

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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now of *Hothfield* in the County of *Kent*, Esquire, and his Assigns, for his natural Life, without Impeachment of Waste; and from and after his Decease, to the Use of *Henry Tufton*, the then eldest or only Son of the said *Richard Tufton*, and the Assigns of the said *Henry Tufton*, during his natural Life, without Impeachment of Waste; with Remainder (subject to the Proviso therein-after contained for disentitling any of the Testator's Devisees who, if alien-born, should not by Naturalization or Denization or otherwise become qualified to take and hold indefeasibly his devised Estates,) to the Use of the First and other Sons of the said *Henry Tufton* lawfully to be begotten, severally and successively, according to their Seniority, and of the Heirs Male of the Body of every such Son lawfully issuing, every elder of such Sons and the Heirs Male of his Body (subject to the Proviso before referred to) being always to be preferred to and take before every younger of such Sons and the Heirs Male of his Body; and for default of such Issue (and subject to the Proviso before referred to), to the Use of the Second Son of the said *Richard Tufton* who should be born in the Testator's Lifetime, or should be in *Ventre sa Mère* at the Time of his Decease, during the natural Life of such Second Son, without Impeachment of Waste; with Remainder (subject to the same Proviso) to the Use of the First and other Sons of such Second Son of the said *Richard Tufton*, severally and successively according to their Seniority in Tail Male; and in default of such Issue, and subject to the same Proviso, to the Use of the Third and other younger Sons of the said *Richard Tufton* who should be born before or be in *Ventre sa Mère* at the Testator's Decease, as aforesaid, and their respective Sons in Tail Male, successively according to the Seniorities of such younger Sons of the said *Richard Tufton* and of their several Sons respectively, in such strict Settlement as aforesaid, (that is to say,) every elder of such younger Sons of the said *Richard Tufton* to take an Estate for Life only, without Impeachment of Waste, with immediate Remainder to his First and other Sons successively according to their Seniority in Tail Male, in priority to every younger of such younger Sons of the said *Richard Tufton* and his Sons respectively, and their Issue Male; and in default of such Issue (and subject to the Proviso before referred to), to the Use of the First and other Sons of the said *Richard Tufton* who should not be born in the Testator's Lifetime, or be in *Ventre sa Mère* at his Decease, severally and successively according to their Seniority in Tail Male, every elder of such last-mentioned Sons, subject as aforesaid, and the Heirs Male of his Body, being always to take before and be preferred to every younger of such Sons and the Heirs Male of his Body; and in default of such Issue, and subject as aforesaid, to the Use of all and every the Son and Sons born and to be born of the said *Richard Tufton*, severally and successively according to their Seniority in Tail General, every

elder of such Sons and the Heirs of his Body to be preferred to and take before every younger of such Sons and the Heirs of his Body; and for default of such Issue (and subject as aforesaid), to the Use of all and every the Daughters of the said *Henry Tufton* (if there should be more than One), equally to be divided between them as Tenants in Common, and the Heirs of their respective Bodies lawfully issuing (with cross Remainders, subject as aforesaid, between such Daughters and their respective Issues, as therein provided); and in case there should be a Failure of Issue of all such Daughters save One, or there should be only One such Daughter of the said *Henry Tufton*, then (subject as aforesaid) to the Use of such One Daughter, or only Daughter having Issue as aforesaid, and the Heirs of her Body lawfully issuing; and in default of such Issue (and subject as aforesaid), to the Use of all and every the Daughters of the said *Richard Tufton*, if there should be more than One, equally to be divided between them as Tenants in Common, and the Heirs of their respective Bodies lawfully issuing (with cross Remainders, subject as aforesaid, between such last-mentioned Daughters and their respective Issues); and in case there should be a Failure of Issue of all such Daughters save One, or there should be only One such Daughter of the said *Richard Tufton*, then (subject as aforesaid) to the Use of such One Daughter, or only Daughter having Issue as aforesaid, and the Heirs of her Body lawfully issuing; and in default of such Issue, to the Use of the Testator's Nephew the Reverend *Charles Henry Barham* and his Assigns for his Life, without Impeachment of Waste; and after his Decease, to the Use of an eldest or only Son of the said *Charles Henry Barham* who should be born in the Testator's Lifetime, or should be in *Ventre sa Mère* at the Time of his Decease, and his Assigns, during his Life, without Impeachment of Waste; with Remainder to the Use of the First Son of such eldest or only Son of the said *Charles Henry Barham*, and the Heirs Male of the Body of such First Son lawfully issuing; and for default of such Issue, to the Use of the Second and other Sons of such eldest or only Son of the said *Charles Henry Barham*, severally and successively according to their Seniority in Tail Male; and for default of such Issue, to the Use of the Second and other Sons of the said *Charles Henry Barham* who should be born in the Testator's Lifetime, or should be in *Ventre sa Mère* at his Decease, as aforesaid, and of the respective Sons of such Second and other Sons in Tail Male, successively according to the Seniorities of such Sons of the said *Charles Henry Barham*, and of their respective Sons, in such strict Settlement as aforesaid, every elder of such last-mentioned Sons of the said *Charles Henry Barham* to take for Life only, without Impeachment of Waste, with immediate Remainder to his First and other Sons successively, according to their Seniority in Tail Male, in priority to every younger of such Sons of the said *Charles Henry Barham* and his Sons respectively, and their

Issue

Issue Male; and in default of such Issue, to the Use of the First and other Sons of the said *Charles Henry Barham* who should not be born in the Testator's Lifetime, or be in *Ventre sa Mère* at his Decease, severally and successively according to their Seniority in Tail Male; and in default of such Issue, to the Use of all and every the Son and Sons of the said *Charles Henry Barham*, severally and successively in Tail General, every elder of such Sons and the Heirs of his Body to be preferred to and take before every younger of such Sons and the Heirs of his Body; and for default of such Issue, to the Use of all and every the Daughters of the said *Charles Henry Barham* (if more than One), equally to be divided between them as Tenants in Common, and the Heirs of their respective Bodies lawfully issuing, with cross Remainders between such Daughters and their respective Issues; and in case there should be a Failure of Issue of all such Daughters save One, or if there should be only One Daughter of the said *Charles Henry Barham*, then to the Use of such One Daughter, or only Daughter having Issue as aforesaid, and the Heirs of her Body lawfully issuing; and in default of such Issue, to the Use of the Testator's Niece *Caroline Gertrude*, in the said Will called *Caroline*, the Wife of the Reverend *Sanderson Robins*, and her Assigns, for her natural Life, without Impeachment of Waste; and after her Decease, to the Use of the eldest Son then already born of the said *Caroline Gertrude Robins*, and his Assigns, for his Life, without Impeachment of Waste, with Remainder to the Use of the First and other Sons of such eldest Son of the said *Caroline Gertrude Robins* lawfully to be begotten, severally and successively according to their Seniority in Tail Male, every elder of such Sons and the Heirs Male of his Body to take before every younger of such Sons and his Heirs Male; and for default of such Issue, to the Use of the Second and every younger Son of the said *Caroline Gertrude Robins* either then already born or who should be afterwards born in his the Testator's Lifetime, or be in *Ventre sa Mère* at his Decease, and their several Sons in Tail Male, successively according to the Seniorities of such Sons of the said *Caroline Gertrude Robins* and of their several Sons respectively, in such strict Settlement as aforesaid, (that is to say,) every elder of such Sons of the said *Caroline Gertrude Robins* to take an Estate for Life only, without Impeachment of Waste, with immediate Remainder to his First and other Sons, successively according to their Seniority in Tail Male, in priority to every younger Son of the said *Caroline Gertrude Robins* and his Sons respectively, and their Issue Male; and for default of such Issue, to the Use of the First and every other Son of the said *Caroline Gertrude Robins* who should not be born in the Testator's Lifetime, or be in *Ventre sa Mère* at his Decease, severally and successively according to their Seniority in Tail Male, every elder of such Sons and the Heirs Male of his Body being always to take before and be preferred to every younger of such

Sons

Sons and the Heirs Male of his Body; and in default of such Issue, to the Use of all and every the Son and Sons born or to be born of the said *Caroline Gertrude Robins*, severally and successively according to their Seniority in Tail General, every elder of such Sons and the Heirs of his Body to be preferred to and take before every younger of such Sons and the Heirs of his Body; and for default of such Issue, to the Use of all and every the Daughters born or to be born of the said *Caroline Gertrude Robins*, equally to be divided between them as Tenants in Common, and the Heirs of their respective Bodies lawfully issuing, with cross Remainders between such Daughters respectively and their respective Issues; and in case there should be a Failure of Issue of all such Daughters save One, or there should be only One such Daughter, then to the Use of such only Daughter, or only Daughter leaving Issue as aforesaid, and the Heirs of her Body lawfully issuing; and in default of such Issue, to the Use of his (the Testator's) right Heirs; and as to all Copyhold Messuages and Hereditaments of or to which the said Testator, or any Person or Persons in trust for him, was, were, or should at the Time of his Decease be seised or entitled, with their respective Appurtenances, he gave, devised, and appointed the same unto the said *Henry Charles Hoare* and *Rowland Nevitt Bennett*, their Heirs and Assigns, upon such Trusts, and subject to such Powers, Conditions, and Provisions, as would correspond with the Uses, Trusts, Powers, Conditions, and Provisions therein respectively declared and contained of and concerning his said devised Freehold Hereditaments, or as near thereto as the different legal Qualities of the same Freehold and Copyhold Hereditaments respectively would permit, to the Intent that the said Freehold and Copyhold Hereditaments might go and be held and enjoyed together, as far as the Rules of Law and Equity would permit; and the said Testator declared, that if any Person succeeding to the Possession of the said devised Estates or any Part thereof, as Tenant for Life, or Tenant in Tail thereof, by Purchase, under the Limitations therein-before contained, should be a Member of the Roman Catholic Church, and should not immediately thereupon, or upon his or her Majority, renounce the same Church, or if any Person so succeeding to the Possession of his said Estates or any Part thereof should thereafter, and after his or her Majority, become or continue or be a Member of the said Church, then and in any of the said Cases all the Limitations therein-before contained of his said Estates to or for the Benefit of every Person who, being a Member of the Roman Catholic Church, should not immediately upon succeeding to the Possession of his said Estates as aforesaid, or upon his or her Majority, renounce the same Church, or who, after succeeding to the Possession of his said Estates as aforesaid, and after his or her Majority, should become or continue or be a Member of the same Church, and all the Limitations also to or for the Benefit of the Issue of any such

Person, whether by way of Remainder or of Inheritance, should cease and determine as if such Person were naturally dead without having had any Issue, and that his (the Testator's) devised Estates, or all the Parts or Shares thereof limited to or in trust for any such Person, should thereupon devolve to the Person or Persons next entitled in remainder under that his Will accordingly; and he thereby further declared, that every Person who by virtue of the Limitations therein-before contained should become entitled to the Possession or to the Receipt of the Rents and Profits of his devised Estates, or any Part thereof, and who should not then be called by the Name and use the Arms of *Tufton*, should within the Space of One Year next thereafter take upon himself or herself respectively and use in all Deeds and Writings whereto he or she should be a Party, and upon all other Occasions, the Surname of *Tufton*, either in lieu of or in addition to his or her own Family Surname, and also quarter the Arms of *Tufton* with his or her own Family Arms, and should within the same Space of One Year apply for and endeavour to obtain a proper Licence from the Crown or other sufficient Authority rightfully and legally to use and bear the said Surname and Arms, with Provisions for defeating the Estates of all Persons making any Default in the due Performance of the said Condition; and the said Testator further declared, that no Devisee named or described in his Will, and who was or should be an Alien born, and who had not been naturalized or made a Denizen in this Kingdom, nor the Issue or Heirs of any such Devisee, should be entitled to any Estate or Interest in his devised Hereditaments or any Part thereof, in possession or remainder, except upon this precedent Condition, and contingently upon the Performance or happening thereof before the Period at which he, she, or they should or otherwise would become entitled to the Possession or Receipt of the Rents and Profits of his said Estates, or such Part thereof, under the foregoing Limitations, (namely,) that he, she, or they should before the last-mentioned Period, by becoming naturalized or denizened, or by other sufficient Authority or Means, become or be qualified to take and indefeasibly hold Lands in this Kingdom free from the Disability of Alienage, and that in the meantime his, her, or their Title to his said devised Hereditaments, or to any Estate therein, should be contingent only, and not vested; and further, that if any Person or Persons alien-born, and who should not by Naturalization or Denization, or other sufficient Authority or Means, have become previously qualified to take and indefeasibly hold Lands in this Kingdom free from the Disability of Alienage, should, or but for the Proviso only lastly therein-before contained would, be entitled to his devised Hereditaments or any Part thereof, or to the Receipt of the Rents and Profits thereof respectively, in possession, under the Limitations or Trusts of that his Will, then and immediately thereupon all the other

Uses,

Uses, Trusts, and Powers therein declared and contained of or concerning his said devised Hereditaments (subject only and without Prejudice to any Leases or Appointments thereof which should have been made under the Powers therein-after contained, or any of them,) should cease and become void, and all his said Hereditaments, of whatever Tenure, subject as aforesaid, should thereupon devolve to and to the Use of and should be absolutely vested in the said *Henry Charles Hoare* and *Rowland Nevitt Bennett*, or the Survivor of them, his Heirs, Executors, or Administrators respectively, or other the Trustees or Trustee for the Time being of that his Will, to whom respectively he devised the same accordingly, discharged from all the settled Uses and Trusts therein-before declared thereof, but upon and for the Trusts and Purposes and subject to the Powers and Provisions next therein-after declared and contained, and thenceforth to take effect of or concerning the same; (that is to say,) upon trust that his said Trustees or Trustee for the Time being should thereupon absolutely sell, dispose of, and convert into Money all his said Trust Estates in manner therein provided, and should lay out and invest all the clear Purchase Monies to arise from such Sale or Sales, and which should remain after discharging all Costs and Expenses incident thereto, and after Payment also of any Principal Monies for the Time being secured on any of his Trust Estates, and which his Trustees or Trustee should find it necessary or expedient in their Judgment to pay out of the same Purchase Monies, in their or his Names or Name, in some of the Parliamentary Stocks or Public Funds of *Great Britain*, or at Interest upon Government Securities in *England* or *Wales*, and should stand possessed of and interested in all the said clear Principal Trust Monies, Stocks, Funds, and Securities, and the Interest, Dividends, and annual Produce to arise therefrom, upon such Trusts and subject to such Powers and Provisions as would correspond with the Uses, Trusts, Powers, and Provisions therein declared and contained of and concerning the Hereditaments from the Sale whereof the same Principal Monies should have arisen, and the yearly Rents and Profits thereof respectively, and which should be then undetermined or capable of taking effect, or as near thereto as the different legal Qualities of the said several Trust Estates and other Circumstances would permit, except in the following Particulars; (that is to say,) that in lieu of the conditional Uses and Trusts thereby declared by him of his said devised Hereditaments in favour of such of his intended Devisees as were or should be alien-born, his said substitutive Personal Trust Estate should be held upon unconditional Trusts for the same Devisees respectively in the same Order of Limitation, whether their Disabilities of Alienage should have been removed or not, and in the same Manner, as if the Limitations of his Real Estate to them had been free from the Condition and Contingency therein-before

annexed

annexed to such Limitations, and except also that his said Personal Trust Estate, or any Part thereof, should not vest absolutely in any Person by reference to any foregoing Limitation to him or her, whether absolutely or conditionally, of an Estate Tail by Purchase in his Real Estate or any Part thereof, unless he or she should attain the Age of Twenty-one Years, or dying under that Age should leave Issue who would be inheritable to the same Estate Tail: And whereas the said Testator died in the Month of *June* One thousand eight hundred and forty-nine, without Issue, and without having revoked or altered his said Will, and at his Decease his Sister Lady *Elizabeth Tufton* (since deceased,) and his Nephew the said *Charles Henry Barham* (the only surviving Son of the Testator's Sister Lady *Caroline Barham*, deceased), were his only Co-heirs at Law: And whereas the said *Richard Tufton* is and always from before the Decease of the Testator has been of the Protestant Religion, and bears and always from before the Decease of the Testator has borne the Surname of *Tufton*, and he, within the Time limited for that Purpose by the said recited Will, *viz.* on the Fourth Day of *May* One thousand eight hundred and fifty, applied for and obtained Her Majesty's Royal Licence and Authority that he and his Issue might continue to use and bear the Surname of *Tufton* only, and that he and they might bear the Arms of the *Tufton* Family, and he uses the said Name and bears the said Arms only: And whereas the said *Richard Tufton* has Issue only One Son, (namely,) the said *Henry Tufton*, named in the said Will, and who is unmarried, being a Minor of the Age of Five Years or thereabouts, and One Daughter, *Therese Elizabeth Tufton*, an Infant, born in the Month of *February* One thousand eight hundred and fifty: And whereas the said *Charles Henry Barham* has no Issue; and the said *Caroline Gertrude Robins* has Issue Three Children, who are all Minors and unmarried, (namely,) *Katharine Gertrude Robins*, now in the Thirteenth Year of her Age, *Gertrude Martha Robins*, now in the Twelfth Year of her Age, and *Francis William Robins*, now in the Tenth Year of his Age: And whereas the said Lady *Elizabeth Tufton* died in the Month of *September* One thousand eight hundred and forty-nine, whereupon the ultimate Reversion in Fee Simple of the said Testator's devised Estates, limited to his Heirs at Law by his said Will, survived to the said *Charles Henry Barham*: And whereas the Estates of the said *Henry* late Earl of *Thanet* devised by him to the settled Uses and in manner herein-before recited comprise the ancient Castles of *Appleby* in the County of *Westmoreland* and *Skipton* in the County of *York*, long the Property of himself and his Progenitors, and divers Mansion Houses, Messuages, Farms, and Real Properties of large annual Value situate in the said Counties of *Westmoreland* and *York* and in the County of *Kent*, and elsewhere; and the said Castles, and a considerable Proportion of the Messuages and Farm Buildings upon the said devised

devised Estates, were at the Testator's Decease and are very dilapidated, and require large and expensive Repairs, and the Farm Buildings upon many Parts of the said Estates are also insufficient for the Uses of the Occupiers, and their Extension and Improvement are required for the proper farming and Management of the said Estates by the Tenants or Occupiers, and for realizing the just yearly Value to the Parties successively entitled under the said settled Uses to receive the Rents and Profits thereof, and a large additional Outlay is required to effect such Extension and Improvement: And whereas it would tend to the great Improvement of the said Estates and to the Advantage of all Parties interested and to become interested under the said settled Uses if a Sum not exceeding Thirty thousand Pounds Sterling were raised for the Purposes aforesaid upon the Security of some sufficient Parts of the said Estates, under the Direction of the High Court of Chancery, and applied, under the like Direction, to the Repair of the said Castles, and the Repair, rebuilding, Enlargement, and Improvement (as the Case may require) of existing Farm and other Buildings on the said Estates, and to the Erection thereon, where most needed, of additional Buildings for Farming Purposes, proper Provision being made for keeping down the Interest of all Monies to be so raised, and for the Extinction of the Charge thereof by the Creation of a Sinking Fund for that Purpose, or by Instalments applied directly to the Repayment of the same Monies: And whereas the Estates described in the Schedule to this Act annexed, and of which the gross yearly Rental, amounting altogether to Five thousand and fifty-two Pounds Two Shillings and Four-pence, as therein stated, are Part of the devised Estates of the said Testator in the County of *Westmoreland*, and the same might be conveniently vested in the said *Henry Charles Hoare* and *Rowland Nevitt Bennett*, or the Trustees for the Time being of the Will of the said Testator, for a sufficient Term of Years, upon trust, under the Direction of the said Court, to raise Monies not exceeding the said Limit of Thirty thousand Pounds for the Purposes aforesaid, and to apply the same Monies accordingly, and upon Trusts for keeping down the Interest, and ultimately extinguishing, in manner herein-before referred to, the Principal of all Charges to be so created; but the said beneficial Objects cannot be effected without the Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects the said *Richard Tufton*, on behalf of himself and of the said *Henry Tufton* his Son and of his said infant Daughter, and the said *Charles Henry Barham*, and the said *Caroline Gertrude Robins* and the said *Sanderson Robins* her Husband, on behalf of herself and their said infant Children, *Francis William Robins*, *Katharine Gertrude Robins*, and *Gertrude Martha Robins*, 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

Tufton's Estate.

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Messuages, Farms, Lands, Buildings, and other Hereditaments comprised in the Schedule hereto annexed shall be vested in the said *Henry Charles Hoare* and *Rowland Nevitt Bennett*, their Executors, Administrators, and Assigns, for a Term of Five hundred Years, upon the Trusts and for the Purposes herein-after declared thereof; (that is to say,) upon trust that the said Trustees, or the Survivor of them, his Executors or Administrators, or their or his Assigns, shall from Time to Time within the Space of Five Years, to be computed from the passing of this Act, (provided that the devised Estates of the said *Henry* Earl of *Thanet* deceased shall not have become legally vested in the said Trustees, their Heirs or Assigns, upon the Trust for the absolute Sale thereof, eventually limited to them by the said Will,) raise, by the Mortgage of all or any of the Hereditaments comprised in the said Term of Five hundred Years for all or any Part of the said Term, such Sum or Sums of Money, not exceeding altogether the net Amount of Thirty thousand Pounds, at such Time or Times, and for such of the Purposes herein-after declared, as the High Court of Chancery, upon Application to be made to the said Court in a summary Way upon the Petition of the said *Richard Tufton* or of the Owner for the Time being in possession of the devised Estates of the said Testator under the Limitations of his said Will, being of full Age, or of the Guardian or Guardians of such Owner, being a Minor, shall direct or approve, and shall, under the like Direction or Approbation of the said Court, to be obtained as aforesaid, from Time to Time apply all the clear Monies to be so raised, and which shall remain after Payment of the Costs, Charges, and Expenses of obtaining this Act and incident to the Performance of the Trusts hereby declared (which Costs, Charges, and Expenses shall be primarily paid thereout), in or towards the substantial Repair of the said ancient Castles of *Appleby* and *Skipton*, and the Buildings thereto respectively belonging, and the substantial Repair and Improvement and (if need be) Enlargement of the existing Houses and Farm and other Buildings, and the Erection of new Farmhouses and Buildings, upon all or any of the said devised Estates, or to any of the said Purposes, and shall also, after the raising and until the Expenditure of any such Monies as aforesaid, make such mesne Investments thereof in Navy, Victualling, or Exchequer Bills, or in the Public Stocks or Funds, or shall make such other Dispositions thereof as the said Court shall direct.

The Estates in the Schedule to this Act vested in Trustees for a Term of Years, upon trust to raise Funds for Repairs and Improvements.

The Trustees to keep down the Interest

II. And be it further enacted, That after the raising of any Monies under the foregoing Trusts the Trustees or Trustee for the Time being

being of the Estates comprised in the said Term of Five hundred Years shall, out of the Rents and Profits thereof, keep down all the Interest of such Monies as the same shall become due, and shall annually also thereafter reserve or raise out of the same Rents and Profits, and out of the Interest, Dividends, and Income arising from any such Sinking Fund as shall have been created under the following Provisions, and shall for the Time being be subsisting, One Twenty-fifth Part of the Amount of the Principal Debt, and apply the same to the Reduction thereof, either by direct Payment to the Lender or other Party to whom the same shall be due, if he or they shall consent, or be under Engagements or otherwise required to receive the same, or by the Creation of a Sinking Fund for that Purpose of which the Creation, Management, and Disposal shall be under the Direction of the said Court, to be obtained upon the Petition of the Trustees or Trustee for the Time being of the said Term in a summary Way, to the end that the whole of every such Principal Debt may be discharged, with the mesne Interest thereof, out of the said Rents, Profits, Dividends, Interest, and Income, within or at the Expiration of the Period of Twenty-five Years from the borrowing thereof; but that if by reason of the Depreciation of any such Sinking Fund, or of the Expenses of the Management or Disposal thereof, or otherwise, the same shall be eventually insufficient to discharge within the said Period of Twenty-five Years the whole Principal Debt for the Payment whereof the same shall have been made, then the Trustees or Trustee of the said Term shall continue to raise yearly in manner aforesaid, out of the said Rents, Profits, Dividends, Interest, or Income, a Sum equal to One Twenty-fifth Part of the original Principal Sum, to be applied or appropriated in manner aforesaid to the Payment of the unpaid Balance thereof, and shall also out of the same Income keep down the Interest thereof; and further, that from and after the Creation of any such Debt as aforesaid, and until the full Discharge thereof, the Trustees or Trustee for the Time being of the said Term shall, by and out of the Rents and Profits of the Estates therein comprised, keep all the Buildings to the Repair, Improvement, or Construction whereof the said Debt or any Part thereof shall have been applied insured in their or his Names or Name to the full Value thereof in some public Insurance Office or Offices in *London* or *Westminster* against Loss or Damage by Fire, and that all Monies to become due upon any such Insurance shall be forthwith applied by them or him to the Restoration or Repair of the Buildings which shall have been consumed or damaged by Fire, and that the Application of every such Sum amounting to Five hundred Pounds or upwards shall be under the Direction of the High Court of Chancery, to be obtained upon the Petition of the said Trustees or Trustee in a summary Way, and amounting

and reduce the Principal of borrowed Monies.

amounting to a less Sum than Five hundred Pounds shall be in their or his Discretion.

Proviso for the Cesser of the Term on the Performance of its Trusts, and for the Application of the surplus Rents during the Term.

III. Provided always, and be it further enacted, That when all the Trusts hereby declared of the said Term of Five hundred Years shall have been fully discharged, and every Trustee shall have been satisfied all Costs and Expenses incurred by him in or about the Execution of the Trusts thereof, then the said Term, so far as the same shall not have been made a Security for any still subsisting Mortgage Debt, and subject to any Charge or Disposition made under the said Trusts, shall cease and determine, and that in the meantime all the surplus Rents, Issues, and Profits arising from the Hereditaments therein comprised, and which shall not be required for answering any of the Purposes aforesaid, shall be receivable by or belong beneficially to the Person or Persons who would for the Time being have been entitled to the same if the said Trust Term had not been created.

Tenants for Life to keep in repair after Expenditure under the Act.

IV. And be it further enacted, That, notwithstanding any Provisions of the Will of the said *Henry* Earl of *Thanet* deceased under which his Devisees for the Term of Life are or might otherwise claim to be free from Impeachment of Waste, all Parties who shall from Time to Time be beneficially entitled thereunder to the Possession or Receipt of the Rents and Profits of any Buildings repaired, improved, or constructed under the Trusts hereby created shall afterwards keep all the same Buildings in good tenantable Repair and Condition during all their respective Estates or Interests in the Premises, or so long as any Monies whatsoever raised under the Trusts of the said Term of Five hundred Years shall remain charged upon all or any Part of the Estates therein comprised, and the said Parties respectively, and their Real and Personal Representatives, to the full Extent of their Assets, shall be answerable to all Parties entitled to or interested in the Premises in remainder or reversion, for the full Performance of the Duty hereby reposed in them.

Provision for the Renewal of the Trustees, and for the Sufficiency of their Receipts.

V. And be it further enacted, That if the said *Henry Charles Hoare* and *Rowland Nevitt Bennett*, or either of them, or any Trustees or Trustee to be appointed under the following Provision, shall die, or refuse or desire to be discharged from or become incapable to act in the Trusts created by this Act, while the same Trusts or any of them shall be subsisting, then and in every such Case it shall be lawful for the Court of Chancery, by its Order, to be obtained in a summary Way upon the Petition of the said *Richard Tufton* or of the Owner for the Time being in possession of the said devised Estates under the Limitations aforesaid, being of full Age, or of the Guardian or Guardians of such Owner being a Minor, to appoint any new Trustees or

Trustee

Trustee in the Place of the Trustees or Trustee so dying, refusing, desiring to be discharged, or becoming incapable as aforesaid, and in every such Case all the Real and Personal Trust Estates, including Monies and Investments (if any), which shall for the Time being be subject to the Trusts to which such new Trustees or Trustee shall be appointed, shall be assigned and transferred in such Manner that the same may be effectually vested in the acting Trustees or Trustee for the Time being, and upon the subsisting Trusts thereof, and that every such new Trustee shall have all the Powers and Authorities of the Trustee hereby appointed, and for whom he shall, whether immediately or otherwise, be substituted, and further, that the written Receipts of the Trustees or Trustee for the Time being acting under the Authority of this Act shall be conclusive Discharges for all Monies whatsoever paid to them or him under the Provisions or for any Purposes of the same Act.

Court of Chancery to have Jurisdiction, and may make Orders for Taxation and Payment of Costs.

VI. And be it further enacted, That it shall be lawful for the said Court of Chancery from Time to Time to make such Order or Orders as the said Court shall think fit for carrying into effect or otherwise facilitating the Performance of all or any of the Purposes and Powers of this Act, and also for investing any Monies which may be raised under the Powers herein expressly or by reference contained, according to the true Intent and Meaning hereof, and also for taxing and settling all Costs, Charges, and Expenses which have been or shall be incurred preparatory to and in applying for and obtaining this Act, and in making any Applications to the said Court in pursuance thereof, and in or attending the Execution of all or any of the Purposes, Powers, Authorities, Matters, or Things consequent on the passing of this Act, or to be otherwise incurred in carrying the several Provisions of this Act into effect, and from Time to Time to make such Order or Orders as the said Court shall think fit for the Payment of all such Costs, Charges, and Expenses as aforesaid out of any Monies which may for the Time being be subject to the Trusts of this Act.

Professional Trustees may receive their ordinary Charges.

VII. And whereas the said Testator in and by his said Will directed that every professional Trustee or Executor thereby appointed or who should be thereafter appointed to execute any Trusts thereof should be entitled to and should receive, for all Business transacted by him in his professional Capacity in or about the Execution of or with reference to the said Trusts or to his the said Testator's Affairs, all such Charges or Emoluments as he would be entitled to receive if he were not such a Trustee or Executor: Be it further enacted, That every Trustee appointed or who shall be appointed to execute any Trusts hereby created, and being an Attorney or Solicitor, shall be entitled to receive for all Business transacted by him in his professional Capacity in or about the Execution

cution of the same Trusts or with reference thereto all such Charges or Emoluments as in the said Will are mentioned.

General Saving.

VIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all Persons and Bodies Politic or Corporate, and their respective Heirs, Successors, Executors, and Administrators, other than and except the said *Richard Tufton* and *Henry Tufton*, and the Sons and Daughters of the said *Henry Tufton*, and their respective Issues, and any unborn Sons of the said *Richard Tufton*, and the said *Therese Elizabeth Tufton* his said infant Daughter, and any other Daughters or Daughter who may be born to him, and the respective Issues of all such Sons and Daughters, and the said *Charles Henry Barham*, and his Sons and Daughters (if any), and their respective Issues, and the said *Caroline Gertrude Robins*, and the said *Francis William Robins* and his Sons (if any), and their respective Issues, and the said *Katharine Gertrude Robins* and *Gertrude Martha Robins*, and any other Sons or Daughters who may be born of the said *Caroline Gertrude Robins*, and their respective Issues, and except all other Persons (if any) to whom any of the Hereditaments devised by the Will of the said *Henry* Earl of *Thanet* in manner herein-before set forth, or any Estate or Interest in the same Hereditaments, may have been limited or devised, or descended or devolved, or may be limited, descend, or devolve, by virtue of the same Will, all such Estates, Rights, Titles, Interests, Claim, and Demand whatsoever, in, upon, to, or out of the same Hereditaments, or any of them respectively, as the said Parties respectively or any of them had before the passing of this Act, or might have had if this Act had not been passed.

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

IX. And be it further 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

The SCHEDULE referred to in the foregoing Act.

Parish of Brougham.

Tenants Names.	Farm.	Quantity.	Rent.	Total.
		A. R. P.	£ s. d.	£ s. d.
Atkinson, James - -	Ash Hill Farm and Houses -	285 1 6	263 12 6	
Atkinson, John - -	Part of Whinfell Park -	740 0 0	392 2 0	
Brownrigg, Mrs. - -	Farm and Houses - -	376 1 36	103 11 8	
Hutchinson, George and John	Brougham Castle Farm -	746 2 12	500 0 0	
Richardson, Thomas -	Farm and Houses - -	592 0 0	77 8 6	
Tinkler, Richard - -	Whinfell Deer Park and Houses	635 0 10	375 9 0	
Woolfe, Joseph & Co. -	Stone Quarry - -	- - -	6 6 0	
Woods and Plantations -	- - - -	537 2 18	—	
	A.	3,913 0 2	£	1,738 9 8

Milburn Township in the Parish of Kirkby Thore.

Atkinson, William - -	Raisley Moor - - -	45 2 37	32 9 0	
Brunskill, John - -	Grange Farm and Houses -	272 0 14	180 12 6	
Dobinson, Thomas -	Gullom Holme Close -	5 2 27	10 0 0	
Nicholson, Sally - -	Lowthwaite Farm - -	425 3 28	209 8 0	
Richardson, Joseph - -	Mill and Land - -	1 2 7	12 0 0	
Waugh, Christopher -	Howgill Castle Farm - -	893 2 12	396 12 6	
	A.	1,644 2 5	£	841 2 0

Bongate in the Parish of St. Michael's Appleby otherwise Bongate, and Brampton, in the Parish of Long Marton.

Brass, George - - } Brass, Ralph - - }	Langton Field and Low Barn Farms - - }	487 2 36 363 1 28	} 587 12 0	
Dodd, Joseph - -	Kerber Farm and Houses -	6 0 21	135 19 6	
Butterworth, Christopher -	Brampton Mill and Land -	3 2 7	28 10 0	
Dargue, John - -	Southfield Farm - -	301 2 37	246 12 9	
Horn, Robert - -	T Closes - - -	8 1 8	10 0 0	
Jackson, Thomas - -	Brackenthwaite Farm -	303 3 21	105 1 6	
Robinson, Joseph - -	Bongate Mill and Land -	86 1 12	160 11 6	
Harrison, John - -	Bongate Moor - -	38 . 2 0	30 0 0	
Sawer, James - -	Bank End Farm and Houses	258 0 17	198 10 6	
	A.	1,857 2 27	£	1,502 17 9

Tufton's Estate.

Tenants Names.	Farm.	Quantity.	Rent.	Total.
		A. R. P.	£ s. d.	£ s. d.
	Dufton Parish.			
Addison, Thomas - -	Farm and Houses - -	253 1 35	101 8 4	
Allan, William - -	Birthwaite Farm and Houses	331 3 15	120 18 6	
Dargue, Ann - -	Bow Hall Farm and Houses	304 0 8	107 2 9	
Dalton, William - -	Dufton Wood, Farm and Houses	178 3 24	134 6 6	
Dixon, William - -	Dudmire Farm and Houses -	186 1 27	187 9 0	
Dover, Donkin - -	No. 3, Nook Fold - -	0 0 2	2 0 0	
Ellwood, John - -	Dufton Hall, Farm and Land	51 2 24	71 0 0	
Ellwood, William - -	No. 5, Nook Fold - -	- - -	3 0 0	
Emmerson, Mary - -	Coach-house - - -	- - -	3 3 0	
Foster, Matthew -	House and Land - -	4 2 27	12 2 6	
Furness, James - -	No. 7, Nook Fold - -	0 0 2	2 0 0	
Graham, Thomas - -	No. 6, Nook Fold - -	0 0 2	2 0 0	
Hind, Joseph - -	House and Land - -	2 0 16	12 0 0	
Hall, John - -	Old Hall Farm - -	154 2 7	42 4 6	
Hindson, William - -	House and Garden - -	0 0 17	5 0 0	
Hodgson, Ralph - -	House - - -	- - -	5 0 0	
Liddle, Christopher -	Houses - - -	- - -	5 10 0	
Patterson, Robert - -	House - - -	0 0 2	1 6 0	
Nixon, William - -	No. 4, Nook Fold - -	0 0 2	2 0 0	
Stephenson, Elizabeth -	Coatsyke Farm and Houses -	175 3 18	78 14 10	
Simpson, Richard - -	Dufton Mill - - -	1 2 8	21 15 0	
Stephenson, George - -	Two Gardens - -	- - -	0 5 0	
The London Lead Company	Smelt Mill, &c. - -	15 3 4	45 1 0	
Wilkinson, Christopher -	Orchard - - -	0 1 18	1 1 0	
Thompson, Isaac - -	House - - -	0 0 17	3 5 0	
	A.	1,661 1 35		969 12 11
			£	5,052 2 4

R. Eliott.

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