CHAPTER 2.

An Act to provide during the subsistence of the trust for accumulation contained in the will of Thomas George Corbett Esquire deceased an annual sum for maintenance of the person of full age entitled in immediate expectancy and to enable the grant of jointures by persons entitled in expectancy and for other purposes. [10th August 1882.] A.D. 1882.

Testator's will dated 27th July 1861.

WHEREAS Thomas George Corbett late of Elsham in the county of Lincoln Esquire deceased duly made his will dated the twenty-seventh day of July one thousand eight hundred and sixty-one and thereby directed that all his debts funeral and testamentary expenses and the legacies given by that his will or any codicil should be paid out of his personal estate not therein-after specifically bequeathed if sufficient for that purpose and if not sufficient then out of his real estate therein-after devised And the testator authorised the trustees or trustee of his real estate to raise such deficiency (if any) by mortgage of the said estate or any part thereof And the testator bequeathed to his brother the Reverend Andrew Corbett ten thousand pounds And the testator gave and devised all his manors messuages lands and hereditaments subject to the charges and incumbrances which affected the same respectively unto and to the use of his friends Arthur Earl of Essex William Hutton deceased and his brother the Reverend Andrew Corbett also deceased and Bartle John Laurie Frere their heirs and assigns Upon trust that the said trustees and the survivors or survivor of them or other the trustees or trustee for the time being of that his will should during the life of his daughter Eleanor Blanche Mary the wife of Colonel Astley out of the rents and profits of his estates situate in the parish of Elsham and elsewhere in the county of Lincoln pay to his said daughter an annual sum of six thousand pounds to commence from his decease and to be payable half-yearly for her sole and separate use And should out of the rents and profits of the estates in the said parish of Elsham pay the annual sums required to pay the legacy and succession duty which would become payable in respect

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of the said annual sum And after the decease of his said daughter out of the said rents and profits during the life of the said Colonel Astley should pay to him the annual sum of six thousand pounds to commence from the decease of his said daughter and to be payable half-yearly during his life or until he should become bankrupt or insolvent or charge or assign or attempt to charge or assign the same or any part thereof or do or suffer any act whereby or in consequence whereof he should or would by such act or by operation of law be deprived of the actual beneficial enjoyment of the same or any part thereof And should also pay certain other annual sums to his brother William Edwin Thompson Corbett and the other persons in the said will mentioned and subject as therein-before mentioned Upon trust that the trustees and trustee for the time being of his will should from time to time for and during the period of twenty-one years after his decease invest the net annual rents and profits of his said estates in their or his names or name in or upon the public stocks or funds of Great Britain or upon Government securities or mortgage of freehold copyhold or leasehold hereditaments in England and from time to time in like manner invest all the income arising from such investments and from the accumulations thereof so that the same might be accumulated in the way of compound interest but nevertheless should from time to time as and when a sufficient sum should be accumulated out of the accumulated fund for the time being pay and discharge the charges and incumbrances for the time being on the said estates or any part thereof and his debts and the legacies bequeathed by his will or any codicil thereto And the testator declared that the said accumulations should be primarily and exclusively charged with the said incumbrances charges debts and legacies so as not to postpone the payment thereof by any other means but so as that the corpus or capital of his estate real or personal which might have been resorted to for such payment might be restored out of such accumulations And the testator directed that if the net rents and profits of his said real estate and the accumulations thereof should be insufficient with his residuary personal estate and the accumulations of the income thereof to pay his debts and the charges and incumbrances on his said estates the accumulations thereof respectively should so far as the rules of law would permit be extended as far beyond the said period of twenty-one years as might be necessary And it was provided that upon the death of the survivor of the testator's said daughter and her said husband and upon the eldest or only son of his said daughter who should become entitled in possession to his said estates and should attain the age of twenty-one years attaining that age whichever event should last happen during the said period of twenty-one years from his decease the trust therein-before contained for accu-

mulation should cease And the testator declared that upon the expiration or determination of the trusts for accumulation therein-before contained his said trustees and trustee for the time being should stand possessed of so much of the fund produced by accumulation as aforesaid as should remain after answering the purposes aforesaid upon the like trusts as therein-after declared or directed to be declared of the moneys to arise under the power of sale to be inserted in the settlement therein-after directed to be made and for that purpose his said trustees or trustee might either themselves or himself apply the said fund or make over the same to the trustees of the said intended settlement if such trustees should not be the same persons as the trustees for the time being of his will And the testator declared that his trustees or trustee for the time being might if they or he should see fit at any time or times during the said period of twenty-one years apply all or any part of the accumulated fund for the time being in the purchase of hereditaments in conformity with the said trust therein-after declared and the hereditaments so purchased should be conveyed and assured to the use of his said trustees or trustee their or his heirs and assigns and be held by them upon the like trusts as were thereby declared of and as part of his said estates thereby devised And the testator gave to his trustees and trustee for the time being during the said period of accumulation and until such settlement should be made as therein-after mentioned the like powers of leasing and of sale and exchange and other powers as were therein-after directed to be contained in the said settlement and the testator declared that when and as soon as all charges and incumbrances on his said estates should have been paid off the said annual sum of six thousand pounds therein-before directed to be paid to his said daughter and her husband successively should be increased to eight thousand pounds And the testator directed that upon the expiration or determination of the trusts for accumulation therein-before contained his trustees or trustee for the time being should settle and assure all the estates and hereditaments thereby devised or which might be purchased as aforesaid to the uses upon the trusts and with and subject to the powers and provisoes and declarations therein-after expressed or referred to that was to say to uses for securing to his said daughter and to trustees for her said husband and for his said brother William Edwin Thompson Corbett to be therein named and to the other persons to whom he had thereby directed annual sums to be paid to such of the said annuitants whose annuities should be then subsisting the like annual sums as therein-before mentioned with the usual powers of distress and entry and perception of rents and profits and with the usual terms of years for securing the same respectively and subject as aforesaid to the use of trustees to be therein named during the life of his said

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daughter (if she should be then living) upon the usual trust to preserve the contingent remainders with remainder to the use of the first and every other son of his said daughter by her present or any future husband born in the testator's lifetime and the issue male of every such son in succession so that every eldest son and his issue male might be preferred to every younger son and his issue male and so that every such son might take an estate for his life with remainder to his first and other sons severally and successively according to seniority in tail male with remainder to the use of the first and every subsequent son born after the testator's decease of his said daughter Eleanor Blanche Mary Astley whether by her present or any future husband severally and successively according to seniority in tail male with remainder To the use of the testator's brother the said Andrew Corbett and his assigns during his life and after his decease To the use of the first and every other son of the said Andrew Corbett born in the testator's lifetime and the issue male of every such son in succession so that every elder son and his issue male might be preferred to every younger son and his issue male and so that every such son might take an estate for his life with remainder To the use of his first and every other son severally successively and according to seniority in tail male with remainder To the use of the first and every other son of the testator's said brother Andrew Corbett born after the testator's decease severally successively and according to seniority in tail male with remainder To the use of the first and every other daughter of the testator's said daughter severally and successively according to seniority in tail male with remainder To the use of the first and every other daughter of the said Andrew Corbett severally and successively according to seniority in tail male with remainder To the use of the testator's cousin Edwin Corbett and his assigns during his life with remainder To the use of the first and every other son of the said Edwin Corbett severally and successively according to seniority in tail male with remainder To the use of Henry Corbett the next brother of the said Edwin Corbett and his assigns during his life with remainder To the use of the first and every other son of the said Henry Corbett severally and successively according to seniority in tail male with remainder To the use of Frank Corbett the next brother of the said Edwin Corbett and his assigns during his life with remainder To the use of his first and every other son severally and successively according to seniority in tail male with remainder To the use of the testator's own right heirs for ever And the testator thereby declared and directed that if any person to whom he had thereby directed an estate in tail to be limited should have been or should be born in his lifetime or in due time after his decease such person should take an estate for life only with remainder to his first and other sons successively according to seniority in tail

male And the testator declared that every tenant for life should be subject to impeachment of waste And the testator thereby declared that in the settlement so to be made as aforesaid there should be inserted a power authorising any person who under the limitations therein contained should for the time being be actual tenant for life of the said manors and hereditaments thereby directed to be settled and who should have attained his age of twenty-one years to jointure wives but not exceeding six hundred pounds per annum each and so that no more than one thousand two hundred pounds per annum should be payable for jointures at any one time and so that while any annual sum or sums under that his will or otherwise should be an actual charge on the said settled estates or any of them any jointure which should be limited as aforesaid should so far as the same and such prior charge or charges should exceed one thousand two hundred pounds be suspended And the testator also directed that in the same settlement there should be inserted certain powers of leasing and other powers And the testator thereby directed that his said daughter and after her decease her husband who might survive her should during their respective lives be permitted to reside in and use and occupy the mansion-house park and pleasure grounds at Elsham she or he keeping the same in repair And the testator directed that during the subsistence of the aforesaid trust for accumulation and afterwards if necessary there should be inserted in the said settlement a provision that during the minority of any tenant for life or tenant in tail by purchase or during any year in which his said daughter or her husband surviving her should not reside at least three calendar months in the mansion-house at Elsham aforesaid or if he or she should not keep the same in good order and repair then and in either of the said cases the said trustees or trustee respectively for the time being should retain out of the said annual sum or yearly rentcharge of six thousand pounds or eight thousand pounds for the time being subsisting or otherwise out of the rents and profits of his said hereditaments such annual sum not exceeding in any year the sum of one thousand two hundred pounds as the said trustees or trustee should think fit and expend the same in keeping up the mansion-house pleasure grounds and park at Elsham aforesaid And the testator also directed that there should be inserted in the said settlement a provision and in the meantime notwithstanding the aforesaid trusts for accumulation he declared that during the respective minorities of tenants for life and tenants in tail by purchase so much of the rents and profits of the estates after discharging ordinary expenses repairs and improvements as the trustees or trustee for the time being should see fit might be applied by them or him in and about the maintenance and education of such tenants for life or tenants in tail respectively And the testator gave and

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bequeathed all his copyhold and leasehold estates of or to which he was or at the time of his decease should be seised possessed or entitled unto the said Arthur Earl of Essex William Hutton Andrew Corbett and Bartle John Laurie Frere their heirs executors administrators and assigns in trust for the like purposes as by that his will were declared of his said freehold estates and to settle and assure the same by such settlement as aforesaid upon the like trusts and with and under the like charges powers declarations and conditions so far as the rules of law or equity would allow except that for continuing his said leasehold estates more effectually in the course in which he had therein-before devised his freehold estates no person who should under that his will have any vested estate tail by purchase in his said freehold estate should have any vested or transmissible right in any of his leasehold estates unless and until he should have attained the age of twenty-one years and that if any infant would otherwise have been entitled thereto in possession then the rents and profits of such leasehold estates in the meantime from the death of the person last entitled thereto in possession should be applied in the same manner as was therein-before directed with respect to the rents and profits of his freehold estates during the same period and the testator appointed the said Andrew Corbett and Bartle John Laurie Frere executors of that his will And the testator authorised insurances of certain effects and of his mansion-houses and the appurtenances against loss or injury from fire to be effected and kept up out of the rents of his settled estates during the minority of tenants for life and tenants in tail by purchase And the testator gave and bequeathed all the residue of his personal estate and effects whatsoever and wheresoever to his said executors to be applied by them in satisfying and discharging the incumbrances affecting his real estates in such course order and manner as should seem to them most expedient and if there should then be any surplus he directed that the same should be invested and accumulated in like manner as he had therein-before directed with respect to his real estate and the accumulations should be held upon the like trusts as the accumulations of the rents and profits of his said real estate:

First codicil dated 9th December 1864.

And whereas the testator duly made and executed a codicil to his said will which codicil bears date the ninth day of December one thousand eight hundred and sixty-four and thereby bequeathed certain legacies and altered the amount of an annuity bequeathed by his will but did not otherwise vary his said will and in all other respects he confirmed his said will:

Second codicil dated 30th March 1866.

And whereas the testator duly made a second codicil to his said will which second codicil bears date the thirtieth day of March one thousand eight hundred and sixty-six and thereby directed that the trustees appointed by his said will should out of the rents and profits

of the lands tenements and hereditaments devised to them by his said will raise from and after the decease of his daughter Eleanor Blanche Mary Astley during the lives or life of any children or child of his said daughter living at her decease other than an eldest or only son and the life of the survivors and survivor of them the annual sum of one thousand pounds and pay the same unto between and among such younger children and the survivors or survivor of them and so long as there should be more than one in equal shares in addition to any provision otherwise made for such children And the testator directed that his said trustees should during the minority of any of such children apply his or her share of the said annuity or so much thereof as his said trustees should think proper for or towards his or her maintenance and education and should accumulate the remainder for his or her benefit:

Death of Andrew Corbett.

And whereas the said Andrew Corbett died in the year one thousand eight hundred and sixty-four in the lifetime of the testator:

Death of testator 25th July 1868.

And whereas the testator died on the twenty-fifth of July one thousand eight hundred and sixty-eight without having revoked or altered his said will and codicils which were duly proved on the fifth of September one thousand eight hundred and sixty-eight by the said Bartle John Laurie Frere the surviving executor therein named in the Principal Registry of Her Majesty's Court of Probate:

Death of William Hutton.

And whereas the said William Hutton died in the year one thousand eight hundred and seventy-seven:

Present trustees of will.

And whereas the said Arthur Earl of Essex and Bartle John Laurie Frere are now the sole trustees of the said will of the testator:

Marriage of testator's daughter.

And whereas the testator's daughter Eleanor Blanche Mary Astley now Dame Eleanor Blanche Mary Astley was married in the month of May one thousand eight hundred and fifty-eight to John Dugdale Astley in the said will called Colonel Astley and now Sir John Dugdale Astley Baronet:

Issue of testator's daughter.

And whereas there has been issue of the said Dame Eleanor Blanche Mary Astley by her husband the said Sir John Dugdale Astley eight children and no more that is to say four sons Francis Edmund George Astley Reginald Leonard Astley John Gerald Astley and John Astley and four daughters Mary Beatrice Astley Eleanor Corisande Astley Elise Sybil Astley and Adeline Hilda Brudenell Astley:

Death of son under age.

And whereas the said Reginald Leonard Astley died in the year one thousand eight hundred and seventy under the age of twenty-one years and without having been married:

Children who have attained 21 tenants for life.

And whereas the said Francis Edmund George Astley and Mary Beatrice Astley were born in the lifetime of the testator and have both attained the age of twenty-one years but have never been married and are entitled in expectancy to estates for life under the settlements directed by the testator's will to be made:

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Children under age tenants for life.

And whereas the said Eleanor Corisande Astley was born in the year one thousand eight hundred and sixty-seven in the lifetime of the testator and the said Elise Sybil Astley was born in the month of October one thousand eight hundred and sixty-eight within nine months after the death of the testator and they are both now infants under the age of twenty-one years and have never been married and are entitled in expectancy to estates for life under the settlement directed as aforesaid:

Children under age tenants in tail.

And whereas the said John Gerald Astley John Astley and Adeline Hilda Brudenell Astley were born after the death of the said testator and subsequently to the year one thousand eight hundred and sixty-nine and are now infants under the age of twenty-one years and entitled in expectancy to estates in tail male under the settlement directed as aforesaid:

Issue of Andrew Corbett tenants for life.

And whereas the said Andrew Corbett was only once married namely in the year one thousand eight hundred and thirty-nine to Marianne Ridley and had issue by her eleven children and no more that is to say seven sons Walter Andrew Corbett Frank Vincent Corbett Matthew Ridley Corbett Alfred George Corbett and Eustace Kynaston Corbett who have all attained the age of twenty-one years and Nicholas William Corbett and Edwy Charles Corbett who are both dead and four daughters Rose Corbett and Fanny Corbett who have both attained the age of twenty-one years and Blanche Corbett and Jane Corbett who are both dead and all the said surviving children seven in number of the said Andrew Corbett were born in the lifetime of the testator and are entitled in expectancy to estates for life only under the settlement directed as aforesaid:

Children of Andrew Corbett unmarried.

And whereas none of them the said Walter Andrew Corbett Matthew Ridley Corbett Alfred George Corbett Eustace Kynaston Corbett or Rose Corbett have ever been married:

Children of Andrew Corbett dead unmarried.

And whereas the said Nicholas William Corbett Edwy Charles Corbett Blanche Corbett and Jane Corbett all died without having been married:

Son of Andrew Corbett married and has sons tenants in tail.

And whereas the said Frank Vincent Corbett has been only once married namely in the year one thousand eight hundred and seventy to Eleanor Margaret Macintire and has had issue by her three sons and no other children namely Edwy Frank Corbett Basil Andrew Corbett and Hugh Nicholas Corbett who were all born after the death of the testator and subsequently to the year one thousand eight hundred and sixty-nine and are all infants under the age of twenty-one years and entitled in expectancy to estates in tail male under the settlement directed as aforesaid:

Daughter of Andrew Corbett married and

And whereas the said Fanny Corbett has only been once married namely in the year one thousand eight hundred and seventy-seven to Arthur Cyril Vesey her present husband and has had issue by

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him (besides daughters) one son only and no more namely George Andrew Vesey who was born after the death of the testator and subsequently to the year one thousand eight hundred and sixty-nine and is an infant under the age of twenty-one years and entitled in expectancy to an estate in tail male under the settlement directed as aforesaid:

has son tenant in tail.

And whereas the suit of Astley *v.* The Earl of Essex 1868 A No. 120 was instituted in the late High Court of Chancery by the said Francis Edmund George Astley then an infant by the Revd. Robert Sutton his next friend against the said Earl of Essex William Hutton (since deceased) and Bartle John Laurie Frere as defendants thereto for the purpose of having the trusts of the testator's will and codicils carried into execution and by a decree in the said suit made by the Master of the Rolls on the nineteenth day of December one thousand eight hundred and sixty-eight it was declared that the trusts of the will and codicils of the testator ought to be performed and carried into execution and the same was ordered and decreed accordingly and certain accounts and inquiries were directed:

Suit of Astley *v.* Earl of Essex.

Decree.

And whereas by a supplemental order made in the said suit on the sixth day of July one thousand eight hundred and seventy-seven it was ordered that the said suit and the proceedings therein should be carried on and prosecuted against the said John Gerald Astley and John Astley the first tenants in tail then in esse of the property subject to the trusts of the testator's will in like manner as if they had been parties to the said suit when the decree therein was made:

Supplemental order.

And whereas the said Francis Edmund George Astley attained the age of twenty-one years on the sixth day of February one thousand eight hundred and eighty and is now entitled to the first estate for life in the real and personal estate held on the trusts of the testator's will immediately expectant on the determination of the period during which the trust created by the said will for accumulation of the surplus income continues subsisting (in this Act called the period of accumulation):

Francis E. G. Astley attained 21.

And whereas on the attainment by the said Francis Edmund George Astley of the age of twenty-one years the power of the trustees of the testator's will to pay to him or apply for his maintenance any annual sum out of the rents and profits of the testator's real and personal estate ceased and during the period of accumulation no provision is made by the said will for the maintenance of him or of any other tenant for life or of any tenant in tail of full age entitled in immediate expectancy on the determination of the said period:

And his allowance for maintenance ceased.

And whereas on the attainment by the said Francis Edmund George Astley of the age of twenty-one years the power conferred

Power to insure against fire ceased.

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by the testator's will on his trustees to insure against loss or injury from fire ceased to be exerciseable:

No power to jointure during period of accumulation.

And whereas it is doubtful whether during the period of accumulation the said Francis Edmund George Astley or any other tenant for life in expectancy under the settlement directed as aforesaid is within the meaning of the testator's will actual tenant for life of the manors and hereditaments thereby directed to be settled and capable of exercising the power contained in the said will to charge a jointure:

Order in Astley *v.* Earl of Essex.

And whereas by an order of the Honourable Mr. Justice Chitty made in the said cause on the seventh day of March one thousand eight hundred and eighty-two it was ordered that the said Arthur Earl of Essex and Bartle John Laurie Frere might be at liberty to apply to Parliament for a bill authorising them to pay to the said Francis Edmund George Astley the sum of two thousand pounds being two years allowance at the rate of one thousand pounds per annum from the sixth day of February one thousand eight hundred and eighty when he attained the age of twenty-one years to the sixth day of February one thousand eight hundred and eighty-two and for the allowance to him as from the sixth day of February one thousand eight hundred and eighty-two of the sum of two thousand pounds per annum out of the rents and profits of the testator's estate and in such Act to empower the said Francis Edmund George Astley out of the settled estates of the said testator to grant jointure by way of annuity of six hundred pounds per annum to his intended wife:

Further supplemental order.

And whereas by another supplemental order made in the said suit on the twenty-fourth day of April one thousand eight hundred and eighty-two it was ordered that the said suit and the proceedings therein should be carried on and prosecuted against the said Adeline Hilda Brudenell Astley Edwy Frank Corbett Basil Andrew Corbett Hugh Nicholas Corbett and George Andrew Vesey in like manner as if they had been parties to the said suit when the decree therein was made:

Supplemental action of Astley *v.* Earl of Essex.

And whereas by writ issued on the twenty-second day of April one thousand eight hundred and eighty-two a supplemental action has been commenced in the Chancery Division of Astley *v.* Earl of Essex 1882 A No. 653 wherein the said Francis Edmund George Astley is plaintiff and the said Earl of Essex and Bartle John Laurie Frere and the said John Gerald Astley John Astley Eleanor Corisande Astley and Elise Sybil Astley infants are defendants for the purpose of binding the said infant defendants therein by the proceedings in the original suit of Astley *v.* The Earl of Essex.

Further powers desirable.

And whereas it is desirable and proper that the said Francis Edmund George Astley and every other tenant for life or tenant in

tail male of full age entitled in immediate expectancy on the determination of the period of accumulation should during the continuance of that period receive out of the income of the real and personal estate held on the trusts of the testator's will the annual sum of two thousand pounds and also have the like power to jointure as he would have if the said term had expired and also that the said Francis Edmund George Astley should receive the sum of two thousand pounds by way of allowance for the two years after he attained the age of twenty-one years ending on the sixth day of February one thousand eight hundred and eighty-two and that the trustees of the testator's will should during the remainder of the period of accumulation be empowered to insure against loss or damage by fire in like manner as during a minority:

Chief clerk's certificate approving Bill for this Act.

And whereas by the certificate of the chief clerk of the Honourable Mr. Justice Chitty made in the said suit and action of Astley *v.* The Earl of Essex and dated the first day of May one thousand eight hundred and eighty-two it was certified that the draft of a Bill to be submitted to Parliament being the Bill for this Act had been settled and approved by the Judge as directed by the said order of the seventh day of March one thousand eight hundred and eighty-two and that such draft is identified by the signature of the chief clerk to the memorandum in the margin of the first page thereof and that the several instruments facts and events recited in the preamble of such draft Bill before the recital of the said certificate had been proved in the said suit and action:

And whereas the said certificate was duly approved by the said Mr. Justice Chitty and was filed in the Filing and Record Department of the Central Office of the Supreme Court of Judicature on the second day of May one thousand eight hundred and eighty-two:

Therefore Your Majesty's most dutiful and loyal subjects the Right Honourable Arthur Earl of Essex Bartle John Laurie Frere Sir John Dugdale Astley Baronet and Dame Eleanor Blanche Mary Astley his wife and Francis Edmund George Astley do most humbly beseech Your Majesty that it may be enacted and be it enacted by the Queen'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 as follows namely:

Short title.

1. This Act may be cited as the Corbett Estate Act 1882.

Sum for past maintenance to Francis E. G. Astley.

2. After the passing of this Act the trustees or trustee for the time being of the will of the testator Thomas George Corbett in this Act called the trustees may out of any income remaining in their hands and subject to the trust contained in the will of the testator for accumulation of income of the testator's real and personal estate or out of any moneys or investments representing

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accumulations already made of such income pay to the said Francis Edmund George Astley the sum of two thousand pounds being the amount of an allowance at the rate of one thousand pounds a year from the sixth day of February one thousand eight hundred and eighty when he attained the age of twenty-one years up to the sixth day of February one thousand eight hundred and eighty-two.

Annual sum for maintenance to persons entitled in expectancy after period of accumulation.

3. After the passing of this Act and during the residue of the period of accumulation the trustees shall out of the annual income remaining in their hands and subject to the trust for accumulation contained in the will of the testator pay to the said Francis Edmund George Astley or other the person of full age who would for the time being be entitled to the receipt of the annual income of the real and personal estate held on the trusts of the will of the testator if the period of accumulation had expired the annual sum of two thousand pounds by equal half-yearly payments on the sixth day of February and the sixth day of August in each year during the residue of the period of accumulation the first half-yearly payment to be made on the sixth day of August one thousand eight hundred and eighty-two or on the day of the passing of this Act which shall last happen and the said annual sum though payable half-yearly to be deemed to accrue due from day to day.

Power to tenants for life in expectancy after period of accumulation to charge jointures.

4. The said Francis Edmund George Astley and every other tenant for life of full age of the real and personal estate held on the trusts of the testator's will may at any time either before or after the expiration of the period of accumulation and also either before or after becoming entitled to receive the income of such real and personal estate but subject and without prejudice to the estates trusts and powers having priority to the life interest of the person exercising the power conferred by this section of this Act by deed revocable or irrevocable or by will or codicil charge such real and personal estate or any part thereof with the payment to any wife who may survive him for her jointure during her life or any less period of any annual sum or sums by way of rentcharge or otherwise not exceeding in the whole for any one such wife the annual sum of six hundred pounds to be paid out of the annual income of such real and personal estate or any part thereof at such times and in such manner as the person making the charge may direct and may give all usual and proper powers and remedies for enforcing payment of the annual sum charged and the costs and expenses of enforcing such payment and every jointure charged by virtue of the power conferred by this Act shall take effect accordingly and be paid out of the income of the real or personal estate charged therewith.

When jointures to become payable.

5. An annual sum for jointure charged under the power for that purpose conferred by this Act shall not become payable unless either

the person making the charge becomes entitled to receive the annual income of the real and personal estate held on the trusts of the testator's will or some part thereof or would become so entitled if the period of accumulation had expired or unless some issue of the person making the charge becomes so entitled or would become so entitled if of full age and if the period of accumulation had expired.

Limit of total of sums for jointures.

6. The real and personal estate held on the trusts of the testator's will shall not under the powers to charge annual sums for jointures conferred by the testator's will and this Act be at any one time subject to the payment of annual sums exceeding in the whole the annual sum of one thousand two hundred pounds but any annual sum or any part of any annual sum which but for the limitation contained in this present section of this Act would have formed such excess shall from time to time during the continuance of the excess not be payable and all annual sums for jointure charged under this Act shall have the same priority as the estates of the persons by whom the same are charged and shall be paid according to such priority but subject to the limitations imposed by this section of this Act so far as it affects any annual sum.

Jointures under powers of Act and will not to be cumulative.

7. The power to jointure conferred by this Act shall not operate to charge the real and personal estate held on the trusts of the testator's will with any greater annual sum or sums than could have been charged thereon if this Act had not been passed and accordingly any jointure charged under the power conferred by this Act shall be in satisfaction of and substitution for any jointure to the like amount which under the power to jointure by the testator's will directed to be inserted in the settlement by that will directed to be made could have been charged if this Act had not been passed.

Settlement directed by testator's will to give effect to jointure under Act.

8. The settlement by the testator's will directed to be made shall be so made as to confirm and give effect to any and every jointure charged by virtue of the power conferred by this Act and all powers and remedies given by virtue of this Act for enforcing payment of any and every such jointure.

When settlement made power to jointure under Act to cease.

9. When the settlement by the testator's will directed to be made shall have been duly executed and completed the power by this Act given to charge jointures shall cease and be no longer capable of being exercised.

Insurance during period of accumulation.

10. The insurances authorised by the testator's will against loss or injury by fire may be kept on foot by the trustees of the will during the whole period of accumulation as well and in like manner as during the minority of a tenant for life or tenant in tail male by

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purchase and all payments made by the trustees before the passing of this Act for the purpose of effecting or keeping on foot every such insurance are by this Act confirmed and made valid payments.

General saving.

11. Saving always to the Queen's most Excellent Majesty her heirs and successors and to every other person and body politic and corporate and their respective heirs successors executors administrators and assigns (other than and except the several persons who are by this Act expressly excepted out of this general saving) all such estate right title interest claim and demand whatsoever of in to and out of or upon the real and personal estate held on the trusts of the will of the testator Thomas George Corbett as they or any of them had before the passing of this Act or would could or might have had or enjoyed if this Act had not been passed.

Exceptions from general saving.

12. The following persons are excepted out of the general saving in this Act and accordingly are the only persons bound by this Act (that is to say)

(1) The Right Honourable Arthur Earl of Essex.
(2) Bartle John Laurie Frere.
(3) Sir John Dugdale Astley Baronet and
(4) Dame Eleanor Blanche Mary Astley his wife.
(5) Francis Edmund George Astley and his sons (if any) and their issue male.
(6) John Gerald Astley and his issue male.
(7) John Astley and his issue male.
(8) All other sons (if any) of Dame Eleanor Blanche Mary Astley and their issue male.
(9) Walter Andrew Corbett and his sons (if any) and their issue male.
(10) Frank Vincent Corbett.
(11) Edwy Frank Corbett and his issue male.
(12) Basil Andrew Corbett and his issue male.
(13) Hugh Nicholas Corbett and his issue male.
(14) All other sons (if any) of Frank Vincent Corbett and their issue male.
(15) Matthew Ridley Corbett and his sons (if any) and their issue male.
(16) Alfred George Corbett and his sons (if any) and their issue male.
(17) Eustace Kynaston Corbett and his sons (if any) and their issue male.
(18) Mary Beatrice Astley and her sons (if any) and their issue male.
(19) Eleanor Corisande Astley and her sons (if any) and their issue male.

(20) Elise Sybil Astley and her sons (if any) and their issue male. A.D. 1882.
(21) Adeline Hilda Brudenell Astley and her issue male.
(22) All other daughters (if any) of Dame Eleanor Blanche Mary Astley and their issue male.
(23) Rose Corbett and her sons (if any) and their issue male.
(24) Arthur Cyril Vesey and
(25) Fanny Vesey his wife.
(26) George Andrew Vesey and his issue male.
(27) All other sons (if any) of Fanny Vesey and their issue male.
(28) Every person entitled under the settlement by the testator's will directed to be made to any estate right or interest to take effect after the determination or in defeasance of the estates in tail male which under such settlement are to be limited to the sons of Fanny Vesey.

Saving rights of certain persons unless consent in writing be enrolled.

13. Provided always that whereas the said Walter Andrew Corbett Frank Vincent Corbett Matthew Ridley Corbett Alfred George Corbett and Eustace Kynaston Corbett are at present abroad and their consents to this Act have not been proved therefore this Act or anything in this Act contained shall not be of any effect as against each of them the said Walter Andrew Corbett Frank Vincent Corbett Matthew Ridley Corbett Alfred George Corbett or Eustace Kynaston Corbett or his sons or the issue male of such sons respectively unless and until his consent to this Act (if he be living) on behalf of himself and his sons (if any) and the issue male of such sons respectively or in case of his death then the consent to this Act of the guardian or guardians for the time being of his infant sons (if any) shall be signified in writing under the hand of the person consenting and such writing shall be attested by at least one witness and shall be enrolled in the Central Office of the Supreme Court of Judicature in England within three years from the passing of this Act.

After the enrolment of any such consent the same shall be deemed part of this Act and shall cause this Act to be as binding and conclusive upon the person or persons by whom and on whose behalf the consent is given as if such consent had been obtained and proved before the passing of this Act.

Any such consent may be in the form or to the effect following (that is to say):

I or we [here insert the name of the consenting party or parties and if the consent be on behalf of his infant sons add "on behalf of myself and of all my sons (if any)" and if the consent be as guardian add "on behalf of the person or persons for whom I am authorised to consent"] do hereby consent to an Act of Parliament passed in the session held in the 45th and 46th years of the reign of 45 & 46 Vict. c. 2.

A.D. 1882.

Queen Victoria intituled An Act to provide during the subsistence of the trust for accumulation contained in the will of Thomas George Corbett Esquire deceased an annual sum for maintenance of the person of full age entitled in immediate expectancy and to enable the grant of jointures by persons entitled in expectancy and for other purposes.

Costs of Act to be paid by the trustees.

14. The costs and expenses of and incidental to obtaining and passing this Act shall be paid by the trustees out of the first money in their hands after the passing of this Act representing annual income liable to the trust for accumulation of income created by the will of the testator.

Act to be printed by Queen's Printers and admitted as evidence.

15. This Act shall not be a Public Act but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom and a copy thereof so printed by any of them shall be admitted as evidence by all judges justices and others.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.