ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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in trust for *James Gildart* the younger, for his Life, with Remainder in trust for the First and other Son and Sons of the said *James Gildart* in Tail, with Remainder in trust for *Frederick Gildart* for his Life, with Remainder in trust for his First and other Son and Sons in Tail, with Remainder in trust for the said Testator's own right Heirs for ever: And whereas the said *Francis Gildart* died in the Year One thousand seven hundred and eighty, leaving the said *John Gildart* his only Son and Heir at Law: And whereas the said *John Gildart* died in the Month of *August* One thousand eight hundred and eighteen without having been married: And whereas the said *Thomas Gildart* died in the Lifetime of the said *John Gildart*, namely, in the Year One thousand eight hundred and sixteen, and the said *Thomas Gildart* had no Son living at or born after the Death of the said Testator *Francis Gildart*: And whereas the said *James Gildart* died in the Month of *February* One thousand eight hundred and twenty-two, and had no Son living at or born after the Death of the said Testator *Francis Gildart;* and the said *Frederick Gildart* died in the Month of *April* One thousand eight hundred and forty-one, and had no Son living at or born after the Death of the said Testator *Francis Gildart*: And whereas upon the Death of the said *Frederick Gildart* all the Limitations and Trusts contained in the said Will previous to the Limitation or Trust therein to or for the right Heirs of the said *Francis Gildart* were spent, and such last-mentioned Limitation or Trust vested in possession: And whereas all the Legacies bequeathed by the said Will of the said *Francis Gildart* had been long since paid and satisfied, and all the Annuities bequeathed by his said Will had long since determined, and such Annuities were fully paid up to the Determination thereof respectively: And whereas the said *John Gildart*, as Heir at Law and Customary Heir of the said *Francis Gildart*, was at the Time of making his Will, herein-after stated, and thenceforward up to and at the Time of his Decease, entitled to the Reversion in Fee Simple of the Freehold and Copyhold Estates of the said *Francis Gildart* expectant upon the Determination of the several Limitations therein-before and herein-before mentioned: And whereas the said *John Gildart* by his Will, bearing Date the Ninth Day of *August* One thousand eight hundred and two, and executed and attested as was then required by Law for passing Real Estates, and after directing the Payment of his Debts, Funeral Expences, and the Charges of the Probate thereof, gave to his Aunt *Mary Ogden* Two hundred Pounds, and to *Sarah*, *Phœbe*, and *Mary*, her Children, each Two hundred Pounds, and to her Son *Richard* One hundred Pounds, to his Cousin *Lydia Steers* Two thousand Pounds, provided she continued to live with him to the Time of his Death, to *Thomas Golightly* Esquire, and each of his Daughters *Ann* and *Sarah*, each One hundred Pounds, to his Cousin *James Gildart* Esquire One hundred Pounds, and to his Children *Catherine*, *Mary*, *Frances Harriett*, and *James*, each One hundred Pounds, to *Goodwin* the Son of his Cousin *Goodwin Colquitt* One hundred Pounds, to *William* the Son of his late Cousin *Johnson Gildart* One hundred Pounds, and to his Cousin *William Colquitt* Fifty Pounds, all which said Legacies were to be paid to them at the End of Six Calendar Months next after his Death, with Interest in the meantime; he also gave the following

Will of John Gildart, dated 9th Aug. 1802.

Sums to the following Charities in *Liverpool*, not to be paid until One Year after his Death; *videlicet*, to the Public Infirmary Fifty Pounds, to the Blue Coat Hospital Twenty Guineas, to the Blind Asylum Twenty Guineas, and to the Dispensary Twenty Guineas; and as to all the rest of his Estate and Effects, of what Nature soever, he directed that the same should be divided into Two equal Parts, and the one Half thereof he gave to the said *Sarah*, *Phœbe*, and *Mary Ogden*, the Children of his Aunt *Mary Ogden*, in equal Shares for ever, and the other Half of his said Residue he gave to his said Cousin *Lydia Steers*, and *Ann* the Wife of the said *Thomas Golightly*, in equal Shares for ever, and appointed his Uncle *Thomas Gildart* of *London*, Esquire, the said *Thomas Golightly*, and *Lydia Steers*, and *Richard* the Son of the said *Thomas Golightly*, Executors: And whereas the said *Sarah Ogden* died on the Eighteenth Day of *March* One thousand eight hundred and twenty-three, leaving a Will without Date, and which was not signed by her or attested by any Witness, which was in the Words and Figures following; (that is to say,) I leave whatever I am worth when I die, after paying my Funeral Expences and Debts, the Interest of all I am worth in the Funds, *&c.*, to my Sister *Phœbe Ogden*, *Mary Ogden*, with Ten Pounds a Year during my Sister *Haswell*'s Life, the same to my Brother *Richard Ogden* during his Life, and Twenty Pounds to his Man Duty-free at the End of the Year after my Decease, for his great Kindness to his Master, after the Decease of my Sister *Phœbe*, and *Mary*'s Death, to be equally divided between my Nieces *Mary Dannett*, *Lydia Ann Sherwin*, *Margaret Boode*, *Phœbe Boode*, *Jane Dannett*, and *Penelope Harrison*, Share alike, my Third Share of Twenty Pounds, which my Sister *Bowles* left to Mistress *Haswell* and *Richard* for their Lives, to be paid first during their Lives, and after their Deaths to go equally between my Sisters *Phœbe* and *Mary*: And whereas the said *Sarah Ogden* died intestate as to her Freehold Estate, and left the said *Richard Ogden*, her only Brother, and Heir both at Law and according to the Custom of the said Manor of *West Derby*, her surviving: And whereas the said *Richard Ogden* died on the Twentieth Day of *September* One thousand eight hundred and twenty-six intestate and without Issue, leaving his Sisters the said *Phœbe Ogden* and *Mary Ogden*, and *Elizabeth Haswell* Widow, since deceased, and his Nieces *Mary Dannett* since deceased, *Lydia Ann Sherwen*, and *Jane Dannett*, and his Great Niece the Honourable Dame *Mary Ann Cust* the Wife of the Honourable Sir *Edward Cust*, and his Great Nephew *John Christian Boode*, the Co-heirs, both at Law and according to the Custom of the said Manor of *West Derby*, as well of the said *Richard Ogden* as of the said *Sarah Ogden*: And whereas the said *Phœbe Ogden* made and duly published her last Will and Testament in Writing, dated the Twenty-first Day of *April* One thousand eight hundred and twenty-eight, which was executed and attested as by Law was then required for passing Freehold Estates by Devise, and was in the Words and Figures following; (that is to say,) I give and bequeath all my Property, of whatever Description, (except what I shall come in for at the Death of the Reverend *Frederick Gildart*,) left to me by *John Gildart* of *Liverpool*, this Property I shall dispose of hereafter to my Sister *Mary Ogden*; I now dispose of the Property I shall

Will of Sarah Ogden, without Date.

Will of Phœbe Ogden, dated 21st April 1828.

shall come in for after *Frederick Gildart*'s Death; I give the whole Income to my Sister *Mary Ogden* for her Life, she paying out of it the following Legacies and Annuities; to *Thomas Harrison* and *Penelope Harrison* of *Stubb House*, *Durham*, One hundred Pounds each; to *Betty Hough*, Wife of *John Hough* Shoemaker, of *Knutsford*, *Cheshire*, Ten Pounds; to *Henrietta Haswell* Ten Pounds; to my God-daughter *Phœbe Toft* of *Knutsford* One hundred Pounds, to be put out at Interest for the Use of my said God-daughter, the Interest to accumulate till such Times my Executors shall think it proper to apply it for her Benefit, by putting her into some Business, or any other Way they may think for her Advantage, as I appoint them Trustees for her; to my Sister *Haswell* and my Niece *Mary Dannett* each an Annuity of One hundred Pounds *per* Year; Fifty Pounds *per* Year to *Jane Dannett* for her natural Life; Twenty Pounds a Year to *Rebecca Toft* of *Knutsford* for her Life, her Husband to have no Power over it in any way, but to be entirely at her own Disposal; none of those Legacies and Annuities are to commence until my Executors have had Possession of the Property One whole Year; after the Death of my Sister *Mary Ogden* my Executors are to continue to pay all the Annuities, and whatever Income remains after paying them must be divided into equal Shares, during their natural Lives, to *Mary Dannett*, *Lydia Sherwen* (meaning the said *Lydia Anne Sherwen*), *Penelope Harrison*, *Jane Dannett*, and *Mary Ann Cust*, after their Deaths the Principal to be divided in equal Shares to the Daughters of the Honourable Colonel *Edward Cust* (meaning the said Sir *Edward Cust*) by *Mary Ann* his Wife, and the Two Sons of *Penelope* and *Thomas Harrison*; and I appoint the Daughters of *Mary Ann Cust* and the Sons of *Penelope Harrison* my residuary Legatees; this I mean to be my Will, written in my own Hand, therefore I wish it to be put in force according to the plain Sense of it, without any Dispute whatsoever; I appoint my Sister *Mary Ogden* and *Lydia Sherwen* my Executors: And whereas the said *Phœbe Ogden* died in the Month of *September* One thousand eight hundred and twenty-nine: And whereas the said *Mary Ogden* made and duly published her last Will and Testament in Writing, dated the Twenty-eighth Day of *June* One thousand eight hundred and thirty, which was executed and attested as by Law was then required for passing Freehold Estates by Devise, and she thereby first directed Payment of her just Debts, Funeral Expences, and the Charges of the Probate of that her Will; she bequeathed unto her God-daughter *Margaret Amy Frances Cust* One hundred Pounds, to *Elizabeth Ruth Nevitt* One hundred Pounds, to *Phœbe Horlock* Nineteen Pounds Nineteen Shillings, to *Cornelius Harrison* and *Whytell Harrison* each Nineteen Pounds Nineteen Shillings, to Captain *Henry Birtles* Nineteen Pounds Nineteen Shillings, to *William Birtles* the Sum of Nineteen Pounds Nineteen Shillings, to *Elizabeth Birtles* Nineteen Pounds Nineteen Shillings, to *Ellen Birtles* Nineteen Pounds Nineteen Shillings, to *Henry Birtles* Nineteen Pounds Nineteen Shillings; and she directed the said Legacies to be paid as in the said Will mentioned, and charged with the Payment of the above several Sums of Money; she devised and bequeathed all her Real and Copyhold Hereditaments, Estate, and Effects whatsoever, in possession, reversion, remainder, or expectancy, unto the said Sir *Edward Cust* and *Thomas Harrison*, their Heirs, Executors, Administrators, and

Will of Mary Ogden, dated 28th June 1830.

and Assigns, according to the Nature and Quality of such Estates respectively, upon trust out of the yearly Proceeds of the same to pay unto the Testatrix's Sister *Elizabeth Haswell* during her Life One clear yearly Annuity of Twenty Pounds, and, subject thereto, upon further Trust to stand possessed thereof in trust for her Nieces *Mary Dannett*, *Lydia Anne Sherwen*, Dame *Mary Ann Cust*, *Penelope Harrison* Wife of the said *Thomas Harrison*, and *Jane Dannett*, equally, Share and Share alike, under such Limitations as were thereinafter contained concerning the same Shares; that is to say, as to, for, and concerning the respective Shares of the said *Mary Dannett*, *Lydia Anne Sherwen*, and Dame *Mary Ann Cust* of and in her said Estate and Effects, to stand possessed of the same in trust for them and their respective Heirs, Executors, Administrators, and Assigns absolutely for ever; and as to, for, and concerning the Share of the said *Penelope Harrison* of and in her said Estate and Effects, upon trust to stand possessed of the same, and receive the Interest, Dividends, and annual Produce thereof, and pay the same into her own Hands during her Life, or into the Hands of such Person or Persons as she by any Note in Writing under her Hand should from Time to Time appoint to receive the same, to the Intent that the same might be for her sole and separate Use, and not subject to the Debts, Control, or Engagements of her then present or any future Husband, and from and after the Decease of the said *Penelope Harrison* to stand possessed of the same Share to which she should be entitled for Life as aforesaid for such Person or Persons as she should by her last Will or her Testamentary Writing, to be by her signed and published in the Presence of and to be attested by Two or more credible Witnesses, whether covert or sole, appoint, and in default of such Appointment then to stand possessed of the same to and for the Use of all the Children of her the said *Penelope Harrison* equally Share and Share alike if more than One, and if only One then for such One Child, and if any such Children should die in her Lifetime leaving Issue, such Issue should take the Share his, her, or their Parent would have taken if living, equally Share and Share alike; and as to the Share of the said *Jane Dannett*, upon trust to stand possessed of the same, and receive the Interest, Dividends, and annual Produce thereof, and pay the same unto the said *Jane Dannett* during her Life, and from and after her Decease to stand possessed of the same Share in trust as to one Half Part or Share thereof for the Use of the said Dame *Mary Ann Cust*, her Heirs, Executors, Administrators, and Assigns for ever, if she should be then living, but if she should be then dead then in trust for her Children in manner therein mentioned, and as to the other Half Part or Share thereof, in trust for the said *Penelope Harrison* and her Children, subject nevertheless to the same Limitations and Appointments as were therein declared concerning the original Share of the said *Penelope Harrison* of and in her said Estate and Effects; and after reciting or noticing that under the Will of the said Testatrix's late Cousin the said *John Gildart*, and the Wills of her late Sisters the said *Sarah Ogden* and *Phœbe Ogden*, or one of them, she was entitled in reversion or remainder to a Share and Interest of and in certain Real and Personal Estate comprised in the Will of the said *Francis Gildart* deceased, she declared that the same Share and Interest should immediately upon falling into pos-

session be charged with the Legacies therein mentioned; namely, to the said *Thomas Harrison* Two hundred Pounds, to the said *Cornelius* and *Whytell Harrison* each Four hundred Pounds, to the said *Phœbe Horlock* Six hundred Pounds, and to *Ann Horlock* Two hundred Pounds, to the said *Edward Cust* Two hundred Pounds, to the said *Margaret Ann Francis Cust* Five hundred Pounds, and to the other Daughters of the said *Edward Cust* each Two hundred Pounds, to *Mary Toft* Fifty Pounds, to *Elizabeth Hough* Nineteen Pounds Nineteen Shillings, to *Ellen Sunderland* Nineteen Pounds Nineteen Shillings, to *Esther Wynstanley* Fourteen Pounds, and to *Mary Blagden* Ten Pounds, to the said *Elizabeth Haswell* the Sum of Thirty Pounds *per Annum* during her Life, in addition to the Annuity of Twenty Pounds therein-before bequeathed to her, such Sum of Thirty Pounds *per Annum* to be paid to her in the same Manner as the said Annuity of Twenty Pounds was made payable to her; and she willed and directed that the said *Edward Cust* and *Thomas Harrison*, or the Survivor of them, his Executors or Administrators, should hold and put out at Interest the Sum of One hundred Pounds, upon trust to pay the yearly Interest thereof to the said *Rebecca Toft* for her Life, and at her Decease to pay the said Sum of One hundred Pounds to such Person or Persons as she should by her last Will and Testament direct; and to prevent any Doubt upon the Subject she declared that such her said Share and Interest in reversion or remainder was included in the general Bequest therein-before made by her to her said Trustees, their Executors and Administrators, upon the same Trusts, Intents, and Purposes as were therein-before mentioned of and concerning the same: And whereas the said *Mary Ogden* died on the Fifteenth Day of *October* One thousand eight hundred and thirty, and unmarried: And whereas the said *Elizabeth Haswell* died on the Twentieth Day of *December* One thousand eight hundred and thirty-one, leaving the said *Penelope Harrison*, the Wife of the said *Thomas Harrison*, her only Child and Heiress at Law, her surviving: And whereas as such Heiress at Law the said *Penelope Harrison* is entitled to One Fourth of the One Third of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Sarah Ogden*: And whereas *Whytell Harrison*, Son of the said *Penelope Harrison*, died on the Eleventh Day of *February* One thousand eight hundred and thirty-two, an Infant and intestate, leaving the said *Cornelius Harrison* his only Brother and Heir at Law: And whereas the said *Cornelius Harrison* made and published his last Will and Testament, which was executed and attested as was by Law then required for passing Freehold Estates by Devise, dated the Twelfth Day of *May* One thousand eight hundred and thirty-two, whereby he gave and devised all his Real Estate to the said *Thomas Harrison* his Father, his Heirs and Assigns, and that the said *Cornelius Harrison* died on the Nineteenth Day of *February* One thousand eight hundred and thirty-six: And whereas the said *Mary Dannett* duly made and published her last Will and Testament in Writing, dated the Twenty-seventh Day of *December* One thousand eight hundred and thirty, which was executed and attested as was then required by Law for passing Freehold Estates by Devise; and after disposing of the other Parts of her Real and Personal Estate as, to, for, and concerning the Share and Interest to which she was entitled

Will of Cornelius Harrison, dated 12th May 1832.

Will of Mary Dannett, dated 27th Dec. 1830.

entitled in reversion or remainder to certain Real and Personal Estates comprised in the Will of the said *Francis Gildart*, she devised and bequeathed the same Share and Interest unto *Spencer James Steers* and *Edward Steers*, since deceased, their Heirs, Executors, Administrators, and Assigns, upon trust to stand possessed of the same as to One equal Half Part or Share thereof in trust for her said Niece the said Dame *Mary Ann Cust*, her Heirs, Executors, Administrators, and Assigns absolutely, and as to the remaining Half Part or Share of and in the said Real and Personal Estate in trust for *Phœbe Horlock*, then the Wife of *Isaac Horlock* of the *Rocks* near *Bath*, her Heirs, Executors, Administrators, and Assigns, absolutely for ever; and in case the said *Phœbe Horlock* should not be living at the Time of the Decease of the said last-named Testatrix, then upon certain Trusts mentioned in such Will: And whereas the said *Mary Dannett* duly made and published a Second Codicil to such Will, which was dated the Twelfth Day of *April* One thousand eight hundred and thirty-four, and was executed and attested as by Law was then required for passing Freehold Estates by Devise, whereby, after reciting that in and by her said Will she had given, devised, and bequeathed to her Trustees therein named certain Estates and Effects therein mentioned, in trust as to One Half Part thereof for the said *Phœbe Horlock*, and in case of her Death in trust for the Child or Children of the said *Phœbe Horlock*, in manner therein contained, she revoked the said Devise and Bequest, and the said Trusts and all other Directions in her said Will contained, so far as the same related to the Moiety so devised in trust for the said *Phœbe Horlock* and her Child or Children as aforesaid, and she directed and appointed that her said Trustees should stand and be possessed of the said Moiety or Half Part, the Trusts whereof were thereby revoked, in trust for the said *Mary Ann Cust*, and in case of her Death in trust, as in such Codicil mentioned, for the Benefit of the Children of the said *Mary Ann Cust*: And whereas the said *Mary Dannett* died on the Twenty-sixth Day of *September* One thousand eight hundred and thirty-seven; and the said *Edward Steers* died on the Tenth Day of *August* One thousand eight hundred and thirty-four, leaving the said *Spencer James Steers* his Co-trustee him surviving: And whereas the said Sir *Edward Cust* and Dame *Mary Ann* his Wife had Issue living at the Death of the said *Phœbe Ogden* Six Children and no more, being all Daughters, namely, *Louisa Mary Ann Cust*, *Victoria Mary Louisa Cust*, *Ethelred Victoria Frances Cust*, *Margaret Frances Amy Cust*, and *Henrietta Maria Christina Cust*, and *Emily Cust* since deceased; and the said Sir *Edward Cust* and Dame *Mary Ann* his Wife have since had Issue a Son, namely, *Leopold Cust*; and the said *Emily Cust* died on the Twenty-sixth Day of *February* One thousand eight hundred and thirty-one, an Infant and without Issue, leaving the said *Leopold Cust* her Brother and Heir at Law; and that the said *Edward Cust* and Dame *Mary Ann* his Wife have had no Child born since the Death of the said *Phœbe Ogden*, except the said *Leopold Cust*: And whereas the Two Sons of *Penelope Harrison*, mentioned in the said Will of the said *Phœbe Ogden*, were the before-named *Cornelius Harrison* and *Whytell Harrison*, and the said *Penelope Harrison* has no other Child now living: And whereas the Shares and Interests of the said *Phœbe Ogden* and *Mary Ogden* respectively in such Part of the

Second Codicil to Will of Mary Dannett, dated 12th April 1834.

the said Trust Premises as were Personal Estate was much more than sufficient to pay all the pecuniary Legacies bequeathed by the Wills of the said *Phœbe Ogden* and *Mary Ogden* respectively, and it will not be requisite to resort for Payment of such pecuniary Legacies to their Shares and Interests in such Parts of the said Trust Premises as are Freehold or Copyhold: And whereas the said *Lydia Steers* made and duly published her last Will and Testament in Writing, dated the Thirteenth Day of *January* One thousand eight hundred and thirty-two, which was executed and attested as was then required by Law for passing Freehold Estates by Devise, whereby she bequeathed certain Personal Effects unto and equally between and amongst the Five Children of her late Niece *Ann Jane Peel* (to wit), *Spencer Peel*, *Charles Steers Peel*, *Francis William Peel*, *Margaret Jane Peel*, and *Susan Ellen Peel*, to be paid as therein mentioned, and devised and bequeathed all her Real, Leasehold, and the Remainder of her Personal Estates unto and for the Use and Benefit of her Nephews the said *Spencer James Steers* and *Edward Steers* as Tenants in Common absolutely, but with respect to her Share and Interest in reversion or remainder of and in the Real, Leasehold, and Personal Estates comprised in the Will of the said *Francis Gildart*, in case the Value of such Share and Interest when fallen into possession should amount to either of the Sums therein-after specified, then the same were to be subject to the further Bequest therein contained in favour of the Children of her then late Niece; and after reciting that under the Will of her late Cousin the said *John Gildart* she was entitled in reversion or remainder to a Share and Interest of and in certain Real, Leasehold, and Personal Estates comprised in the Will of the said *Francis Gildart*, the said Testatrix declared that in case the Value of such Share and Interest when fallen into possession should amount to the clear net Sum of Thirty thousand Pounds or upwards, after Payment of all Outgoings in respect thereof, or not amounting to that Sum, in case the same should amount to the clear net Sum of Twenty thousand Pounds or upwards after Payment of all such Outgoings, then she bequeathed in the first-mentioned Case the Sum of Six thousand Pounds, and in the last-mentioned Case the Sum of Four thousand Pounds, unto and equally amongst the said Five Children of her said late Niece *Ann Jane Peel* in manner therein expressed: And whereas the said Testatrix afterwards made a Codicil, dated the First Day of *February* One thousand eight hundred and thirty-three, whereby she gave certain pecuniary Legacies: And whereas the said *Lydia Steers* died on the Seventh Day of *February* One thousand eight hundred and thirty-four: And whereas the said *Edward Steers* died on the Tenth Day of *August* One thousand eight hundred and thirty-four, having previously made and published his last Will and Testament in Writing, dated the Eighth Day of *April* One thousand eight hundred and twenty-eight, and duly executed and attested so as to pass Freehold Estates as by Law then required, whereby he devised and bequeathed all his Property, Real, Leasehold, and Copyhold, to his Brother the said *Spencer James Steers*, but the said *Edward Steers* did not republish such Will after the Death of the said *Lydia Steers*, and therefore died intestate as to the Real Estate and Interests in such Estates devised to him by the said Will of the said *Lydia Steers*, and without Issue, leaving the said *Spencer James Steers* his only Brother

Will of Lydia Steers, dated 13th Jan. 1832.

Codicil, dated 1st Feb. 1833.

Will of Edward Steers, dated 8th April 1828.

and Heir at Law: And whereas the said *Ann Golightly* survived her Husband the said *Thomas Golightly*, and after his Death made and duly published her last Will and Testament in Writing, dated the Eighth Day of *October* One thousand eight hundred and twenty-three, which was executed and attested as by Law was then required for passing Freehold Estates by Devise, whereby, among other Dispositions, she devised and bequeathed all the Hereditaments, and other the Estate, Effects, and Property whatsoever, whether Real or Personal, which were given, devised, and bequeathed to her by the Will of the said *John Gildart*, unto her Four Children, *Richard Golightly*, *Ann Boydell*, then the Wife of *John Boydell* since deceased, *Sarah Boydell*, then *Sarah Golightly* Spinster, and *Thomas Golightly*, their Heirs, Executors, Administrators, and Assigns, as Tenants in Common, and not as Joint Tenants: And whereas the said *Ann Golightly* died on the First Day of *September* One thousand eight hundred and thirty, and the said *John Boydell* died on the Nineteenth Day of *April* One thousand eight hundred and thirty-nine: And whereas the said *Sarah Boydell*, then *Sarah Golightly* Spinster, intermarried with *James Boydell*: And whereas in the Month of *July* One thousand eight hundred and forty-one *Ann Boydell* Widow, and *James Boydell*, since deceased, and *Sarah* his Wife, exhibited their Bill of Complaint in the High Court of Chancery against *Richard Golightly*, *Thomas Golightly*, *Lydia Ann Sherwen*, the Honourable Sir *Edward Cust* and Dame *Mary Ann* his Wife, and *Louisa Mary Ann Cust*, *Victoria Mary Louisa Cust*, *Etheldred Victoria Frances Cust* (in the Bill called *Etheldreda Victoria Frances Cust*), *Margaret Frances Amy Cust* (in the Bill called *Margaret Ann Frances Cust*), and *Henrietta Maria Christina Cust*, Infants, by the said Sir *Edward Cust* their Father and Guardian, and *Leopold Cust*, an Infant, by the said Sir *Edward Cust* his Father and Guardian, and *Thomas Harrison*, since deceased, and *Penelope Harrison* his Wife, *John Haswell*, *Jane Dannett*, *John Christian Boode*, *Peter Toft* and *Rebecca* his Wife, *Spencer James Steers*, *Spencer Peel*, *Charles Steers Peel*, and *Francis William Peel*, an Infant, by *William Peel* his Father and Guardian, and *Margaret Jane Peel* and *Susannah Ellen Peel* (in the Bill called *Susan Ellen Peel*), Infants, by *Jonathan Peel* their Guardian, and *Catherine Gildart*, *Mary Martha Gildart* (in the Bill called *Mary Gildart*), *Francis Gildart*, and *Hornby Roughsedge*; and by the said Bill the Plaintiffs prayed, amongst other things, that the said Will of the said *John Gildart* might be established, and that it might be declared that the said Freehold and Copyhold Estates devised by the said Will of the said *Francis Gildart* formed Part of the residuary Real Estate of the said *John Gildart*, subject only to such Parts of his Legacies as remained unpaid, and that the said Freehold and Copyhold Estates were then vested in the said *Richard Golightly* in trust for the Plaintiffs and the other Persons entitled thereto under the said Will of the said *John Gildart*, and that the Rights and Interests of the Plaintiffs and all other Parties in the said Trust Estates might be ascertained and declared, and that the said *Richard Golightly* might be decreed to convey the said Freehold and Copyhold Estates to the Plaintiffs and the other Parties entitled thereto according to their respective Interests therein: And whereas on the Twenty-ninth Day of *October* One thousand eight hundred and forty-two the said *Ann Boydell*, *James*

Will of Ann Golightly, dated 8th Oct. 1823.

Bill of Complaint of Ann Boydell and James Boydell and his Wife, dated July July 1841.

Supplemental Bill, 29th Oct. 1842.

James Boydell, since deceased, and *Sarah* his Wife, exhibited their supplemental Bill of Complaint in the said Court against *Philip Holmes Stanton*, *Thomas Wheldon*, *John Smith*, *John Harrison Stanton*, *Cornelius Harrison Stanton*, and *Thomas Harrison Stanton*, (Infants, by the said *Philip Holmes Stanton* their Father and Guardian,) stating, amongst other things, the said Bill filed on the Twenty-ninth Day of *July* One thousand eight hundred and forty-one, and showing that on or about the Sixteenth Day of *June* One thousand eight hundred and forty-two, after the said original Cause was set down for hearing, the said *Thomas Harrison* died, and that the said *Thomas Harrison* duly made and published his last Will and Testament in Writing, dated the Tenth Day of *November* One thousand eight hundred and forty-one, which was executed and attested as by Law required for passing Real Estates, whereby he devised all his Messuages, Farms, Lands, Tenements, Hereditaments, and Real Estates, in possession, reversion, remainder, or expectancy, with their Appurtenances, unto the said *Thomas Wheldon* and *John Smith*, their Heirs and Assigns, to the Use of the said Testator's Nephew the said *Philip Holmes Stanton* and his Assigns during his Life, without Impeachment of Waste; with Remainder to the Use of the said *John Harrison Stanton* (Son of the said *Philip Holmes Stanton*) and his Assigns during his Life, without Impeachment of Waste; with Remainder to the Use of the First and every other Son of the said *John Harrison Stanton* successively in Tail; with Remainder to the Use of the Daughters of the said *John Harrison Stanton* as Tenants in Common in Tail, with cross Remainders between them in Tail; with Remainder to the Use of the said *Cornelius Harrison Stanton* (Second Son of the said *Philip Holmes Stanton*) and his Assigns during his Life, without Impeachment of Waste; with Remainder to the Use of the First and every other Son of the said *Cornelius Harrison Stanton* successively in Tail; with Remainder to the Use of the Daughters of the said *Cornelius Harrison Stanton* as Tenants in Common in Tail, with cross Remainders between them in Tail; with Remainder to the Use of the Third, Fourth, and every other Son of the said *Philip Holmes Stanton* successively in Tail; with divers Remainders over; and for the Purpose of preserving the contingent Remainders therein limited from being destroyed the said Testator directed that the Hereditaments therein limited in Use to any Person or Persons for Life, with their Appurtenances, should, after the Determination of that Estate by Forfeiture or otherwise in his or her respective Lifetime, be and remain to the Use of the said *Thomas Wheldon* and *John Smith* and their Heirs during the Life of the Tenant for Life whose Estate should so determine, in trust for him or her, and to preserve the contingent Remainders expectant or dependant thereon; and in case the said Testator's Personal Estate not specifically bequeathed should be insufficient for the Payment of his Debts, Funeral and Testamentary Expences, and Legacies, the said Testator charged the Deficiency on his Real Estates therein devised, and stating that the said *Thomas Harrison* died without having revoked or altered his said Will, and that the said *Philip Holmes Stanton* had Issue Three Sons and no more, namely, the said *John Harrison Stanton*, *Cornelius Harrison Stanton*, and the said *Thomas Harrison Stanton* (who was the Third Son of the said *Philip Holmes Stanton*),

Stanton), and that the said *John Harrison Stanton* and *Cornelius Harrison Stanton* were severally Infants and had no Issue, and that the said *Thomas Harrison Stanton* was the First Tenant in Tail under the said Will of the said *Thomas Harrison*, the said Bill prayed that the said Suit and Proceedings might be prosecuted and carried on against the Defendants thereto, and that the Plaintiffs and the said *James Boydell* might have the same Relief as against them as in and by the said original Bill was prayed against the said *Thomas Harrison*: And whereas by a Decree made on the hearing of the said Causes on the Sixth Day of *December* One thousand eight hundred and forty-two it was, amongst other things, declared, that the ultimate Limitation or Trust contained in the Will of *Francis Gildart* deceased vested on his Decease in *John Gildart* deceased, in the Pleadings named, being the said *John Gildart* the Testator, as the Heir at Law and Customary Heir of the said *Francis Gildart*; and it was ordered that the Plaintiff's Bill in the Cause of *Boydell* versus *Golightly* should stand dismissed as against the Defendants *Catherine Gildart*, *Mary Martha Gildart*, and *Frances Gildart*, and that the Will of the said *John Gildart* was well proved, and that the same ought to be established, and the Trusts thereof performed and carried into execution; and it was ordered that the Plaintiff's Bill in the Cause of *Boydell* versus *Golightly* should stand dismissed as against the Defendant *Hornby Roughsedge*; and it was ordered that it should be referred to the Master of the said Court in rotation to inquire, amongst other things, and state to the said Court in manner therein set forth, who were the Parties entitled, and for what Interests and by what Instruments and Acts in the Law, to the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the several Parties therein named: And whereas in pursuance of the said Decree, and also in pursuance of an Order in the said Causes, bearing Date the Twenty-seventh *July* One thousand eight hundred and forty-three, *Andrew Henry Lynch* Esquire, the Master to whom the said Causes were referred, made his Report in the said Causes, bearing Date the Fourth Day of *March* One thousand eight hundred and forty-four, which Report was confirmed by an Order of the said Court made in the said Causes on the Nineteenth Day of the same Month and Year; and the said Master thereby found (amongst other things) that the said *Lydia Ann Sherwen*, as one of the Co-heiresses of the said *Richard Ogden*, was entitled absolutely to the One Fifth Part of the One Fourth Part of the One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* devised by his said Will to the said *Sarah Ogden*; and that the said *Lydia Ann Sherwen* by the Will of the said *Mary Ogden* was entitled absolutely to another One Fifth Part of Two Fourth Parts of the One Third of a Moiety of the same Freehold and Copyhold Estates as aforesaid devised to the said *Sarah Ogden*; and that the said *Jane Dannett*, as one of the Co-heiresses of the said *Richard Ogden*, was entitled absolutely to One Fifth Part of the One Fourth Part of the One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* devised by his said Will to the said *Sarah Ogden*; and he found that the said Sir *Edward Cust* and Dame *Mary Ann* his Wife, or the said Sir *Edward Cust* in right of the said Dame *Mary Ann Cust*, as one of the Co-heiresses of the

Decree of the Court of Chancery, dated 26th Dec. 1842.

Order of Reference to Master.

Master's Report, dated 4th March 1844.

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the said *Richard Ogden*, were entitled absolutely to One Fifth Part of the One Fourth Part of the One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Sarah Ogden*; and that the said Sir *Edward Cust* and Dame *Mary Ann* his Wife, or the said Sir *Edward Cust* in right of the said Dame *Mary Ann Cust*, by the Will of the said *Mary Dannett* were entitled absolutely to One Fifth Part of the One Fourth of the One Third Part of a Moiety of the said Freehold and Copyhold Estates devised to the said *Sarah Ogden* which descended to the said *Mary Dannett* as one of the Co-heiresses of the said *Richard Ogden*; and that the said Sir *Edward Cust* and Dame *Mary Ann* his Wife, or the said Sir *Edward Cust* in right of the said Dame *Mary Ann Cust*, by the Will of the said *Mary Ogden* were entitled absolutely to One Fifth Part of the Two Fourth Parts of the One Third Part of a Moiety of the same Freehold and Copyhold Estates so devised to the said *Sarah Ogden*, one of which Two Fourth Parts the said *Mary Ogden* became entitled to as one of the Co-heiresses of the said *Richard Ogden*, and the other by the Will of the said *Phœbe Ogden*; and that the said Sir *Edward Cust* and Dame *Mary Ann* his Wife, or the said Sir *Edward Cust* in right of the said Dame *Mary Ann Cust*, by the Will of the said *Mary Dannett* were entitled absolutely to One Fifth Part of the same Two Fourth Parts of the One Third Part of a Moiety of the same Freehold and Copyhold Estates as aforesaid devised to the said *Sarah Ogden* which was devised by the Will of the said *Mary Ogden* to the said *Mary Dannett*; and that the said *Penelope Harrison*, as Heiress at Law of the said *Elizabeth Haswell*, who was one of the Co-heiresses of the said *Richard Ogden*, was entitled absolutely to One Fourth Part of the One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Sarah Ogden*; and that by the Will of the said *Mary Ogden* the said Sir *Edward Cust*, as surviving Trustee of the said Will, was entitled to One Fifth Part of the Two Fourth Parts of the One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Sarah Ogden*, upon trust to pay the Interest, Dividends, and annual Produce thereof to the said *Penelope Harrison* during her Life, and after the Decease of the said *Penelope Harrison* upon trust to hold the said Share and Interest for such Person or Persons as she should by her last Will or any Testamentary Writing appoint to receive the same; and that by the Will of the said *Mary Ogden* the said Sir *Edward Cust*, as surviving Trustee of the said Will, was entitled to the One Fifth Part of the Two Fourth Parts of the One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Sarah Ogden*, upon trust to pay the Interest, Dividends, and annual Produce thereof to the said *Jane Dannett* during her Life, and from and after the Decease of the said *Jane Dannett* upon trust to stand possessed of the same One Fifth Part of the Two Fourth Parts of the One Third Part of a Moiety of the said Freehold and Copyhold Estates in trust as to the Half Part or Share thereof for the said Sir *Edward Cust* and Dame *Mary Ann* his Wife, or the said Sir *Edward Cust* in right of the said Dame *Mary Ann Cust* absolutely, and as to the other Half Part or Share

thereof for the said *Penelope Harrison* during her Life, and after the Decease of the said *Penelope Harrison* upon trust to hold the same Half Part or Share for such Person or Persons as she should by her last Will or any Testamentary Writing appoint to receive the same; and that the said *John Christian Boode*, as one of the Co-heirs of the said *Richard Ogden*, was entitled absolutely to the One Fifth Part of the One Fourth Part of the One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by the said Will devised to the said *Sarah Ogden*; and that all the Property of the said *Phœbe Ogden* to which she became entitled by the said Will of the said *John Gildart* was charged with an Annuity of Fifty Pounds to the said *Jane Dannett*, and with an Annuity of Twenty Pounds to the said *Rebecca Toft*; and that the said *Lydia Ann Sherwen*, subject to the Annuity of Fifty Pounds to *Jane Dannett*, and to the Annuity of Twenty Pounds to the said *Rebecca Toft*, was entitled for her Life to One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*, and that the said *Penelope Harrison*, subject to the same Annuities, was entitled for her Life to One Fifth Part of One Third Part of a Moiety of the said Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that the said *Jane Dannett*, subject to the same Annuities, was entitled for her Life to One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that, subject to the same Annuities, the said Sir *Edward Cust* and Dame *Mary Ann* his Wife, or the said Sir *Edward Cust* in right of the said Dame *Mary Ann Cust*, were entitled for the Life of the said Dame *Mary Ann Cust* to One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that the said *Louisa Mary Ann Cust* (subject to the same Annuities) was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that the said *Victoria Mary Louisa Cust* (subject to the same Annuities) was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that the said *Etheldred Victoria Frances Cust* (subject to the same Annuities) was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates by the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that the said *Margaret Frances Amy Cust* (subject to the same Annuities) was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that the said *Henrietta Maria Christina Cust* (subject to the same Annuities) was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the said Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that the said *Leopold Cust* (subject

(subject to the same Annuities), as Heir at Law of the said *Emily Cust*, was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden;* and that (subject to the same Annuities) *Thomas Wheldon* and *John Smith*, as Trustees of the Will of the said *Thomas Harrison*, were entitled absolutely to Two Eighth Parts of One Fifth Part of One Third Part of a Moiety of the Freehold Estate of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*, in trust for the several Parties to whom the same was limited by the said Will, namely, the Will of the said *Thomas Harrison;* and that the said *Philip Holmes Stanton* was the existing Tenant for Life under the Will of the said *Thomas Harrison*, and that his Son *John Harrison Stanton*, the next Tenant for Life, and to whose First and other Sons the Freehold Property of the said *Thomas Harrison* was limited in Tail, was an Infant and unmarried, and that *Thomas Harrison Stanton*, who was the Third Son of the said *Philip Holmes Stanton*, was the existing Tenant in Tail under the said Will; and that (subject to the same Annuities) the said *Francis Harrison*, as Heir at Law of the said *Thomas Harrison*, was entitled absolutely to Two Eighth Parts of the One Fifth Part of the One Third Part of a Moiety of the Copyhold Estate of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden;* and that (subject to the same Annuities, and also subject to the said Life Estate of the said *Lydia Ann Sherwen*,) the said *Louisa Mary Ann Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden;* and that (subject to the same Annuities, and also to the Life Estate of the said *Penelope Harrison*,) the said *Louisa Mary Ann Cust* was entitled absolutely to another One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that (subject to the same Annuities, and also to the Life Estate of the said *Jane Dannett*,) the said *Louisa Mary Ann Cust* was entitled absolutely to another One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that (subject to the same Annuities, and to the Life Estate of the said *Mary Ann Cust*,) the said *Louisa Mary Ann Cust* was entitled absolutely to another One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that (subject to the same Annuities, and also subject to the Life Estate of the said *Lydia Ann Sherwen*,) the said *Victoria Mary Louisa Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the said Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden;* and that, subject to the same Annuities, and to the Life Estate of the said *Penelope Harrison*, the said *Victoria Mary Louisa Cust* was entitled absolutely to another One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life Estate of the said *Jane Dannett*, the said *Victoria Mary Louisa Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates;

and that, subject to the same Annuities, and also to the Life Estate of the said *Mary Ann Cust*, the said *Victoria Mary Louisa Cust* was entitled absolutely to another One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life Estate of the said *Lydia Ann Sherwen*, the said *Etheldred Victoria Frances Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the said Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that, subject to the same Annuities, and also to the Life Estate of the said *Penelope Harrison*, the said *Etheldred Victoria Frances Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life Estate of the said *Jane Dannett*, the said *Etheldred Victoria Frances Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and to the Life Estate of the said *Mary Ann Cust*, the said *Etheldred Victoria Frances Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life Estate of the said *Lydia Ann Sherwen*, the said *Margaret Frances Amy Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that, subject to the same Annuities, and also to the Life Estate of the said *Penelope Harrison*, the said *Margaret Frances Amy Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life Estate of the said *Jane Dannett*, the said *Margaret Frances Amy Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life Estate of the said *Mary Ann Cust*, the said *Margaret Frances Amy Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life Estate of the said *Lydia Ann Sherwen*, the said *Henrietta Maria Christina Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the said Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that, subject to the same Annuities, and also to the Life Estate of the said *Penelope Harrison*, the said *Henrietta Maria Christina Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and he found that, subject to the same Annuities, and also to the Life Estate of the said *Jane Dannett*, the said *Henrietta Maria Christina Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to

to the Life Estate of the said *Mary Ann Cust*, the said *Henrietta Maria Christina Cust* was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life of the said *Lydia Ann Sherwen*, the said *Leopold Cust*, as Heir at Law of the said *Emily Cust*, was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that, subject to the same Annuities, and also to the Life Estate of the said *Penelope Harrison*, the said *Leopold Cust*, as Heir at Law of the said *Emily Cust*, was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life Estate of the said *Jane Dannett*, the said *Leopold Cust*, as Heir at Law of the said *Emily Cust*, was entitled absolutely to One Eighth Part of One Fifth Part of the One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and also to the Life Estate of the said *Mary Ann Cust*, the said *Leopold Cust*, as Heir at Law of the said *Emily Cust*, was entitled absolutely to One Eighth Part of One Fifth Part of One Third Part of a Moiety of the same Freehold and Copyhold Estates; and that, subject to the same Annuities, and to the Life Estate of the said *Lydia Ann Sherwen*, the said *Thomas Wheldon* and *John Smith*, as Trustees of the Will of the said *Thomas Harrison*, were entitled absolutely to Two Eighth Parts of the One Fifth Part of One Third Part of a Moiety of the Freehold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*, in trust for the several Parties to whom the same was limited by the said Will of the said *Thomas Harrison*; and that, subject to the same Annuities, and also to the Life Estate of the said *Penelope Harrison*, the said *Thomas Wheldon* and *John Smith*, as Trustees as aforesaid, were entitled absolutely to Two Eighth Parts of One Fifth Part of One Third Part of a Moiety of the same Freehold Estates, in trust as aforesaid; and that, subject to the same Annuities, and also to the Life Estate of the said *Jane Dannett*, the said *Thomas Wheldon* and *John Smith*, as Trustees as aforesaid, were entitled absolutely to Two Eighth Parts of One Fifth Part of One Third Part of a Moiety of the same Freehold Estates, in trust as aforesaid; and that, subject to the same Annuities, and also subject to the Life Estate of the said *Mary Ann Cust*, the said *Thomas Wheldon* and *John Smith*, as Trustees as aforesaid, were entitled absolutely to Two Eighth Parts of One Fifth Part of One Third Part of a Moiety of the same Freehold Estate, in trust as aforesaid; and that, subject to the same Annuities, and also to the Life Estate of the said *Lydia Ann Sherwen*, the said *Francis Harrison*, as Heir at Law of the said *Thomas Harrison*, was entitled absolutely to Two Eighth Parts of One Fifth Part of the One Third Part of a Moiety of the Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Phœbe Ogden*; and that, subject to the same Annuities, and also to the Life Estate of the said *Penelope Harrison*, the said *Francis Harrison*, as Heir at Law of the said *Thomas Harrison*, was entitled absolutely to Two Eighth Parts of the One Fifth Part of the One Third Part of a Moiety of the same Copyhold

Copyhold Estate; and that, subject to the same Annuities, and to the Life Estate of the said *Jane Dannett*, the said *Francis Harrison*, as Heir at Law of the said *Thomas Harrison*, was entitled absolutely to Two Eighth Parts of the One Fifth Part of the One Third Part of a Moiety of the same Copyhold Estate; and that, subject to the same Annuities, and to the Life Estate of the said Dame *Mary Ann Cust*, the said *Francis Harrison*, as Heir at Law of the said *Thomas Harrison* was entitled absolutely, to Two Eighth Parts of the One Fifth Part of the One Third Part of a Moiety of the same Copyhold Estates; and that by the Will of the said *Mary Dannett* the said Sir *Edward Cust* and Dame *Mary Ann* his Wife, or the said Sir *Edward Cust* in right of the said Dame *Mary Ann Cust*, were entitled absolutely to the One Fifth Part of the One Third Part of a Moiety of the Freehold and Copyhold Estates devised by the Will of the said *John Gildart* to the said *Mary Ogden*, and which the said *Mary Ogden* by her Will devised to the said *Mary Dannett*; and that the said *Lydia Ann Sherwen* was entitled absolutely to One Fifth Part of the One Third Part of a Moiety of the same Freehold and Copyhold Estates devised by the Will of the said *John Gildart* to the said *Mary Ogden*, and by her said Will devised to the said *Lydia Ann Sherwen*; and that the said Sir *Edward Cust* and Dame *Mary Ann* his Wife, or the said Sir *Edward Cust* in right of the said Dame *Mary Ann Cust*, were entitled absolutely to One Fifth Part of the One Third Part of a Moiety of the said Freehold and Copyhold Estates devised by the Will of the said *John Gildart* to the said *Mary Ogden*, and which the said *Mary Ogden* by her Will devised to the said *Mary Ann Cust*; and that the said Sir *Edward Cust*, as surviving Trustee of the Will of the said *Mary Ogden*, was entitled to One Fifth Part of One Third Part of a Moiety of the Freehold and Copyhold Estates devised by the Will of the said *John Gildart* to the said *Mary Ogden*, and which the said *Mary Ogden* by her said Will devised to the said Sir *Edward Cust* and *Thomas Harrison*, in trust to pay the Interest, Dividends, and annual Produce unto the said *Penelope Harrison* during her Life, and after the Decease of the said *Penelope Harrison* in trust for such Person or Persons as she should by her Will or any Testamentary Writing appoint, and in default of Appointment in trust for the Children of the said *Penelope Harrison*; and that the said *Penelope Harrison* was a Defendant to the same Suit, and had no Child or Issue living; and that the said Sir *Edward Cust*, as surviving Trustee as aforesaid, was entitled to One Fifth Part of the One Third Part of a Moiety of the Freehold and Copyhold Estates devised by the Will of the said *John Gildart* to the said *Mary Ogden*, and which the said *Mary Ogden* by her said Will devised to the said Sir *Edward Cust* and *Thomas Harrison*, in trust to pay the Interest, Dividends, and annual Produce thereof unto the said *Jane Dannett* during her Life; and, subject to the Life Estate of the said *Jane Dannett*, that the said Sir *Edward Cust* and Dame *Mary Ann* his Wife, or the said Sir *Edward Cust* in right of the said Dame *Mary Ann Cust*, were entitled absolutely to One Half Part of the One Fifth Part of the One Third Part of a Moiety of the Freehold and Copyhold Estates devised by the Will of the said *John Gildart* to the said *Mary Ogden*; and also, subject to the Life Estate of the said *Jane Dannett*, that the said Sir *Edward Cust*, as surviving

Trustee as aforesaid, was entitled absolutely to One Half Part of the One Fifth Part of the One Third Part of a Moiety of the Freehold and Copyhold Estates devised by the Will of the said *John Gildart* to the said *Mary Ogden*, in trust to pay the Interest, Dividends, and annual Produce thereof unto the said *Penelope Harrison* during her Life, and after the Decease of the said *Jane Dannett* and *Penelope Harrison* in trust for such Person or Persons as the said *Penelope Harrison* should by her Will or any Testamentary Writing appoint, and in default of Appointment in trust for the Children of the said *Penelope Harrison ;* and that the said *Spencer James Steers* was then entitled by virtue of the Devise to him contained in the Will of the said *Lydia Steers* to the Half of One Moiety of One Moiety of the Freehold and Copyhold Estates of the said *John Gildart*, by his said Will devised to the said *Lydia Steers*, and that the said *Spencer James Steers*, as the only Brother and Heir at Law of the said *Edward Steers*, to whom the same was devised by the Will of the said *Lydia Steers*, subject as aforesaid, was then entitled to the remaining Half of One Moiety of One Moiety of the same Freehold and Copyhold Estates ; and that the said *Spencer James Steers* was therefore solely and absolutely entitled to the One Moiety of One Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Lydia Steers*, subject to the Payment of the Sum of Six thousand Pounds ; and that the said *Richard Golightly* was then entitled absolutely to One Fourth Part of the One Moiety of One Moiety of the Freehold and Copyhold Estates of the said *John Gildart* by his said Will devised to the said *Ann Golightly ;* and that the said *John Boydell* died on the Nineteenth Day of *April* One thousand eight hundred and thirty-nine, and that the said *Ann Boydell* was then entitled absolutely to One other Fourth Part of the Moiety of One Moiety of the same Freehold and Copyhold Estates ; and that the said *Sarah Golightly* in the Year One thousand eight hundred and twenty-eight intermarried with and was then the Wife of *James Boydell* of the *Rossett* in the County of *Denbigh*, Esquire, and that the said *James Boydell* and *Sarah* his Wife in right of the said *Sarah Boydell* were then entitled absolutely to One other Fourth Part of the One Moiety of One Moiety of the same Freehold and Copyhold Estates ; and that the said *Thomas Golightly* was then entitled absolutely to One other Fourth Part of the One Moiety of One Moiety of the same Freehold and Copyhold Estates : And whereas it appears by the said Report, dated the Fourth Day of *March* One thousand eight hundred and forty-four, and confirmed by an Order, dated the Nineteenth Day of the same Month and Year, that by the aforesaid last Will of the said *Mary Ogden* she directed, as to the Share of the said *Penelope Harrison* in the said Testatrix's Estate and Effects, that in default of such Appointment by the said *Penelope Harrison* as therein and herein-before mentioned, her the said Testatrix's Trustees should stand possessed of the same to and for the Use of all the Children of the said *Penelope Harrison*, Share and Share alike if more than One, and if only One then for such One Child, and if any such Children shall die in her Lifetime leaving Issue, such Issue should take the Share his, her, or their Parent would have taken if living, Share and Share alike ; and it also appears by the same Report that the said Master, after finding that the Two and only Sons of the

said *Penelope* and *Thomas Harrison* were the aforesaid *Cornelius Harrison* and *Whytell Harrison*, and that the said *Whytell Harrison* died an Infant and intestate, leaving his Brother *Cornelius Harrison* his Heir at Law, and the Death of *Cornelius Harrison*, and that the said *Penelope Harrison* had no Child or Issue living, and that the said *Cornelius Harrison* made his Will herein-before stated, whereby he gave all his Lands, Tenements, and Hereditaments to his Father the said *Thomas Harrison*, the said Master found that the said *Thomas Harrison* made a Will, dated the Tenth Day of *November* One thousand eight hundred and forty-one, being the Will partly recited in the aforesaid supplemental Bill; and it appears by such Report that by such Will the said *Thomas Harrison* devised his said Estates in remainder expectant upon the Limitations previously contained in his Will, being those in favour of the said *Philip Holmes Stanton* and his Issue set forth in the said supplemental Bill, to *Edward Bilton* the younger Son of his the said Testator's Niece *Mary Ann* the Wife of *Edward Bilton* of *Newcastle-upon-Tyne*, Merchant, for Life, without Impeachment of Waste, and after the Decease of *Edward Bilton* the younger to the First and every other Son of *Edward Bilton* the younger successively according to his Seniority in Tail, and for default of such Issue to the Daughter and Daughters of the said *Edward Bilton* the younger as Tenants in Common in Tail, with cross Remainders between or amongst them in Tail, and if there should be a Failure of Issue of all the Daughters of the said *Edward Bilton* the younger, except One, or if he should have but One such Daughter, then to the remaining or only Daughter in Tail, and in default of such Issue to the Second, Third, and every other Son of the Testator's said Niece *Mary Anne Bilton* successively and according to his Seniority in Tail, and for default of such Issue to the Use of the eldest and every other Daughter of the said *Mary Anne Bilton* successively according to Seniority, for her respective Life, and after her respective Decease to her respective First and other Sons severally and respectively according to their respective seniority in Tail, so that the elder of the said Daughters of the said *Mary Anne Bilton* and her First and other Sons should be always preferred and taken before the younger of such Daughters and her First and other Sons, and for default of all such Issue to the Use of his the Testator's own right Heirs; and after bequeathing his Personal Estate in manner therein mentioned, and charging the same with his Debts, Funeral and Testamentary Expences, and Legacies, and in case his Personal Estate should be insufficient for those Purposes, he charged the Deficiency on his Real Estates therein-before devised, and authorized the said *Thomas Wheldon* and *John Smith* to raise Money sufficient to pay the same by Mortgage of the whole or any Part of his Real Estates; and the said Master, after finding that the said Will was duly proved, and that the said *Thomas Harrison* died intestate as to his Copyhold Estate, and that the same descended to *Francis Harrison* his Nephew and Heir at Law, he found that the said *Francis Harrison* was the eldest Son of *Marley Harrison* of *Winston* in the County of *Durham*, who was the eldest Brother of the said *Thomas Harrison*: And whereas the said *Edward Bilton* the younger is an Infant, and has not yet been married: And whereas in the Month of *April* One thousand eight hundred and forty-four the said *Ann Boydell*

Supplemental Bill of Ann and

Sarah Boydell, April 1844.

Boydell and *Sarah Boydell* Widow exhibited their supplemental Bill of Complaint, in the said Court against *William Alexander Morland* and the said *Francis Harrison*, stating amongst other things, that the said *William Alexander Morland* claimed to be interested in the Trust Money, Stocks, Funds, Securities, and Premises in question, in the said Suit of "*Boydell* versus *Golightly*," and was a necessary Party to the said Suit, and that the said *Francis Harrison* claimed to be interested in the Estates in question in the said Causes, and was a necessary Party to the said supplemental Suit, and that the said *James Boydell* was then lately dead, leaving the Plaintiff the said *Sarah Boydell* him surviving, and that all the Interest of the said *James Boydell* in the Matters in question in those Causes ceased on his Death, and praying that the said Suit of "*Boydell* versus *Golightly*," and the Proceedings therein, might be prosecuted and carried on as against the said *William Alexander Morland*, in the same Manner as if he had been a Party Defendant thereto, and that the said *Francis Harrison* might become and be a Party to the said supplemental Suit of *Boydell* versus *Stanton*, and that such last-mentioned Suit, and the Proceedings therein, might be prosecuted and carried on as against him in the same Manner as if he had been a Party Defendant thereto: And whereas by a Decretal Order of the said Court made on further Directions in the said Causes of *Boydell* versus *Golightly* and *Boydell* versus *Stanton*, and on the hearing of the said supplemental Cause of *Boydell* versus *Morland* on the Sixteenth Day of *December* One thousand eight hundred and forty-four, it was, amongst other things, ordered, that the Plaintiff's Bill in the supplemental Bill of *Boydell* versus *Morland* should stand dismissed as against the Defendant *William Alexander Morland*, and it was ordered, that it should be referred to the Master to whom the Two first-mentioned Causes were referred to take an Account of the Debts and Legacies of the said *John Gildart*, and to inquire and state to the Court of what the Freehold and Copyhold Estates of the said *Francis Gildart* consisted, and to inquire and state to the Court whether it would be fit and proper, and for the Benefit of such of the Persons interested in the said Freehold and Copyhold Estates as were under Disability, and of the Persons thereafter to be born who might become interested therein, that such Freehold and Copyhold Estates should be sold, and that an Act of Parliament should be obtained for effecting such Sale: And whereas the said Master, pursuant to the said Order of further Directions, made his separate Report in the said Causes, bearing Date the Fifth Day of *March* One thousand eight hundred and forty-five, and thereby found that the said Freehold and Copyhold Estates of the said *Francis Gildart* did then consist of the Particulars set forth in the said Report, a Copy of which Particulars is annexed to this Act by way of Schedule; and after stating various Circumstances connected with the Situation of the said Estates, and showing that they were eligible for building and commercial Purposes, and that the present was a favourable Time for disposing of the same, and that a better Price could now be obtained for them than would in all Probability be realized at a more distant Period; and he found, amongst other things, that the Parties entitled to the said Freehold and Copyhold Estates were very numerous, and their Interests so diversified and minute, as appeared

Decretal Order and Reference to Master, 16th Dec. 1844.

Master's Report, 5th March 1845.

by

by his Report made in the Two first-mentioned Causes, dated the Fourth Day of *March* One thousand eight hundred and forty-four, and which Report, by an Order of the Nineteenth Day of *March* One thousand eight hundred and forty-four, was absolutely confirmed, that it would be most difficult, if not impossible, at any Time to make a Partition of the above Property, and if a Sale were postponed until the Time arrived when the Disability of the Parties at present under Age was removed, other Difficulties of a similar Nature from the Number of Parties would in all Probability arise, so that a Sale or Division of this Property might be postponed for an almost endless Period, and that he was of opinion, and found that it would be fit and proper, and for the Benefit of such of the Persons interested in the said Freehold and Copyhold Estates as were under Disability, and of the Persons thereafter to be born who might become interested therein, that such Freehold and Copyhold Estates should be sold, and that an Act of Parliament should be obtained for effecting such Sale: And whereas by an Order of the said Court made in the said Causes the said Report of the Fifth Day of *March* One thousand eight hundred and forty-five was on the same Day absolutely confirmed: And whereas by another Order of the said Court made in the said Causes on the Fifteenth Day of *March* One thousand eight hundred and forty-five it was ordered, that the said Parties interested in the said Freehold and Copyhold Estates should be at liberty to apply for and endeavour to obtain an Act of Parliament which should authorize the Sale of the said Freehold and Copyhold Estates, and direct the Payment of the Purchase Monies arising from such Sale, after Payment of the Costs, Charges, and Expences incident thereto, into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court, to the Credit of the said Causes of *Boydell* versus *Golightly* and *Boydell* versus *Stanton*, with Provisions (subject to the Payment of the Charges, if any, affecting the said Freehold and Copyhold Estates, and the Costs, Charges, and Expences of and incidental to the said several Suits, and the Expences of soliciting and obtaining an Act of Parliament for the Purposes aforesaid,) for enabling the said Court to pay to such of the Parties interested in the said Freehold and Copyhold Estates as at the Time or respective Times when the said Purchase Monies shall be distributable shall not be under Disability, and as would then, if the same Estates had not been sold, be absolutely entitled to Shares thereof, such Shares of the said Purchase Monies as shall be equivalent to their respective Shares and Interests of and in the said Freehold and Copyhold Estates, and for enabling the said Court to invest, for the Benefit of such of the Parties interested in the said Freehold and Copyhold Estates as at the Time or respective Times when the said Purchase Monies shall be distributable shall be under Disability, and as would, if the same Estates had not been sold, be absolutely entitled to Shares thereof for limited Estates or Interests only, with ulterior Limitations after the Determination of such Estates or Interests, such Shares of the said Purchase Monies as shall be equivalent to the respective Shares and Interests of such Parties, and the Persons in remainder or expectancy after them, of and in the said Freehold and Copyhold Estates, such Investments to be made with the Approbation of the High Court of Chancery, and to be subject to the

Order confirming said Report, 15th March 1845.

Order as to Application for an Act of Parliament, 15th March 1845.

the same Uses and Trusts as the last-mentioned Shares and Interests would have been subject to in case the said Freehold and Copyhold Estates had not been sold, with such other Provisions as Parliament shall deem it expedient to enact with relation to the said Estates, and the Monies to be produced by Sale thereof: And whereas by an Indenture, bearing date the Twenty-fourth Day of *June* One thousand eight hundred and forty-four, and made between the said *Francis Harrison* of the one Part, and the said *Spencer James Steers* of the other Part, for the valuable Consideration therein expressed, the said *Francis Harrison* bargained, sold, released, and assigned unto the said *Spencer James Steers*, his Heirs, Executors, Administrators, and Assigns, absolutely, for his and their own Use, all the Hereditaments of or to which the said Testator *Francis Gildart* was seised or entitled at the Time of his Death situate in and held of the Manor of *West Derby*, therein mentioned or reputed to be of Copyhold or Customary Tenure in and held of the said Manor, and all other Hereditaments of or to which the said *Francis Harrison* was, is, or might become seised or entitled, or in which he was in any way interested, as the Customary Heir of the said *Thomas Harrison* deceased, or otherwise from, through, or under the said Testator *Francis Gildart:* And whereas in the Town of *Liverpool* and Neighbourhood thereof, where the Hereditaments comprised in and devised by the Will of the said *John Gildart* deceased, as herein-before recited, are situated, Buildings and Land have of late Years greatly increased in Value, and the said Hereditaments might be sold to great Advantage, and it would therefore, and in consequence of the various minute and complicated Interests of the several Parties entitled thereto under the said Will, be greatly to their Advantage if such Hereditaments were sold, and the Purchase Money invested upon the Trusts and to and for the same Uses and Purposes as are in the said Will declared of and concerning the Hereditaments thereby devised; but by reason of the Want of any Authority contained in the said Will to effect the Purposes last mentioned they cannot be effected without the Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Lydia Ann Sherwen*, the said *Jane Dannett*, the said Sir *Edward Cust* on behalf of himself and of the said Dame *Mary Ann Cust* his Wife, the said Sir *Edward Cust* as surviving Trustee under the Will of the said *Mary Ogden*, the said *Penelope Harrison* on behalf of herself and her unborn Issue, the said *John Christian Boode*, the said *Louisa Mary Ann Cust*, the said *Victoria Mary Louisa Cust*, the said Sir *Edward Cust* as Father and Guardian and on behalf of his infant Children the said *Etheldred Victoria Frances Cust*, *Margaret Frances Amy Cust*, *Henrietta Maria Christina Cust*, and *Leopold Cust*, the said *Thomas Wheldon* and *John Smith* as Trustees under the Will of the said *Thomas Harrison*, the said *Philip Holmes Stanton* on behalf of himself and as Father and Guardian and on behalf of his infant Sons the said *John Harrison* and *Cornelius Harrison Stanton*, and on behalf of their respective Issue, and also as Father and Guardian and on behalf of his infant Son the said *Thomas Harrison Stanton*, and on behalf of his Issue, the said *Edward Bilton* the elder as the Father and Guardian and on behalf of the said *Edward Bilton* the younger and his Issue, and on behalf of his other Infant Issue by the said *Mary Ann Bilton*, the said *Francis*

Indenture, dated 24th June 1844.

Harrison, the said *Spencer James Steers*, the said *Richard Golightly*, the said *Ann Boydell*, the said *Sarah Boydell*, and the said *Thomas Golightly*, 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, That from and immediately after the passing of this Act all the Freehold and Copyhold Estates devised by the said Will of the said *John Gildart* as aforesaid which are specified in the Schedule to this Act, and all other the Freehold and Copyhold Estates, if any, which are subject to the Devise contained in his said Will, with the Rights, Members, and Appurtenances to the same respectively belonging or reputed to belong, and the Reversion or Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits of the said Freehold and Copyhold Estates, shall be vested in and the same are hereby vested in the said *Richard Golightly*, Sir *Edward Cust*, and *Spencer James Steers*, their Heirs and Assigns, according to the several Natures and Tenures thereof respectively, freed and absolutely discharged of and from all the Gifts, Devises, Bequests, Legacies, Annuities, Charges, Uses, Trusts, Limitations, Powers, Provisions, and Declarations expressed and declared of and concerning the same, or of and concerning any Part or Parts, Shares or Share thereof respectively, in and by the aforesaid Wills of the said *Francis Gildart*, *John Gildart*, *Sarah Ogden*, *Phœbe Ogden*, *Mary Ogden*, *Mary Dannett*, *Cornelius Harrison*, *Lydia Steers*, *Ann Golightly*, and *Thomas Harrison* respectively, and of and from all the Estates, Rights, Titles, and Interests of all Persons whomsoever claiming or deriving any Estate, Right, Title, Charge, or Interest in, to, upon, or out of the said Estates, or any Part or Share or Parts or Shares thereof, from, by, through, or under the said *Francis Gildart*, *John Gildart*, *Sarah Ogden*, *Richard Ogden*, *Phœbe Ogden*, *Mary Ogden*, *Elizabeth Haswell*, *Mary Dannett*, *Whytell Harrison*, *Cornelius Harrison*, *Lydia Steers*, *Ann Golightly*, *Edward Steers*, and *Thomas Harrison* respectively, or any or either of them, either by Devise, Descent, or otherwise, but nevertheless upon the Trusts and for the Intents and Purposes hereinafter expressed and declared of and concerning the same; that is to say, upon trust that they the said *Richard Golightly*, Sir *Edward Cust*, and *Spencer James Steers*, or the Survivors or Survivor of them, or their or his Assigns, or the Heirs of such Survivor or their Assigns, (as Trustees or Trustee,) do and shall, at such Time or Times and from Time to Time as to them or him shall seem fit, after the passing of this Act, make Sale and absolutely dispose of the said several Freehold and Copyhold Estates hereby vested in them as aforesaid, with their and every of their Rights, Members, and Appurtenances, or any Part or Parts thereof, and the Fee Simple and Inheritance thereof respectively, according to the respective Tenures of such Hereditaments, either by public Sale or private Contract, or partly by one Mode and partly by the other, and in such Lots or Parcels, and generally in such Manner as may be deemed expedient, unto any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof respectively, for the best Price or Prices that can be reasonably had or gotten for the same, and upon such Terms,

Trustees empowered to sell the Freehold and Copyhold Estates mentioned in the Schedule.

Terms, and under such Conditions and Agreements, and subject to such Stipulations as to Title and Evidences of Title, as the said Trustees or Trustee shall think fit, with full Power, Liberty, and Authority to buy in the said Hereditaments or any of them, or any Part or Parts thereof, which may be offered for Sale at any Auction, and to rescind or vary the Terms of any Contract of Sale, and resell in manner aforesaid the Hereditaments which shall be bought in, or with respect to which any Contract for Sale shall be rescinded, without being answerable for any Loss or Diminution of Price which may happen in consequence of buying in any of the Hereditaments, or of rescinding or varying of the Terms of any such Contract, and on Payment into the Bank of *England* in manner after mentioned of the Money arising from the said Sale or Sales to convey and assure the said Freehold and Copyhold Estates, or such Parts thereof as shall be so respectively sold as aforesaid, with the Appurtenances, either unto and to the Use of the Purchaser or Purchasers thereof, his, her, or their Heirs or Assigns, or to such Uses and in such Manner as he, she, or they shall direct or appoint, freed, exonerated, acquitted, and discharged as aforesaid.

Purchase Money to be paid into the Bank of England.

II. And be it enacted, That the respective Purchasers of the said Freehold and Copyhold Estates shall pay their respective Purchase Monies 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 the Credit of the said Causes *Boydell* versus *Golightly* and *Boydell* versus *Stanton*, *ex parte* the Purchasers of the Estates of *John Gildart* deceased, pursuant to the Method prescribed by the Act of the Twelfth Year of His Majesty King *George* the First, Chapter Thirty-two, and the general Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, Chapter Twenty-four.

Certificate of the Accountant General and Receipt filed a sufficient Discharge.

III. And be it enacted, That the Certificates of the said Accountant General of the High Court of Chancery, together with the Receipts of the Cashier of the Bank of *England* to be thereto annexed, and therewith filed in the Register Office of the said Court, of the Payment into the Bank of *England* by such Purchasers of their respective Monies, shall from Time to Time and at all Times thereafter be effectual Discharges to such Purchasers respectively, and to their respective Heirs, Executors, Administrators, and Assigns, for the Purchase Monies for which such Certificates or Receipts as aforesaid shall be given; and that after the filing of such Certificates and Receipts such Purchasers respectively, and their respective Heirs, Executors, Administrators, and Assigns, shall be and are hereby absolutely acquitted and discharged of and from the same Monies and every Part thereof, and shall not be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Monies or of any Part thereof.

Application of Money in the Bank.

IV. And with respect to the Application of the Money which shall be paid pursuant to this Act into the Bank as aforesaid, be it enacted, That the same shall be applied, in the first place, in Payment of the Expences of procuring this Act; in the next place in Payment of providing

providing for the Payment of such, if any, of the Debts of the said *John Gildart*, and of the Legacies and Charges under his Will, and of the Expences of administering his Estate, then remaining unpaid or unprovided for, if any, and such of the Costs, Charges, and Expences of and incident to the said several Suits as the said Court shall from Time to Time direct to be paid or provided for out of the Monies which shall for the Time being have been paid into the Bank as aforesaid; and in the next place the Surplus of such Monies shall be apportioned as the said Court shall direct, so that Shares thereof equivalent to the Shares to which the respective Parties interested in the said Freehold and Copyhold Estates respectively would have been entitled, either beneficially or as Trustees, in case this Act had not been passed, may be carried to separate Accounts for or for the Benefit of the respective Parties interested as aforesaid in the said Freehold and Copyhold Estates respectively, and according to their respective Shares therein; and that the respective Monies so carried to such separate Accounts shall be subject to such and the same Estates, Limitations, Uses, Trusts, Powers, and Provisoes, and belong to such and the same Persons, for such and the same Purposes, as the Share or Shares of the said Freehold and Copyhold Estates respectively represented by such Money would have been subject to and have belonged to in case this Act had not been passed.

Application of Purchase Monies as to Shares of Adults.

V. And be it enacted, That with respect to Persons absolutely entitled to undivided Shares of the said Estates respectively, that upon any Petition to be presented to the said Court of Chancery in a summary Way by any adult Person who, if this Act had not been passed, would at the Time of any such Sale as aforesaid have been absolutely entitled to any undivided Share or Shares of the said Estates respectively, or in whom such Share or Shares would have been absolutely vested, either beneficially or as Trustee, and notwithstanding any Trusts affecting the same, or by the Executors or Administrators of any Person who, if living, would have been entitled as aforesaid, the said Court may from Time to Time, as Sales shall have been completed, and the Purchase Monies carried to separate Accounts, pursuant to the Provisions herein-before contained, order the Share or Shares of Purchase Money which shall represent the Share or Shares which such Person was absolutely entitled to as aforesaid of and in the respective Estates so sold, or so much of such Money as shall not be ordered by the Court to be applied in Payment of Costs, Expences, and Disbursements, to be paid to each Person so entitled as aforesaid, or his or her Executors or Administrators, as the Case may be; and the same, when so paid, shall be subject to such and the same Debts, Legacies, Charges, and Expences, and with respect to Monies paid to Trustees, to such and the same Trusts, Intents, Purposes, Charges, Powers, and Provisions, as the Share or Shares of the said Estates respectively represented by the said Share or Shares of Purchase Money would have been subject to if this Act had not been passed; and that the Receipts of the respective Persons to whom, pursuant to any such Order, any such Money shall be paid as aforesaid, shall be absolute Discharges for the same, and exonerate the Persons who shall pay the same from all Liability with respect to the Application thereof.

Application of Purchase Monies as to Shares of Infants and others under Disability.

VI. And be it enacted, with respect to Infants entitled to undivided Shares of the said Estates respectively, and to other Persons, if any, who may be under Disability, and may not be represented by Trustees capable of receiving under the Provisions aforesaid, or to whom the Court of Chancery shall not order to be paid, the Shares of Purchase Money to or in which such Persons may be entitled or interested, That, upon any Petition to be presented to the said Court in a summary Way by the Guardian or Guardians of any Infant, or by any Trustee or Trustees acting on behalf of any other Person under Disability, who, whether infant or adult, would if this Act had not been passed have been interested in any undivided Share or Shares of the said Estates respectively, the said Court shall from Time to Time as Sales shall have been completed, and the Purchase Monies carried to separate Accounts, pursuant to this Act, order the Share or Shares, and Purchase Money which shall represent the Share or Shares, of the respective Estates so sold, in which such Infant or other Person as aforesaid was interested, or so much of such Money as shall not be ordered by the Court to be applied in Payment of Costs, Expences, and Disbursements, or in Payment of Charges affecting the Share or respective Shares in which such Infant or other Person was interested of and in the said respective Estate so sold, to be invested in the Name of the Accountant General of the said Court in the Purchase of Bank Three Pounds *per Centum* Annuities, on account and to the Credit of the Person or Persons to whose Account such Share or Shares of Purchase Money shall have been carried as aforesaid, which Bank Annuities shall be and remain subject to such and the same Uses, Estates, Trusts, Intents, Purposes, Charges, Powers, and Provisions as would have then affected the said Share or Shares of the respective Estates sold as aforesaid if this Act had not been passed, or as near thereto as the Deaths of Parties and other Contingencies and the Circumstances of such Case will admit; and such Bank Annuities shall from Time to Time be sold or transferred by Order of the said Court, on Petition to be presented as aforesaid, and the Proceeds thereof paid to or applied for the Benefit of the Person or respective Persons who would have been entitled to or interested in the Share or Shares from or in respect of which the Money invested as aforesaid shall have arisen of and in the respective Estates sold as aforesaid in case this Act had not been passed; and in the meantime the Dividends which shall arise from the said Bank Annuities shall, by the Order and under the Direction and at the Discretion of the said Court, be from Time to Time, as they shall be received, paid to or accumulated or applied for the Benefit of the Person or respective Persons who would have been entitled to the Rents and Profits of the said Share or Shares of and in the respective Estates sold as aforesaid in case this Act had not been passed.

In case of Deaths of Infants and others under Disability Monies to descend as if Sale had not been made.

VII. And be it enacted, That in case of the Death of any such Infant or other Persons under Disability as aforesaid, the Share or Shares of each Person so dying of and in the said Bank Annuities and Monies aforesaid shall go, descend, and be vested in the Person or Persons in whom the Lands, Tenements, and Hereditaments by the Sale of which such Monies shall have arisen would have gone, descended to, and become vested in if such Lands, Tenements, and Hereditaments had not been sold.

VIII. And

Until the Estates sold, Rents, &c. to go as heretofore.

VIII. And be it enacted, That in the meantime, and until the said Freehold and Copyhold Estates hereby authorized to be sold shall be sold by virtue of this Act, the Trustees or Trustee for the Time being of the said Trust Estates acting under the Authority of this Act shall hold the same, and receive and take the Rents, Issues, and Profits thereof, or of any Part or Parts thereof, which shall not have been so sold as aforesaid, in trust for, or permit and suffer the same to be had, received, and taken by, such Person or Persons as would have been entitled thereto respectively, and ought to have received the same, in case this Act had not been passed; and every such Part or Parts, Share or Shares, or Part or Parts of any Part or Share, not sold as aforesaid, shall be subject to the same Rules and Operations of Law, and shall be capable of being dealt with, and in case of the Death of the said Person or Persons shall go and descend, in the same Manner as the same would and ought to have gone and descended if this Act had not been passed, subject nevertheless to all the Trusts, Powers, and Authorities for the Sale thereof herein-before reposed, created, and granted.

Provision in case of the Death, &c. of Trustees.

IX. And be it enacted, That if the said *Richard Golightly*, Sir *Edward Cust*, and *Spencer James Steers*, or any or either of them, or any future Trustee or Trustees to be appointed as herein-after is mentioned, or any Person on whom the said Trust Estate shall devolve, shall die, or desire to relinquish or shall refuse or decline or be incapable to act in the Trusts, Powers, and Authorities hereby reposed or vested in them or any of them, or shall reside out of *Great Britain*, then and in any and every such Case it shall be lawful for the said Court of Chancery, on Motion or Petition to be preferred in a summary Way by all or any of the Persons entitled to any Share or Shares, Part or Parts, or to the Receipt of any Part or Parts, Share or Shares, of the Rents, Issues, and Profits of the Freehold and Copyhold Estates hereby authorized to be sold, or of the Lands, Tenements, and Hereditaments to be purchased by virtue of this Act, if the same were purchased, if such Person or Persons shall be of the Age of Twenty-one Years, or by the Guardian or Guardians of such Person or Persons on his, her, or their Behalf if such Person or Persons shall be under that Age, from Time to Time to nominate and appoint One or more Person or Persons to be a Trustee or Trustees in the Place or Stead of the Trustee or Trustees so dying, or desiring to relinquish or refusing or declining or being incapable to act, or residing out of *Great Britain* as aforesaid; and when and as often as any Trustee or Trustees shall have been nominated and appointed in manner aforesaid, all the said Trust Estates which shall be vested in the said Trustee or Trustees so dying, or desiring to relinquish or refusing or declining or being incapable to act, or residing out of *Great Britain* as aforesaid, either solely or jointly with the other Trustee or Trustees of the same Trust Estates respectively, shall thereupon with all convenient Speed be conveyed, settled, and assured in such Manner and Sort and so that the same Trust Estates shall immediately thereupon be and become lawfully and effectually vested in the surviving, continuing, or other Trustee or Trustees of the same Estates respectively and such newly appointed Trustee or Trustees, or in such new or other Trustee or Trustees only, as the Case may require,

require, upon the same Trusts, Ends, Intents, and Purposes, and subject to the same Powers and Authorities, as are herein-before represented, expressed, contained, declared, given, and granted concerning the same Estates respectively, or such and so many of them as shall be then subsisting or capable of taking effect; and that as well before as after such Conveyance, Settlement, and Assurance as aforesaid such new Trustee or Trustees shall and may in all things act in the Management, carrying on, and Execution of the Trusts, Powers, and Authorities hereby created or given, as fully and effectually, to all Intents and Purposes whatsoever, as if he and they had been originally by this Act nominated a Trustee or Trustees.

For paying Expences of the Act, &c.

X. And be it enacted, That it shall be lawful for the said Court of Chancery, and the said Court is hereby authorized and required, upon Petition to be presented in a summary Way, from Time to Time to make such Order or Orders as the Court shall think reasonable, just, or fit for the Payment of all the Costs, Charges, and Expences and Disbursements attending the preparing, soliciting, applying for, obtaining, and passing this Act, and preparatory and incident thereto, and the Repayment and Discharge of all Monies advanced or to be advanced for any such Purposes, and lawful Interest for the same, and for Payment of the Costs, Charges, and Expences attending the Execution of the Powers and Authorities hereby given to the said Trustees or Trustee, or other the Trustee or Trustees for the Time being acting in the Execution of this Act, so far as such Costs, Charges, and Expences shall not be otherwise provided for, and the Money to be required, subject and without Prejudice to the Provisions herein-before contained for Payment of any such Debts or Charges as at or immediately before the passing of this Act affected the said Freehold and Copyhold Estates, or any Part or Share, Parts or Shares thereof respectively, under or by virtue of the herein-before recited Wills, or any, either, or any of them, and the Costs, Charges, and Expences which shall or may be incurred in or relating to the several Applications to be made to the said Court respecting the Matters aforesaid, and the Costs, Charges, and Expences of applying for and taking the said Monies out of the Bank, and investing the same, or such Part or Parts thereof as is or are herein-before required to be invested, and for Payment of all such Costs, Charges, and Expences and Disbursements, Debts, or Charges, out of the said Monies, and out of the Monies to arise by Sale of the said Bank Annuities so to be purchased as aforesaid, or such of them as the said Court shall deem liable to the Payment of such Costs, Charges, Expences, Disbursements, Debts, and Charges respectively.

General Saving.

XI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their and each and every of their respective Heirs, Successors, Administrators, and Assigns, (other than and except the said *Lydia Ann Sherwen*, the said *Jane Dannett*, the said Sir *Edward Cust*, the said *Jane Mary Ann Cust*, the said *Penelope Harrison* and her Issue, the said *John Christian Boode*, the said *Louisa Mary Ann Cust*, the said *Victoria Mary Louisa Cust*, the said *Etheldred Victoria Frances Cust*, *Margaret*

Frances Amy Cust, *Henrietta Maria Christina Cust*, *Leopold Cust*, the said *Thomas Wheldon* and *John Smith* as Trustees under the Will of the said *Thomas Harrison*, the said *Philip Holmes Stanton*, the said *John Harrison Stanton* and *Cornelius Harrison Stanton* and their respective Issue, the said *Thomas Harrison Stanton* and his Issue, the said *Edward Bilton* the younger and his Issue, and the Issue of the said *Mary Ann Bilton*, the said *Francis Harrison*, the said *Spencer James Steers*, the said *Richard Golightly*, the said *Ann Boydell*, the said *Sarah Boydell*, and the said *Thomas Goliglitly*, and all and every other Person and Persons to whom any Estate, Right, Charge, or Interest in, to, upon, or out of the said Freehold and Copyhold Estates hereby authorized to be sold shall have descended or devolved or shall descend or devolve under or by virtue of the herein-before recited Wills,) all the Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever which the said Person and Persons, Bodies Politic and Corporate, not excepted as aforesaid respectively, or any of them, had, held, or enjoyed, or would or might have had, held, or enjoyed, of, in, to, or out of the said Freehold and Copyhold Estates, or any Part thereof, in case this Act had not been passed.

Act as printed by Queen's Printers to be Evidence.

XII. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

The SCHEDULE to which this Act refers.

FREEHOLD.

A Piece of Land situate on the East Side of Waterloo Road, and on the West Side of Great Howard Street in Liverpool, in the County of Lancaster, containing about Three Acres Three Roods and Seven Perches Statute Measure, or Eighteen thousand three hundred and sixty-three Square Yards, on which are erected certain Sheds and other Buildings of small Value, many of which have been erected by the Persons occupying the same, who are Tenants at Will.

A small House in Litherland Alley, which is near the Custom House in Liverpool aforesaid, containing a Cellar and Three Rooms, and standing upon about Twenty-seven Square Yards of Land.

A Messuage called Finch House, with the Outbuildings, Garden, Orchard, and Fields connected therewith, situate in the Township of West Derby in the County of Lancaster, containing about Twenty-two Acres of the Measure there used or thereabouts, called Derby Measure, equal to about Forty-one Acres Statute Measure, and now in the Occupation of William Mather, Esquire, as yearly Tenant, with a Seat or Pew in the West Derby Chapel belonging to the said Property.

A Messuage or Farm called the "Higher Finch Farm," with the Outbuildings, Garden, Orchards, and Fields connected therewith, situate in the Township of West Derby aforesaid, and containing about Thirty-six Acres and a Half of the Measure there used or thereabouts, called Derby Measure, equal to Sixty-seven Acres Statute Measure, and now in the Occupation of George Bramhall as yearly Tenant.

A Messuage or Farm called the "Lower Finch Farm," with the Outbuildings, Garden, Orchards, and Fields connected therewith, situate in the Township of West Derby aforesaid, and partly situate in the Parish of Hayton in the said County, and containing about Twenty-six Acres and a Half of the Measure there used or thereabouts, called Derby Measure, equal to about Forty-seven Acres Statute Measure, and then in the Occupation of George Eaton, afterwards of Thomas Bickerton, and now of John Powell, as yearly Tenants.

Lawrence Peel.

COPYHOLD.

Certain Fields situate in the Manor of West Derby aforesaid held of the said Manor, containing about Fourteen Acres of the Measure there used or thereabouts, called Derby Measure, equal to about Twenty-five Acres Statute Measure, and now partly in the Occupation of the said George Bramhall, and partly in the Occupation of the said John Powell, as yearly Tenants.

Lawrence Peel.

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