ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. 26.

An Act for the Sale of certain Hereditaments in the Parish of *Barkham* in the County of *Berks* affected by the Settlement made on the Marriage of *Theophilus Clive* Esquire. [1st *August* 1849.]

Will of Henry Clive, dated 19th May 1840.

WHEREAS *Henry Clive*, late of *Barkham House* in the County of *Berks*, Esquire, deceased, duly made his Will bearing Date the Nineteenth Day of *May* One thousand eight hundred and forty, and thereby gave, devised, and bequeathed to his Wife *Charlotte Jane Clive* all his Lands, Houses, and Tenements, with their and every of their Rights and Appurtenances, situate, lying, and being in *Barkham* and *Wokingham* in the Counties of *Berks* and *Wilts*, to hold the same to the Use of his said Wife, her Heirs and Assigns, Executors and Administrators; and after certain other Devises the said Testator gave, devised, and bequeathed all the Rest and Residue of his Real and Personal Property or Estate, whatsoever and wheresoever, unto his said Wife, her Heirs and Assigns, her Executors and Administrators, for her and their own Use and Benefit:

First Codicil, dated 19th May 1840.

And whereas the said Testator duly made a Codicil to his said Will, which Codicil bore Date the Nineteenth Day of *May* One thousand eight hundred and forty, and he thereby bequeathed certain Legacies, but did not otherwise alter

Second Codicil, dated 12th March 1845.

his said Will: And whereas the said Testator duly made and published a Second Codicil to his said Will, bearing Date the Twelfth Day of *March* One thousand eight hundred and forty-five, and thereby revoked the Devise to his said Wife in Fee of his Lands, Houses, and Tenements situate in *Barkham* and *Wokingham* aforesaid, contained in his said Will, and devised to his said Wife all the said Messuages and Tenements, Lands, Houses, and Hereditaments, so lying and situate in the Parish of *Barkham* as aforesaid, for and during the Term of her natural Life; and from and immediately after her Decease the said Testator gave and devised the said Messuages, Tenements, Lands, and Hereditaments, and Premises, so situate as last aforesaid, unto his Nephew Colonel *Edward Clive* (eldest Son of the said Testator's Brother *Edward Bolton Clive*), for and during the Term of his natural Life; and from and after his Decease the said Testator gave and devised the said Messuages, Lands, Tenements, and Hereditaments situate in *Barkham* aforesaid to his Nephew *Theophilus Clive*, and to his Heirs, Executors, Admnistrators, and Assigns, according to the Nature and Quality of the said Estates respectively; and the said Testator by such Codicil gave certain Directions as to certain pecuniary Legacies: And whereas the said Testator died in or about the Month of *March* One thousand eight hundred and forty-eight, without having revoked or altered his said Will and Codicils thereto, except as aforesaid: And whereas the said *Edward Clive* died in or about the Month of *April* One thousand eight hundred and forty-five, in the Lifetime of the said Testator: And whereas by an Instrument in Writing dated the Twenty-second Day of *April* One thousand eight hundred and forty, and signed by the said *Theophilus Clive*, therein described as residing in *Florence*, and Miss *Frances Caroline Somerset*, Daughter of Lord *Robert Edward Henry Somerset* G.C.B., a Lieutenant General in the Army of Her Majesty the Queen of *England*, and the said Lord *Robert Edward Henry Somerset* her Father, (being a Marriage Settlement executed in contemplation of a Marriage then intended between the said *Theophilus Clive* and the said *Frances Caroline Somerset* now *Frances Caroline Clive* his Wife,) the said Instrument being in the *Italian* Language, the said *Theophilus Clive* settled upon his said then intended Wife and the Issue of the said then intended Marriage Three Fourths of any Sum of Money or Estates, Personal or Real, which he should acquire, and Sir *Francis Vincent* Baronet and *John Hastings Touchet* Esquire were deputed Trustees for the Purpose of such Settlement: And whereas the said Marriage was on or about the Twenty-third Day of *April* One thousand eight hundred and forty duly had and solemnized at *Florence* aforesaid: And whereas there has been Issue of the Marriage between the said *Theophilus Clive* and *Frances Caroline* his Wife One Child, and no more, and such Child is an Infant: And whereas the Hereditaments and Premises at *Barkham* aforesaid, devised in manner herein-before recited, are specified in the Schedule hereto, and by a Valuation made thereof the Value thereof for an Estate of Inheritance in Fee Simple in possession has been ascertained to be the Sum of Eight thousand four hundred and forty-seven Pounds Four Shillings and Four-pence: And whereas the said *Charlotte Jane Clive* is desirous of having vested in her an absolute Estate of Inheritance in Fee Simple

Settlement on Marriage of Theophilus Clive, dated 22d April 1840.

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in possession in the said Hereditaments and Premises situate at *Barkham* aforesaid, and is willing, in case the same shall be so vested in her, to secure to the Parties interested in the same Hereditaments and Premises under the said Second Codicil and Marriage Settlement the Sum of Ten thousand eight hundred and seventy-nine Pounds Twelve Shillings and Ten-pence Bank Three Pounds *per Centum* Consolidated Annuities, which Sum is not only the Value of the Fee Simple and Inheritance in possession of such Hereditaments and Premises, but is a very considerable Addition thereto, which Addition the said *Charlotte Jane Clive* is willing to make in respect of the said Hereditaments and Premises in *Wokingham* not having been devised by the said Second Codicil along with the said Hereditaments and Premises in *Barkham*: And whereas the said *Theophilus Clive* and *Frances Caroline* his Wife are desirous that the said *Charlotte Jane Clive* should have vested in her an absolute Estate of Inheritance in Fee Simple in possession in the said Hereditaments and Premises situate in *Barkham* aforesaid, upon the Terms above mentioned, and the same would be greatly for the Benefit of their said Child and any future Issue of their said Marriage; but the same, by reason of the said Settlement in favour of the Children of the said *Theophilus Clive* by the said *Frances Caroline* his Wife of Three Fourth Parts of the Sums and Estate to be acquired by the said *Theophilus Clive*, cannot be effected without the Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects the said *Charlotte Jane Clive* and *Theophilus Clive* 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 in case the said *Charlotte Jane Clive* shall within Six Calendar Months after the passing of this Act cause to be transferred into the Names of the said Sir *Francis Vincent*, *John Hastings Touchet*, and *George Clive* of *Sanderstead* in the County of *Surrey*, Esquire, or the Survivors or Survivor of them, in the Books of the Governor and Company of the Bank of *England*, the Sum of Ten thousand eight hundred and seventy-nine Pounds Twelve Shillings and Ten-pence Bank Three Pounds *per Centum* Consolidated Annuities, it shall be lawful for the said *Theophilus Clive*, or in case of his Decease for the Person or Persons in whom by Descent or Devise from or by him the Hereditaments comprised in the Schedule hereto shall, subject to the Life Estate of the said *Charlotte Jane Clive* therein, be vested, to convey the same Hereditaments unto the said *Charlotte Jane Clive*, her Heirs and Assigns, or unto such Person or Persons and in such Manner and Form as she or they shall direct, freed and absolutely discharged from all Claims and Demands of any Person or Persons claiming or to claim under or by virtue of the herein-before recited Settlement of the Twenty-second Day of *April* One thousand eight hundred and forty.

Power for Mr. Theophilus Clive to convey Estates mentioned in Schedule to Mrs. Clive.

II. And be it enacted, That the said Sir *Francis Vincent*, *John Hastings Touchet*, and *George Clive*, and the Survivors and Survivor of them, and the Executors and Administrators of such Survivor, shall stand possessed of the said Sum of Ten thousand eight hundred and

Trustees may lay out and invest Money, under the Direction

of the Court of Chancery; and seventy-nine Ponnds Twelve Shillings and Ten-pence Bank Three Pounds *per Centum* Consolidated Annuities, upon trust to lay out and invest the same or the Proceeds thereof, the same to be sold for that Purpose, and in One or more Portion or Portions, at any Time or or Times, under the Direction of the High Court of Chancery, to be obtained during the Life of the said *Charlotte Jane Clive*, upon the Petition of the said *Charlotte Jane Clive*, to be presented in a summary way, and after her Decease upon the Petition of any Person or Persons beneficially interested, to be presented in like Manner, in the Purchase of Freehold Manors, Messuages, Lands, Tenements, or Hereditaments of an Estate of Inheritance in Fee Simple in possession, to be approved of by the said Court; all which Premises so to be purchased shall be conveyed and assured unto and to the Use of the said Sir *Francis Vincent*, *John Hastings Touchet*, and *George Clive*, or other the Trustees or Trustee for the Time being of this Act, their or his Heirs and Assigns, and be held upon trust for the Persons who in case this Act had not been passed would have been interested in or entitled to the Hereditaments comprised in the Schedule hereto, for the like Estates and Interests or Estate and Interest as they respectively would have had or been entitled to in the Hereditaments comprised in such Schedule if this Act had not been passed.

and may let the Hereditaments to be purchased. III. Provided also, and be it enacted, That it shall be lawful for the Trustees and Trustee for the Time being of this Act to let, set, and manage the said Hereditaments so to be purchased, and to demise and lease the same for any Term or Terms of Years not exceeding Twenty-one Years, in possession, and not in reversion or by way of future Interest, at the best yearly Rents, payable quarterly or half-yearly, to be reasonably obtained for the same, so nevertheless that such Leases be granted with the Consent in Writing of the said *Charlotte Jane Clive* during her Life, and after her Decease of the said *Theophilus Clive* during his Life.

As to Money until Investment. IV. And be it enacted, That until such Investment as hereinbefore mentioned the said Sir *Francis Vincent*, *John Hastings Touchet*, and *George Clive*, or other the Trustees or Trustee for the Time being, shall stand possessed of the said Sum of Ten thousand eight hundred and seventy-nine Pounds Twelve Shillings and Ten-pence Bank Three Pounds *per Centum* Consolidated Annuities, or so much thereof as from Time to Time shall remain uninvested in manner aforesaid, upon trust either to permit the same to remain in the same State of Investment, or at any Time or Times, with the Consent in Writing of the said *Charlotte Jane Clive* during her Life, and after her Decease of the said *Theophilus Clive*, and after his Decease of the same Person or Persons as for the Time being would under this Act be authorized to prefer a Petition to the Court of Chancery for the Appointment of any such new Trustees, as herein-after mentioned, to sell, transfer, or dispose of the same, or any Part or Parts thereof, for such Price or Prices as they or he shall think fit, and to lay out and invest the Money to arise by such Sale, Transfer, or Disposition, in their or his Names or Name, in the Purchase of a competent Share or competent Shares of any of the Parliamentary Stocks or Public Funds of *Great Britain*, or at Interest upon Government

ment or Real Securities in *England* or *Wales*, and from Time to Time to alter, vary, and transpose the same Stocks, Funds, and Securities for and to others of the Nature aforesaid, as they or he shall think fit; and that the annual Income of the said Sum of Ten thousand eight hundred and seventy-nine Pounds Twelve Shillings and Ten-pence Bank Three Pounds *per Centum* Consolidated Annuities, or other the Trust Monies, Stocks, Funds, and Securities for the Time being, shall be paid and applied in such and the same Manner as the same would be payable or applicable in case the same were Rents arising from the Purchase of Hereditaments purchased as aforesaid.

Receipts of Trustees to be sufficient Discharges.

V. And be it enacted, That the Receipt or Receipts of the said Sir *Francis Vincent*, *John Hastings Touchet*, and *George Clive*, or other the Trustees or Trustee for the Time being, shall be a good and sufficient Discharge or good and sufficient Discharges to the Person or Persons paying to them or him any of the said Trust Monies, and that such Person or Persons paying the same, and taking such Receipt or Receipts for the same, shall not afterwards be obliged to see to the Application thereof, or be in anywise answerable for the Misapplication or Nonapplication thereof.

For Appointment of new Trustees.

VI. Provided always, and be it enacted, That in case the said Sir *Francis Vincent*, *John Hastings Touchet*, and *George Clive*, or any of them, or any other Trustee or Trustees for the Time being of this Act, shall die, or be desirous of being discharged from or refuse or decline or become incapable to act as Trustees or Trustee under this Act, or shall for a Period exceeding Three Calendar Months remain or reside out of *Great Britain*, then and in every such Case it shall be lawful for the said Court of Chancery, in a summary Way, on a Petition to be preferred by the said *Charlotte Jane Clive* during her Life, and after her Decease by the said *Theophilus Clive* during his Life, and after his Decease by any Person beneficially interested under this Act, or by the Guardian or Guardians of any Infant so beneficially interested, to appoint any Person or Persons to be a Trustee or Trustees in the Room or Stead of all or any of the Trustee or Trustees so dying, or desiring to be discharged, or refusing, declining, or becoming incapable to act, or so remaining or residing out of *Great Britain* as aforesaid, and thereupon the Trust Property of which the same Trustees or Trustee shall for the Time being have been or be Trustees or a Trustee shall with all convenient Speed be transferred or conveyed in such Manner as to become legally and effectually vested in such new Trustee or Trustees jointly with the other Trustees or Trustee thereof, or solely, as the Circumstances of the Case shall require, upon the then subsisting Trusts of the same; and such new Trustee or Trustees shall, to all Intents, Effects, Constructions, and Purposes whatsoever, have all the Powers and Authorities under this Act or otherwise of the Trustee or Trustees in whose Room or Stead he or they shall be so substituted or appointed.

Court of Chancery may make Orders for

VII. And be it enacted, That it shall be lawful for the said Court of Chancery, and the said Court is hereby authorized and required, from Time to Time to make such Order or Orders as the Court shall

Taxation and Payment of Costs.

shall think fit for taxing the Costs of the several Applications to the said Court respecting the said Trust Premises, or otherwise in carrying the Trusts and Purposes of this Act into complete Execution, and also from Time to Time to make such Orders as the Court shall think fit for Payment of all such Costs, Charges, and Expenses as aforesaid out of the said Trust Premises; and it shall be lawful for the said Court of Chancery to make such further Order or Orders in relation to the Premises as the said Court shall think fit.

Respecting Sir Francis Vincent's Consent, and Acceptance of Trust.

VIII. And whereas the said Sir *Francis Vincent* is now in Parts beyond the Seas, and hath not appeared personally to testify his Consent to this Act, or to accept under his Hand the Trusts hereby reposed in him: Be it therefore enacted, That this Act shall not, nor shall any of the Provisions herein contained, operate or be of any Effect as against the said Sir *Francis Vincent*, or against any Person or Persons claiming by, from, through, or under him, nor shall it be lawful for the said Sir *Francis Vincent* to act as a Trustee in the Execution of this Act, nor shall any of the Trusts, Powers, and Authorities by this Act given be exercised or put in force, until the said Sir *Francis Vincent* shall signify his Consent to this Act, and shall also signify his Acceptance of the Trusts by this Act reposed in him, by Writing under his Hand, attested by One or more Witness or Witnesses; and such Writing shall be enrolled in Her Majesty's High Court of Chancery within Two Years after the passing of this Act; and from and after the Enrolment of such Consent and of such Acceptance of the said Trusts the same shall be deemed and taken as Part and Parcel of this Act, and shall be as conclusive and binding upon the said Sir *Francis Vincent*, and all Persons claiming by, from, through, or under him, as if such Consent and Acceptance had been obtained and proved before the passing of this Act; and such Consent and Acceptance may be in the Form or to the Effect following; (that is to say,)

'I, Sir Francis Vincent, do hereby consent to an Act of Parliament 'passed in the Thirteenth Year of the Reign of Queen Victoria, 'intituled [*here set forth the Title of this Act*]; and I do hereby 'signify my Acceptance of the Trusts thereby in me reposed. Given 'under my Hand, this Day of One thousand 'eight hundred and .'

Provided always, that if the said Sir *Francis Vincent* shall die, or become incapable of acting as a Trustee under this Act, before he shall have signified his Consent to this Act, or his Acceptance of the Trusts by this Act reposed in him, in manner herein-before directed, then and immediately thereupon all the Trusts, Powers, and Authorities by this Act given may be exercised and put in force, anything herein-before contained to the contrary notwithstanding.

General Saving.

IX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Persons and Person, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the said *Theophilus Clive* and *Frances Caroline* his Wife, and their respective Heirs, Executors, and Administrators, and all and every the Children and

and Child of the said *Theophilus Clive* by the said *Frances Caroline Clive* begotten or to be begotten, their, his, and her Heirs, Executors, and Administrators, and all and every other Persons and Person claiming and to claim under or by virtue of the said Settlement of the Twenty-second Day of *April* One thousand eight hundred and forty,) all such Estate, Right, Title, Interest, Claim, or Demand whatsoever, of, in, to, or out of the Hereditaments and Premises specified in the Schedule to this Act annexed, and every or any Part thereof, as they, every or any of them, had before the passing of this Act, or could or might have had, held, and enjoyed if this Act had not passed.

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

X. 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.

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The SCHEDULE referred to in the foregoing Act.

No. on Plan annexed to the Tithe Commutation Award for the Parish of Barkham.	Names of Fields, &c.	Where situate.	Culture.	Measure. A.	R.	P.
71	Fisher's Pightle, Coppid Hill -	Barkham -	Arable - -	3	3	10
74	Eight Acres, 8A. 2R. 26P., and	Ditto -	} Ditto - -	9	1	18
254	Long Pightle, 0A. 2R. 32P., in one	Ditto -				
75	Six Acres - - -	Ditto -	Ditto -	6	1	36
76	Yard Close - - -	Ditto -	Pasture -	2	1	19
78	Paddock - - -	Ditto -	Ditto -	1	2	39
79	Plantation in ditto - -	Ditto -	Plantation -	0	0	27
80	Hill Piece next ditto - -	Ditto -	Waste and Trees	0	1	23
81	Hill Ground - -	Ditto -	Arable - -	1	2	19
82	Coppice - - - -	Ditto -	Coppice -	0	0	36
83	Sandpit Piece - -	Ditto -	Waste and Trees	0	1	33
84	New Ground - - -	Ditto -	Arable - -	10	1	0
85	Bull Ground - -	Ditto -	Pasture -	6	3	8
86	Park Ground, Kimbers -	Ditto -	Ditto -	21	0	13
170	Old Cock Lane - -	Ditto -	Plant Oak -	0	3	1
171	Round Coppid Hill - -	Ditto -	Arable - -	3	0	0
172	Common Piddle - -	Ditto -	Ditto -	2	0	8
173	Bear's Coppice - -	Ditto -	Coppice -	4	1	8
174	Wood's Piddle - -	Ditto -	Arable -	1	2	11
175	Mearings - - -	Ditto -	Ditto -	7	2	30
176	3d Allotment, Coombe's Hill -	Ditto -	Planted and Waste	0	2	37
182 } 182a }	5th ditto ditto ditto -	Ditto -	Arable -	14	1	23
183	Smith's Pightle - -	Ditto -	Ditto -	4	3	2
188	Home Six Acres - -	Ditto -	Pasture -	5	3	16
189	Little Coppice - -	Ditto -	Coppice -	0	1	24
190	Bignold's - - -	Ditto -	Arable -	4	2	27
191	Bignold's Coppice - -	Ditto -	Coppice -	3	2	32
192	Lucern Piddle - -	Ditto -	Arable -	1	2	8
77	Homestead, &c. - -	Ditto -	Homestead -	1	1	18
187	Mansion House, Garden, &c.	Ditto -	Ditto -	1	2	16
	Names of Occupiers.					
68	John Fry - - -	Barkham -	Cottage and Garden	0	0	38
69	Elizabeth Brant - -	Ditto -	Ditto -	0	0	36
161	Delamere - -	Ditto -	Ditto -	0	0	29
162	Philip Batten - -	Ditto -	Ditto -	0	0	29
163	Penlington - -	Ditto -	Ditto -	0	0	20
164	James Hunt - -	Ditto -	Ditto -	0	0	20
165	Slaughter - - -	Ditto -	Ditto -	} 0	1	1
166	Thomas Pursey - -	Ditto -	Ditto -			
177	Richard Mastill - -	Ditto -	Ditto -	0	1	17
178	Hutt - - -	Ditto -	Ditto -	0	0	20
179	Thomas Grout - - -	Ditto -	Ditto -	0	0	20
184	Joseph Fry - - -	Ditto -	Ditto -	0	1	0
185	Allen - - - -	Ditto -	Ditto -	0	0	24
186	Thomas Sharpe - -	Ditto -	Ditto -	0	0	24

John Rogers Wheeler.

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