

ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 88.

An Act for veſting the deviſed Eſtates of *John Ferryman* Gentleman, deceaſed, in Truſtees, to be ſold; and for applying Part of the Purchaſe Money in Diſcharge of Incumbrances, and for laying out the Reſidue under the Direction of the High Court of Chancery in the Purchaſe of other Eſtates, to be ſettled to the ſame Uſes; and until ſuch Purchaſe be made, for laying out ſuch Reſidue in the Purchaſe of Three per Cent. Conſolidated Bank Annuities. [27th *June* 1805.]

Will of John Ferryman.

WHEREAS *John Ferryman*, late of *Barrow upon Soar*, in the County of *Leiceſter*, Gentleman, deceaſed, duly made and publiſhed his laſt Will and Teſtament in Writing, dated the Tenth Day of *June* One thouſand ſeven hundred and eighty-four, and did thereby give and deviſe all and ſingular his Meſſuages, Cloſes, Lands, Tenements, and Hereditaments, at *Loughborough*, in the ſaid County of *Leiceſter*, (ſubject to the Payment of all ſuch Money as he ſhould owe on Mortgage thereof at his Deceaſe), unto his Son *Robert Ferryman*, for and during the Term of his natural Life, and from and after his Deceaſe, unto all ſuch Children as his ſaid Son ſhould leave, and their Heirs for ever; and the ſaid Teſtator appointed his ſaid Son *Robert Ferryman* ſole Executor of his ſaid Will: And whereas the ſaid Teſtator *John Ferryman* ſoon afterwards died, without having revoked or altered his ſaid Will, and

and at his Death the several principal Sums of Money, which had been secured by divers Mortgages, made prior to the Date of his said Will, of the said Estate at *Loughborough*, and to which the said Testator appears to have referred in the Devise contained in his said Will, amounted to the Sum of Two thousand one hundred and fifty Pounds, whereof the Sum of Two hundred and fifty-seven Pounds hath been since paid off and discharged, with Monies arising from the Sale of Wood, and of several Pieces of Land, containing One Acre and a Half, or thereabouts, Part of the aforesaid devised Estates, under the Authority of an Act of Parliament, passed in the Thirty-first Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a navigable Communication between the* Loughborough *Canal and the Town of* Leicester; *and for making and maintaining a Communication by Rail Ways, or Stone Roads and Water Levels, from several Places and Mines to the said* Loughborough *Canal*; *and for continuing the same, by passing along the said Canal to the said navigable Communication, all in the County of* Leicester; and the Sum of One thousand eight hundred and ninety-three Pounds, Residue of the said principal Sum of Two thousand One hundred and fifty Pounds, and the Mortgages for the same, are now vested in *Thomas Pares* the younger, of *Leicester*, Gentleman, as the surviving Executor and residuary Legatee in Trust, of *John Fox* deceased, and in *John Pares*, Gentleman, and the Reverend *William Pares*, Clerk, respectively, as Trustees of the said *Thomas Pares*, as such Executor and residuary Legatee as aforesaid: And whereas the said remaining devised Estates are let to several Persons at yearly Rents, amounting to the clear yearly Sum of One hundred and fifty-five Pounds Twelve Shillings and Ten-pence, and the yearly Interest of the said Mortgages amounts to the Sum of Ninety-four Pounds Thirteen Shillings, which being deducted from the said clear yearly Rent, leaves a Surplus of the yearly Sum of Sixty Pounds Nineteen Shillings and Ten-pence: And whereas the said *Robert Ferryman* is a Clergyman of the Church of *England*, and is married, and hath Issue Seven Children, namely, *Charlotte Ferryman*, *Mariana Ferryman*, *John Barke Gustavus Ferryman*, *Catherine Eliza Ferryman*, *Robert Augustus Ferryman*, *Cornelia Ferryman*, and *Georgiana Ferryman*, all Infants under the Age of Twenty-one Years: And whereas the said devised Estate (except the said Land so sold as aforesaid) consists of a capital Messuage or Tenement, situate in the Town of *Loughborough*, in the County of *Leicester*, and also of several Closes, Pieces, and Parcels of Arable, Meadow, and Pasture Land, lying contiguous to the said Town of *Loughborough*, in the said County of *Leicester*; and from the Conveniency of the Situation of the said Lands for the Purpose of Building, or of being converted into Garden Ground, if a Sale of the said Estate could be effected, a very considerable Sum of Money, much more than sufficient to pay off and discharge the said Mortgages, might be thereby obtained; and upon that Account it would be highly beneficial to the said *Robert Ferryman* and to his Children, that the said Estate should be sold, and the Monies arising therefrom be applied, in the first Place, in the Discharge of the several Sums of Money respectively secured upon Mortgages of different Parts of the said Estate; and that the clear Surplus of the said Monies should, after Payment of the Costs and Expences of this present Act, and of carrying the Trusts thereof into Execution, be laid out and invested under the Direction of the High Court of Chancery in the Purchase of other Estates, to be settled

settled in lieu of the said devised Estate, and to the same Uses; but, by reason of the Limitations of the said Will of the said *John Ferryman*, and the Infancy of his said Children, the aforesaid Sale cannot be effectually carried into Execution without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subject the said *Robert Ferryman*, on Behalf of himself and his said Seven Infant Children, doth 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 all and singular the Messuages or Tenements, Lands and Hereditaments, situate, lying, and being within the Manor and Lordship, and the Town of *Loughborough*, in the County of *Leicester* aforesaid, or the Precincts or Territories thereof, whereof or whereto the said *John Ferryman* the Testator died seised or entitled, and which were by his said Will given and devised in Manner aforesaid, save and except the aforesaid Pieces or Parcels of Land, containing One Acre and a Half, or thereabouts, which have been sold to the Proprietors of the *Leicester* Navigation; which Premises, except as aforesaid, are mentioned and set forth, with the yearly Rents thereof, in the Schedule hereunto annexed, together with all Outhouses, Barns, Stables, Buildings, Yards, Gardens, Woods, Underwoods, Ways, Paths, Passages, Waters, Watercourses, Easements, Profits, Rents, Advantages, and Appurtenances whatsoever, to the said Messuages or Tenements, Lands and Hereditaments, belonging or appertaining; and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits thereof, shall, from and immediately after the passing of this Act (but subject and without Prejudice to the said Mortgages for securing the said Sum of One thousand eight hundred and ninety-three Pounds) be settled upon and vested in, and the same are hereby from thenceforth settled upon and vested in, *William Stephen Poyntz*, of *Queen Ann Street West*, in the County of *Middlesex*, Esquire, and *Edward Kent*, of *Hollist*, in the County of *Sussex*, Esquire, and their Heirs and Assigns, to the Use of the said *William Stephen Poyntz* and *Edward Kent*, their Heirs and Assigns for ever, freed and absolutely exonerated and discharged of and from all and every the Uses and Estates limited or raised and created in the said Messuages or Tenements, Lands and Hereditaments, by the said Will of the said Testator *John Ferryman*; but nevertheless upon Trust, that they the said *William Stephen Poyntz* and *Edward Kent*, or the Survivor of them, or his Heirs, do and shall with all convenient Speed after the passing of this Act, (with the Consent and Approbation of the said *Robert Ferryman*, or in case of his Decease, then with the Consent and Approbation of his surviving Child or Children; or in case of his, her, or their Infancy, then of the Guardian or Guardians of such surviving Child or Children, such Consent and Approbation to be signified by some Writing under the Hand and Seal, or Hands and Seals of the said *Robert Ferryman*, or such surviving Child or Children, Guardian or Guardians, as aforesaid), sell and dispose of the said Messuages or Tenements, Lands and Hereditaments, hereby vested and settled as aforesaid, by publick Auction or by private Contract, either entire, or in such Lots and Parcels as to the said *William Stephen Poyntz* and *Edward Kent*, or the Survivor of them, or his Heirs, shall seem meet, unto any Person or Persons who shall be willing and desirous to purchase the same, or any Lot or Parcel thereof, for the best Price or Prices

Vesting the Estate at Loughborough in Trustees for the Sale thereof.

Prices in Money which, in the Opinion of the said *William Stephen Poyntz* and *Edward Kent*, or the Survivor or his Heirs, shall be the most which may reasonably be had or obtained; and upon Payment of the Monies for which the same Premises shall be respectively sold, in the Manner hereinafter mentioned, do and shall convey the same unto and to the Use of such Purchaser or Purchasers thereof, and his, her, or their Heirs and Assigns for ever, or to such other Uses, or in such other Manner, as he, she, or they shall direct and appoint; but nevertheless without Prejudice to the Payment of the said Mortgage Monies, or any of them.

Directions concerning the Application of the Purchase Money.

II. And be it further enacted, That the Monies which shall be produced by the Sale of the said Messuages or Tenements, Lands and Hereditaments, so vested in the said *William Stephen Poyntz* and *Edward Kent*, as aforesaid, or any Part or Parts thereof, shall be paid and applied by the Purchaser or several Purchasers thereof, in the Manner following; (that is to say,) in the first Place, in or towards Satisfaction and Discharge of the aforesaid principal Monies now secured by Mortgage of the said Hereditaments, and which said principal Monies now amount together to the Sum of One thousand eight hundred and ninety-three Pounds; and the Residue and Surplus of such Purchase Monies, after Payment of such principal Monies as aforesaid, shall be paid by the Purchaser or Purchasers into the Bank of *England*, in the 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 devised Estates of Mr. *John Ferryman*, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign 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 the Twenty-fourth; and the Certificate or Certificates of the said Accountant General of the High Court of Chancery, of the Payment of any Sum or Sums of Money in respect of the said Purchase or Purchases, together with the Receipt or Receipts of One of the Cashiers of the Bank to be thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, shall be a sufficient Release and Discharge for the Monies so paid into the Bank as aforesaid; and such Purchaser or Purchasers shall not afterwards be obliged to see to the Application of such Money, or any Part thereof.

Accountant General to place out the Money in the Purchase of other Estates.

III. And be it enacted, That the Monies which shall, pursuant to the Direction herein-before given, be so paid into the Bank of *England*, shall, upon a Petition to be preferred to the said Court of Cancery, in a summary Way, by the said *Robert Ferryman*, or in case of his Decease, then by his surviving Children or Child, who shall have attained the Age of Twenty-one Years, and the Guardians or Guardian of his surviving Children or Child, who shall not have attained such Age, be laid out and invested, subject to the Directions and Control of the said Court, in the Purchase of the Fee Simple of Freehold Messuages, Lands, Tenements, and Hereditaments, to be situate, lying, and being within that Part of the United Kingdom called *England*, or the Principality of *Wales*, or both, and of Copyhold Lands or Hereditaments (if any) lying contiguous thereto, and convenient to be purchased therewith, in Possession, free from all Incumbrances, except Fee Farm or Quit Rents, or customary

Rents

Rents and Services; which ſaid Meſſuages, Lands, Tenements, and Hereditaments, ſo to be purchaſed, ſhall thereupon with all convenient Speed, be conveyed and ſettled to and for the ſeveral Uſes, Eſtates, Intents and Purpoſes to which the Meſſuages, Lands, Tenements, and Hereditaments, hereby directed to be ſold previouſly to the paſſing of this Act, under and by virtue of the Will of the ſaid *John Ferryman* the Teſtator ſtand limited and ſettled, or to and for ſuch of the ſame Uſes, Eſtates, Intents, and Purpoſes which ſhall at the Time of the ſaid Purchaſe or Purchaſes be ſubſiſting undetermined, and capable of taking effect.

Money paid into the Bank to be laid out in the Purchaſe of Navy and other Bills, until a convenient Purchaſe can be found.

IV. And be it further enacted, That all Monies which ſhall be paid into the Bank in the Name of the ſaid Accountant General in the Manner herein-before directed, or ſo much thereof as ſhall not be ordered by the ſaid Court of Chancery to be applied in the Payment of Coſts and Expences according to the Proviſions herein-after contained, ſhall, in the mean Time, and until the ſaid Monies ſhall be inveſted in a Purchaſe or Purchaſes as aforeſaid, be from Time to Time laid out by the ſaid Accountant General in the Purchaſe of Navy, or Victualling, or Tranſport Bills, or Exchequer Bills; and the Intereſt ariſing from the Money ſo laid out in the ſaid Navy, or Victualling, or Tranſport Bills, or Exchequer Bills, and the Money received for the ſame, as they ſhall reſpectively be paid off by Government, ſhall be laid out in the Name of the ſaid Accountant General in the Purchaſe of other Navy or Victualling or Tranſport Bills, or Exchequer Bills; all which ſaid Navy and Victualling Bills, and Tranſport and Exchequer Bills, ſhall be depoſited in the Bank in the Name of the ſaid Accountant General, and ſhall there remain until the ſame ſhall, upon Petition to be preferred in a ſummary Way as aforeſaid, be ordered to be ſold by the Accountant General for the completing any Purchaſe or Purchaſes hereby authorized to be made as aforeſaid, in ſuch Manner as the ſaid Court ſhall think juſt and meet; and if the Money ariſing by the Sale of any ſuch Navy, Victualling, Tranſport, or Exchequer Bills, which ſhall have been purchaſed as aforeſaid, ſhall exceed the Amount of the original Purchaſe Money ſo laid out as aforeſaid, then and in that caſe only the Surplus which ſhall remain ſhall be paid to ſuch Perſon or Perſons reſpectively as would have been entitled to receive the Rents and Profits of the Lands directed to be purchaſed, in caſe the ſame had been purchaſed purſuant to this Act, or to the Repreſentatives of ſuch Perſon or Perſons.

Expences of obtaining the Act, &c.

V. Provided always, and it is hereby further enacted, That it ſhall be lawful for the High Court of Chancery, from Time to Time, to make ſuch an Order as that Court ſhall think fit for taxing all Coſts, Charges, and Expences which ſhall have been incurred preparatory to, and in ſoliciting and applying for, and obtaining and paſſing this Act, and in making the ſeveral Applications to the ſaid Court of Chancery in purſuance hereof, and in making and completing the Sales of the Hereditaments hereby made ſaleable, and in veſting all or any of the Monies, which under this Act ſhall be paid into the Bank of *England*, in the Purchaſe of Lands and Hereditaments, according to the Directions herein contained, or otherwiſe in carrying the Truſts and Purpoſes of this Act into Execution; and alſo, from Time to Time, to make an Order, if to the ſame Court it ſhall ſeem fit, for Payment of all ſuch Coſts, Charges, and Expences as aforeſaid, out of the Money ſo to be paid into the Bank as

aforesaid, or out of the Money arising by the Sale of the Navy, Victualling, Transport, or Exchequer Bills to be purchased as aforesaid.

Until the Estate is sold, the Rents and Profits to be received by the Persons entitled.

VI. And be it further enacted, That in the mean Time, until the Messuages or Tenements, Lands and Hereditaments, hereby made saleable shall be sold, pursuant to the Directions herein-before contained, they the said *William Stephen Poyntz* and *Edward Kent*, their Heirs and Assigns, shall permit and suffer the same Messuages and Tenements, Lands and Hereditaments, to be held and enjoyed, and the Rents and Profits thereof to be received and taken by such Person or Persons as would have been entitled, or ought to have held and enjoyed, received and taken the same, in case this Act had not been made.

Application of Purchase Monies

VII. And be it further enacted and declared, That in the mean Time, and until such Purchase or Purchases can be had and completed as aforesaid, it shall and may be lawful to and for the High Court of Chancery, from Time to Time, in a summary Way, upon Petition by or on Behalf of the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Hereditaments herein-before authorized to be purchased, to order the Accountant General of that Court to lay out and invest the Monies from Time to Time to be paid into the Bank as aforesaid, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, in his Name, *ex parte* the Devisees of *John Ferryman* deceased, and to pay the Dividends of such Consolidated Bank Annuities, as the same shall become due and payable, unto such Person or Persons as would be entitled to the Rents and Profits of the Messuages, Lands, Tenements, or Hereditaments hereby directed to be purchased, in case the same were purchased and settled pursuant to this Act.

Power for the Appointment of new Trustees.

VIII. And be it further enacted, That if the said *William Stephen Poyntz* and *Edward Kent*, or either of them, or any future Trustee or Trustees to be appointed in their or his Place, as herein-after mentioned, shall die, or be desirous to quit and be discharged from, or refuse or become incapable to act in the Trusts, Powers, and Authorities hereby in them reposed or vested as aforesaid, at any Time before the said Trusts, Powers, and Authorities shall be fully executed and performed; then it shall be lawful for the High Court of Chancery, on a summary Application made for that Purpose by the said *Robert Ferryman*, or in case of his Decease, then by his surviving Child or Children, or in case of his, her, or their Infancy, then by the Guardian or Guardians of his surviving Child or Children, to nominate and appoint any other Person or Persons to be a Trustee or Trustees, in the Place or Stead of the said *William Stephen Poyntz* and *Edward Kent*, or either of them, or any other Trustee or Trustees so dying or being desirous to quit or be discharged from, or refusing or becoming incapable to act in the aforesaid Trusts; and that when and as soon as any new Trustee or Trustees shall be nominated and appointed as aforesaid by the Court of Chancery, by an Order, to be made in a summary Way, upon Petition as aforesaid, all such Parts of the said Messuages or Tenements, Lands and Hereditaments hereby vested in the said *William Stephen Poyntz*, and *Edward Kent*, their Heirs and Assigns as aforesaid, as shall then remain unsold or undisposed of, pursuant to the Directions of this Act, shall thereupon be and become legally

legally and effectually veſted in ſuch new Truſtee and the ſurviving or continuing Truſtee, or in ſuch new Truſtees wholly, as the Caſe may happen; upon and for the Truſts, Ends, Intents, and Purpoſes herein-before expreſſed and declared concerning the ſame, or ſuch of them as ſhall be then exiſting undetermined and capable of taking Effect: And all and every ſuch new Truſtees and Truſtee ſhall and may in all Things act in the Management and Execution of the Truſts and Authorities aforeſaid, every or any of them, as fully and effectually in all Reſpects, and to all Intents and Purpoſes, as if they or he had been originally in and by this Act nominated and appointed Truſtees, or a Truſtee, for the Purpoſes aforeſaid, any Thing herein-before contained to the contrary notwithſtanding.

General Saving.

IX. 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, and their reſpective Heirs, Succeſſors, Executors, and Adminiſtrators, (other than and except the ſaid *Robert Ferryman* and his ſaid Infant Children, and all and every his future Child and Children, and his and their reſpective Heirs) all ſuch Eſtate, Right, Title, Intereſt, Property, Claim, or Demand whatſoever, in, to, or out of the ſaid Meſſuages or Tenements, Lands and Hereditaments, hereby veſted and ſettled as aforeſaid, or any Part thereof, 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.

Act may be given in Evidence.

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.

The

The SCHEDULE to which the foregoing Act refers.

Names of Tenants.	Description.	Quantities. A.	R.	P.	Yearly Rents. £.	s.	d.
John Boultbee, Esq.	House, Garden, &c. - -	0	2	27	35	0	0
Do. -	Cunnery Close - - -	4	3	22			
John Cradock, Esq.	Cunnery Close, Garden, Pond, &c.	9	3	15	34	10	0
John Burkill, - -	Cunnery Close and Garden - -	2	2	10	7	14	0
William Fewkes, -	Cunnery Close and Hovel - -	3	1	24			
Do. - -	Do. - - - -	2	3	20			
Do. - -	Meadow - - - -	2	2	38	55	0	0
Do. - -	Do. - - - -	6	3	16			
Do. - -	Do. - - - -	3	2	11			
Do. - -	Separated from Fallows - - -	0	3	3	1	8	6
Whyman and Booth,	Garden - - - -	0	1	34	3	0	0
Robert Wykes, -	Cunnery Close - - -	2	3	38	9	12	0
Widow Fallows, -	Do. - - - -	3	1	36	10	10	0
Joseph Vickors, -	Do. - - - -	1	2	32	5	18	0
Do. - -	Separated by Canal - - - -	0	1	20			
		47	0	26	162	12	6
Land Tax		6	7	6			
Chief Rent		0	10	0			
Modus or Tithe Payment		0	2	2			
					6	19	8
					155	12	10

THO. PARES, Jun. as to the Rents.
JOHN WINFIELD, Jun. as to Particulars and Survey.

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