

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 83.

An Act for vesting in new Trustees the Real Estates in *Ireland*, of the Right Honourable *Walter* Earl of *Ormonde* and *Ossory*, which have not been sold or disposed of under and by virtue of an Act of Parliament passed by the Parliament of *Ireland* in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for the Sale of competent Parts of the Real Estates of the Right Honourable* John *Earl of* Ormonde, *and the Honourable* Walter Butler, *commonly called* Lord Viscount Thurles, *his eldest Son, and Heir Apparent, for the Payment of Debts, Charges, and Incumbrances affecting the same, and for settling such Part and Parts thereof as shall not be sold for the Purposes aforesaid, and for other Purposes.* [27th *June* 1805.]

WHEREAS by an Act of Parliament made by the Parliament of *Ireland* in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for the Sale of competent Parts of the Real Estates of the Right Honourable* John *Earl of* Ormonde, *and the Honourable* Walter Butler, *commonly called* Lord Viscount Thurles, *his eldest Son, and Heir Apparent, for the Payment of the Debts, Charges, and Incumbrances affecting the same, and for settling such Part and Parts thereof* 35 G. 3

Certain Eſtates veſted in Truſtees to be ſold for the Purpoſes herein recited.

as ſhall not be ſold for the Purpoſes aforeſaid, and for other Purpoſes, after reciting as therein is recited, certain Lordſhips, Honours, Manors, Caſtles, Towns, Meſſuages, Lands, Tenements, Fee Farm Rents, Tythes, and Hereditaments therein mentioned, were veſted in the Right Honourable *Otway* Earl of *William* Earl of *Enniſkillen*, and the Right Honourable *Deſart*, their Heirs and Aſſigns, upon Truſt, that they the ſaid *William*, Earl of *Enniſkillen*, and *Otway* Earl of *Deſart*, or the Survivor of them, and his Heirs, ſhould, with all convenient Speed, by and with the Conſent of the ſaid *John* Earl of *Ormonde* (if living) ſell or diſpoſe of, either entirely and together, or ſeparately and in Parcels, the ſaid Lordſhips, Manors, Meſſuages, Caſtles, Towns, Lands, Tenements, Fee Farm Rents, Tythes, Hereditaments, and all other the Premiſes thereby veſted in them, or ſuch Part or Parts, and ſo much thereof as ſhould be neceſſary to raiſe ſuch Sum and 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 neceſſary to pay, ſatisfy, and diſcharge the ſeveral principal Sums of Money which at the Time of the Execution of a certain Settlement therein mentioned, which bears Date the Twenty-ſixth Day of *January* One thouſand ſeven hundred and ninety-two, were Charges and Incumbrances affecting or charged upon the ſaid Caſtles, Manors, Meſſuages, Towns, Lands, Tenements, Fee Farm, and other Rents, Tythes, Hereditaments, and Premiſes, or any of them, or any Part or Parcel thereof, together with all Intereſt which ſhould have accrued or become due for the ſaid principal Sums reſpectively to the Time of Payment thereof: And alſo to pay, ſatisfy, and diſcharge all and every Sum and Sums of Money at the Time of the Execution of the ſaid Settlement of the Twenty-ſixth Day of *January* One thouſand ſeven hundred and ninety-two, due and owing from and by the ſaid *John* Earl of *Ormonde*, by Judgement, Bond, or other Specialty, together with all Intereſt which ſhould be due and owing for the ſaid principal Sums at the Time of Payment thereof, and alſo to pay, ſatisfy, and diſcharge all and every Sum and Sums of Money at the Time of the Execution of the ſaid Settlement of the Twenty-ſixth Day of *January* One thouſand ſeven hundred and ninety-two, due and owing from and by the ſaid *Walter* Lord Viſcount *Thurles*, by Judgement, Bond, and other Specialty, together with all Intereſt which ſhould be due and owing for the ſaid principal Sums at the Time of Payment thereof, provided that no more than the Sum of Three thouſand Pounds Sterling ſhould be raiſed for the Payment of the ſaid Debts of the ſaid *Walter* Lord Viſcount *Thurles*, and that the ſaid *William* Earl of *Enniſkillen*, and *Otway*, Earl of *Deſart*, and the Survivor of them, his Heirs and Aſſigns, ſhould apply the Purchaſe Money, which ſhould be raiſed by ſuch Sale or Sales for the Uſes and Purpoſes for which the ſame is thereinbefore appointed to be levied and raiſed as aforeſaid, provided that the Debts, Charges, and Incumbrances for the Payment whereof Proviſion is made by the ſaid Act, ſhould be paid according to their ſeveral and reſpective Nature and Priority; and as to, for, and concerning all and every the Reſidue and Remainder of the ſaid Caſtles, Manors, Meſſuages, Towns, Lands, Tenements, Fee Farm and other Rents, Tythes, Hereditaments, and Premiſes, and every Part and Parcel thereof which ſhould not be ſold for the Purpoſes aforeſaid, in Truſt, that they the ſaid *William* Earl of *Enniſkillen* and *Otway* Earl of *Deſart*, and the Survivor of them, and His Heirs, ſhould grant, aſſure, convey, and ſettle the ſame, to ſuch Uſes,

Uſes, upon ſuch Truſts, and to and for ſuch Intents and Purpoſes, and under and ſubject to ſuch Powers, Proviſoes, Limitations, and Agreements (ſave and except the aforeſaid Power of ſelling) as are mentioned, expreſſed, and declared, of and concerning the ſame, in and by the ſaid Settlement of the Twenty-ſixth Day of *January* One thouſand ſeven hundred and ninety-two: And whereas the ſaid Truſtees named in the ſaid Act of Parliament, in purſuance of the Truſts thereby 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 Truſts of the ſaid Act are not yet completed and fulfilled, and it may be neceſſary to ſell more Lands and Hereditaments for the Purpoſes in the ſaid Act mentioned: And whereas the ſaid *William* Earl of *Enniſkillen*, and *Otway* Earl of *Deſart*, the Truſtees named in the ſaid Act of Parliament, are both dead, and the ſaid *Otway* Earl of *Deſart*, ſurvived the ſaid *William* Earl of *Enniſkillen*; and the Right Honourable *John Otway*, now Earl of *Deſart*, a Minor, is the Son and Heir of the ſaid *Otway* Earl of *Deſart*, and as ſuch is now the Truſtee for carrying the Purpoſes of the ſaid Act into Execution: And whereas the ſaid *John* Earl of *Ormonde*, named in the ſaid Act of Parliament, died ſeveral Years ago, and *Walter* now Earl of *Ormonde* and *Oſſory* (who is ſtiled in the ſaid Act by the Appellation of *Lord Viſcount Thurles*) is the eldeſt Son and Heir at Law of the ſaid *John* late Earl of *Ormonde*, and as ſuch is entitled to an Eſtate Tail in ſuch Part and Parts of the ſaid Caſtles, Manors, Meſſuages, Towns, Lands, Tenements, Hereditaments, and Premiſes, compriſed in the ſaid Act of Parliament, which have not been, and ſhall not be ſold for the Purpoſes in the ſaid Act mentioned: And whereas by reaſon of the ſaid *John Otway* Earl of *Deſart* being under the Age of Twenty-one Years, the Truſts of the ſaid recited Act of Parliament cannot be carried into Effect during his Minority, by Sales of the undiſpoſed Parts of the Caſtles, Manors, Meſſuages, Towns, Lands, Tenements, Hereditaments, and Premiſes compriſed in the ſaid Act and therefore it becomes neceſſary that he ſhould be diveſted of ſuch Truſts, and new Truſtees ſhould be appointed in his Stead, for carrying the ſame into Execution, but as the ſame cannot be effected without the Aid and Authority of Parliament, therefore Your Majeſty's moſt dutiful and loyal Subject, the ſaid *Walter* Earl of *Ormonde* and *Oſſory*, doth humbly beſeech Your Majeſty that it may be enacted; and be 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 ſaid *John Otway* Earl of *Deſart* and his Heirs, ſhall, from and immediately after the paſſing of this Act, be, and he and they is and are hereby from thenceforth abſolutely and for ever releaſed and diſcharged from being a Truſtee for all or any of the Truſts and Purpoſes mentioned in the ſaid herein-before recited Act of Parliament, and alſo releaſed and diſcharged of and from all and every the Uſes, Eſtates, Truſts, Powers, and Authorities now veſted in him or them, by virtue of, or under the Powers contained in the ſaid Act of Parliament, any Thing in ſuch Act of Parliament (the ſame being hereby repealed, ſo far as it relates to or affects the ſaid *John Otway* Earl of *Deſart* and his Heirs) or any Law, Statute, or Uſage to the contrary thereof in anywiſe notwithſtanding.

Death of Truſtees.

Earl of Deſart and Heirs diſcharged from being Truſtees.

II. And

New Truſtees appointed.

II. And be it further enacted, That the Right Honourable *John* Earl of *Enniſkillen*, and the Right Honourable *Maurice Fitz Gerald*, One of His Majeſty's moſt Honourable Privy Council in *Ireland*, ſhall be, and they are hereby appointed Truſtees in the Place and Stead of the ſaid *John Otway* Earl of *Deſart*: And that all that and thoſe ſuch Part and Parts of the Caſtles, Manors, Towns, Meſſuages, Lands, Tenements, Fee Farm Rents, Tythes, and Hereditaments compriſed in the ſaid recited Act of Parliament, which have not been ſold or diſpoſed of for the Purpoſes of the ſaid Act, ſhall, from and immediately after the paſſing of this Act be, and the ſame are hereby veſted in and ſettled upon the ſaid *John* Earl of *Enniſkillen* and *Maurice Fitz Gerald*, and their Heirs, upon ſuch and the ſame Truſts, and to and for ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates and Intereſts, and with ſuch and the ſame Powers and Proviſoes, and to and for the ſame Intents and Purpoſes as in and by the ſaid recited Act of Parliament are mentioned, expreſſed, or declared, of and concerning the ſaid Hereditaments and Premiſes compriſed therein, and in as full, extenſive, and abſolute a Manner to all Intents and Purpoſes, as the ſame Hereditaments and Premiſes, or any Part thereof, immediately before the paſſing of this Act, were veſted in the ſaid *John Otway* Earl of *Deſart*, his Heirs and Aſſigns as aforeſaid.

General Saving.

III. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all and every Perſon and Perſons, Bodies Politick and Corporate, their reſpective Heirs, Succeſſors, Executors, and Adminiſtrators (other than and except the ſaid *John Otway* Earl of *Deſart* the Minor, and his Heirs, and the Perſon and Perſons excepted in and by the ſaid recited Act of Parliament) all ſuch Eſtates, Rights, Titles, Intereſts, Claims, and Demands, of, in, to, or out of the ſaid Lordſhips, Honours, Caſtles, Towns, Meſſuages, Lands, Tenements, Fee Farm Rents, Tythes, and Hereditaments, hereby veſted in them, the ſaid *John* Earl of *Enniſkillen*, and *Maurice Fitz Gerald*, and their Heirs as aforeſaid, as they, every, or any of them had before the paſſing of this Act, or could or might have had or enjoyed, in caſe this Act had not been made.

Evidence.

IV. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1805.