof, and amongſt other Matters and Things that the Relators and Defendants in the ſaid firſt Cauſe were dead, and that the Defendant *Joſeph Amphlett* was then the Perſonal Repreſentative of the ſaid *Henry Woolaſton* the ſurviving Truſtee named in the ſaid Indenture of the ninth Day of *January* One thouſand ſix hundred and eighty-nine, in whom the ſaid Charity Eſtates were then veſted for the Reſidue of the ſaid Term of five hundred Years, in truſt to attend the Inheritance of the ſaid Eſtates for the Benefit of the ſaid Charities, and that the ſaid Charity Eſtates were then of the yearly Value of Four hundred Pounds and upwards, and that there were then ſtanding

6th July 1741 Decree of the Court of Chancery eſtabliſhing the Charitable Deviſe.

18th July 1743. The Maſter's Report.

19th July 1744. Order confirming the ſaid Maſter's Report.

16th June 1745. Further Information exhibited by the Attorney-General.

in

in the Name of the ſaid Accountant-General, in truſt in the ſaid Cauſe, ſubject to the further Order of the Court, One thouſand two hundred and twenty-five Pounds eleven Shillings and two-pence Bank three Pounds *per centum* Annuities, and in Caſh One thouſand two hundred and ninety-ſix Pounds nine Shillings which had ariſen from the Surplus Rents, Profits and Produce of the ſaid Eſtates, it was therefore prayed that the ſaid Decree and Proceedings might be carried into Execution, and that the then Relators might have the Benefit thereof, and that the Number of Scholars Exhibitioners out of the ſaid Charity might be increaſed, and the increaſed Rents, and the Produce of the ſaid Bank Annuities be employed in Augmentation of the ſaid Charity, and that ſuch further Directions relating to the ſaid Charity might be given as by the ſaid Court ſhould be thought neceſſary: And whereas by a Decree made in the ſaid laſt mentioned Cauſe, bearing date the Eighth Day of *June* One thouſand ſeven hundred and ſeventy-ſix, it was ordered and decreed among other Things that the ſaid former Decree and Proceedings ſhould be carried into Execution between the then preſent Parties, in the Manner by the ſaid firſt-mentioned Decree and Proceedings directed as to the former Parties; and it was further ordered that the Receiver appointed of the Charity Eſtates ſhould be continued and paſs his Accounts before Mr. *Holford* the Maſter to whom the former Cauſe ſtood referred, and that he ſhould pay the Balances of his Accounts from Time to Time into the Bank with the Privity of the ſaid Accountant-General to be placed to the Credit of the ſaid Cauſe, ſubject to the further Order of the ſaid Court: And whereas by an Order made in the ſaid laſt mentioned Cauſe upon the Petition of the ſaid Defendant, the Dean of *Chriſt Church*, bearing Date the Fourth Day of *Auguſt* one thouſand eight hundred and ſix, ſtating the ſeveral Matters aforeſaid, it was referred to Mr. *Cox* the Maſter to whom the ſaid laſt mentioned Cauſe ſtood transferred to enquire and ſtate to the Court, whether any Heir or Heirs at Law of the ſaid Teſtator *Edward Careſwell* could be found, and in caſe ſuch Heir or Heirs at Law could not be found, then to certify to the Court whether it would be for the Benefit of the ſaid Eſtates in queſtion, that an Application ſhould be made to Parliament as to veſting and ſettling the Fee-ſimple of the ſaid Eſtates in Truſtees for the Purpoſes of the Charity in queſtion: And whereas the ſaid Maſter, by his Report made in purſuance of the ſaid laſt recited Order, and bearing Date the Eighteenth Day of *December* One thouſand eight hundred and ſeven, after ſtating that he had been attended by the Solicitors for the ſaid Petitioner, and alſo for the Relators and the other Defendants in the ſaid Cauſe, and (*inter alia*) that he had found all the Matters herein-before ſet forth, and that Part of the ſaid Hereditaments and Premiſes conſiſting of a Meſſuage and Building with about one hundred and twenty-five Acres of Land called *Hill Houſe Farm* bordered upon the Tract of Waſte or unincloſed Land called *Morſe*, over which Tract there appertained a Right of Common in reſpect of the ſaid Farm, and that the ſaid Common was about to be incloſed by virtue of an Act of Parliament, and Allotments in lieu of the Common Rights made to the ſeveral Freeholders and Proprietors according to their reſpective Intereſts; and the ſaid Maſter further ſet forth the Affidavit of *James Sheffield Brooks* of *Millman-ſtreet Bedford-row* in the County of *Middleſex* Gentleman, ſworn the thirtieth day of *November* One thouſand eight hundred and ſeven, ſtating or detailing the Particulars of the Enquiries and Searches that

8th June 1776, Decree of the Court of Chancery.

4th Auguſt 1806. Order of Reference on the Petition of the Dean of Chriſt Church, directing Searches for Heirs at Law of Teſtator.

18th December 1807. The Maſter's Report.

that had been made by the ſaid Deponent at *Shrewſbury* and in the Vicinity thereof, and alſo at *Bobbington* in the County of *Stafford* (where the ſaid Teſtator had lived and died) for the Heir or Heirs at Law of the ſaid *Edward Careſwell* the Teſtator in the Pleadings of the ſaid Cauſe named, and from ſuch Enquiries and Searches it appeared that there was or were not any ſuch Heir or Heirs at Law to be found; and the ſaid Maſter further certified that he cauſed two ſeveral Advertiſements to be publiſhed in the *London Gazette* and in a News-paper publiſhed at *Shrewſbury* in the County of *Salop*, thereby calling upon the Heir or Heirs at Law of the ſaid *Edward Careſwell*, if any, to come in before him and prove their Kindred, but that no Claim of Kindred had been made or brought in before him, and that under the Circumſtances aforeſaid, it appeared to him that there was not, nor were there, any Perſon or Perſons to whom the Commiſſioners for the Purpoſes of the Incloſure thereinbefore mentioned could make any Allotment or Allotments under the ſaid Incloſure Act, in lieu of the Common Rights appurtenant to the Freehold or Inheritance of and in the ſaid Hereditaments and Premiſes called *Hill Houſe Farm*, for which, and for other Reaſons, he conceived it would be for the Benefit of the ſaid Eſtates in queſtion, that an Application ſhould be made to Parliament for veſting and ſettling the Fee-ſimple of the ſaid Eſtates in Truſtees for the Purpoſe of the Charity in queſtion: And whereas by another Order made in the ſaid laſt mentioned Cauſe upon the ſaid Maſter's Report, bearing Date the Twenty-third Day of *December* One thouſand eight hundred and ſeven, it was ordered that the Petitioners ſhould make an Application to Parliament for an Act to veſt the Fee-ſimple of the ſaid Eſtates in Truſtees for the Benefit of the Charity in queſtion, and that it ſhould be referred back to the ſaid Maſter to approve of proper Perſons to be appointed Truſtees of the ſaid Eſtates: And whereas the ſaid Maſter by his further Report made in the ſaid Cauſe, bearing Date the Twenty-fourth Day of *February* One thouſand eight hundred and eight certified that he had approved of the very reverend *Cyril Jackſon* Doctor in Divinity, Dean of Chriſt Church College *Oxford*, *John Kynaſton Powell* of *Hardwicke* in the County of *Salop* Eſquire, *John Cotes* of *Woodcote* in the ſame County, Eſquire, and *Iſaac Hawkins Browne* of *Badger*, alſo in the ſame County, Eſquire, as proper Perſons to be appointed Truſtees in the ſaid Act of Parliament of the ſaid Eſtates deviſed by the ſaid recited Will of the ſaid *Edward Careſwell*: And whereas by another Order of the ſaid Court bearing Date the Firſt Day of *April* One thouſand eight hundred and eight made in the ſaid Cauſe, the ſaid laſt recited Report of the ſaid Maſter was confirmed and made abſolute: And whereas the ſaid *John Kynaſton Powell* is deſirous of being diſcharged from acting in the ſaid Truſt, wherefore Your Majeſty's moſt dutiful and loyal Subjects, the ſaid Dean and Chapter of the Cathedral Church of *Chriſt* in *Oxford* do moſt humbly beſeech Your moſt Excellent 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 all and ſingular the Meſſuages, Farms, Lands, Tenements and Hereditaments deviſed by the ſaid recited Will of the ſaid *Edward Careſwell*, ſituate, lying and being in the Pariſhes of *Bradford*, *Brimtree* and *Stotteſden* and elſewhere in the ſaid County of *Salop*, and in the Pariſh of *Bobbington* or elſewhere

23d December 1807. Order of Chancery made on the ſaid Report.

24th February 1808. Maſter's Report approving of Truſtees.

Enactment for veſting all the Eſtates late of the ſaid Edward Careſwell in the Counties of Salop, Stafford and elſewhere.

elſewhere in the ſaid County of *Stafford*, and alſo all other the Hereditaments (if any) deviſed by the ſaid recited Will, together with all and ſingular Houſes, Out-houſes, Edifices, Buildings, Barns, Stables, Granaries, Yards, Gardens, Lands, Meadows, Paſtures, Feedings, Ways, Waters, Watercourſes, Commons, Common of Paſture, Timber and other Trees, Woods, and Underwoods, and the Ground and Soil thereof, and other the Rights, Members and Appurtenances whatſoever to the ſaid Meſſuages, Farms, Lands, Tenements and Hereditaments belonging, or in anywiſe appertaining, or to or with the ſame or any of them uſed, occupied or enjoyed, or accepted, reputed, deemed, taken or known as Part, Parcel or Member thereof, or of any of them, or appurtenant thereto, and all Allotments made and to be made to or in reſpect of all or any of the ſaid Farms, Lands, and Hereditaments for or in lieu of any Rights of Common belonging or appertaining thereto, and the Inheritance in Fee-ſimple of all and ſingular the ſaid Meſſuages, Farms, Lands, Allotments, Hereditaments and Premiſes, ſhall from and after the paſſing of this Act be, and the ſame are hereby veſted in the Right Honourable *Edward Herbert* commonly called Lord Viſcount *Clive*, and in the ſaid *Cyril Jackſon*, *John Cotes*, and *Iſaac Hawkins Browne* (the Truſtees appointed as aforeſaid) their Heirs and Aſſigns, to the Uſe of them the ſaid *Edward* Lord Viſcount *Clive*, *Cyril Jackſon*, *John Cotes*, and *Iſaac Hawkins Browne*, their Heirs and Aſſigns for ever, for the Intents and Purpoſes in and by the ſaid recited Will of the ſaid *Edward Careſwell* expreſſed and declared of and concerning the ſame, but ſubject to any beneficial Claim or Claims of the Heir or Heirs at Law of the ſaid *Edward Careſwell*.

Truſtees.

Upon the Truſts mentioned in the ſaid Will of Edward Careſwell.

Power of appointing new Truſtees.

IV. Provided always, and be it further enacted, That if any or either of them the ſaid *Edward* Lord Viſcount *Clive*, *Cyril Jackſon*, *John Cotes*, and *Iſaac Hawkins Browne*, or any future Truſtee or Truſtees who ſhall be appointed in the Place or Stead of them or any of them, ſhall die or deſire to relinquiſh the Truſts hereby in them or in him repoſed, or ſhall refuſe, decline or become incapable to act in the ſaid Truſts, or ſhall go out of *Great Britain*, then and in every or any ſuch Caſe it ſhall and may be lawful for the High Court of Chancery, upon a Petition to be preſented in a ſummary Way by any of the ſurviving or other Truſtees or Truſtee of the ſaid Truſt Premiſes for the Time being, or by the Dean of the ſaid Cathedral Church of *Chriſt*, *Oxford*, for the Time being, from Time to Time to appoint any other Perſon or Perſons to be a Truſtee or Truſtees in the Place or Stead of the Truſtee or Truſtees ſo dying or deſiring to be diſcharged, or refuſing, declining or becoming incapable to act, or going out of *Great Britain* as aforeſaid, and that when and ſo ſoon and as often as any ſuch Appointment of a new Truſtee or Truſtees ſhall be made as aforeſaid, all the aforeſaid Truſt Eſtates or Hereditaments and Premiſes, with the Appurtenances, ſhall be thereupon with all convenient Speed conveyed and transferred in ſuch Sort and Manner, and ſo as that the ſame ſhall and may be or become legally and effectually veſted in the ſurviving or continuing Truſtee or Truſtees thereof, and ſuch new or other Truſtee or Truſtees, or if there ſhall be no continuing Truſtee or Truſtees then in ſuch new Truſtees only, upon the ſame Truſts, and for the ſame Intents and Purpoſes as by the ſaid recited Will of the ſaid *Edward Careſwell* are or were declared of and concerning the ſame Pre-

miſes or ſuch of them as ſhall or may be then ſubſiſting or capable of taking Effect; and that every ſuch new Truſtee ſhall and may in all Things act in the Management, carrying on and Execution of the aforeſaid Truſts as fully and effectually, and with all the ſame Powers and Authorities to all Intents and Purpoſes whatſoever as if ſuch Truſtee or Truſtees ſo to be appointed had been originally by this Act nominated and appointed a Truſtee or Truſtees of the ſaid Eſtates for the Purpoſes aforeſaid.

Clauſe for the Indemnity of the Truſtees.

V. Provided alſo, and be it further enacted, That none of the preſent or future Truſtees of this Act ſhall be anſwerable or accountable for the other or others of them, or for any involuntary Loſſes; and that by and out of any Rents or Monies which ſhall come to their or his Hands or Hand by virtue of the aforeſaid Truſts it ſhall be lawful for them and him to retain to and reimburſe themſelves and himſelf reſpectively all the Coſts, Charges and Expences which they or he may reſpectively incur or ſuſtain in carrying the ſaid Truſts into Execution.

Court of Chancery to allow Coſts.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Court of Chancery from Time to Time to make ſuch Order as the ſaid Court ſhall think expedient, juſt or reaſonable, for allowing, taxing and ſettling all Coſts, Charges and Expences which have been or ſhall be incurred in and about the obtaining and paſſing this Act, or in or about any Applications to the ſaid Court in purſuance hereof, or otherwiſe in carrying into Execution the Truſts and Purpoſes aforeſaid.

Saving Clauſe.

VII. 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 reſpective Heirs, Succeſſors, Executors and Adminiſtrators, (other than and except the Heirs at Law of the ſaid Teſtator *Edward Careſwell* deceaſed, as to and ſo far as regards any legal or truſt Eſtate that may be veſted in them for the ſubſiſting Purpoſes of the ſaid Will, but no further or otherwiſe,) all ſuch Eſtate, Right, Claim, Title, Intereſt, Claim and Demand whatſoever, of, in, to, or out of all or any the ſaid Meſſuages, Farms, Lands, Tenements and Hereditaments late of the ſaid Teſtator *Edward Careſwell* deceaſed, or any Part thereof, 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 paſſed.

VIII. Provided always, and be it further enacted, That in caſe the Heir or Heirs at Law of the ſaid *Edward Careſwell* ſhall at any Time hereafter by due Courſe of Law eſtabliſh his, her, or their Right or Title to the Meſſuages, Farms, Lands, Tenements and Hereditaments deviſed by the Will of the ſaid *Edward Careſwell*, as aforeſaid, or any Part thereof, then all the ſaid Hereditaments and Premiſes hereby veſted in the ſaid Truſtees, or ſuch Part or Parts thereof to which ſuch Heir or Heirs at Law ſhall have ſo eſtabliſhed ſuch Right or Title, ſhall thenceforth be veſted in the ſaid Heir or Heirs at Law in like Manner as if this Act had not been made or paſſed.

Evidence.

IX. 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, before all Judges, Justices and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1808.