CHAPTER *1*.

An Act to confirm certain Conveyances made by the Trustees of the Will of William Ryder Richardson, deceased, and to give further Powers for enabling the Appropriation and Sale of Land for Building Sites; and for other purposes. [23d May 1879.]

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WHEREAS William Ryder Richardson, formerly of Plymouth Grove, Manchester in the county of Lancaster, but late of Collyhurst Lodge, Whalley Range, Manchester aforesaid, gentleman, deceased, duly made his last will, dated the sixth day of December one thousand eight hundred and sixty-five, and thereby appointed his wife, Emma Frances Richardson, his brother-in-law John Milne Atkinson, and his friend Richard Milne Redhead, to be trustees and executrix and executors thereof; and after certain pecuniary and specific bequests, the testator gave, devised, and bequeathed to his said trustees all and every his messuages, lands, tenements, chief and other rents, and hereditaments, and parts and shares thereof, whatsoever and wheresoever and of what nature or quality soever, and also all and every the personal estate, moneys, and effects which should belong to him at the time of his decease (except as before mentioned), upon the trusts and for the intents and purposes therein-after expressed and declared concerning the same; (that is to say,) upon trust in the first place to raise and pay thereout all his just debts and funeral and testamentary expenses; and, subject thereto, he directed that his said trustees should stand seised and possessed of his said residuary trust property upon trust to receive and pay to his said wife, or permit her to receive, the rents, interest, dividends, and annual income thereof during her life, if she should so long continue his widow, for the maintenance of herself, and the maintenance, education, and advancement in the world of his child, if only one, or all his children, if more than one, as she should think fit, but in case his said wife should marry again, then

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he directed that in lieu of such last-mentioned payment and receipt, his said trustees should take into their own hands the receipt of the rents, interest, dividends, and annual income of his said trust property, and pay thereout unto his said wife an annuity or yearly sum of three hundred pounds thenceforth for her life, by equal quarterly payments, clear of all deductions whatsoever, for her own sole and separate use and benefit, independently of the debts and control of her then present or any future husband, without power of alienation and so that the receipt and receipts of his said wife for such quarterly payments of the said annuity as aforesaid should, when and as the same should become due and payable, and not before, be sufficient discharges to his said trustees, or the person or persons making such payments; and as to the residue of his trust property, and the rents, interest, dividends, and annual income thereof, the testator directed that his said trustees should stand seised and possessed thereof, in trust for his child, if only one, or all his children equally, if more than one, who, being a son or sons, should attain the age of twenty-one years, or die under that age leaving lawful issue, or, being a daughter or daughters, should attain the said age of twenty-one years, or marry, which should first happen; nevertheless, as to the share or shares, as well original as accruing, of each daughter of his, upon trust to pay the rents, dividends, interest, and annual income thereof as and when the same should become due, and not by way of anticipation, into the proper hands of such daughter, to be enjoyed by her as an inalienable personal provision, free from all marital control, debts, and engagements, and for which income her receipts alone should be sufficient discharges to his said trustees; and after the decease of such daughter, then as to as well the principal as the future income thereof, in trust for the child, if only one, or for all the children, if more than one, of his said daughter, who, being a son or sons, should attain the age of twenty-one years, or die under that age leaving lawful issue, or, being a daughter or daughters, should attain the age of twenty-one years or marry, which should first happen, in equal shares, if more than one, as tenants in common; and if there should be no child or children of his same daughter who should acquire an absolutely vested interest under the preceding trust, then in trust for such person or persons and in such manner as his said daughter, whether covert or sole, should by deed or will appoint, and in default of appointment, upon the same trusts as would by virtue of his said will affect the same share or shares if his said daughter had died under the age of twenty-one years without having been married; and in case there should be no children or child of the testator who should acquire an absolute vested interest

in his trust property under the preceding trusts, then he directed that, subject to the trusts and dispositions aforesaid, his said trustees should stand seised and possessed of all and singular his said residuary real and personal estate and property, and the rents, interest, dividends, and annual income thereof, upon trust to pay to his said wife in lieu of the payments and dispositions therein-before directed to be made for her benefit, or permit her to receive the whole of such rents, interest, dividends, and annual income for her life or during her widowhood, but in case she should marry again, then in trust to pay to her an annuity of six hundred pounds thenceforth for her life, by equal quarterly payments for her own sole and separate use and benefit, independently of any future husband with whom she might intermarry, without power of alienation, and so that her receipts alone should from time to time be good and sufficient discharges to his trustees; and subject thereto (and also subject to the payment of an annuity or yearly sum of three hundred pounds to his said brother-in-law John Milne Atkinson for his life, by equal half-yearly payments on the decease of his said wife, in case there should be no children or child of his who should acquire an absolute vested interest in his trust property under the aforesaid trusts), in trust for his brother John Richardson absolutely, in case he should be then living, but if he should happen to be then dead, then in trust for the absolute use and benefit of the child or children of his said brother John who should be then living, and the lawful issue of such of them as should be dead leaving issue then living, in equal shares, if more than one, as tenants in common, such issue, nevertheless, taking only the share or shares of his, her, or their deceased parent or parents; provided always, and the testator thereby expressly directed and declared, that, notwithstanding any of the trusts or directions therein-before contained, it should be lawful for the trustees or trustee for the time being of his said will, at any time or from time to time in their, his, or her own absolute discretion, to join in the partition of any hereditaments whereof an undivided share was thereby devised, and to give or accept any sum or sums of money for equality of partition, and also to sell and dispose of his said trust property, or any part or parts thereof, by public auction or private contract, subject to such conditions as to title or otherwise, and in such manner, as they, he, or she should think fit, with liberty to buy in the same at any sale or sales, and to rescind or vary the terms of any contract without being liable for any consequential loss or expense, with full liberty also to sell any part of his real estates, either wholly or partially, in consideration of any chief or ground rent to be reserved and made payable thereout to his said

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trustees or trustee, and to sell such rents from time to time; and to grant leases of any portions of the trust property for any term or number of years not exceeding twenty-one years, and to invest the money and proceeds to arise from every such partition, sale, and lease as aforesaid, and any other moneys coming to the hands of his said trustees or trustee under the trusts of his said will, so far as the same might not be immediately applicable to the trusts or purposes thereof, in the names or name of his said trustees or trustee for the time being, in any of the public stocks, funds, and securities of the United Kingdom, or on real securities in England or Wales, or upon the mortgages, debentures, or bonds of any public company or body duly authorised or incorporated, with full power and authority to vary and transpose such investments or securities from time to time as they his said trustees or trustee should think best; and all such stocks, funds, securities, and investments were to be subject to the same trusts as were therein-before declared concerning the portion of the trust property from whence the money so to be invested as aforesaid should have arisen; and the said will contained a power for the acting or continuing competent trustees or trustee of the said will to appoint new trustees; and the said testator appointed his said wife guardian of his children during their respective minorities, and revoked all former wills:

And whereas the said testator duly made a codicil, dated the first day of October one thousand eight hundred and sixty-eight, to his said will, and thereby, on a certain contingency which cannot now happen, he bequeathed an annuity to a servant for her life, charged on certain chief rents forming part of his real estate, and confirmed his said will in all other respects:

And whereas the said testator died on the twenty-fifth day of March one thousand eight hundred and seventy-three without having revoked or altered his said will and codicil, and the same were, in the month of May one thousand eight hundred and seventy-three, duly proved in the District Registry at Manchester of Her Majesty's Court of Probate by the said Emma Frances Richardson, John Milne Atkinson, and Richard Milne Redhead:

And whereas the said testator left him surviving four children and no more; that is to say, Emma Ann Ryder Richardson, William Ryder Richardson, John Charles Ryder Richardson, and Florence Ryder Richardson, all of whom are infants under the age of twenty-one years and unmarried:

And whereas the said John Richardson, the said testator's brother, has only been once married, namely, to Lucy Cox, now Lucy Richardson his wife, and has had issue by her five children and no

more, namely, Ann Ryder Richardson, William John Ryder Richardson, Sarah Ryder Richardson, Charles Ryder Richardson, and Lucy Ryder Richardson:

And whereas in the year one thousand eight hundred and seventy-three the said Ann Ryder Richardson, being then a spinster, married William Lovelace, and has had issue by him two children and no more, namely, Arthur Richardson John Joseph Lovelace and Sydney William Lovelace, both of whom are infants under the age of twenty-one years and unmarried:

And whereas in the year one thousand eight hundred and seventy-seven the said William John Ryder Richardson, being then a bachelor, married Agnes Selina Cocks, now Agnes Selina Richardson his wife, and has had issue by her one child and no more, namely, Alice May Richardson, who has since died:

And whereas the said Sarah Ryder Richardson has attained the age of twenty-one years, but has never been married:

And whereas the said Charles Ryder Richardson and Lucy Ryder Richardson are both still infants under the age of twenty-one years and have never been married:

And whereas all the debts and funeral and testamentary expenses of the said testator and the legacies bequeathed by his will have been long since satisfied or provided for:

And whereas the said testator was at the time of his death seised of or otherwise entitled for an estate of inheritance in fee simple to one undivided moiety of the following properties; that is to say,

(*a.*) A freehold estate at Collyhurst near Manchester (hereinafter in this Act called the "Collyhurst Estate"), subject to a perpetual fee-farm or chief rent payable thereout of two hundred and forty-seven pounds per annum:

(*b.*) A freehold estate in Pitt Street, London Road, Manchester, and perpetual fee-farm or chief rents amounting to five hundred pounds per annum or thereabouts, charged upon and issuing out of lands in or about Pitt Street aforesaid, all or parts of which estate and rents are subject to perpetual fee-farm or chief rents payable thereout of thirty-six pounds, thirty-four pounds ten shillings, and eighty-four pounds seventeen shillings fourpence three farthings per annum:

(*c.*) Perpetual fee-farm or chief rents amounting to one hundred and seventeen pounds per annum or thereabouts, charged upon and issuing out of lands and hereditaments in Broughton near Manchester, subject to superior perpetual fee-farm or chief rents payable thereout of thirty-six

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pounds six shillings and eightpence and thirty pounds per annum :

(*d.*) An estate at Gorton near Manchester (herein-after in this Act called the "Gorton Estate"), a particular whereof contained in the Schedule to this Act :

And whereas the Collyhurst Estate originally contained in the whole fifty-one acres or thereabouts, of which the greater portion, containing forty acres or thereabouts, was in the testator's lifetime sold by him in conjunction with the owner of the other undivided moiety thereof for building purposes, in consideration of perpetual fee-farm or chief rents reserved to them :

And whereas the portion remaining unsold at the testator's death of the Collyhurst Estate was suitable only for building purposes, and had to a great extent been laid out for such purposes at the time of the testator's death :

And whereas it was the invariable practice of the testator in his lifetime, and of the owner of the other undivided moiety of the Collyhurst Estate, to except and reserve to themselves in all conveyances made by them of any parts of the said estate all mines and minerals under the parts conveyed by them, with liberty to get and work such mines and minerals, but without reserving to themselves any right of interference with or entry upon the surface of the land conveyed :

And whereas it is doubtful whether there are under the Collyhurst Estate any mines or minerals capable of being profitably worked :

And whereas, in consequence of the number of buildings which have been erected on the parts sold in the said testator's lifetime of the Collyhurst Estate and the difficulty of working any mines or minerals which may be under the said estate, such mines and minerals (if any) are now of little or no value as a separate hereditament :

And whereas after the testator's death the trustees of his will continued to join with the owner of the other undivided moiety of the Collyhurst Estate in making conveyances for building purposes of portions of the said estate in consideration of perpetual fee-farm or chief rents; and all or most of such conveyances, according to the previous usage which obtained during the said testator's lifetime, contained an exception or reservation of all mines and minerals under the lands conveyed, with liberty to get and work the same :

And whereas questions have recently been raised with respect to the validity, as against the persons beneficially interested under the said testator's will, of conveyances so made by his trustees containing an exception or reservation of mines and minerals, and great

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difficulty has been experienced by the builders and other persons to whom such conveyances have been made in selling the lands conveyed to them, or raising money by mortgage thereon for the purpose of completing the buildings intended to be erected thereon; and in consequence the further erection of buildings upon the portions already sold of the Collyhurst Estate is entirely or for the most part suspended, and the portion remaining unsold of the said estate has thereby become deteriorated and unsaleable, and the security for the fee-farm or ground rents payable in respect of the portions sold of the said estate has become greatly diminished:

And whereas the sales effected since the said testator's death of portions of the Collyhurst Estate have been made on advantageous terms, and the amount of fee-farm or chief rents reserved on such sales has not been in any appreciable degree lessened by reason of the conveyances to the purchasers containing an exception or reservation of mines and minerals under the lands conveyed; and it is expedient, and would be for the benefit of all persons beneficially interested under the testator's will, that all the several deeds of conveyance of the portions sold since the said testator's death of the Collyhurst Estate should be confirmed:

And whereas the purchase of the chief rents charged upon and issuing out of the lands, rents, and hereditaments now held on the trusts of the said testator's will would greatly increase the value and facilitate the sale for building purposes and otherwise of the lands, rents, and hereditaments held on such trusts:

And whereas it is expedient, and would be for the benefit of all persons beneficially interested under the said testator's will, that powers should be given for enabling such purchase to be made, and for applying money forming part of the said testator's residuary personal estate or of the proceeds of his real estate in paying the purchase money and costs of such purchase:

And whereas the Gorton Estate will soon be available for building purposes, and cannot be disposed of to advantage except by laying out the same as building land and disposing of the same in lots for building purposes; and in order thereto, it is necessary or desirable that lands adjoining or near to the Gorton Estate should be purchased for the purpose of making approaches and affording other conveniences to the said estate, and that roads, drains, sewers, and other works should be constructed on or in connexion with the said estate:

And whereas it is expedient, and would be for the benefit of all persons beneficially interested under the said testator's will, that powers should be given for enabling such last-mentioned purchase and works to be carried into effect, and for applying money forming

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And whereas by the judgment of the Chancery Division of the High Court of Justice, given by his Lordship the Master of the Rolls on the twelfth day of November one thousand eight hundred and seventy-eight, in the matter of the estate of the said testator William Ryder Richardson, and an action of Richardson versus Atkinson, 1878 R. No. 86, wherein the said Emma Frances Richardson, widow, and the said Emma Ann Ryder Richardson, William Ryder Richardson, John Charles Ryder Richardson, and Florence Ryder Richardson, infants, by the said Emma Frances Richardson, their mother and next friend, were plaintiffs, and the said John Milne Atkinson, Richard Milne Redhead, John Richardson, William Lovelace and Ann Ryder Lovelace, his wife, and Arthur Richardson John Joseph Lovelace and Sydney William Lovelace, infants, by the said William Lovelace, their guardian, the said William John Ryder Richardson, and Alice May Richardson, spinster, an infant, by William John Ryder Richardson, her guardian, Sarah Ryder Richardson, spinster, and Charles Ryder Richardson and Lucy Ryder Richardson, spinster, infants, by John Richardson, their guardian, were defendants, the Court being of opinion that it would be for the benefit of the infant plaintiffs and defendants and the defendant Ann Ryder Lovelace that the plaintiff Emma Frances Richardson and the defendants John Milne Atkinson and Richard Milne Redhead, the trustees of the will of the said William Ryder Richardson, the testator in the pleadings named, should be authorised to apply, at the expense of the testator's estate, for a private Act of Parliament for the purpose of confirming the grants made by the said trustees of the portions of the Collyhurst Estate in the pleadings mentioned, and for such other purposes as the judge should approve, it was ordered and adjudged that a draft of a Bill for the purposes aforesaid be settled and approved by the judge, and the further consideration of the said action was adjourned before the judge in chambers:

And whereas it appears by the certificate of the chief clerk of his Lordship the Master of the Rolls, dated the sixth day of March, and approved by his Lordship and filed on the thirteenth day of March one thousand eight hundred and seventy-nine, that the draft of the Bill for this Act has been approved by the judge pursuant to the said judgment of the twelfth day of November one thousand eight hundred and seventy-eight, and that the several instruments, facts, and events recited in the preamble of such draft, before the

recital of the said certificate, had been proved in the said action of Richardson versus Atkinson: A.D. 1879.

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

Wherefore Your Majesty's most dutiful and loyal subjects the said Emma Frances Richardson, on behalf of herself and her said infant children, Emma Ann Ryder Richardson, William Ryder Richardson, John Charles Ryder Richardson, and Florence Ryder Richardson, and the said John Milne Atkinson and Richard Milne Redhead, and the said John Richardson, on behalf of himself and his said two infant children, Charles Ryder Richardson and Lucy Ryder Richardson, and the said William Lovelace, on behalf of himself and Ann Ryder Lovelace, his wife, and his two infant children, Arthur Richardson John Joseph Lovelace and Sydney William Lovelace, and the said William John Ryder Richardson, and the said Sarah Ryder Richardson, 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,)

1. This Act may be cited as Ryder Richardson's Estate Act, 1879. Short title.

2. Emma Frances Richardson, John Milne Atkinson, and Richard Milne Redhead, or the survivors or survivor of them, or other the duly appointed Trustees or Trustee for the time being of the said recited will of the said testator William Ryder Richardson, shall be and are hereby constituted the Trustees or Trustee under this Act for exercising the powers conferred by and for carrying into execution the purposes of this Act, and are in this Act referred to as Trustees or Trustee. Appointment of Trustees.

3. Every deed which has been executed by the said Emma Frances Richardson, John Milne Atkinson, and Richard Milne Redhead before the passing of this Act, being or purporting to be a conveyance of any land forming part of the Collyhurst Estate devised by the said recited will, made under the power therein contained, to sell and dispose of the said testator's trust property, and being a conveyance containing or purporting to contain an exception or a reservation of all or any of the mines or minerals or other substances in or under the land purported to be conveyed, shall be and every such deed is hereby confirmed and made effectual as a valid conveyance, under the power to sell and dispose contained in Confirmation of deeds.

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the said recited will, in like manner and to the same extent as if such power to sell and dispose had expressly authorised a sale or disposition of land with an exception or reservation of all or any of the mines, minerals, or other substances therein or thereunder.

Recited will and this Act to be read as one.

4. The said recited will shall be construed as if the extended and further powers conferred by this Act and all the provisions of this Act had been originally conferred by and contained in the said will, and all the powers and provisions of the said will shall be read and have effect accordingly.

Extension of power to sell certain lands.

5. From and after the passing of this Act the power contained in the said recited will to sell and dispose of the testator's trust property shall be and the same is hereby extended so as to include and authorise a sale or disposition of any land with an exception or reservation of all or any of the mines, minerals, or other substances therein or thereunder.

As to sale of the Gorton Estate.

6. In order to facilitate the sale or disposition of the Gorton Estate, mentioned in the Schedule to this Act, for building purposes, the Trustees or Trustee may, at their or his discretion, do or contract to do all or any of the following acts, works, or things upon or with reference to that estate; (that is to say,)

(1.) May appropriate all or any part or parts of the said estate for building purposes, either in lots or otherwise:

(2.) May lay out any part or parts of the said estate for gardens, squares, yards, streets, roads, passages, and other open spaces:

(3.) May construct sewers, drains, watercourses, and other works for the use or convenience of owners or occupiers on the said estate, and either within or beyond the limits of the said estate:

(4.) May dedicate or provide or contract for dedicating in future to the public, and either for valuable consideration or gratuitously, and either absolutely or conditionally, any road, street, passage, or other way:

(5.) May make any arrangement or enter into any contract as to the mode and terms of user, or grant the right of user, of any garden, square, yard, street, road, passage, way, or other open space, or any other right or easement which may be deemed reasonable and proper:

(6.) May maintain and repair, or contract or make provision for maintaining and repairing, gardens, squares, yards, streets, roads, passages, ways, or other open spaces, sewers, drains, and watercourses, and other conveniences for owners or

occupiers on the said estate, either within or beyond the limits of the said estate:

(7.) May except or reserve out of any sale or disposition any rights of user of gardens, squares, yards, streets, roads, passages, ways, or other open spaces, sewers, drains, and watercourses, or any other rights, easements, or powers, which may be deemed proper or convenient by the Trustees or Trustee.

As to conditions in conveyances of the Gorton Estate.

7. Any conveyance to be made of the said Gorton Estate or any part thereof by the Trustees or Trustee, under the power to sell and dispose of the testator's trust property contained in the said recited will, may be made either with or without any covenant on the part of any person or persons to whom the conveyance is made to contribute towards the expenses of making and keeping in repair, ornamenting, and embellishing any squares or other open spaces, roads, streets, passages, ways, sewers, drains, watercourses, easements, or conveniences, and either with or without any covenant or stipulation on the part of the Trustees or Trustee, or any person making the conveyance or beneficially interested in the chief rents reserved or the proceeds of sale, as to the mode in which any parts of the said Gorton Estate shall be built upon, laid out, used, or improved.

Powers to purchase certain lands.

8. For the purpose of rendering the said Gorton Estate more readily available for building purposes by constructing approaches, drainage and other works and conveniences, the Trustees or Trustee may, at such price and upon such terms as they or he or she may think proper, from time to time purchase any lands adjoining or near to the said Gorton Estate, or any rights of way, water, or sewage, or other rights, easements, or conveniences in, over, or through any lands adjoining or near the said Gorton Estate, and may, by way of exchange or for valuable consideration, whether in money or otherwise, grant to the owners or lessees of any such lands similar or other rights, easements, or conveniences in, over, or through the said Gorton Estate, and generally the Trustees or Trustee may, either by way of sale or exchange, and in consideration of rights or benefits acquired, or for other valuable consideration, make such grants to or accept such grants from or enter into such contracts or arrangements with the owners or lessees of land adjoining or near to the said Gorton Estate as the Trustees or Trustee may, in their or his or her discretion, think proper for enabling the said Gorton Estate or any part thereof to be more beneficially disposed of for building purposes under the powers conferred by the said recited will and this Act, or any of such powers.

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Purchased lands to be conveyed to Trustees.

9. All lands, rights, easements, conveniences, and hereditaments purchased or otherwise acquired by the Trustees or Trustee under the powers conferred by this Act shall be conveyed to or otherwise vested in and shall be held by the Trustees or Trustee upon the trusts and subject to the powers and provisions which, under the said recited will and this Act, shall for the time being be subsisting and capable of taking effect with respect to the messuages, lands, rents, and hereditaments devised by the said recited will to the Trustees thereof upon the trusts therein declared.

Power to Trustees to purchase chief rents, &c.

10. The Trustees or Trustee may, at such price and upon such terms as they, he, or she may think proper, from time to time purchase any chief rent, or any part or share of any chief rent, payable out or in respect of any messuages, lands, chief rents, or hereditaments, or any undivided share held on the trusts of the said recited will of any messuages, lands, chief rents, or hereditaments, and shall cause to be executed a release or conveyance of every chief rent or share of chief rent so purchased, so as to extinguish the same, and all remedies for recovery thereof, and to cause the messuages, lands, rents, or hereditaments held on the trusts of the said recited will and now charged with the payment thereof to be discharged therefrom.

Power to apply moneys forming part of estate.

11. Any money forming part of the said testator's residuary personal estate, or any money arising from any partition, sale, disposition, or lease, under the powers for that purpose contained in the said recited will or this Act, of the lands, tenements, chief or other rents, or hereditaments devised by the said will, may be expended and applied by the Trustees or Trustee at their, his, or her discretion for the purpose of carrying into execution the powers of purchase or constructing works or any other powers conferred by this Act, or for the purpose of discharging the costs and expenses incurred in the exercise of those powers.

Power to borrow on mortgage.

12. The Trustees or Trustee may, at their, his, or her discretion, from time to time borrow at interest, on the security of a mortgage or mortgages of all or any part or parts of the messuages, lands, rents, and hereditaments for the time being held on the subsisting trusts of the said recited will, any money which the Trustees or Trustee may think it expedient to raise for the purpose of carrying into execution the powers of purchase or constructing works, or all or any of the other powers conferred by this Act, or for the purpose of discharging the costs and expenses incurred in the exercise of those powers, and may execute and do all such acts, deeds, and things as shall appear proper to the Trustees or Trustee for exercising and giving effect to those powers; and the receipt in writing of the

Trustees or Trustee for any money borrowed under this Act shall be a complete discharge to the persons or person advancing the same, and shall exonerate every such person from ascertaining or inquiring as to whether all or any of the money advanced is required to be borrowed: Provided always, that every mortgage made under the power conferred by this present section of this Act shall be made with the approval of the Chancery Division of the High Court of Justice, to be obtained on application in a summary way to a judge of the said Division by summons at chambers either in the said action of Richardson versus Atkinson or otherwise, and either with or without a sinking fund, as the Chancery Division shall think fit.

Powers conferred by the Act may be exercised where part only of property is held by Trustees.

13. The several acts and things authorised, and the several powers, authorities, and discretions conferred by this Act, including the power to purchase lands, rents, and hereditaments, or to construct works, may, so far as the same or any of them require to be done, put in force, or exercised with respect or in relation to or so far as the same or any of them affect any messuages, lands, rents, or hereditaments an undivided share whereof is held on the trusts of the said recited will, be done, put in force, or exercised by the Trustees or Trustee jointly and in concurrence with the person or persons entitled to or having any power of disposition or other power applicable for the purpose over the other undivided share or shares of the same messuages, lands, rents, or hereditaments.

Expenses of Act.

14. All the costs, charges, and expenses of and incident to the obtaining and passing of this Act, and whether incurred in the action or not, shall be paid out of any moneys representing capital of the testator's residuary estate coming to the hands of the Trustees or Trustee, or out of any money raised by borrowing under the power for that purpose conferred by this Act, which power is hereby extended and made applicable for this purpose; and in case any person shall advance the amount of such costs, charges, and expenses, or any part thereof, the amount so advanced, with interest thereon from the date of the advance, at the yearly rate of four pounds in the hundred, shall be repaid to him out of such moneys.

General saving.

15. Saving always to the Queen's most Excellent Majesty, her heirs and successors, and to every other person and body politic and corporate, and their respective heirs, successors, executors, and administrators, (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 messuages, lands, rents, and hereditaments now subject or hereafter to become subject to the trusts of the said recited will, or any part or parts

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thereof, as they or any of them had before the passing of this Act, or would, could, or might enjoy if this Act were not passed.

Exception from general saving.

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

(1.) The said Emma Frances Richardson:

(2.) The said William Ryder Richardsonand John Charles Ryder Richardson, the sons of the said testator:

(3.) The said Emma Ann Ryder Richardson and Florence Ryder Richardson, the daughters of the testator, and their respective children:

(4.) The said John Richardson and his children, and other issue born or to be born:

(5.) The said John Milne Atkinson and Richard Milne Redhead.

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

17. This Act shall not be a Public Act, but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised 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 in the foregoing Act referred to.

All that messuage or tenement, with the fields or closes of land belonging thereto, called Yew Tree Farm, situate in Gorton in the county of Lancaster, containing in the whole thirty-five acres one rood thirty-five perches in statute measure, or thereabouts, and now in the occupation of Alfred Stopford as tenant thereof.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1879.