

ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 32.

An Act for veſting in new Truſtees the Eſtates of the Right Honourable *Arthur Saunders* Earl of *Arran*, and the Honourable *Arthur Saunders Gore*, commonly called Lord Viſcount *Sudley*, in the Counties of *Wexford*, *Mayo*, *Sligo*, and *Donnegall*, which have not been diſpoſed of by virtue of an Act of Parliament, made in *Ireland* in the Twenty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectually raiſing a ſufficient Sum of Money for diſcharging the Debts and Incumbrances affecting certain Lands in the Counties of* Wexford, Mayo, Sligo, *and* Donnegall, *the Eſtates of the Right*

Honourable Arthur Saunders *Earl of* Arran, *and the Honourable* Arthur Saunders Gore, *commonly called* Lord Viſcount Sudley, *and for the Payment of the Debts now due by them reſpectively, and for other Purpoſes.* [3d *May* 1804.]

25 G. 3. WHEREAS by an Act made in the Parliament of *Ireland* in the Twenty-fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectually raiſing a ſufficient Sum of Money for diſcharging the Debts and Incumbrances affecting certain Lands in the Counties of* Wexford, Mayo, Sligo, *and* Donnegall, *the Eſtates of the Right Honourable* Arthur Saunders *Earl of* Arran, *and the Honourable* Arthur Saunders Gore, *commonly called Lord Viſcount* Sudley, *and for the Payment of the Debts now due by them reſpectively, and for other Purpoſes*, certain Manors, Caſtles, Towns, Villages, Hamlets, Lands, Tenements, Chief Rents, Tythes, Fiſheries, Fiſhings, and Hereditaments, therein mentioned, were veſted in and ſettled upon the Right Honourable *Barry Yelverton*, Chief Baron of His Majeſty's Court of Exchequer in *Ireland*, now Lord Viſcount *Avonmore*, the Right Honourable *James Cuffe*, now Lord Baron *Tyrawly*, and *Arthur Wolfe*, of Newland's Caſtle, in the County of *Dublin*, Eſquire, One of His Majeſty's Counſel learned in the Law, afterwards Lord Viſcount *Kilwarden*, their Heirs and Aſſigns, upon the Truſts, and to and for the Uſes and Purpoſes therein limited and declared concerning the ſame; and among ſuch, upon Truſt that they the ſaid *Barry* Lord Viſcount *Avonmore*, *James* Lord *Tyrawly*, and *Arthur* Viſcount *Kilwarden*, or any Two of them, or the Survivors or Survivor of them, and his Heirs, ſhould, with all convenient Speed, by and with the joint Conſent of the ſaid *Arthur Saunders* Earl of *Arran*, and *Arthur Saunders Gore*, commonly called Lord Viſcount *Sudley*, if living, or by and with the Conſent of the Survivor of them, make One or more Mortgage or Mortgages, or ſell or diſpoſe of the Manors, Caſtles, Towns, Lands, Tenements, Hereditaments, and Premiſes, thereby veſted in them, or ſuch Part or Parts, or ſo much thereof, as ſhould be neceſſary to raiſe ſuch Sum or Sums of Money as ſhould be ſufficient to defray the Expences of paſſing the ſaid Act, and the Execution of the Truſts thereby repoſed in them, and alſo ſuch Sum and Sums of Money as ſhould be ſufficient to pay off and diſcharge ſuch of the Debts and Incumbrances mentioned in a Schedule thereunto annexed, as remained unpaid and not ſatisfied, and all the Intereſt and Coſts that ſhould be then due, either entirely or in Parcels, as they the ſaid *Barry* Lord Viſcount *Avonmore*, *James* Lord *Tyrawly*, and *Arthur* Lord Viſcount *Kilwarden*, or any Two of them, or the Survivors or Survivor of them, or his Heirs, and the ſaid *Arthur Saunders* Earl of *Arran* and *Arthur Saunders Gore* Lord Viſcount *Sudley*, and the Survivor of them, ſhould think fit; and that the ſaid *Barry* Lord Viſcount *Avonmore*, *James* Lord *Tyrawly*, and *Arthur* Lord Viſcount *Kilwarden*, and the Survivors and Survivor of them, his Heirs and Aſſigns, ſhould apply the Money which ſhould be raiſed upon ſuch Mortgage and Mortgages, Sale or Sales, and the

the Purchaſe Money to be raiſed and gotten for the ſame, and the Rents, and Profits of the ſaid Premiſes, until ſuch Mortgage and Mortgages Sale and Sales, ſhould be made, in the firſt Place, in paying and defraying the Expences of paſſing the ſaid Act, and the Execution of the Truſts thereby repoſed in them; and in the next Place, in Payment of all and every Debt and Debts, Incumbrance and Incumbrances, mentioned in the Schedule to the ſaid Act annexed, as remained unpaid and not ſatisfied, together with all Intereſt due and to grow due thereon, and all Coſts attending the ſame: And as to, for, and concerning all and every the Reſidue and Remainder of the ſaid Manors, Caſtles, Towns, Lands, Tenements, Hereditaments, and Premiſes, which ſhould not be ſold for the Purpoſes aforeſaid, and as to the Equity of Redemption of ſuch Part and Parcels thereof as ſhould be mortgaged for the Purpoſes aforeſaid, in truſt, for and to the Uſe and Behoof of ſuch Perſon and Perſons as would be entitled to the ſame, and ſubject to ſuch Charges and Incumbrances as the ſame would be ſubject to if the ſaid Act had never been made; and to and for no other Uſe, Intent or Purpoſe whatſoever: And whereas the ſaid *Barry* Lord Viſcount *Avonmore*, and *Arthur* Lord Viſcount *Kilwarden*, Two of the Truſtees named in the ſaid Act of Parliament, in purſuance of the Truſts repoſed in them, ſold ſeveral Parts of the Lands and Hereditaments comprized in the ſaid Act, and applied the Money ariſing by ſuch Sales, purſuant to the Directions of the ſaid Act; but the ſaid *James* Lord *Tyrawly*, one of the Truſtees named in the ſaid Act, refuſes to act in the Truſt thereof: And whereas the ſaid *Arthur* Lord Viſcount *Kilwarden* lately departed this Life: And whereas the Truſts of the ſaid Act of Parliament have not yet been fulfilled; and by the Deceaſe of the ſaid *Arthur* Lord Viſcount *Kilwarden*, and the Refuſal of the ſaid *James* Lord *Tyrawly* to act therein, the Truſts of the ſaid recited Act are ſuſpended, and cannot be carried into Execution; and it is therefore neceſſary that new Truſtees, together with the ſaid *Barry* Lord Viſcount *Avonmore*, ſhould be appointed for carrying the Truſts of the ſaid Act into Execution; but, as the ſame cannot be effected without the Aid and Authority of Parliament; therefore, your Majeſty's moſt dutiful and loyal Subjects, the ſaid *Arthur Saunders* Earl of *Arran*, and *Arthur Saunders Gore*, commonly called Lord Viſcount *Sudley*, do 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 all that and thoſe ſuch Part and Parts of the Lands, Tenements, and Hereditaments, comprized in the ſaid recited Act, which have not been ſold or diſpoſed of for the ſeveral Purpoſes mentioned in and by ſaid recited Act, and all Sum and Sums of Money ariſing from the Truſts of ſaid Act, ſhall be and the ſame is and are hereby veſted in and ſettled upon the ſaid *Barry* Lord Viſcount *Avonmore*, The Honourable and Right Reverend Father in God *Charles* Lord Biſhop of *Killaloe* and *Kilfenora*, and *Thomas Robert Underwood* Eſquire, and their Succeſſors, in Truſt, and to and for the ſame Uſes, Intents and Purpoſes, and under and ſubject to the ſame Proviſoes, Conditions, Limitations, and Reſtrictions, as are mentioned, expreſſed, and declared, of and concerning

cerning the ſame, in and by the ſaid recited Act of Parliament; and for no other Uſe, Intent, or Purpoſe whatſoever.

II. And be it further enacted and declared by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid *Barry* Lord Viſcount *Avonmore*, *Charles* Lord Biſhop of *Killaloe* and *Kilfenora*, and *Thomas Robert Underwood*, or any Two of them, and to and for the Perſon and Perſons appointed in Manner herein directed a Truſtee or Truſtees in his or their room and ſtead, and their Succeſſors, or any Two of them, to act in the Management and Execution of the Truſts mentioned and declared in and by the ſaid recited Act, as fully, freely, and effectually in all Reſpects, and to all Intents and Purpoſes, as if he or they had been originally in and by the ſaid recited Act nominated and appointed a Truſtee or Truſtees for the Purpoſes aforelaid.

New Truſtees.

III. And be it further enacted, That in caſe the ſaid *Barry* Lord Viſcount *Avonmore*, *Charles* Lord Biſhop of *Killaloe* and *Kilfenora*, *Thomas Robert Underwood*, or any of them, or any future Truſtee or Truſtees to be appointed in the place and ſtead of them, or any of them, as herein-after is provided, or the Succeſſor or Succeſſors to be appointed as herein-after mentioned of any ſuch Truſtee or Truſtees, ſhall die, or deſire to be diſcharged of and from the Truſts reſpectively repoſed in them by this Act, before ſuch Truſts ſhall be fully executed, then and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid *Arthur Saunders* Earl of *Arran*, and *Arthur Saunders Gore*, during their Joint Lives, and after the Deceaſe of either of them, then for the Survivor, and after the Deceaſe of ſuch Survivor, then for the Perſon or Perſons who for the Time being ſhall be beneficially entitled to the Poſſeſſion of, or to receive the Rents, Iſſues, and Profits of the Lands, Tenements, and Hereditaments, mentioned in the ſaid recited Act, and remaining unſold and not diſpoſed of by virtue of the Powers thereof, by Writing under his, her, and their Hands and Seals, to nominate, ſubſtitute, and appoint any other Perſon or Perſons to be a Truſtee or Truſtees in the place and ſtead of the Truſtee or Truſtees ſo dying, or deſiring to be diſcharged as aforeſaid; and when and as often as any new Truſtee or Truſtees ſhall have been nominated as aforeſaid, and ſhall have been approved of by an Order of the High Court of Chancery in *Ireland*, in a ſummary Way, on Petition to that Court from the Perſon or Perſons making ſuch Nomination, all the Truſts, Eſtates, and Premiſes, which ſhall be then veſted in the Truſtee or Truſtees ſo dying or deſiring to be diſcharged as aforeſaid, either ſolely or jointly with any other Truſtee or Truſtees, ſhall be thereupon, with all convenient Speed, conveyed and affirmed in ſuch Manner, and ſo that the ſame ſhall and may legally and effectually be veſted in the ſurviving or continuing Truſtee or Truſtees, and in ſuch new or other Truſtees, or if there ſhall be no continuing Truſtee, then in ſuch new Truſtees only, to the ſame Uſes, and upon the ſame Truſts, as in and by the ſaid recited Act and this Act are limited and declared of and concerning the ſame Truſt, Eſtates, and Premiſes, or ſuch of them as ſhall be then ſubſiſting, and ſhall be capable of taking Effect; and ſuch new Truſtee or Truſtees ſhall and may in all Things act and aſſiſt in the Management, carrying on, and Execution of the Truſts to which they ſhall

ſhall be ſo appointed, as fully and effectually, and with all the ſame Powers and Authorities, and to all Effects, Intents, Conſtructions, and Purpoſes whatſoever, under the aforeſaid recited Act and this Act, as if he or they had been originally nominated a Truſtee or Truſtees for the Purpoſes for which ſuch new Truſtee or Truſtees reſpectively ſhall be appointed a Truſtee or Truſtees.

Truſtees anſwerable only for their own Acts.

IV. Provided always, and be it enacted, That neither the ſaid *Barry* Lord Viſcount *Avonmore*, *Charles* Lord Biſhop of *Killaloe* and *Kilſenora*, *Thomas Robert Underwood*, or any of them, or any future Truſtee or Truſtees to be appointed under the Powers herein contained, or any of them, or the Heirs, Executors, or Adminiſtrators of them, or any of them, ſhall be anſwerable or accountable for any Money to be received by virtue of or under the Truſts repoſed in them by virtue of the ſaid recited Act and this Act, otherwiſe than each Perſon for what he or they ſhall reſpectively receive; and that none of them ſhall be anſwerable for the other or others of them, or for the Acts, Receipts, Payments, Neglects, or Defaults of the other or others of them, but each of them for his own Acts, Receipts, Payments, Neglects, and Defaults only; and that they ſhall and may, by and out of the Rents, Iſſues, and Profits, Sum and Sums of Money, which ſhall come to his or their Hands by virtue of any of the Truſts aforeſaid, retain to and reimburſe himſelf and themſelves reſpectively, all ſuch Coſts, Damages, Charges, Payments, and Expences, as they, every or any of them, ſhall or may bear, pay, ſuſtain, expend, or be put unto, for or by reaſon or upon account of the Truſts repoſed in them by virtue of the ſaid recited Act and this Act, or in or about the Management or Execution thereof.

Coſts of the Act.

V. And be it further enacted, That out of the Monies to ariſe from the Sale, Mortgage, Rent, Iſſues, or Profits of the Lands, Tenements, and Hereditaments, veſted in the ſaid Truſtees in truſt, to and for the ſeveral Uſes, Intents, and Purpoſes in the ſaid recited Act mentioned and deſcribed, all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be in the firſt Place paid and ſatisfied.

General Saving.

VI. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, their reſpective Heirs, Succeſſors, and Adminiſtrators (other than and except the ſaid *Arthur Saunders* Earl of *Arran*, and *Arthur Saunders Gore*, commonly called Lord Viſcount *Sudley*, and their reſpective Heirs, and the Perſon and Perſons excepted in and by ſaid recited Act of Parliament) all ſuch Eſtates, Rights, Titles, Intereſts, Claims, and Demands, of, in, to, or out of the ſaid Manors, Towns, Lands, Tenements, and Hereditaments, hereby veſted in them the ſaid *Barry* Lord Viſcount *Avonmore*, *Charles* Lord Biſhop of *Killaloe* and *Kilſenora*, and *Thomas Robert Underwood*, and their Succeſſors as aforeſaid, as they, every, or any of them had before the paſſing of this Act, or ſhould, could, or might have had or enjoyed in caſe this Act had not been made.

Act to be printed by the King's Printer.

VII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and when so printed, may be given in Evidence in all Courts of Justice, and before all Justices and Judges whomsoever who shall take judicial Notice thereof in the like Manner as if the same had been declared to be a Publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1804.