CHAP. 3.

An Act for authorizing the raising of Money on the security of part of the Settled Estates of the Marquis Camden for the purpose of the erection of a Mansion House thereon; and for other purposes. [12th July 1869.]

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Marriage settlement, dated 11th July 1866.

WHEREAS by an indenture of marriage settlement dated the eleventh day of July one thousand eight hundred and sixty-six, and made between George Charles then Marquis Camden of the first part, John Charles now Marquis Camden (by his then title of Earl of Brecknock) of the second part, Clementine Augusta Marchioness Camden (by her then name of Clementine Augusta Spencer Churchill) of the third part, the Honourable Edward Stanhope and Lord Alan Spencer Churchill of the fourth part, Lord George Murray Pratt and the Honourable Anthony Lionel George Ashley Cooper of the fifth part, being the settlement executed previously to and in contemplation of the marriage then intended and shortly afterwards solemnized between the said John Charles Marquis Camden and Clementine Augusta Marchioness Camden, (which marriage is in this Act referred to as the marriage, and which settlement is in this Act referred to as the marriage settlement,) the hereditaments therein described (which form the bulk of an estate known as the Bayham Estate in the counties of Kent and Sussex, and which are in this Act called the Bayham Settled Estate,) were (subject to certain incumbrances) limited from and after the marriage to uses being in substance as follows; that is to say, to the use that John Charles Marquis Camden might, during the joint lives of his father and himself, receive the yearly rentcharge therein mentioned (which has since determined by the death of George Charles Marquis Camden), and to the further use that if John Charles Marquis Camden should die in the lifetime of Clementine Augusta Marchioness Camden, she might, after his death, receive during her life the yearly rentcharge therein mentioned; and subject thereto, to the use of the said Edward

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Stanhope and Lord Alan Spencer Churchill, their executors, administrators, and assigns, for the term of two hundred years, to commence immediately after the marriage, upon trusts for securing that rentcharge; and subject thereto, to the use of George Charles Marquis Camden for his life; with remainder to the use of John Charles Marquis Camden for his life, without impeachment of waste; with remainder to the use of his first and other sons successively in tail male; with remainder to the use of Lord George Murray Pratt for his life, without impeachment of waste; with remainder to the use of his first and other sons successively in tail male; with remainder to the use of Lord Charles Robert Pratt for his life, without impeachment of waste; with remainder to the use of his first and other sons successively in tail male; with remainder to the use of the first and other sons of John Charles Marquis Camden successively in tail general; with remainder to the use of his first and other daughters successively in tail general; with remainder to the use of the first and other sons of Lord George Murray Pratt successively in tail general; with remainder to the use of his first and other daughters successively in tail general; with remainder to the use of the first and other sons of Lord Charles Robert Pratt successively in tail general; with remainder to the use of the first and other daughters of Lord Charles Robert Pratt successively in tail general; with remainder to the use of George Charles Marquis Camden, his heirs and assigns for ever:

And whereas the marriage settlement contained a power in the usual form for Lord George Murray Pratt and Lord Charles Robert Pratt each to limit a jointure rentcharge of the amount therein mentioned for any woman he might marry, with the usual powers and remedies for securing the same, and with a limitation as to the aggregate amount of such rentcharges:

And whereas the marriage settlement also contained the usual powers of leasing, sale, exchange, and enfranchisement, with the usual subsidiary powers:

And whereas George Charles Marquis Camden died on the sixth day of August one thousand eight hundred and sixty-six, leaving John Charles Marquis Camden his eldest son and heir-at-law:

Will of George Charles Marquis Camden, dated 28th Aug. 1856, with three codicils.

And whereas George Charles Marquis Camden had duly made his last will, dated the twenty-eighth day of August one thousand eight hundred and fifty-six, with three codicils thereto, dated respectively the twenty-eight day of August one thousand eight hundred and fifty-six, the sixteenth day of August one thousand eight hundred and sixty-one, and the twenty-fourth day of February one thousand eight hundred and sixty-five, which will and codicils

have been duly proved in the Principal Registry of Her Majesty's Court of Probate:

And whereas George Charles Marquis Camden by his will devised all the Bayham Estate which he could dispose of by will and the tithe and other rentcharges, if any, usually considered as going therewith to the use of trustees for the term of one thousand years to commence from his death, and devised all the fee-simple estates in the counties of Kent, Sussex, Brecknock, Middlesex, or elsewhere which he could dispose of by will (subject as to the Bayham Estate to the said term of one thousand years,) to the use of John Charles Marquis Camden for his life, without impeachment of waste; with remainder to the use of his first and other sons successively in tail male; with remainder to the use of the testator's second son Lord George Murray Pratt for his life, without impeachment of waste; with remainder to the use of his first and other sons successively in tail male; with remainder to the use of the testator's third son Lord Charles Robert Pratt for his life, without impeachment of waste; with remainder to the use of his first and other sons successively in tail male; with remainder to the use of trustees for the term of one thousand two hundred years, to commence from the decease of the survivor of the testator's said three sons and the failure of their respective issue male, and subject thereto, to the use of the first and other daughters of John Charles Marquis Camden successively in tail male; with remainder to the use of the first and other daughters of Lord George Murray Pratt successively in tail male; with remainder to the use of the first and other daughters of Lord Charles Robert Pratt successively in tail male; with remainder to the use of the testator's own right heirs for ever:

And whereas the trusts of the term of one thousand years declared by the said will were trusts for the raising of portions for the younger child or children of the testator, and the trusts of the term of one thousand two hundred years declared by the said will were trusts for the raising of certain sums of money for the benefit of the daughters of John Charles Marquis Camden other than an eldest or only daughter, to take effect in the event of failure of issue male of the testator's three sons:

And whereas in the said will were contained the following among other powers; (namely,)

First—A power for each of the testator's sons to limit a jointure rentcharge with usual powers and remedies:

Secondly—A power for John Charles Marquis Camden to appoint portions for his younger children:

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Thirdly—Powers of leasing, including a power of leasing for building, repairing, or improvement purposes:

Fourthly—Powers of sale, exchange, enfranchisement, and partition:

And whereas in the said will were contained provisions whereby the testator in effect settled the copyhold, customary, and leasehold portions of the Bayham and other estates respectively on trusts corresponding with the uses and trusts of the freehold portions of the same respective estates:

And whereas the first and second codicils aforesaid related exclusively to pecuniary legacies, and to the appointment of executors of the said will:

And whereas the third codicil aforesaid declared new trusts of the said term of one thousand years limited by the said will, being trusts for the raising of portions, and otherwise providing for the testator's sons other than John Charles Marquis Camden, and for the testator's daughters:

And whereas the Bayham Estate (which is the principal family estate of the Marquis Camden) is situate near Tunbridge Wells in the county of Kent, and contains about ten thousand acres, but there is not on it any house that is or can be made a suitable residence for the Marquis Camden:

And whereas it is expedient that a mansion house suitable for the residence of the Marquis Camden, with proper offices, gardens, and other conveniences, should be built and made on the Bayham Settled Estate:

And whereas the expenses of building and making such a mansion house, with offices, gardens, and other conveniences, and providing proper fixtures for the same, have been estimated at fifty thousand pounds, but there is not any power in the marriage settlement for the raising of money for that purpose on the security of the Bayham Settled Estate:

And whereas in the circumstances herein-before appearing, it will be for the benefit of the parties interested under the marriage settlement, and also of those interested under the will of George Charles Marquis Camden, that for the purpose of defraying the expenses aforesaid a sum or sums not exceeding altogether the sum of fifty thousand pounds, with interest, should be authorized to be raised on the security of the Bayham Settled Estate:

And whereas there is no issue of the marriage of John Charles Marquis Camden:

And whereas neither Lord George Murray Pratt nor Lord Charles Robert Pratt has ever married:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

Therefore Your Majesty's most dutiful and loyal subjects, John Charles Marquis Camden, Lord George Murray Pratt, and Lord Charles Robert Pratt, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as The Marquis Camden's Estate Act, 1869.

Interpretation of terms.

2. In this Act—

The term "person" includes body corporate or unincorporate:

The term "representatives" means executors, administrators, or successors, as the case may be.

Extension of powers to tenant for life, &c. for time being.

3. The provisions of this Act referring to John Charles Marquis Camden by name shall after his death extend and apply to any tenant for life of full age for the time being entitled to the Bayham Settled Estate under the marriage settlement, in possession or in remainder immediately expectant on any term of years, and to the guardian of any infant tenant for life or in tail for the time being so entitled.

Trustees of Act.

4. The trustees to act in the execution of this Act shall be in the first instance Lord George Murray Pratt and the Honourable Anthony Lionel George Ashley Cooper (and they and their successors for the time being appointed as in this Act provided are in this Act referred to as the trustees of this Act).

Power to borrow money.

5. The trustees of this Act, with the concurrence of John Charles Marquis Camden, may from time to time, or at one time, borrow at interest under and for the purposes of this Act any sums or sum of money not exceeding in the whole the sum of fifty thousand pounds.

Money to be secured by mortgage for a term.

6. As a security for any sum of money borrowed under this Act, and the interest thereon, the trustees of this Act, with the concurrence of John Charles Marquis Camden, may demise for any term of years by way of mortgage to the person lending the same, or as he directs, the Bayham Settled Estate or any part thereof, with its rights, members, and appurtenances.

Protection of lenders from inquiry.

7. Any person lending money on mortgage under this Act shall not be bound or entitled to inquire into the validity, propriety, or expediency of any mortgage to be made to him, or to ascertain that no more money than required is raised.

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Payment of interest.

8. The interest on the principal money secured by each mortgage under this Act, or on so much thereof as for the time being remains unpaid, shall be paid by John Charles Marquis Camden by equal half-yearly portions, the first of such payments to be made at the end of six months next after the date of the mortgage.

Payment of principal.

9. The principal money secured by every mortgage under this Act shall be paid off by John Charles Marquis Camden within a period of twenty years, to commence at the end of two years from the date of the mortgage, either by annual instalments of one-twentieth part thereof, or by a sinking fund to consist of the like instalments to be invested in the names of the trustees of this Act, or partly in the one way and partly in the other, or the principal money and interest shall be secured by an annuity to be charged on the Bayham Settled Estate and to extend over the said period of twenty years: Provided that if the repayment of the principal money or any part thereof is made by means of a sinking fund, the income of the investments on account of such sinking fund shall either be paid to the said John Charles Marquis Camden, or, if he shall so direct, shall be accumulated in the names of the said trustees, and applied in the same manner as the capital from which such accumulations shall arise.

Power of distress to mortgagee.

10. If at any time any interest or principal money secured by any mortgage under this Act is in arrear for forty days, the mortgagee, his representatives or assigns, may recover the same, with the costs attending the recovery thereof, by distress on the hereditaments comprised in his mortgage and sale of the things distrained, as rents may by law be recovered by landlords from their tenants.

No preference among mortgagees.

11. All mortgages (if more than one) under this Act shall rank equally according to the respective sums thereby secured, and without any preference by reason of the priority of date of any such mortgage, or on any other account.

Arrears and apportionment on death of Marquis Camden.

12. On the death of John Charles Marquis Camden the following provisions shall have effect; (namely,)

(1.) Any mortgagee under this Act, his representatives or assigns, shall not by virtue of anything in this Act or in his mortgage contained be entitled to recover as against all or any of the hereditaments therein comprised more than one year's arrear of interest (if any), or more than one instalment of principal money (if any), or more than one year's payment of the annuity (if any) which before such death accrued due thereunder:

(2.) The heirs or other representatives of John Charles Marquis Camden shall pay so much of the half-yearly payment of interest which at his death is accruing, and has not accrued due under any mortgage under this Act, as will be proportionate to the part of the then current half-year elapsed at that death, and shall also, in case such death happens after the expiration of the second year from the date of such mortgage, pay so much of the annual instalment of principal money next becoming due after such death under any such mortgage, or such sum on account of the annual payment towards a sinking fund under this Act (as the case may be), or in case of an annuity so much of one year's payment thereof as will be proportionate to the part of the then current year elapsed at such death.

Stipulations by Marquis Camden to bind himself personally.

13. Nothing in this Act shall preclude John Charles Marquis Camden from entering into any personal covenant or agreement with any mortgagee under this Act for the repayment in any manner or at any time of any principal money advanced, with interest, or shall preclude any such mortgagee from (by virtue of such covenant or agreement) recovering from John Charles Marquis Camden, his heirs or other representatives, estates or effects, any such principal money or interest.

Mortgages to be subject to charges prior to settlement, &c.

14. Every such mortgage shall be subject as follows; (namely,)

To the charges and incumbrances affecting the Bayham Settled Estate at the time of the execution of the marriage settlement, and for the time being subsisting;

To the annual rentcharge of one thousand pounds by that settlement limited to Clementine Augusta Marchioness Camden, and to the powers and term of years for securing the same;

To the power of jointuring a future wife by the same settlement given to John Charles Marquis Camden, and to the uses to be limited in exercise of that power;

To the powers of jointuring by the same settlement given to Lord George Murray Pratt and Lord Charles Robert Pratt, and to the uses to be limited in exercise of those powers;

To the powers of leasing, sale, exchange, enfranchisement, and appointment of new trustees, and other powers contained in the same settlement, and to the uses to be limited in exercise of those powers; and

To the terms of one thousand and twelve hundred years respectively limited by the will of George Charles Marquis Camden, and the trusts thereof respectively, as far as those terms may take effect out of the reversion in the Bayham Settled Estate comprised in that will.

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Saving for leasing power, &c.

15. Nothing in this Act, or in any mortgage under it, shall interfere with the exercise of any power of leasing contained in the marriage settlement, and every such mortgage shall be subject to the effect of all contracts and agreements for leases, and all leases lawfully made before the execution of such mortgage and then subsisting, and the rent reserved on any such contract, agreement, or lease made or granted after the execution of such mortgage shall enure to the same person and be recoverable in the same manner to whom and in which it would have enured and have been recoverable had such contract, agreement, or lease been made or entered into before the execution of such mortgage.

Power for present Marquis to lend.

16. John Charles Marquis Camden may be himself the lender of any part of the sum of fifty thousand pounds by this Act authorized to be borrowed.

Power for trustees of will and settlement to lend.

17. The trustees for the time being authorized by the marriage settlement or by the said will of George Charles Marquis Camden to exercise the powers of sale and exchange therein respectively contained may lend all or any part of the sum of fifty thousand pounds by this Act authorized to be borrowed, out of any money for the time being in their hands produced by the exercise of any of those powers.

Application of money raised.

18. All money raised on mortgage under this Act shall be applied as follows; (that is to say,) first, in paying the expenses of and incident to the preparation of, application for, and passing of this Act, and of and attending the raising of that money; and, secondly, in or towards the building, fitting up, making, and providing on the Bayham Settled Estate of a mansion house suitable for the residence of the Marquis Camden for the time being, with proper offices, stables, and other outbuildings, gardens, and pleasure grounds, on such plan and in such manner as John Charles Marquis Camden, with the concurrence of the trustees of this Act, thinks fit (which mansion house, offices, stables, and other outbuildings are in this Act collectively referred to as the mansion house at Bayham).

Inventory of heirlooms to be transferred to Bayham.

19. The copy of the inventory of heirlooms, which, in pursuance of a direction in that behalf contained in the said will of George Charles Marquis Camden, is kept at Wildernesse, shall, on the completion of the mansion house at Bayham, be removed thither, and shall thenceforth, during the operation of the provisions of the said will relative to heirlooms, be kept there.

Insurance of mansion.

20. From and after the time when there has been expended on the erection of the mansion house at Bayham the sum of five thousand pounds, John Charles Marquis Camden shall keep the mansion house at Bayham insured in some or one of the public

offices in England for insurance against fire, approved by the trustees of this Act, in the names of those trustees, in such sums or sum as at the time of the making and at the successive periods for the renewing of such insurance will equal the value of the part or whole (as the case may be) then built of the mansion house at Bayham, but so that this section shall not make it obligatory on him so to insure at any time for an amount exceeding in the whole the sum of fifty thousand pounds.

Application of insurance money.

21. If the mansion house at Bayham, while insured under this Act, is destroyed or damaged by fire, then, and in every such case, the insurance money payable shall be paid to the trustees of this Act (who in respect of the purposes of this Act shall be deemed to have a sufficient interest in such insurance to enable them to sue for the sum insured), and they shall from time to time apply, or permit John Charles Marquis Camden to apply, the insurance money which they so receive in or towards substantially rebuilding, repairing, or otherwise reinstating the mansion house at Bayham.

Trustees not answerable for defective insurance.

22. The trustees of this Act shall not be concerned to see that any such insurance as is by this Act directed is effected or continued, or be answerable for the same not having been effected or continued.

Application of sects. 27. and 29. of 23 & 24 Vict. c. 145. to this Act.

23. Sections 27 and 29 of the Act of the session of the twenty-third and twenty-fourth years of Her Majesty's reign, (chapter 145,) "to give to trustees, mortgagees, and others certain powers now "commonly inserted in settlements, mortgages, and wills," shall have effect for the purposes of this Act, which shall be deemed the instrument creating the trust, but every new trustee of this Act shall be appointed with the approbation of the Court of Chancery, to be obtained on summons under this Act.

General saving.

24. Saving always to the Queen's most Excellent Majesty, Her heirs and successors, and to all persons and bodies politic and corporate, and their respective heirs and other representatives (other than the persons by this Act expressly excepted out of this general saving), all such estate, right, title, interest, claim, and demand whatsoever of, in, to, or out of the Bayham Settled Estate, or any part or share of or in the same, as they or any of them had before the passing of this Act, or would or might have had if this Act had not been passed.

Persons excepted from general saving, and accordingly bound by Act.

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

(1.) Lord George Murray Pratt and Anthony Lionel George Ashley Cooper as trustees of the marriage settlement, and

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other the trustees and trustee for the time being of that settlement:

(2.) John Charles Marquis Camden and his sons and daughters, and the heirs of their respective bodies:

(3.) Lord George Murray Pratt and his sons and daughters, and the heirs of their respective bodies:

(4.) Lord Charles Robert Pratt and his sons and daughters, and the heirs of their respective bodies:

(5.) The respective heirs and other representatives and assigns of the several persons aforesaid:

(6.) The heirs of George Charles late Marquis Camden.

Consent of Lord Charles Robert Pratt to be obtained.

26. Inasmuch as Lord Charles Robert Pratt is abroad, and his consent to this Act has not been proved, therefore this Act shall not be of any effect as against him and his sons and daughters, and the heirs of their respective bodies, and his and their respective heirs and other representatives and assigns, or any of them, unless and until the consent of Lord Charles Robert Pratt to this Act has been signified by writing under his hand, attested by at least one witness, enrolled in the Court of Chancery within three years from the passing of this Act, and after the enrolment thereof within that time the same shall be deemed part of this Act, and this Act shall be as binding on Lord Charles Robert Pratt and his sons and daughters, and the heirs of their respective bodies, and his and their respective heirs and other representatives and assigns, as if the consent of Lord Charles Robert Pratt had been obtained and proved before the passing of this Act; and the consent required by this section may be given in the form or to the effect following; that is to say,

I, Charles Robert Pratt, do hereby consent to the Marquis Camden's Estate Act, 1869.

Dated this day of 18 .

Witness

Act as printed by Queen's printers to be evidence.

27. This Act shall not be a public Act, but 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.