ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

****

Cap. 9.

An Act for enabling *George Edwards* and *Walter Colbourn*, the Committees of the Estate of *William Beckett Neachell*, a Person of unsound Mind, to make Conveyances for carrying into execution an Agreement for the Partition or Division of the Real Estates of *William Orme* deceased, pursuant to an Order of the High Court of Chancery.

[4th *July* 1844.]

Seisin of William Orme, deceased, of certain Freehold and Copyhold Estates.

WHEREAS *William Orme*, late of *Tettenhall* in the County of *Stafford*, was, at the Time of his Death herein-after mentioned, seised or entitled in Fee Simple in possession of or to certain Freehold and Copyhold Hereditaments situate in the said County of *Stafford*: And whereas the said *William Orme* had no Brother, and only One Sister, *videlicet*, *Hannah*, the Wife of *Edward Neachell* the elder, of *Wednesfield* in the said County of *Stafford*, and which said *Edward Neachell* the elder and *Hannah* his Wife respectively died in the Lifetime of the said *William Orme*, (that is to say,) the said *Hannah Neachell* in the Month of *June* One thousand eight hundred and fourteen, and the said *Edward Neachell* the elder in the Month of *December* One thousand eight hundred and twenty-two: And whereas the said *Hannah Neachell* had Two Sons by her Husband the said *Edward Neachell* the elder, and who

who were her only Sons, (that is to say,) *Edward Neachell* the younger and *William Orme Neachell*: And whereas the said *Edward Neachell* the younger and *William Orme Neachell* were of Twin Birth, and it is uncertain which of them was born first: And whereas the said *William Orme Neachell* died in the Lifetime of the said *William Orme*, (that is to say,) on or about the Twenty-third Day of *January* One thousand eight hundred and thirty, leaving *Sarah Neachell* (who was his Second Wife) his Widow, and *William Beckett Neachell* (who was his eldest Son by his First Wife) his Heir at Law: And whereas, subsequently to the Decease of the said *William Orme Neachell*, the said *Sarah* his Widow intermarried with and is now the Wife of *George Edwards*: And whereas the said *William Orme* died on or about the Nineteenth Day of *September* One thousand eight hundred and thirty-three, intestate as to his Real Estate, and without ever having been married, leaving his Nephew, the said *Edward Neachell* the younger, and his Great Nephew, the said *William Beckett Neachell*, respectively him surviving, and One of them his Heir at Law: And whereas shortly after the Death of the said *William Orme* the said *Edward Neachell* the younger entered into the Possession or into the Receipt of the Rents and Profits of the said Freehold and Copyhold Hereditaments which the said *William Orme* was seised of or entitled to at the Time of his Death, as herein-before mentioned, claiming to be entitled thereto as the eldest of the said Twin Sons of the said *Hannah Neachell*, and as Heir at Law and Customary Heir of the said *William Orme*: And whereas on or about the Third Day of *September* One thousand eight hundred and thirty-nine a Commission in the Nature of a Writ De lunatico inquirendo was duly issued, to inquire into the State of Mind of the said *William Beckett Neachell*, and under such Commission he was found to be a Person of unsound Mind, and not sufficient for the Government of himself and his Estate; and the said *George Edwards*, and *Walter Colbourn* of the Township of *Willenhall* in the said County of *Stafford*, were duly appointed Committees of the Estate of the said Lunatic; and by Grant under the Great Seal of *Great Britain*, dated the Thirtieth Day of *April* One thousand eight hundred and forty, the Custody of the Person of the said Lunatic was granted to the said *George Edwards* and *Sarah* his Wife, and the Custody, Regulation, Occupation, Disposition, and Receipt of the Real and Personal Estate of the said Lunatic were duly granted to and are now vested in the said *George Edwards* and *Walter Colbourn*, as Committees thereof, for the usual Purposes: And whereas subsequently to such Entry by the said *Edward Neachell* the younger into the Possession or the Receipt of the Rents and Profits of the said Freehold and Copyhold Hereditaments as aforesaid his Right to make such Entry was disputed on behalf of the said *William Beckett Neachell* the Lunatic, on the Ground that the said *William Orme Neachell*, and not the said *Edward Neachell* the younger, was in fact the first born of the said Twin Sons of the said *Hannah Neachell*, and that the said *William Beckett Neachell*, as the eldest Son of the said *William Orme Neachell*, was the Heir at Law and Customary Heir of the said *William Orme*, and as such entitled to the Possession and Inheritance of the said Freehold and Copyhold Hereditaments: And whereas in prosecution of the said Claim on behalf of the said *William Beckett Neachell* an Action of Ejectment was in the Month of *May* One thousand eight hundred and thirty-nine brought

Commission to inquire into the Lunacy of William Beckett Neachell. 3d September 1839,

Grant, under the Great Seal, of the Custody of the Person and Estates of the Lunatic. 30th April 1840,

brought in Her Majesty's Court of Exchequer of Pleas, in the Name of *John Doe*, on the Demise of the said *William Beckett Neachell*, against the said *Edward Neachell* the younger: And whereas Judgment by Default was signed against the Casual Ejector in the said Action; but by an Order made in the said Cause by Mister Baron *Parke*, One of the Judges of the said Court of Exchequer, bearing Date the Eleventh Day of *July* One thousand eight hundred and thirty-nine, the said Judgment was set aside, and the said *Edward Neachell* the younger was admitted to defend the said Action; and by the said Order it was declared that the said Action should be tried at the then next Assizes to be held at *Shrewsbury*: And whereas a Proposal having been made by Mister *Bennett*, the Attorney for the Plaintiff in the said Action, to Mister *Robinson*, the Attorney for the Defendant in such Action, for an amicable Adjustment of the Matter in dispute between the Parties, the said Mister *Robinson* wrote to the said Mister *Bennett* a Letter, bearing Date at *Salop*, *Thursday* Morning, *July* the Twenty-fifth One thousand eight hundred and thirty-nine, which contained a Proposal of Terms in the Words or to the Effect following; (that is to say,) First, that an equal Partition of the Real Property of the late *William Orme* as it now stands shall be made between the Twins by Mister *Thomas Gibbons* of *Wolverhampton*; Second, that the said Parties shall in such Partition be liable equally to all Charges and Claims whatsoever to which the Properties are or may be liable, including the Confirmation of the Demise to Mistress *Morris* of the Premises in which she now resides; Third, that each Party shall pay his own Costs from the Commencement of the Business to the present Time; Fourth, that inasmuch as the Plaintiff is in a State of Incapacity, the Expence of a legal Representative of him, and of whatsoever Proceedings may be necessary on account of his Incapacity to give Effect to this Agreement, must be borne by his Estate: And whereas the said Mister *Bennett*, by a Letter bearing Date the Twenty-sixth Day of *July* One thousand eight hundred and thirty-nine, written in reply to the herein-before mentioned Letter, expressed the Assent of his Client to the said Terms contained in the said Letter of the said Mister *Robinson*, except as to the Party to make the said Valuation: And whereas on the said Twenty-sixth Day of *July* One thousand eight hundred and thirty-nine the said Action came on to be tried at the *Shrewsbury* Summer Assizes before the Honourable Sir *John Williams*, One of the Judges of Her Majesty's Court of Queen's Bench at *Westminster*; and it having been intimated to his Lordship by the respective Counsel for the Plaintiff and Defendant that an amicable Arrangement had been effected between the Parties, a Juror was withdrawn by Consent: And whereas, in pursuance of the said herein-before recited Arrangement, a Memorandum of Agreement was drawn up in Writing, and duly signed by the said *George Edwards* (on behalf of the said Lunatic) and the said *Edward Neachell* the younger, on the Twenty-eighth Day of *August* One thousand eight hundred and thirty-nine, and which was in the Words and Figures following; (*videlicet*,) "*Neachell* versus *Neachell*.—Memorandum made between the Parties in this Matter, this Twenty-eighth Day of *August* One thousand eight hundred and thirty-nine, referring to the First Proposition contained in Mister *Robinson*'s Letter to Mister *Bennett*, dated

dated *Salop*, *Thursday* Morning, *July* the Twenty-fifth One thousand eight hundred and thirty-nine; it is agreed that the Property shall be divided as under; (that is to say,) that all the Lands and Buildings situate at *Stockwell End*, and the Meadow known as *Penkridge Well Meadow*, shall be partitioned to *William Beckett Neachell*, the Lessor of the Plaintiff, and that the Lands called *Churnells Grounds*, the Meadow at *Compton*, the House and Land leased to Mistress *Morris*, subject to such Lease, and the Piece of Land formerly Part of *Tettenhall Wood* (which are the Premises comprised in the Schedule to this Act annexed), shall be partitioned to *Edward Neachell* the Defendant:" And whereas the said *Edward Neachell* the younger duly made and published his last Will and Testament in Writing, bearing Date the Fourth Day of *March* One thousand eight hundred and forty, whereby he devised all that his Close of Land situated at *Tettenhall Wood* in the said County of *Stafford*, called the *Common Right*, unto his Wife *Ann Neachell*, her Heirs and Assigns, subject to the Payment of his Debts and his Funeral and Testamentary Expences, and he gave and devised all his Freehold and Copyhold Messuages, Buildings, Land, Tithes, and Hereditaments, and Parts, Shares, and Moieties of and in all Messuages, Lands, Tithes, and Hereditaments, with their respective Appurtenances, situate at *Tettenhall Wood*, *Compton*, and *Stockwell End*, in the Parish of *Tettenhall* aforesaid, and all other his Real Estate, unto his said Wife, during the Minority of his Son *Edward Orme Neachell*, and immediately upon his said Son attaining the Age of Twenty-one Years he devised the last-mentioned Real Estates unto the said *Edward Orme Neachell*, his Heirs and Assigns, and in case of the Death of his said Son before attaining the Age of Twenty-one Years, without leaving lawful Issue him surviving, he devised the said Real Estates unto his said Wife, her Heirs and Assigns, and he appointed his said Wife sole Executrix of his said Will: And whereas the said *Edward Neachell* the younger died on the Fourth Day of *March* One thousand eight hundred and forty, without having revoked or altered his said Will, leaving the said *Ann Neachell* his Widow, and the said *Edward Orme Neachell* his only Son and Heir at Law, and which said *Edward Orme Neachell* was then an Infant of the Age of Six Years or thereabouts; and the said Will was on the Twenty-fifth Day of *March* One thousand eight hundred and forty duly proved by the said *Ann Neachell* in the Prerogative Court of *Canterbury*: And whereas by an Order of the Lord High Chancellor of *Great Britain*, bearing Date the Sixth Day of *June* One thousand eight hundred and forty, made in the Matter of the said *William Beckett Neachell* the Lunatic, on the Petition of the said *George Edwards* and *Sarah* his Wife and *Walter Colbourn*, as Committees of the Person and Estate of the said Lunatic, it was ordered, that it should be referred to *William Brougham* Esquire, the Master to whom the said Matter stood referred, to inquire and certify whether it would be fit and proper, and for the Benefit of the said *William Beckett Neachell*, that the Proposal relative to a Partition of the Real Estates in the said Petition mentioned (being respectively the Proposal and the Real Estates herein-before mentioned) should be carried into effect, upon the Terms and Conditions in such Proposal specified, or upon any and what other Terms and Conditions; and in case the said

Will of Edward Neachell the younger. 4th March 1840.

Order of the Lord Chancellor, directing a Reference to the Master, on Petition by the Committee of the Lunatic. 6th June 1840.

Master

Master should find that it would be fit and proper, and for the Benefit of the said *William Beckett Neachell*, to carry the said Proposal into effect, then it was ordered, that he should inquire and certify what Proceedings ought to be taken, and by whom, for that Purpose; and due Notice of attending him was to be given to the Heir at Law of the said *William Beckett Neachell*, and also to such Person or Persons as would be entitled to a distributive Share or distributive Shares of the said *William Beckett Neachell*'s Estate, in case he were then dead intestate: And whereas, in pursuance of the said Order, the said Master made his Report, bearing Date the Twenty-first Day of *April* One thousand eight hundred and forty-two, and thereby certified, that he had been attended by the Solicitors for the Petitioners, and by the Heir at Law and next of Kin of the said *William Beckett Neachell*, and in their Presence had made the said Inquiries, and that Two several States of Facts (being the Facts herein-before recited) had been laid before him on behalf of the said Petitioners, together with the Affidavits therein mentioned; and he reported, that he had considered thereof, and was of opinion, and therefore found, that it would be fit and proper, and for the Benefit of the said *William Beckett Neachell*, that the said Proposal relative to a Partition of the Real Estates in the said Petition mentioned should be carried into effect, upon the Terms and Conditions in such Proposal specified; and he also found, that in order to carry the said Proposal into effect it would be necessary and proper that the Petitioners, as the Committees of the Estate of the said *William Beckett Neachell*, should apply for and take the necessary Steps for obtaining an Act of Parliament to enable the Committees of the Estate of the said *William Beckett Neachell*, by the Directions of the Lord Chancellor, to convey the said Lands, which according to the said Agreement were to be apportioned to the said *Edward Neachell* the younger, to such Person and in such Manner as the Lord Chancellor should think fit; and that it would also be necessary and proper that an Order should be obtained, pursuant to the Provisions of the Act of Parliament of the First *William* the Fourth, Chapter Sixty, that the said Infant, *Edward Orme Neachell*, should convey to the said *William Beckett Neachell* and his Heirs the said Lands and Hereditaments which by the said Agreement were agreed to be apportioned to the said *William Beckett Neachell*: And whereas on or about the Fourth Day of *May* One thousand eight hundred and forty-three the said *Ann Neachell*, the Widow of the said *Edward Neachell* the younger, intermarried with and she is now the Wife of *Horatio Powell*: And whereas by another Order of the said Lord Chancellor, bearing Date the Twenty-ninth Day of *July* One thousand eight hundred and forty-three, also made in the Matter of the said Lunatic, and which Order was also made on the Appearance and with the Consent in Court of Counsel on behalf of the said *Horatio Powell* and *Ann* his Wife and of the said *Edward Orme Neachell* respectively, it was ordered, that the said recited Report should be confirmed; and it was further ordered, that the aforesaid Proposal or Agreement for a Partition of the Real Estate, in the said Report mentioned, should be carried into effect, upon the Terms and Conditions in such Proposal or Agreement specified; and it was thereby further ordered, that with a view to carry the said Agreement into effect the said Petitioners, as the Committees of the Estate of the said *William Beckett Neachell*, should,

Master's Report approving of Agreement for Partition or Division. 21st April 1842,

Order of the Lord Chancellor, confirming Report, and directing Application for an Act of Parliament. 29th July 1843,

should, at the Costs of the said Lunatic's Estate, apply for and take the necessary Steps for obtaining an Act of Parliament to enable the Committees of the Estate of the said *William Beckett Neachell*, by the Order and Direction of the Lord Chancellor, Lord Keeper or Lords Commissioners, or other the Person or Persons for the Time being intrusted by virtue of the Queen's Sign Manual with the Care and Commitment of the Custody of the Persons and Estate of Persons found idiot, lunatic, or of unsound Mind, to convey the said Lands, which according to the said Agreement were to be apportioned to *Edward Neachell* the younger, to such Persons and in such Manner as the Lord Chancellor, Lord Keeper or Lords Commissioners, or other the Person or Persons intrusted as aforesaid, should think proper: And whereas it is expedient, and it is beneficial to the said *William Beckett Neachell*, that the said Partition shall take place, in pursuance of the said Agreement of the Twenty-eighth Day of *August* One thousand eight hundred and thirty-nine: Now therefore, in compliance with the said lastly herein-before recited Order, Your Majesty's most dutiful and loyal Subjects, the said *George Edwards* and *Walter Colbourn*, the Committees of the Estate of the said *William Beckett Neachell* the Lunatic, 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 it shall be lawful for the said *George Edwards* and *Walter Colbourn*, the Committees of the Estate of the said *William Beckett Neachell* (the Lunatic), or the Committee or Committees for the Time being of the said Estate of the said Lunatic, by the Order and Direction of the Lord High Chancellor of *Great Britain*, or the Lord Keeper or the Lords Commissioners for the Custody of the Great Seal of *Great Britain*, or other the Person or Persons for the Time being intrusted by the Queen's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic, idiot, and of unsound Mind, in place of the said Lunatic, to convey the said Hereditaments, which according to the herein-before recited Agreement were to be apportioned to the said *Edward Neachell* the younger, deceased, being the Hereditaments mentioned in the said Schedule hereto annexed, to such Person or Persons and in such Manner as the Lord Chancellor, Lord Keeper, Lords Commissioners, or other the Person or Persons for the Time being intrusted as aforesaid, shall think proper, and to execute such Deed or Deeds, Instrument or Instruments, and to make, do, and concur in all such Acts and Assurances as may be necessary for carrying into effect the said recited Arrangement or Agreement for a Partition or Division of the said Real Estates of the said *William Orme* deceased, under the Direction of the said Court of Chancery; and that all such Deeds, Instruments, Acts, and Assurances respectively to be so executed, made, or concurred in as aforesaid shall be binding and conclusive on the said Lunatic and his Heirs, and on all other Persons claiming by or under him.

Certain Powers vested in the Committees of the Estate of William Beckett Neachell the Lunatic.

Expences of the Act.

II. And be it enacted, That the Costs, Charges, and Expences of applying for and obtaining this Act, or in anywise relating or incident thereto, shall be paid by the said *George Edwards* and

Walter Colbourn, the Committees of the Estate of the said *William Beckett Neachell* the Lunatic, out of the Estate of the said Lunatic.

General Saving.

III. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all and every other Person or Persons, Bodies Politic and Corporate, his, her, or their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the said *William Beckett Neachell* the Lunatic, and his Heirs, and all other Persons claiming or to claim by, from, through, or under, or in trust for him,) all such Estates, Rights, Titles, Interests, Claims, and Demands whatsoever, in, to, or out of the Lands, Tenements, and Hereditaments mentioned or described in the said Schedule to this Act annexed, as they, or every or any of them, had before the passing of this Act, or could or might have had, held, or enjoyed or been entitled to if this Act had not passed.

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

IV. 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 the foregoing Act refers.

Description of Property.	Present Occupiers.
Four Fields called the Churnells - -	William Smith.
A Close or Piece of Land called the Common Right (formerly Part of Tettenhall Wood)	—— Cotterell.
A Field called Compton Meadow - -	William Smith.
Three Houses and Gardens - - -	—— Cale. —— Cotterill. —— Anslow.

Rich^d Timmis.

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Printers to the Queen's most Excellent Majesty. 1844.