ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 46.

An Act for authorizing the Truſtees of the Will of the Honourable *Richard Walpole* to ſell certain Parts of his Copyhold Eſtates, in the County of *Norfolk*, for the Payment of his Debts.

[4th *May* 1802.]

WHEREAS the Honourable *Richard Walpole*, late of *Lombard Street*, in the City of *London*, Banker, deceaſed, by his laſt Will and Teſtament in Writing, bearing Date the Fifth Day of *July* One thouſand ſeven hundred and ninety-ſeven, after giving and deviſing his Eſtates in the Counties of *Surrey* and *Middleſex*, unto the Honourable *Horatio Walpole*, the Right Honourable *Joſhua* Lord *Huntingfield*, and *Samuel Long* Eſquire, and their Heirs, upon the Truſts in his ſaid Will mentioned, gave and deviſed unto the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, and *Samuel Long*, and to *Beeſton Long* Eſquire, and their Heirs, all and every other his Manors, Meſſuages, Farms, Lands, Tenements, Rents, and other Hereditaments whatſoever of the Nature of Freehold or of Inheritance in Fee Simple, whereof he or any Perſon or Perſons in Truſt for him or to his Uſe, was or were ſeiſed, poſſeſſed

Will, dated *July* 5, 1797, recited.

poſſeſſed of, or entitled unto, in Poſſeſſion, Reverſion, Remainder, or Expectancy, with their Rights, Members, and Appurtenances, to hold the ſame unto the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, and their Heirs, to and for the ſeveral Uſes and Eſtates, and under and ſubject to the ſeveral Limitations, Directions, Powers, and Proviſoes therein-after expreſſed and contained, of and concerning the ſame, and in Part herein-after mentioned; (that is to ſay), to the Uſe of *Richard Walpole* (the eldeſt Son of the Teſtator), and his Aſſigns during the Term of his natural Life, without Impeachment of Waſte; and after the Determination of that Eſtate by Forfeiture or otherwiſe, in the Life-time of the ſaid *Richard Walpole* the Son, to the Uſe of the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, and their Heirs, during the Life of the ſaid *Richard Walpole* the Son, upon Truſt, to ſupport the contingent Remainders therein-after limited from being defeated or deſtroyed; and after the Deceaſe of the ſaid *Richard Walpole* the Son, to the Uſe of the Firſt and every other Son of the ſaid *Richard Walpole* the Son, ſeverally and ſucceſſively, according to their reſpective Seniorities in Tail Male; and for Default of ſuch Iſſue, to the Uſe of *Robert Walpole*, (the ſaid Teſtator's Second Son), and his Aſſigns during his Life, with a ſimilar Limitation for preſerving contingent Remainders; and after his Deceaſe to the Uſe of his Firſt and every other Son ſeverally and ſucceſſively, according to their reſpective Seniorities in Tail Male; and for Default of ſuch Iſſue, to the Uſe of *Edward Walpole* (the ſaid Teſtator's Third Son), and his Aſſigns during his Life, with a ſimilar Limitation for preſerving contingent Remainders; and after his Deceaſe, to his Firſt and every other Son ſeverally and ſucceſſively, acccording to their reſpective Seniorities in Tail Male; and for Default of ſuch Iſſue, to the Uſe of every ſubſequently born Son of him the ſaid Teſtator, ſeverally and ſucceſſively according to their reſpective Seniorities in Tail Male; and for Default of ſuch Iſſue, to the Uſe of all and every the Daughters and Daughter of the ſaid *Richard Walpole* the Son, as Tenants in common in Tail with croſs Remainders between or among them in Tail; and if all the ſaid Daughters, ſave One, ſhould die without Iſſue, or there ſhould be but One ſuch Daughter, to the Uſe of that One or only Daughter in Tail; and for Default of ſuch Iſſue, to the Uſe of all and every the Daughters and Daughter of the ſaid *Robert Walpole* as Tenants in common in Tail, with croſs Remainders between or among them in Tail; and if all the ſaid Daughters ſave one ſhould die without Iſſue, or there ſhould be but One ſuch Daughter, to the Uſe of that One or only Daughter in Tail; and for Default of ſuch Iſſue, to the Uſe of all and every the Daughters and Daughter of the ſaid *Edward Walpole* as Tenants in common in Tail with croſs Remainders between or among them in Tail; and if all the ſaid Daughters ſave One ſhould die without Iſſue, or there ſhould be but One ſuch Daughter to the Uſe of that One or only Daughter in Tail; and for Default of ſuch Iſſue, to the Uſe of his the ſaid Teſtator's Daughters *Mary Rachel*, now the Wife of the Reverend *Aſhton Vade* Vicar of *Hardigſtone* in the County of *Northampton*, and *Caroline*, now the Wife of the Honourable *George Henry Nevill* of *Flower Place*, near *Godſtone*, in the County of *Surrey*, as Tenants in common in Tail, with croſs Remainders between them in Tail, with ſeveral Remainders over: And as to all the Teſtator's Eſtates whatſoever, and whereſoever of the Nature of Copyhold or Cuſtomary Tenure, he gave and deviſed the ſame unto the ſaid *Richard Walpole* the Son and his Heirs for ever, in Truſt nevertheleſs for the Benefit of ſuch Perſon and Perſons,

and

and for ſuch Intents and Purpoſes, as were therein-after expreſſed and contained, of and concerning the ſame, and in Part herein-after mentioned; (that is to ſay), he the ſaid Teſtator declared his Mind and Will to be, and did direct that the ſaid *Richard Walpole* the Son, and his Aſſigns, ſhould hold and enjoy the ſaid Copyhold and Cuſtomary Eſtates, and take and retain the Rents, Iſſues, and Profits thereof, during the Term of his natural Life only for his and their own Uſe; and from and after his Deceaſe, the ſaid Teſtator did will and direct that the ſaid Copyhold and Cuſtomary Eſtates ſhould be taken, held, and enjoyed, and the Rents, Iſſues, and Profits thereof, taken and received by ſuch and the ſame Perſon and Perſons, and in ſuch and the like Order and Courſe, and for ſuch and the ſame or the like Eſtates and Intereſts, and ſubject to ſuch and the like Limitations or Remainders over, Powers and Directions as were in his ſaid Will limited, declared, or mentioned, of or concerning his ſaid Freehold Hereditaments therein-before given and deviſed to the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long* as aforeſaid (ſave the Limitations to the Truſtees to preſerve the contingent Remainders), or as near thereto as the Nature of the ſaid Copyhold or Cuſtomary Eſtates would admit of, and as to the Reſidue and Remainder of his Perſonal Eſtate, ſubject to the Payment of his Debts, and of ſuch Legacies, if any, as he ſhould give by any Codicil or Codicils to his ſaid Will, he the ſaid Teſtator gave the ſame to his Executors therein-after named, upon the Truſts therein mentioned, and nominated and appointed his Wife *Margaret*, and the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, Executors of his ſaid Will: And whereas the ſaid *Richard Walpole* the Teſtator made and duly publiſhed a Codicil to his ſaid Will, bearing Date the Twenty-eighth Day of *March*, which was in the Year of our Lord One thouſand ſeven hundred and ninety-eight; and after reciting (amongſt other Things), that he had in and by his ſaid Will given and deviſed unto the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, and their Heirs, all and every other his Manors, Meſſuages, Farms, Lands, Tenements, Rents, and other Hereditaments whatſoever, of the Nature of Freehold or of Inheritance in Fee Simple, with their Rights, Members, and Appurtenances, to hold the ſame unto them and their Heirs, to and for the ſeveral Uſes and Eſtates, and under and ſubject to the ſeveral Limitations, Directions, Powers, and Proviſions therein-after limited, declared, expreſſed, and contained concerning the ſame; and alſo reciting, that ſince the making and publiſhing of his ſaid Will he had purchaſed of Maſter *Henry Tuthill* a Farm and Lands in the Pariſh of *Southwood*, in the County of *Norfolk*, and that he had alſo purchaſed of Maſter *George Tuthill* another Farm and Lands in the ſame Pariſh and County; and alſo reciting, that he had in and by his ſaid Will made his Perſonal Eſtate ſubject to and chargeable with the Payment of all his Debts, and that it was his Will that the ſame ſhould be charged with the Payment of his private Debts only, and that his Debts in Trade ſhould be charged upon and payable out of his Freehold Eſtates as well thoſe deviſed by his ſaid Will to the ſaid Truſtees as laſt above mentioned, as thoſe by him ſince purchaſed, the ſaid Teſtator did by the ſaid Codicil ſubject and charge all his Freehold Eſtates by his ſaid Will deviſed (other than and except ſuch Parts thereof as were therein ſpecifically deviſed to his Three Truſtees firſt therein before named, in Truſt, to be ſold as therein mentioned), and alſo the Freehold Part of the ſaid Eſtates in the Pariſh of *Southwood* ſince the making of his ſaid Will, by him purchaſed as aforeſaid, Codicil.

ſaid, to and with the Payment of his ſaid Debts in Trade, antecedent (as to ſuch of the ſame Eſtates as were by the ſaid Will deviſed), to the Uſes and Truſts thereby declared thereof, and ſubject thereto, and to the Powers therein-after contained for the raiſing Money for the Payment thereof, to have Operation precedent to the Uſes and Truſts by his ſaid Will declared thereof, he the ſaid Teſtator did by the ſaid Codicil ratify and confirm the Deviſe in his ſaid Will contained to the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, and their Heirs, of the ſaid laſt mentioned Eſtates and Premiſes, to and for the ſeveral Uſes and Eſtates, and under and ſubject to the ſeveral Limitations, Directions, Powers, and Proviſoes in and by the ſaid Will limited, declared, expreſſed, and contained, of and concerning the ſame, and ſubject and chargeable as aforeſaid, and to the Powers therein-after contained for the raiſing Money for the Payment of his ſaid Debts in Trade, he the ſaid Teſtator gave and deviſed the ſaid ſeveral Farms, Lands, and Hereditaments in the Pariſh of *Southwood*, with their Appurtenances, unto the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, and their Heirs, to hold the ſame unto the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, and their Heirs, to and for ſuch ſeveral Uſes and Eſtates, and under and ſubject to ſuch and the like ſeveral Limitations, Directions, Powers, and Proviſoes as were contained, expreſſed, and declared in and by his ſaid Will, of and concerning his ſaid Manors, Meſſuages, Farms, Lands, and Hereditaments thereby given and deviſed to the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, and their Heirs, as therein mentioned: Provided always, and his Will and Mind expreſsly was, that notwithſtanding the Uſes and Truſts therein-before and in his ſaid Will expreſſed and declared of and concerning his ſaid Freehold Eſtates therein-before mentioned, and by the ſaid Codicil charged and intended to be charged with the Payment of his Debts in Trade, that for the Purpoſe of raiſing Money for the Diſcharge of ſuch Debts, it ſhould and might be lawful to and for the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, and the Survivors and Survivor of them, and the Heirs or Aſſigns of ſuch Survivor by Demiſe or Mortgage, or Sale of all or a ſufficient Part of ſuch Manors, Meſſuages, Farms, Lands, and Hereditaments as to them or him ſhould ſeem meet, to levy and raiſe ſuch Sum or Sums of Money as ſhould be ſufficient to pay and diſcharge ſuch Debts, and the Expences incident to and attendant upon the raiſing the ſame: And his Will and Mind was, that in order the better to enable the ſaid Truſtees or Truſtee to raiſe ſuch Monies as laſt mentioned, the Receipt or Receipts of the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, or the Survivors or Survivor of them, or his Heirs or Aſſigns, ſhould be a good and ſufficient Diſcharge, and good and ſufficient Diſcharges to the reſpective Mortgagee or Mortgagees, Purchaſer or Purchaſers of the ſaid Eſtates and Premiſes, as the Caſe might be, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns, for his, her, or their Mortgage or Purchaſe Money, or for ſo much thereof as ſhould be therein acknowledged or expreſſed to be received, and that he, ſhe, or they ſhould not be anſwerable or accountable for the Application, Miſapplication, or Non-application thereof: And whereas the ſaid *Richard Walpole* the Teſtator, departed this Life in or about the Month of *Auguſt* One thouſand ſeven hundred and ninety-eight, leaving Iſſue the ſaid *Richard Walpole* the Son, and the ſaid *Robert Walpole*, *Edward Walpole*, *Mary Rachel Vade*, *and Caroline Nevill*, and no other Child; and ſhortly after his Deceaſe

ceaſe his Executors proved his ſaid Will and Codicil in the Prerogative Court of the Archbiſhop of *Canterbury*: And whereas the ſaid *Richard Walpole* the Son intermarried with *Elizabeth* his preſent Wife ſome Time in the Month of *January* One thouſand ſeven hundred and ninety-two, and there is no Iſſue of the ſaid Marriage: And whereas neither of them the ſaid *Robert Walpole* and *Edward Walpole* hath yet married: And whereas the ſaid *Mary Rachel Vade*, and *Caroline Nevil* are the firſt adult Tenants in Tail of the Eſtates deviſed by the ſaid Will of the ſaid *Richard Walpole* the Teſtator: And whereas the Eſtates which the ſaid Teſtator was ſeiſed of, or entitled to at the Time of making and publiſhing his ſaid Will, beſides his Eſtates in the Counties of *Surrey* and *Middleſex*, thereby ſpecifically deviſed, are partly Freehold and partly Copyhold, and ſituate in the County of *Norfolk*, and the ſame are of conſiderable Value: And whereas the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, find it neceſſary to raiſe Money for the Purpoſe of paying the ſaid Teſtator's Debts, and it is more advantageous to the Perſons beneficially intereſted in the ſaid Eſtates in the ſaid County of *Norfolk*, that the ſame ſhould be raiſed by Sale, than that it ſhould be raiſed by Mortgage: And whereas Part of the Eſtates deviſed by the ſaid Will of the ſaid *Richard Walpole* the Teſtator, conſiſts of a Farm ſituate at *Wickhampton* and *Halvergate* in the ſaid County of *Norfolk*, containing by Survey One hundred and fifty-nine Acres Three Roods and Sixteen Perches, Part of which is Freehold, and the remaining Part, conſiſting of Forty-nine Acres or thereabouts, and certain Erections and Buildings occupied therewith, is Copyhold; and of a Farm ſituate at *Wickhampton* aforeſaid, containing by Survey Thirty-two Acres Two Roods and Fourteen Perches, Part of which is Freehold, and the remaining Part, conſiſting of Three Roods or thereabouts, is Copyhold, and of certain Marſhes in *Halvergate* aforeſaid; the Particulars of which ſaid Two Farms are mentioned in the Schedule hereunto annexed: And whereas both the ſaid Farms, and the ſaid Marſhes, lie detached from the other Parts of the ſaid Eſtates deviſed by the ſaid Will of the ſaid *Richard Walpole* the Teſtator, and the Copyhold Part of each of the ſaid Farms is ſo intermixed with the Freehold Part thereof, as not to be diſtinguiſhable from the ſame: And whereas the Sale of any other Part or Parts of the ſaid Eſtates than the Two Farms, and the Marſhes herein-before mentioned will greatly derange and diminiſh the general Value of the deviſed Eſtates; and it will, therefore, be materially for the Advantage of all Perſons beneficially intereſted under the ſaid Will of the ſaid *Richard Walpole* the Teſtator, that the ſaid Two Farms, and the Marſhes herein-before mentioned, ſhall be ſold for raiſing Money for the Payment of the ſaid Teſtator's Debts in Trade; but by reaſon that the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, and *Beeſton Long*, are not empowered by the ſaid Will or Codicil of the ſaid *Richard Walpole* the Teſtator, to ſell any Part of the ſaid Copyhold Eſtates, a Sale of the Copyhold Part of the ſaid Two Farms cannot be made without the Authority of Parliament; wherefore Your Majeſty's moſt dutiful and loyal Subjects the ſaid *Horatio Walpole*, *Joſhua* Lord *Huntingfield*, *Samuel Long*, *Beeſton Long*, *Richard Walpole* the Son, *Robert Walpole*, *Edward Walpole*, *Aſhton Vade* and *Mary Rachel* his Wife, and the ſaid *George Henry Nevill* and *Caroline* his Wife, do moſt humbly pray Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice

Lands to be sold.

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it may and shall be lawful to and for the said *Horatio Walpole*, *Joshua* Lord *Huntingfield*, *Samuel Long*, and *Beeston Long*, and the Survivors and Survivor of them, and the Heirs and Assigns of such Survivor, to sell and dispose of the Copyhold Part of the said Two Farms situate at *Wickhampton* and *Halvergate*, and *Wickhampton* aforesaid, either altogether or in Parcels, and either by publick Auction or private Contract, for such Price or Prices as to them or him shall seem reasonable, and by any Indenture or Indentures to be by them or him sealed and delivered in the Presence of and attested by Two or more credible Witnesses, to appoint the said Copyhold Pieces or Parcels of Land, Erections, and Buildings, or any of them, to the Use of the Person or Persons purchasing the same, and to his or their Heirs and Assigns respectively, or to such other Uses, or in such other Manner as he or they shall direct or appoint.

Receipts to be given.

II. And it is hereby further enacted and declared, That it may and shall be lawful to and for the said *Horatio Walpole*, *Joshua* Lord *Huntingfield*, *Samuel Long*, and *Beeston Long*, and the Survivors and Survivor of them, or the Heirs and Assigns of such Survivor, to sign and give a Receipt or Receipts in Writing for the Money for which the said Copyhold Pieces or Parcels of Land, Erections, and Buildings, or any of them, shall be sold, and that the Person or Persons paying and taking such Receipt or Receipts as aforesaid, for his or their Purchase Money, shall not afterwards be answerable or accountable for the Misapplication, or be in anywise bound to see to the Application of the Money therein mentioned and acknowledged to be received, and shall for ever thenceforth hold and enjoy the Pieces or Parcels of Land, Erections, and Buildings, purchased by him or them as aforesaid, and receive and take the Rents, Issues, and Profits thereof for his and their proper Use and Benefit, freed, acquitted, exonerated, and discharged, of and from all and singular the Uses, Trusts, Powers, Provisoes, Charges, and Declarations by the said Will and Codicil of the said *Richard Walpole*, the Testator, expressed and contained of and concerning the same.

Money to be applied in the Manner directed by the Will.

III.. And it is hereby further enacted and declared, That the said *Horatio Walpole*, *Joshua* Lord *Huntingfield*, *Samuel Long*, and *Beeston Long*, their Heirs, Executors, Administrators, and Assigns, shall pay and apply the Money to arise from the Sale or Sales which they or he are hereby authorized to make of the said Copyhold Pieces or Parcels of Land, Erections, and Buildings, in the Manner in which by the said Will or Codicil of the said *Richard Walpole*, the Testator, they and he are directed to apply the Money to arise from the Sale or Sales they and he are and is thereby directed to make of the Freehold Hereditaments therein mentioned and directed to be sold or mortgaged for raising Money for the Payment of the said Debts in Trade of the said *Richard Walpole* the Testator.

General Saving.

IV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Persons or Person, Bodies Politick and Corporate, his, her, and their respective Heirs, Successors, Executors, and Administrators (other than and except the said *Richard Walpole* the Son, *Robert Walpole*, and *Edward Walpole*, and their respective

tive Iſſue Male and Female entitled or inheritable under the ſaid Will and Codicil of the ſaid *Richard Walpole* the Teſtator, and the ſaid *Aſhton Vade* and *Mary Rachel* his Wife, and the ſaid *George Henry Nevill* and *Caroline* his Wife, and the Iſſue Male and Female of the ſaid *Mary Rachel Vade* and *Caroline Nevill*, entitled or inheritable under the ſaid Will or Codicil of the ſaid *Richard Walpole* the Teſtator, and all and every other Perſons and Perſon claiming or to claim any Eſtate, Right, Title, Truſt, or Intereſt, under the ſaid Will and Codicil of the ſaid *Richard Walpole* the Teſtator), all ſuch Eſtate, Right, Title, Intereſt, Claim, and Demand whatſoever, of, in, to, or out of the ſaid Copyhold Pieces or Parcels of Land or Ground, Erections and Buildings, as they, every, or any of them had before the paſſing this Act, or could or might have if this Act had not been made.

V. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Publick Act.

The SCHEDULE to which the Act refers.

Particulars of the Farm ſituate at *Wickhampton* and *Halvergate*.

	A.	R.	P.
Farther New Cloſe	6	2	5
Dove Houſe Cloſe	9	1	30
Hall Cloſe	6	3	10
Home Cloſe	4	2	36
Pightle behind the Houſe	0	3	24
Car	0	1	2
Ringer's Meadow	0	1	6
Home Yards, *&c.*	2	2	3
Church Pightle	0	3	30
Aſh Yards	1	1	0
Alder Car	6	0	14
Marſhes	51	3	2
Church Crofts	8	0	24
Grimmer's Yard	2	1	24
Grove Piece	6	2	4
Oſier Ground	0	3	16
Meadow next Common	1	2	30
Large Piece in Field	0	3	1
Bately's Pightle	2	2	3
Jack's Holm Marſh	13	1	0
Jenkerſon's Rand	2	0	26
Total	159	3	16

Par-

Particulars of the Farm ſituate at *Wickhampton.*

	A.	R.	P.
Further Piece	8	1	4
Grig's Hurn	5	2	20
Home Cloſe	2	1	4
Houſe Yards, *&c.*	0	3	16
Six Reed Rands	15	2	10
Total	32	2	14

The above Survey was taken by me, except *Jack's Holm Marſh*, *Jenkerſon's Rand*, and *Six Read Rands*, marked in the Draft X, Y, Z; but which I copied from other Drafts, which appear to be correct.

C. Brightley.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1802.