ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 65.

An Act for vesting certain Estates, in or near *Sweeting's Alley*, in the City of *London*, (Part of the Estates devised by the Wills of *Ann Cheslyn* and *Frances Cheslyn*, Spinsters) in Trustees, in Trust, to sell the same; and for laying out the Money, arising from the Sale thereof, in the Purchase of other Estates, to be settled to the same Uses, as the Estates so sold. [9th *June* 1806.]

WHEREAS *Ann Cheslyn*, late of the Town and County of the Town of *Nottingham*, Spinster, deceased, duly made and published her last Will and Testament, in Writing, bearing Date on or about the Twenty-third Day of *January*, One thousand seven hundred and eighty-seven, and thereby gave and devised all and every her Messuages, Farms, Closes, Lands, Tenements, and Hereditaments, and Part and Parts, Share and Shares, of and in any Messuages, Farms, Closes, Lands, Tenements, and Hereditaments, and all other her real Estate whatsoever and wheresoever, with their and every of their Rights, Members, and Appurtenances, unto and to the Use of her Sisters, *Sarah Cheslyn*, *Frances Cheslyn*, and *Penelope Cheslyn*, (all since deceased,) and to the Survivors and Survivor of them, during the Term of their or any of their Lives, subject nevertheless as to her Part and Share in the Messuages and Hereditaments in *Sweeting's Alley*, in the City of *London*, or elsewhere in the City of *London*, to the Payment thereout, during the Lives of all or any of her said Sisters, *Sarah Cheslyn*, *Frances Cheslyn*, and *Penelope Cheslyn*, unto her Niece *Ann Cheslyn*, (now *Ann Smith*, the Wife of *Benjamin Smith*,) during her Life, of One Annuity or Yearly Rent,

23d January 1787, Will of Mrs. Ann Cheslyn.

or Sum of Five Pounds of lawful Money of *Great Britain*, clear of the Land-Tax and all other Deductions, and payable as therein mentioned; and subject also as to the said Testatrix's Part and Share in the said Messuages and Hereditaments in *Sweeting's Alley*, in the City of *London*, or elsewhere in the City of *London*, to the Payment thereout, during the Lives of all or any of her said Sisters, *Sarah Cheslyn*, *Frances Cheslyn*, and *Penelope Cheslyn*, unto her Niece *Elizabeth Cheslyn*, during her Life, of One Annuity or Yearly Rent, or Sum of Five Pounds of like lawful Money, clear as aforesaid, and payable in like Manner; and from and immediately after the Decease of the Survivor of them her said Sisters, the said *Sarah Cheslyn*, *Frances Cheslyn*, and *Penelope Cheslyn*, the said Testatrix gave and devised all and every her Messuages, Tenements, and Hereditaments, and Part and Parts, Share and Shares of any Messuages, Tenements, or Hereditaments, and all other her real Estate in *Sweeting's Alley* aforesaid, or elsewhere within the City of *London*, unto and to the Use of her said Niece, the said *Ann Smith* and her Assigns, for her Life, Remainder to the Use of *John Wright* and *Thomas Wright*, both of the Town and County of the Town of *Nottingham*, Esquires, and their Heirs, during her Life, upon Trust, to preserve contingent Remainders; Remainder to the Use and Behoof of any Husband with whom her said Niece *Ann Cheslyn* might happen to intermarry, and who should survive her said Niece *Ann Cheslyn*, and his Assigns, during his Life; and from and immediately after the Decease of her said Niece *Ann Cheslyn*, and any Husband with whom she should happen to intermarry, (if any such there should be,) to the Use and Behoof of all and every the Issue, Child and Children of the Body of her said Niece *Ann Cheslyn*, as Tenants in common in Tail general, with cross Remainders between them and their Issue, as Tenants in common in Tail general; and for default of all such Issue, then if all or any of her said Sisters, *Sarah Cheslyn*, *Frances Cheslyn*, and *Penelope Cheslyn*, should be living at the Time of the Decease of her said Niece *Ann Cheslyn*, and such Failure of Issue of her Body as aforesaid, the said Testatrix gave and devised all and every her said real Estate in the City of *London* aforesaid, unto and to the Use of all and every, or such One or more of them, her said Sisters *Sarah Cheslyn*, *Frances Cheslyn*, and *Penelope Cheslyn*, who should be then living, and of her or their respective Heirs and Assigns for ever, if more than one of them should be then living, to take as Tenants in common, and not as joint Tenants; and if but one of them, her said Sisters *Sarah Cheslyn*, *Frances Cheslyn*, and *Penelope Cheslyn*, should be then living, then she gave and devised the same unto, and to the Use of such of them her said Sisters, who should be then living, her Heirs and Assigns, for ever; But if none of her said Sisters should be living on the Decease of her said Niece *Ann Cheslyn*, and such Failure of Issue of her Body as aforesaid, then she gave and devised the same unto, and to the Use of the right Heirs of her said Niece *Ann Cheslyn* for ever; and the said Testatrix appointed her said Sisters *Sarah Cheslyn*, *Frances Cheslyn*, and *Penelope Cheslyn*, Executrixes of her said Will, and afterwards died on or about the Twenty-fourth Day of *January*, in the Year One thousand seven hundred and eighty-seven, without altering or revoking the same, leaving the said *Sarah Cheslyn*, *Frances Cheslyn*, and *Penelope Cheslyn*, her Sisters, and the said *Ann Cheslyn* her Niece, her surviving: And whereas the said *Frances Cheslyn* and *Penelope Cheslyn*, having declined proving the said Will, the said *Sarah Cheslyn* alone duly proved the same in the Prerogative or Exchequer Court of the

Probate of Ann Cheslyn's Will, granted to Sarah Cheslyn.

the Archbiſhop of *York*: And whereas the ſaid *Frances Cheſlyn*, late of the ſaid Town and County of the Town of *Nottingham*, Spinſter, duly made and publiſhed her laſt Will and Teſtament in Writing, bearing Date on or about the Fourth Day of *June*, One thouſand ſeven hundred and ninety, and thereby gave and deviſed all and every her Meſſuages, Farms, Cloſes, Lands, Tenements and Hereditaments, and Part and Parts, Share and Shares, of and in any Meſſuages, Farms, Cloſes, Lands, Tenements and Hereditaments, and all other her real Eſtate, whatſoever and wheresoever, with their, and every of their Rights, Members and Appurtenances, unto and to the Uſe of her Siſters, the ſaid *Sarah Cheſlyn*, and *Penelope Cheſlyn*, and to the Survivors and Survivor of them, during the Term of their or any of their natural Lives, ſubject nevertheleſs as to her Part and Share in the Meſſuages and Hereditaments in *Sweeting's-Alley* in the City of *London*, or elſewhere in the City of *London*, to the Payment thereout, during the Lives of all or any of her ſaid Siſters *Sarah Cheſlyn* and *Penelope Cheſlyn*, and from and immediately after the Deceaſe of the Survivor of them her ſaid Siſters *Sarah Cheſlyn* and *Penelope Cheſlyn*, then the ſaid Teſtatrix gave and deviſed all and every her Meſſuages, Tenements and Hereditaments, and Parts, Share and Shares of her Meſſuages, Tenements or Hereditaments, and all other her real Eſtate in *Sweeting's Alley* aforeſaid, or elſewhere within the City of *London*, unto and to the Uſe of her ſaid Niece *Ann Cheſlyn*, now *Ann Smith*, the Wife of the ſaid *Benjamin Smith* and her Aſſigns for her Life, Remainder to the Uſe of the ſaid *John Wright* and *Thomas Wright*, and their Heirs, during her Life, upon Truſt to preſerve the contingent Remainders, Remainder to the Uſe and Behoof of any Huſband, with whom her ſaid Niece *Ann Cheſlyn* might happen to intermarry, and who ſhould ſurvive her ſaid Niece *Ann Cheſlyn*, and his Aſſigns during his Life, and from and immediately after the Deceaſe of her ſaid Niece *Ann Cheſlyn*, and any Huſband with whom ſhe ſhould happen to intermarry, (if any ſuch there ſhould be,) to the Uſe and Behoof of all and every the Iſſue, Child and Children of the Body of her ſaid Niece *Ann Cheſlyn*, as Tenants in common in Tail general, with Croſs Remainders between them and their Iſſue as Tenants in Common in Tail general; and for Default of all ſuch Iſſue, then if all or any of her ſaid Siſters, *Sarah Cheſlyn* and *Penelope Cheſlyn* ſhould be living at the Time of the Deceaſe of her ſaid Niece, *Ann Cheſlyn*, and ſuch Failure of Iſſue of her Body as aforeſaid, the ſaid Teſtatrix gave and deviſed all and every her ſaid real Eſtate in the City of *London* aforeſaid, unto and to the Uſe of all and every, or ſuch One or more of them her ſaid Siſters, *Sarah Cheſlyn* and *Penelope Cheſlyn*, who ſhould be then living, and of her or their reſpective Heirs and Aſſigns for ever; if more than One of them ſhould be then living, to take as Tenants in common, and not as joint Tenants; and if but One of them her ſaid Siſters, *Sarah Cheſlyn* and *Penelope Cheſlyn*, ſhould be then living; then ſhe gave and deviſed the ſame unto and to the Uſe of ſuch of them her ſaid Siſters who ſhould be then living, her Heirs and Aſſigns for ever. But if none of her ſaid Siſters ſhould be living on the Deceaſe of her ſaid Niece *Ann Cheſlyn*, and ſuch Failure of Iſſue of her Body as aforeſaid, then the ſaid Teſtatrix gave and deviſed the ſame unto and to the Uſe of her Nephew *Richard Cheſlyn*; and if he ſhould die without Children, then to her Nephew *Charles Cheſlyn*; and if he ſhould die without Children, then to her Nephew *Thomas Cheſlyn*; and if he ſhould die without Children, then to her Nephew *William Webſter Cheſlyn*; and after deviſing other real Eſtates in the County of *Leiceſter*, and in the

4th June 1790, the Will of Mrs. Frances Cheſlyn.

the Town of *Nottingham*, to and for such Uses and Purposes as therein mentioned, the said Testatrix directed, that whatever Money she should owe at the Time of her Death, should be paid out of that Share of Mrs. *Sweeting*'s Estate, which she bought of the Executors, which was her Brother's, *Richard Cheslyn* Esquire; and after giving to her Nephew *Thomas King*, Son of her Brother *Edward King*, but not till after the Death of her Sisters *Sarah Cheslyn* and *Penelope Cheslyn*, Five Pounds a Year during his Life, and several specific Legacies, the said Testatrix gave and bequeathed all her ready Money, Securities for Money, Household Goods and Furniture, Goods, Chattels, and all other her Real and Personal Estate whatsoever, and not thereinbefore otherwise given and disposed of, unto and to the Use of her said Sisters, the said *Sarah Cheslyn* and *Penelope Cheslyn*, their Heirs, Executors, Administrators, and Assigns, subject to the Payment of her just Debts and Funeral Expences, and appointed her said Sisters, *Sarah Cheslyn* and *Penelope Cheslyn*, Executrixes of her said Will, and afterwards died on or about the Twenty-sixth Day of *April*, in the Year One thousand seven hundred and ninety-two, without revoking or altering the same, leaving the said *Ann Cheslyn* her Niece, and the said *Sarah Cheslyn*, and *Penelope Cheslyn* her Sisters, her surviving:

Probate of Frances Cheslyn's Will, granted to said Sarah Cheslyn.

And whereas the said *Penelope Cheslyn* having declined proving the said Will of the said *Frances Cheslyn*, the said *Sarah Cheslyn* alone duly proved the same in the Prerogative or Exchequer Court aforesaid: And whereas, in the Month of *August*, One thousand seven hundred and ninety-three, the said *Ann Cheslyn*, the Niece of the said Testatrixes, intermarried with the said *Benjamin Smith*, and hath Issue One Son and Two Daughters, *viz.* *William Scott Smith*, *Mary Ann Smith*, and *Harriet Smith*, all Infants under the Age of Twenty-one Years: And whereas the said *Richard Cheslyn*, the Nephew of the said Testatrix *Frances Cheslyn*, hath attained his Age of Twenty-one Years: And whereas the Debts, which were owing by the said Testatrix *Frances Cheslyn*, at the Time of her Decease, have been long since duly paid off and discharged by the said *Sarah Cheslyn*, the acting Executrix named in her said Will, by and out of the Estates and Effects of the said *Frances Cheslyn*, which came to her Hands: And whereas the said *Penelope Cheslyn* died, on or about the Fifteenth Day of *December*, in the Year One thousand eight hundred and one, leaving her Sister, the said *Sarah Cheslyn*, her surviving, who afterwards died on or about the Eighth Day of *September*, in the Year One thousand eight hundred and five, whereby the Parts and Shares of the said Messuages and Real Estate devised by the said Wills of the said *Ann Cheslyn* and *Frances Cheslyn*, unto their Niece the said *Ann Smith*, (then *Ann Cheslyn*,) for her Life, with Remainders over as aforesaid, have now fallen into Possession; And whereas the said Real Estates, situate in *Sweeting's Alley* aforesaid, whereof several undivided Parts and Shares were so devised by the said Wills of the said Testatrixes *Ann Cheslyn* and *Frances Cheslyn*, deceased, as aforesaid, consist of several Messuages, Shops, Tenements, and other Hereditaments, which are more particularly mentioned and described in the Schedule to this Act annexed: And whereas, in consequence of the said Messuages and Premises being held in undivided Shares, it will be highly beneficial to the said *Benjamin Smith* and *Ann* his Wife, and all the other Persons beneficially interested in the said undivided Parts and Shares of the said Estates in *Sweeting's Alley*, devised by the said recited Wills of the said *Ann Cheslyn* and *Frances Cheslyn* as aforesaid; and more particularly mentioned in the said Schedule to this Act annexed, that the same should be vested in Trustees, discharged from the Uses and Trusts of the same Wills, in Trust, to be

Marriage of Ann Cheslyn, the Niece, with Benjamin Smith, in August 1793; and their Issue stated.

Richard Cheslyn, the Nephew, in Remainder, has attained Age.

The Debts of the Testatrix, Frances Cheslyn, long since paid off.

Penelope Cheslyn, Tenant for Life, died 15th December 1801.

Sarah Cheslyn, Tenant for Life, died 8th September 1805.

The Estates consist of undivided Shares of Messuages, &c.

sold

sold, and the clear Monies thence arising, laid out, under the Direction of the Court of Chancery, in the Purchase of other Real Estates, to be settled to the subsisting Uses of the said Wills of the said *Ann Cheslyn* and *Frances Cheslyn*, deceased; but by reason of the Limitations contained in the same Wills, and the Minority of the Infant Children of the said *Ann Smith* by the said *Benjamin Smith*, the same cannot be effected, without the Aid and Authority of Parliament: Therefore, your Majesty's most dutiful and loyal Subjects, the said *Benjamin Smith* and *Ann* his Wife, for and on Behalf of themselves and the said *William Scott Smith*, *Mary Ann Smith*, and *Harriet Smith*, their Three Infant Children, and also the said *Richard Cheslyn*, 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 same undivided Parts and Shares of the said Messuages, Tenements, and all and singular other the Hereditaments and Premises, situate, lying, and being, in or near *Sweeting's Alley*, in the Parishes of *Saint Bartholomew* and *Saint Michael, Cornhill*, and near the *Royal Exchange*, in the City of *London* aforesaid, and devised by the said recited Wills of the said *Ann Cheslyn* and *Frances Cheslyn*, deceased as aforesaid, and which are comprised and mentioned in the said Schedule to this Act annexed, with the Appurtenances, shall, from and after the passing of this Act, be vested in *John Bull*, of *High Street*, in the Borough of *Southwark*, in the County of *Surrey*, Merchant, and *John Cressy Hall*, of *Alfreton*, in the County of *Derby*, Gentleman, their Heirs and Assigns, for ever freed and discharged of and from all and singular the Uses, Estates, Intails, Remainders, Limitations, Trusts, Charges, Powers, Provisoes, and Declarations, which in and by the said recited Wills of the said *Ann Cheslyn* and *Frances Cheslyn*, were limited, expressed, or declared of and concerning the same Parts or Shares of the said Messuages, Tenements, Hereditaments, and Premises, but upon the Trusts, and to and for the Ends, Intents, and Purposes hereinafter expressed and declared of and concerning the same; that is to say, upon Trust, that they the said *John Bull* and *John Cressy Hall*, and the Survivor of them, and the Heirs and Assigns of such Survivor, do and shall, sell and dispose of the said Parts and Shares of the said Messuages, Tenements, Hereditaments, and Premises, either altogether and in One Lot, or in Parcels, or in Conjunction and together with the other Parts and Shares of the said Messuages, Tenements, Hereditaments, and Premises, and either by Public Auction or Private Contract, for such Price or Prices as to them or him shall seem reasonable; and upon Payment of the Purchase-Money for the same, in Manner hereinafter mentioned, do and shall convey, surrender, or otherwise assure the Hereditaments which shall be comprised in the said Sale or Sales, to the Purchaser or Purchasers of the same respectively, and to his, her, or their Heirs or Assigns, or to such other Person or Persons, or in such other Manner as he, she, or they shall direct or appoint, absolutely and for ever freed and discharged as hereinbefore is mentioned.

Advantages arising from a Sale of the Entirety.

Estate vested in Trust, to be sold.

II And be it further enacted, That the Purchaser or Purchasers of the said Parts and Shares of the said Messuages, Tenements, and other Hereditaments hereby made saleable as aforesaid, or any Part of the same, shall pay his, her, or their Purchase-Money into the Bank of *England*, in the

Purchase Money to be paid into the Bank.

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 deviſed by the Wills of the ſaid *Ann Cheſlyn* and "*Frances Cheſlyn*," purſuant to the Method preſcribed by the Act of the Twelfth Year of King *George* the First, Chapter 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 Twenty-fourth; and the Receipt and Receipts of the Caſhier of the Bank of *England*, for the ſaid Purchaſe-Money, and the Certificate and Certificates of the ſaid Accountant General, annexed to the ſame, and filed in the Regiſter Office of the ſaid Court of Chancery, ſhall be an effectual Releaſe and Diſcharge to the Perſon or Perſons paying the ſame, for the Money therein mentioned and acknowledged to be received, and from being anſwerable for the Miſapplication, or liable or bound to ſee to the Application of the ſame.

Money ariſing from the Sales, to be laid out in the Purchaſe of other Eſtates, to be ſettled to the like Uſes.

III. And be it further enacted, That upon a Petition to be preſented to the ſaid Court by the ſaid *Benjamin Smith* and *Ann* his Wife, during their joint Lives, or by the Survivor of them, and after the Deceaſe of ſuch Survivor, by the Perſon or Perſons who, under the ſaid recited Wills of the ſaid *Ann Cheſlyn* and *Frances Cheſlyn* would, for the Time being, if this Act had not been made, be beneficially entitled in Poſſeſſion to the ſaid Parts and Shares of the ſaid Meſſuages, Tenements, and Hereditaments hereby made ſaleable as aforeſaid, if ſuch Perſon or Perſons ſhall be of full Age; but if ſuch Perſon or Perſons ſhall be under Age, then by his or their Guardian, or reſpective Guardians, during his, her, or their Minority, or reſpective Minorities, the Money ariſing from the ſaid Sale or Sales to be paid into the Bank of *England*, as hereinbefore is mentioned, ſhall, under the Directions of the ſaid Court, be laid out and inveſted in the Purchaſe or Purchaſes of other Meſſuages, Lands, Tenements and Hereditaments of Inheritance, to be ſituate in *England*, and the Meſſuages, Lands, Tenements, and other Hereditaments ſo to be purchaſed, ſhall immediately upon, or after the Purchaſe of the ſame, be under the like Direction of the ſaid Court of Chancery, conveyed, aſſured and ſettled to the Uſes, upon, and for the Truſts, Intents and Purpoſes, and with, under and ſubject to the Powers, Proviſoes, Limitations and Declarations, which under and by virtue of the ſaid recited Wills of the ſaid *Ann Cheſlyn* and *Frances Cheſlyn*, were, previouſly to the paſſing of this Act, ſubſiſting or capable of taking Effect of or in the ſaid Parts and Shares of the ſaid Meſſuages, Tenements, and other Hereditaments, hereby veſted in the ſaid *John Bull* and *John Creſſy Hall*, and their Heirs, or ſuch of the ſaid Uſes, Truſts, Intents, Purpoſes, Powers, Proviſoes, Limitations or Declarations as ſhall be then ſubſiſting, and capable of taking Effect.

The Money, till inveſted in other Purchaſes, to be laid out in Navy, Victualling, or Exchequer Bills.

IV. And be it further enacted, That in the mean Time, and until the Money ariſing from the ſaid Sale or Sales, ſhall be inveſted in the Purchaſe of Meſſuages, Lands, Tenements, and Hereditaments, as hereinbefore is mentioned, the ſame ſhall, from Time to Time, be laid out, under the Direction of the ſaid Court of Chancery, 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 reſpectively are paid off by Government, ſhall be laid out in the Purchaſe of other Navy, Victualling, or Ex-

Exchequer Bills; and all the ſaid Navy, Victualling, or Exchequer Bills, ſhall be depoſited in the Bank, in the Name of the ſaid Accountant-General, and ſhall there remain until proper Purchaſes be found, for the Inveſtment thereof, and until the ſame ſhall, under the Direction of the ſaid Court of Chancery, be ordered by the ſaid Court of Chancery, to be ſold by the ſaid Accountant General, for the completing ſuch Purchaſe or Purchaſes; and if the Money ariſing by the Sale of the Navy, Victualling, and 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 of the ſame, ſhall be paid to the Perſon or Perſons reſpectively, who, at the Time when the Order for the Sale of the ſaid Bills ſhall be made, would, for the Time being, be entitled to the Rents and Profits of the Lands directed to be purchaſed therewith, in caſe the ſame were then actually purchaſed and ſettled, in purſuance of the Truſts and Directions of this Act.

Court of Chancery to allow Coſts.

V. 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 obtaining and paſſing the ſaid Act, and in making the ſeveral Applications to the ſaid Court in purſuance thereof, and in making and completing the Sale or Sales of the Hereditaments and Premiſes hereby made ſaleable, and inveſting all or any of the Monies which under this Act ſhall be paid into the Bank of *England*, in the Purchaſe of Meſſuages, Lands, Tenements, and Hereditaments, according to the Direction therein to be contained, or otherwiſe, in carrying into Execution the Truſts and Purpoſes of this Act, and alſo from Time to Time to make Orders for Payment of all ſuch Coſts, Charges, and Expences as aforeſaid, out of the Monies which ſhall ariſe from any Sale or Sales of any Meſſuages, Lands, or Hereditaments under this Act, and which ſhall be ſo paid into the Bank as aforeſaid, or out of the Monies ariſing by the Sale of the Navy, Victualling, or Exchequer Bills, to be purchaſed as aforeſaid.

The Rents of the Eſtates, till ſold, to be received by the Perſons entitled to the ſame, before the paſſing of the Act.

VI. And be it further enacted, That in the mean Time, and until ſuch Sales as aforeſaid ſhall be made of the Hereditaments hereby intended to be made ſaleable, the ſaid *John Bull* and *John Creſſy Hall*, their Heirs and Aſſigns, ſhall permit the Rents and Profits of the ſame to be had, received, and taken by the Perſon or Perſons who would be intitled to the ſame in caſe this Act had not been made.

Clauſe for the Appointment of new Truſtees.

VII. Provided always, and it is hereby further enacted, That if the ſaid *John Bull* and *John Creſſy Hall*, or either of them, or any Truſtee or Truſtees, who ſhall be appointed in the Stead of them, or either of them, as herein aftermentioned, or their or either of their Heirs or Aſſigns ſhall die, or be deſirous to be diſcharged from the Truſts hereby created, then and in every ſuch Caſe it ſhall be lawful for the ſaid Court of Chancery, upon a Petition to be preſented in a ſummary Way by the ſaid *Benjamin Smith* and *Ann* his Wife, or the Survivor of them; and after the Deceaſe of ſuch Survivor, by the Perſon or Perſons ſo for the Time being entitled, as hereinbefore is mentioned, if ſuch Perſon or Perſons ſhall be of full Age; but if ſuch Perſon or Perſons ſhall be under Age, then, by his, her, or their Guardian or Guardians, during his, her, or their Minority,

nority, or respective Minorities, to appoint the Person or Persons to be proposed in the said Petition, or any Person or Persons named by the Court to be a Trustee or Trustees in the Place of the Trustee or Trustees so dying, or desiring to be discharged; and thereupon the said Parts and Shares of the said Messuages, Tenements, and Hereditaments, or such of them as shall, from Time to Time remain unsold, shall, with all convenient Speed, be conveyed and transferred in such Sort and Manner, as to become legally and effectually vested in such new Trustee or Trustees, solely or jointly with the surviving or continuing Trustee or Trustees, as the Circumstances of the Case shall require, upon the Trusts, and for the Intents and Purposes hereinbefore declared, of and concerning the same, or such of them as shall be then subsisting, or capable of taking effect; and that such new Trustee or Trustees shall, to all Intents, Effects, Constructions and Purposes whatsoever, have all the Powers and Authorities of the Trustee or Trustees, in whose Room he or they shall be substituted.

Clause for the Indemnity of the Trustees.

VIII. Provided always, 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 involuntary Losses; and that by and out of any Money which shall come to their or his Hands or Hand, by virtue of any 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 Trusts of the present Act into Execution, and not herein particularly provided for.

General Saving.

IX. Saving always, to the King's Most Excellent Majesty, his Heirs and Successors, and to all and every other Persons and Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the said *Benjamin Smith* and *Ann* his Wife, and *William Scott Smith*, *Mary Ann Smith*, and *Harriet Smith*, their Son and Daughters, and the Heirs of the respective Bodies of the said *Benjamin Smith* and *Ann* his Wife, and the Heirs of the respective Bodies of the said *William Scott Smith*, *Mary Ann Smith*, and *Harriet Smith*, and the said *Richard Cheslyn* and the Heirs of his Body, and the right Heirs of the said Testatrixes, *Ann Cheslyn* and *Frances Cheslyn*, and all and every other Person or Persons having or claiming, or who shall or may hereafter have or claim any Estate, Right, Title, or Interest, of, in, or to the Parts and Shares of the Messuages, Tenements, and other Hereditaments, hereby vested in the said *John Bull* and *John Cressy Hall*, and their Heirs, or any Part or Parcel of the same, under the said Wills of the said *Ann Cheslyn* and *Frances Cheslyn*, deceased, or either of them,) all the Estate, Right, Title, Interest, Possibility, Property, Claim, and Demand whatsoever, which they or any of them had, held, or enjoyed before the passing of this Act, or could or might have had, held, or enjoyed, of, in, to, from, out of, or upon the said Parts and Shares of the said Messuages, Tenements, and other Hereditaments, in Case this Act had not been made.

Public Act.

X. 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

A SCHEDULE of the Estates situate in or near *Sweeting's Alley*, in the Parishes of *Saint Bartholomew* and *Saint Michael, Cornhill*, and near the Royal Exchange in the City of *London*, whereof,

Two equal undivided Seventh Parts or Shares, (the Whole in Seven equal Parts or Shares to be divided,) and two equal undivided Fourth Parts of One undivided Seventh Part; and also One equal undivided Third Part of and in One undivided Seventh Part were devised by the Wills of *Ann Cheslyn* and *Frances Cheslyn*, deceased, and included in this Act:

	Annual Rent. £. s. d.
A Messuage or Tenement, with the Appurtenances, in or near *Sweeting's Alley* aforesaid, called the *New York* Coffee-house, in the Tenure or Occupation of Mr. *Thomas Bailey*, or his Under-tenant, at the Yearly Rent of - -	180 0 0
Another Messuage or Tenement, with the Appurtenances, in or near *Sweetings Alley* aforesaid, No. 7, in the Tenure or Occupation of *Thomas Evans*, at the Yearly Rent of - -	80 0 0
Another Messuage or Tenement, with the Appurtenances, in or near *Sweeting's Alley* aforesaid, No. 5, the Whole whereof, except Three Rooms, is let out in Apartments to *Richard Martin, William Marsh*, and *John Harrison*, at Yearly Rents (subject to Parochial and other Taxes) amounting together to -	163 10 0
Another Messuage or Tenement, with the Appurtenances, in or near *Sweeting's Alley* aforesaid, No. 6, in the Tenure or Occupation of *Thomas Simpson*, at the Yearly Rent of - -	80 0 0
Another Messuage or Tenement, with the Appurtenances, in or near *Sweeting's Alley* aforesaid, in the Tenure or Occupation of *Joseph Gillam*, at the Yearly Rent of - -	80 0 0
Carry over	= £ 583 10 0

Brought forward		£583 10 0
One Shop or Tenement, with the Appurtenances, in or near *Sweeting's Alley* aforesaid, in the Tenure or Occupation of *Cornelius Berry* or his Under-tenant, at the Yearly Rent of		40 0 0
One other Shop or Tenement, with the Appurtenances, in or near *Sweeting's Alley* aforesaid, in the Tenure or Occupation of *John Harris*, at the Yearly Rent of		31 10 0
Rent per Annum of the entire Estates		£655 0 0
Two-sevenths of which per Annum, amount to	£187 2 10	
Two-fourth Parts of One-seventh per Annum, amount to	46 15 8	
One-third Part of One-seventh per Annum, amounts to	31 3 9½	
Total Rent per Annum of the Estate mentioned in this Act		£265 2 3½

James Hall.

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