



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. 7.

An Act for the Sale of Estates in *Ireland* devised by the Will of the Right Honourable *Chichester* late Earl of *Massereene*, and for the Purchase of other Estates in *Ireland*, to be settled to the Uses of the said Will. [3d July 1835.]

WHEREAS the Right Honourable *Chichester* Earl of *Massereene*, of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, did, in such Manner as by Law is required for rendering valid Devises of Freehold Estates, duly sign and publish his last Will and Testament in Writing, bearing Date the Twentieth Day of *February* One thousand eight hundred and sixteen, and did thereby leave, devise, and bequeath all the Real and Freehold Estates whereof he should die seised, situate in the Counties of *Antrim* or *Monaghan*, or elsewhere within the said Part of the United Kingdom called *Ireland*, save and except the Lands of *Ballynaseigh* and *Lislagan*, therein-after mentioned, together with his Rectories and Improprate Tithes of *Derryvolane* and *Ballydollaghy* in the Barony of *Condens*, and *Clangibbons* in the County of *Cork*, his Rectories and Improprate Tithes of *Kilmanmage* and *Kilcrohan* in the Barony of *Carbery* in the said County, his Rectories and Improprate Tithes of *Culleen*, *Nohaval*, *Kilmeen*, and *Drishane*, in the Baronies of *Muskerry* and *Dunallon* in the said County of *Cork*, and also his Rectories and Improprate Tithes of *Kilcamulshea*, *Clanfish*, *Hillaha*, *Kilarney*, and *Kilgarvan*, in the County of *Kerry*, in *Ireland*, to the Right Honourable Lord Viscount *Jocelyn*, the Honourable *John Jocelyn*, and *Austin Cooper* Esquire, their

Will of the Earl of *Massereene*, dated 20th February 1816.

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their Heirs and Assigns, to the Use, Intent, and Purpose that *Harriett* Countess of *Massereene*, the Wife of the said Testator, (in case she should happen to survive him,) should receive and take thereout an Annuity or Yearly Rent Charge of Two thousand Pounds, in bar of Dower, to be payable on the Days therein mentioned, and with usual Powers for enforcing the Payment thereof; and, subject to the said Annuity or Yearly Rent Charge, and to the Remedies for the Recovery thereof, and also subject to the Payment of the said Testator's just Debts and Funeral Expences (which he did thereby charge and make chargeable on all the Estates and Property whereof he should die seised or possessed, his Personal and Chattel Property nevertheless to be applied in the first instance in discharge thereof), to the Use of his the Testator's Daughter the Honourable *Harriett Foster* commonly called *Lady Harriett Foster*, then the Wife of the Right Honourable *Thomas Henry* now Viscount *Ferrard*, in the said Will called the Right Honourable Colonel *Thomas Foster*, during her Life, and after her Decease to the Use of the said *Thomas Henry* now Viscount *Ferrard*, during his Life, in case he should survive her; with Remainder to the Use of *John Skeffington* now Viscount *Massereene*, therein called *John Skeffington Foster*, and described as eldest Son of the said Testator's said Daughter, and his Assigns, during his Life, without Impeachment of Waste; and from and after the Determination of the Estates therein-before limited by Forfeiture or otherwise during the Lifetime of the said *Lady Harriett Foster*, *Thomas Henry* Viscount *Ferrard*, and *John Skeffington* Viscount *Massereene*, or any of them, then to the Use of the said Viscount *Jocelyn*, *John Jocelyn*, and *Austin Cooper*, and their Heirs, during the Life and Lives of the said *Lady Harriett Foster*, *Thomas Henry* now Viscount *Ferrard*, and *John Skeffington* now Viscount *Massereene*, and the Survivor of them, to support the contingent Remainders; with Remainder to the Use of the First Son of the said *John Skeffington* Viscount *Massereene* in Tail Male; with Remainder to the Use of the Second and other Sons of the said Viscount *Massereene* successively according to Seniority in Tail Male; with Remainder to the Use of *Chichester Thomas Skeffington Foster*, therein called *Chichester Thomas Foster*, and described as Second Son of the said *Lady Harriett Foster*, during his Life, without Impeachment of Waste; with Remainder to the said Trustees and their Heirs during his Life, to preserve contingent Remainders; with Remainder to the Use of the First Son of the said *Chichester Thomas Skeffington Foster* in Tail Male; with Remainder to the Use of the Second and other Son of the said *Chichester Thomas Skeffington Foster* successively according to Seniority in Tail Male; with Remainder to the Use of *William Foster*, Third Son of the said *Lady Harriett Foster*, during his Life, without Impeachment of Waste; with Remainder to the said Trustees and their Heirs, during his Life, to preserve contingent Remainders; with Remainder to the Use of the First Son of the said *William Foster* in Tail Male; with Remainder to the Use of the Second and other Sons of the said *William Foster* successively according to Seniority in Tail Male; and for Default of such Issue to the Use of the Fourth, Fifth, and every other Son
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and Sons of the said Lady *Harriett Foster* successively according to Seniority in Tail Male; and for Default of such Issue to the Use of the First, Second, Third, and every other Son and Sons of the said Lady *Harriett Foster* successively according to Seniority in Tail Male; with divers Remainders over, and with the ultimate Reversion to the Testator's right Heirs; and after reciting that the said Testator was, under and by virtue of a Lease from the Bishop of *Down and Connor*, possessed of the Town and Lands of *Connor* for a Term of Years, the said Testator did leave, devise, and bequeath the said Lands and Premises unto the said Lord Viscount *Jocelyn*, *John Jocelyn*, and *Austin Cooper*, their Executors and Administrators, upon Trust, in the first place, by and out of the Rents, Issues, and Profits thereof, to pay the Head Rents, Fees, and Charges payable thereout, and to pay all Renewal Fines, Fees, and other Charges laid out in obtaining Renewals of his Interest therein, and to obtain such Renewals from Time to Time from the said See; and upon further Trust, as to his Interest therein, and all future Renewals thereof, for the Use of the same Person and Persons respectively who should for the Time being be entitled to an Estate in Possession in his said Freehold Estates under and by virtue of the Limitations in his said Will; provided always, that no Person or Persons who should be entitled to an Estate in Possession in his said Freehold Estates under his said Will should take any Estate or Interest in his said Lands of *Connor* until such Person or Persons should respectively have attained the Age of Twenty-one Years, and that in the Interim the Rents and Profits of the said Lands of *Connor* should accumulate in the Hands of his said Trustees and their Executors, and be paid over to such Person on his or her attaining the Age of Twenty-one Years, it being his Intent and Meaning that the said Lands of *Connor* should accompany his Freehold Estates, and be enjoyed by the same Persons who should enjoy his Freehold Estates, as nearly as the Rules of Law would permit; and in the said Will were contained Powers of leasing and jointuring, and also a Provision that the Persons entitled to the said Testator's Estates under his said Will, and the Husbands of such of the said Persons as were Females, should, while in Possession of said Estates or in Receipt of the Rents thereof, take the Surname and bear the Arms of the Family of *Skeffington* alone, and should, within Twelve Calendar Months after coming into Possession thereof, apply for and obtain His Majesty's Royal Licence for that Purpose; and in case any Person or Persons who should become entitled as aforesaid should omit or neglect so to do, then and in that Case it was the said Testator's Will that the said Estates should immediately go over to and be enjoyed by the Person entitled to the next Estate in Remainder under and by virtue of the Limitations therein contained, in like Manner as if the Person or Persons so neglecting or omitting were dead without Issue: And whereas the said *Chichester* Earl of *Massreene* died without having revoked or altered his said Will, and the same was proved by the said *John Jocelyn* and *Austin Cooper* (Two of the Executors thereof) on the Seventeenth Day of *October* One thousand eight hundred and sixteen, in the Prerogative Court of the Archbishop of *Armagh*: And whereas the said *Thomas Henry* Viscount *Ferrard*

Ferrard obtained His Majesty's Royal Licence for him to take the Surname and to bear the Arms of the Family of *Skeffington*, in compliance with the Provision contained in the said Will of the said *Chichester* Earl of *Massereene* for that Purpose: And whereas the said Testator's Daughter *Harriett* (who became Viscountess *Massereene* in her own Right on her Father's Death) died on or about the Second Day of *January* One thousand eight hundred and thirty-one, leaving Issue the said *John Skeffington* Viscount *Massereene*, *Chichester Thomas Skeffington Foster*, and *William Anthony Skeffington Foster*, *Thomas Clotworthy Skeffington Foster*, and *Henry Robert Skeffington Foster*, and no other Sons, and all the said Sons are Bachelors: And whereas *William Anthony Skeffington Foster* is the Person named in the said Will as *William Foster*: And whereas the said *John* Viscount *Massereene* and *Chichester Thomas Skeffington Foster* have attained the Age of Twenty-one Years, and all the said other Sons of the said *Harriett* late Viscountess *Massereene* are all Infants: And whereas the said *Harriett* Countess of *Massereene* died on or about the Tenth Day of *July* One thousand eight hundred and thirty-one: And whereas certain Parts of the Estates in the said Counties of *Antrim*, *Monaghan*, *Cork*, and *Kerry*, devised by the said Will of the said *Chichester* Earl of *Massereene*, and mentioned and comprised in the Schedule to this Act, are held by Tenants under Leases containing Covenants for perpetual Renewal, and, being so held, are of comparatively small Value to the Persons entitled to the said settled Estates, but it is apprehended that a considerable Sum might be obtained by the Sale thereof: And whereas the said *Thomas Henry* Viscount *Ferrard* is entitled for his Life, with Remainder to his Sons successively in Tail Male, to large Estates in the Counties of *Louth* and *Meath* in *Ireland*: And whereas it would be greatly for the Benefit of the Persons interested under the said Will of the said *Chichester* Earl of *Massereene* that the said Estates held under Leases renewable for ever should be sold, and that the Money arising from the Sale thereof should be laid out in the Purchase of other Estates, convenient to be held with any of the said settled Estates of the said *Thomas Henry* Viscount *Ferrard* and *John Skeffington* Viscount *Massereene*, in *Ireland*, and in the Purchase of the Freehold and Inheritance of the said Leasehold Lands of *Connor* bequeathed by the said Will of the said *Chichester* Earl of *Massereene*, as aforesaid; but by reason of the Limitations in strict Settlement contained in the said Will of the said *Chichester* Earl of *Massereene* the Objects aforesaid cannot be effected without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Thomas Henry* Viscount *Ferrard* on behalf of himself and his infant Sons, and the said *John Skeffington* Viscount *Massereene* and *Chichester Thomas Skeffington Foster*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King'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 from and immediately after the passing of this Act all the Towns, Lands, Tenements, and other Hereditaments late of the said *Chichester* Earl of *Massereene*, situate in the said Counties of *Antrim*, *Monaghan*, *Cork*,

Estates in
the Schedule
vested in
Trustees for
Sale.

Cork, and *Kerry*, and devised by his said Will as aforesaid, which are held by Tenants under Leases containing Covenants for perpetual Renewal, and are more particularly mentioned in the Schedule to this Act annexed, with their and every of their respective Rights, Members, and Appurtenances, and the Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits of all and singular the same Hereditaments, shall be vested in and settled upon, and the same are hereby respectively vested in and settled upon the Honourable *Robert Birmingham Clements* commonly called *Viscount Clements*, eldest Son of the Earl of *Leitrim*, the Reverend *William Henry Foster* of *Collon* in the County of *Louth*, Clerk, and *Henry Maxwell* of *Farnham* in the County of *Cavan* in *Ireland*, Esquire, and their Heirs and Assigns, for ever, freed and absolutely acquitted, exonerated, and discharged of and from all and every the Uses, Estates, Trusts, Entails, Remainders, Limitations, and Conditions, Powers, Charges, Provisoos, and Declarations in and by the herein-before recited Will of the said *Chichester* Earl of *Massereene* limited and declared of or concerning the same Premises respectively (but subject to the existing Leases thereof), upon the Trusts and to and for the Ends, Intents, and Purposes herein-after expressed and declared of and concerning the same; (that is to say,) upon Trust that they the said *Robert Birmingham Viscount Clements*, *William Henry Foster*, and *Henry Maxwell*, or the Survivor of them, or the Heirs or Assigns of such Survivor, do and shall, so soon as conveniently may be after the passing of this Act, with the Consent in Writing of the said *Thomas Henry Viscount Ferrard*, during his Life, and after his Decease then with the Consent in Writing of the Person or Persons who for the Time being would (if this Act had not been made) be entitled in Possession, under or by virtue of the Limitations in the herein-before recited Will of the said *Chichester* Earl of *Massereene* contained, to the Hereditaments to be sold respectively as herein-after is mentioned, if such Person or Persons respectively shall be of full Age, but in case such Person or Persons respectively shall be an Infant or Infants, then with the Consent in Writing of the Guardian or Guardians of such Infant or Infants respectively, absolutely sell and dispose of the said Hereditaments and Premises so hereby vested in and settled upon them the said *Robert Birmingham Viscount Clements*, *William Henry Foster*, and *Henry Maxwell*, their Heirs and Assigns, as aforesaid, with their and every of their Appurtenances, and the Fee Simple and Inheritance thereof, either by public Sale or private Contract, or partly by public Sale and partly by private Contract, and in such Lots and Parcels as may be deemed expedient, and either subject to or discharged from the Rents reserved and payable in respect of the same Hereditaments by virtue of the present or future Leases thereof, unto any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof or of any Part thereof respectively, for the most Money or for the best Price or Prices that can be reasonably had or gotten for the same (and with full Power and Authority for the said Trustees or Trustee for the Time being, with such Consent as aforesaid, to buy the same Premises, or any Part or Parts thereof, at any Sale or Sales by public Auction, and to rescind, alter, or vary any Contract or Contracts which may be entered into

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for the Sale of the said Premises or any Part or Parts thereof, and to resell, in manner aforesaid, the said Hereditaments which shall be so bought in, or as to which the Contract or Contracts for Sale shall be so rescinded, without being answerable for any Loss which may be occasioned thereby), and upon Payment in manner herein-after mentioned of the Money arising from the said Sale or Sales do and shall convey and assure the said Hereditaments and Premises so to be respectively sold as aforesaid, with their Appurtenances, unto and to the Use of the Purchaser or Purchasers thereof respectively, and his, her, or their Heirs or Assigns, in, to, or for such other Uses, Intents, or Purposes as he, she, or they respectively shall direct or appoint in that Behalf, freed, acquitted, exempted, exonerated, and discharged, and subject as aforesaid.

Purchase Monies to be paid into the Bank of Ireland with Privity of the Accountant General of the Court of Chancery there.

II. And be it further enacted, That all and every the Sums and Sum of Money which shall arise from the Sale or respective Sales to be made in pursuance of this Act of the said Hereditaments and Premises hereby vested in the said *Robert Birmingham Viscount Clements, William Henry Foster, and Henry Maxwell*, shall be paid by the Person or Persons to whom said Sale or Sales shall be made into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery of *Ireland*, to be placed to his, her, or their Account there “*ex parte* the Purchasers of Estates late of the Right Honourable *Chichester* late Earl of *Massereene*, deceased,” pursuant to the Method prescribed by the *Irish* Statute of the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, Chapter Twenty-two, and the General Orders of the said Court.

Accountant General's Receipt to be a sufficient Discharge for Purchase Monies.

III. And be it further enacted, That the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of One of the Cashiers of the Bank of *Ireland*, to be thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *Ireland* by such Purchaser or Purchasers of his, her, or their Purchase Money or Purchase Monies as aforesaid, or an Office Copy or Office Copies thereof, shall be and be deemed and taken to be a good and sufficient Discharge, or good and sufficient Discharges, to such Purchaser or Purchasers, and to his, her, or their Heirs, Executors, Administrators, or Assigns, for the same, or so much thereof as therein respectively shall be expressed to have been paid; and that such Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, shall not afterwards be liable to see to the Application of such Monies, nor be answerable or accountable for any Loss, Misapplication, or Nonapplication of the same.

Monies to be laid out, under the Direction of the Court, in the Purchase of Estates in *Ireland*, to be

IV. And be it further enacted, That the Monies to be paid into the Bank to the Account “*ex parte* the Purchasers of Estates late of the Right Honourable *Chichester* late Earl of *Massereene*, deceased,” which shall remain after Payment of the Costs, Charges, and Expences herein-after directed to be paid thereout, shall, with all convenient Speed, upon a Petition to be preferred to the said Court of Chancery in a summary Way by the said *Thomas Henry Viscount*

Viscount *Ferrard* during his Life, and after his Decease by the Person or Persons who under or by virtue of the herein-before recited Will would for the Time being (if this Act had not been made) be entitled in Possession to the Rents and Profits of the said Estates hereby vested and settled as aforesaid, if such Person or Persons respectively shall be of full Age, but if such Person or Persons respectively shall be under Age, then by his, her, or their Guardian or respective Guardians, during his, her, or their Minority or respective Minorities, be laid out and invested, under the Direction of the said Court, in the Purchase of the Freehold and Inheritance of any determinable Interest in any Lands now held by the said *Thomas Henry* Viscount *Ferrard* and *John* Viscount *Massereene*, and also in the Purchase of such Freehold or Leasehold Messuages, Towns, Lands, Tenements, or Hereditaments, to be situate in any Part of *Ireland*, desirable to be held with any of the settled Estates of the said Viscount *Ferrard* and Viscount *Massereene*, as shall be approved of by the said Court; and from and immediately after the making of such Purchase or Purchases the Hereditaments so to be purchased shall be respectively conveyed, settled, and assured to, upon, and for the Uses, Trusts, Intents, and Purposes, and with, under, and subject to the Powers, Provisoos, and Limitations to, upon, for, with, and under and subject to which (if this Act had not been made) the said Hereditaments which shall have been sold under and by virtue of this Act would, at the Time of such Sale or Sales respectively, have stood limited and settled; or been subject or liable, under or by virtue of the herein-before recited Will, or to, upon, for, with, under, and subject to such and so many of the same Uses, Trusts, Intents, and Purposes, Powers, Provisoos, Limitations, and Declarations, as shall be then subsisting undetermined or capable of taking effect, or as near and conformable thereto as may be, and Circumstances will then permit.

settled to the Uses of the Earl of Massereene's Will.

V. And be it further enacted, That all Sums of Money which shall be paid into the Bank in the Name of the said Accountant General in manner herein-before directed, or so much as shall not be ordered by the said Court of Chancery to be applied in Payment of Costs, Charges, and Expences, as herein-after directed, shall, in the meantime and until the same shall be invested in the Purchase of Hereditaments as aforesaid, be from Time to Time laid out, under the Direction of the said Court of Chancery, in the Name of the said Accountant General, in the Purchase of *Irish* Government Debentures or *Irish* Treasury Bills; and that the Interest arising from the Money so laid out in the Purchase of Debentures or Treasury Bills, and the Money to be received for the same as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other like Debentures or Treasury Bills; all which said Debentures or Treasury Bills shall be deposited in the said Bank in the Name of the said Accountant General, and shall remain there until such proper Purchase or Purchases shall be found and approved as herein-before directed, and until the same Debentures or Treasury Bills shall, upon a Petition setting forth such Approbation, to be preferred to the said Court of Chancery in a summary Way by the said *Thomas Henry* Viscount *Ferrard*, or such other

Application of Purchase Money until invested in the Purchase of Lands.

other Person or Persons who for the Time being shall be beneficially entitled in Possession to the Rents and Profits of the Hereditaments to be purchased as aforesaid, or if such Person or Persons shall be under Age, then by his, her, or their Guardian or Guardians, be respectively ordered to be sold by the said Accountant General for completing such Purchase or Purchases respectively, in such Manner as the said Court shall think fit and direct; and if the Money arising by Sale of the Debentures or Treasury Bills which shall have been purchased with or have arisen by Renewal or Exchange from the Monies produced by the Sale of the said Hereditaments hereby vested in the said *Robert Birmingham Viscount Clements, William Henry Foster, and Henry Maxwell*, shall exceed the Amount of the original Money so laid out thereon as aforesaid, then and in such Case only the Surplus which shall remain shall be paid to such Person or Persons respectively as during the Continuance of the Investment in such Securities would have been entitled to receive the Rents and Profits of the Hereditaments directed to be purchased in case the same had been actually purchased in pursuance of this Act, or the Personal Representative or Representatives of such Person or Persons, as Part of his, her, or their Personal Estate.

Court to
make Orders
for Taxation
and Payment
of Costs.

VI. Provided always, and be it further 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 said Court shall think fit for taxing and settling the Costs, Charges, and Expences which shall have been incurred preparatory to and in applying for and obtaining and passing this Act, and in making the several Applications to the said Court in pursuance thereof, and in making and completing the Sales hereby authorized, and investing all or any of the Monies paid into the Bank as aforesaid in the Purchase of Lands and Hereditaments as aforesaid, and settling the same Manors, Lands, and Hereditaments according to the Directions herein-before contained, and 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 the Payment of all such Costs, Charges, and Expences as aforesaid, out of the Monies which shall arise from said Sales under this Act, and which shall be so paid into the Bank as aforesaid, or out of the Money arising from the Sale of the Debentures or Treasury Bills to be purchased or received in Exchange as aforesaid; 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.

Application
of Rents of
Estates until
sold.

VII. And be it further enacted, That in the meantime and until such Sales shall be made as aforesaid of the said Hereditaments hereby authorized and directed to be sold they the said *Robert Birmingham Viscount Clements, William Henry Foster, and Henry Maxwell*, and the Survivor of them, and the Heirs of such Survivor, shall, from Time to Time as there shall be Occasion, renew all such Leases of the said Lands as shall become renewable under the Covenants contained in the Leases thereof, according to the Terms of such Leases and the Covenants therein respectively contained,
and

and shall permit and suffer the Rents and Profits of the said Hereditaments to be had, received, and taken by such Person or Persons as would respectively have been entitled and ought to have held, received, and enjoyed the same in case this Act had not been made.

VIII. Provided always, and be it further enacted, That in case the said *Robert Birmingham Viscount Clements, William Henry Foster, and Henry Maxwell*, or either of them, or any future Trustee or Trustees who shall be appointed as herein-after mentioned, or their or any of their Heirs or Assigns, shall die, or be desirous to be discharged from, or refuse or decline or become incapable to act in the Trusts hereby created, or shall go to travel or reside out of the United Kingdom of *Great Britain and Ireland*, before the said Trusts shall be fully performed and executed, 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 *Thomas Henry Viscount Ferrard*, or by the Person or Persons who for the Time being, under or by virtue of the Limitations contained and expressed in the herein-before recited Will, shall be beneficially entitled in Possession of the Rents and Profits of the Hereditaments hereby made saleable as aforesaid, if such Person or Persons shall be of full Age, but if such Person or Persons be under Age, then by his, her, or their Guardian or respective Guardians, during his, her, or their Minority or respective Minorities, to appoint any Person or Persons named by the said Court to be a Trustee or Trustees in the Room or Stead of the Trustee or Trustees so dying, or desiring to be discharged, or refusing, declining, or becoming unable to act, or going to travel or reside out of the said United Kingdom as aforesaid; and thereupon all the Trust Estates, or such of them as shall remain unsold, shall with all convenient Speed be conveyed and transferred in such Sort and Manner as to become legally and effectually vested in such new Trustee or Trustees solely, or jointly with the surviving or continuing Trustee or Trustees, as the Circumstances of the Case shall require, upon the same Trusts and for the same Intents and Purposes as are herein declared of and concerning the same, or such of them as shall be then subsisting or capable of taking effect; and such new Trustee and Trustees shall, to all Intents and Effects, Constructions and Purposes whatever, have all the Powers and Authorities of the Trustee or Trustees in whose Room or Stead he or they shall be so substituted or appointed.

Power to
appoint new
Trustees.

IX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to the Creditors of the said *Chichester Earl of Massereene*, and to all and every other Persons and Person, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than except the said *Thomas Henry Viscount Ferrard*, and all and every the Son and Sons of the Body of the said *Harriett* late Viscountess *Massereene*, and the Heirs Male and Heirs of their respective Bodies, and all and every other Persons and Person having or claiming, or who shall or may have or claim, any Estate, Charge, Right, Title, or Interest in, to, out of, or upon the said Hereditaments hereby vested in the

General
Saving.

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said

said *Robert Birmingham Viscount Clements, William Henry Foster, and Henry Maxwell*, or any Part or Parts thereof, under or by virtue of the said herein-before recited Will of the said *Chichester Earl of Massereene*, and also other than and except the right Heirs of the said *Chichester Earl of Massereene*,) all such Estates, Rights, Titles, and Interests of, in, to, or out of the said Hereditaments so hereby vested and settled in Trust to be sold as aforesaid, or any Part or Parts thereof, as they, every or any of them, had before the passing of this Act, or would or might have had or enjoyed in case this Act had not been passed.

Act to be
printed by
the King's
Printer.

X. And be it further enacted, That this Act shall be printed by the several Printers to the King'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.

SCHEDULE

OF

Leases of the Towns, Lands, Tenements, and other Hereditaments late of the said Chichester Earl of Massereene, in the "County of Antrim," referred to in the foregoing Act.

No.	Lessor.	Lessee.	Date of Lease.	Denominations, with Barony, Manor, or Parish wherein situate.	Term.	Rent reserved, late Currency, exclusive of Fees and Duties.			Rent reserved, present Currency, exclusive of Fees and Duties.		
						£	s.	d.	£	s.	d.
1	The Right Honble Clotworthy Lord Viscount Massereene.	Arthur White -	16 th Octr. 1716.	Ballytweedy and Ballysculty, Parish of Killead.	3 Lives renewable for ever	7	10	0	6	18	5½
2	Do. - -	Alexander Stewart	2 nd Novr. 1733.	Clanchy, Ballynamoney, Enagh, Drumskea, and Unchina, situate, lying, and being in the Barony of Dunluce, and also the Towns and Lands of Knochen, Upper Dera, Lower Dera, Longmullins, Broad Mullins, Cultifachan, Craigan, Lary and Tullochans, called and known by the Name of the 13 Quarters, situate in the Barony of Kilconway	Do.	61	0	0	56	6	1½
3	Do. - -	Josias Ervin -	15 th May 1736.	All those Farms of Land in Ballysculty, Parish of Killead - - -	Do.	14	6	0	13	4	0
4	Do. - -	Josias Cunningham	29 th May 1718.	Part or Parcel of Land in the Town Land of Ardmore, Barony of Massereene - - -	Do.	26	12	0	24	11	1
5	Do. - -	James Wilson - -	15 th Augt. 1724.	Parcel of Land in the Town Land of Ardmore, Barony of Massereene - - -	Do.	5	19	0	5	9	10½
6	Do. - -	William Moore -	22 nd Decr. 1698.	The Townland of Ballabradan, Barony of Dunluce - - -	Do.	6	0	0	5	10	9¼
7	Do. - -	Roger Brisow -	6 th Janv. 1715.	The Town Lands of Gortye and Lanelloley, Barony of Toome -	Do.	40	0	0	36	18	5½
8	Do. - -	Henry Spenser -	19 th April 1703.	The Quarterland of Killyfade, Manor of Grange, or Deer Park	Do.	5	0	0	4	12	3½
9	Do. - -	George Charleton -	1 st May 1698.	Parcel of Land, being Part of the Townland of Ardnaglass, Manor of Deer Park -	Do.	13	0	0	12	0	0
10	Do. - -	Mathew Henderson	28 th April 1708.	One Third Part of the Townland of Gillistown, Manor of Deer Park, alias Manybrook	Do.	8	13	4	8	0	0
11	Do. - -	John Brady - -	29 th Janv. 1707.	A Parcel of Land in Grange, Manor of Grange, alias Manybrook - - -	Do.	1	16	3	1	13	5

No.	Lessor.	Lessee.	Date of Lease.	Denominations, with Barony, Manor, or Parish wherein situate.	Term.	Rent reserved, late Currency, exclusive of Fees and Duties.	Rent reserved, present Currency, exclusive of Fees and Duties.
						£ s. d.	£ s. d.
12	The Right Hon ^{ble} Clotworthy Lord Viscount Massereene.	John Brady - -	20 th May 1721.	A Parcel of Land, Part of the Townland of Ardnaglass, Manor of Deer Park, alias Grange.	3 Lives renewable forever	0 3 0	0 2 9
13	Do. - -	James Rainy - -	28 th April 1708.	One Third Part of Gillistown, Manor of Deer Park, alias Manybrook	Do.	8 13 4	8 0 0
14	Do. - -	Nathaniel Clarke, sen ^r .	1 st June 1719.	A Parcel of Land in the Mill Quarter, together with One Third Part of the Mill, Manor of Deer Park, alias Grange -	Do.	2 0 0	1 16 11
15	Do. - -	Nath ^l . Clarke, jun ^r .	1 st June 1719.	Parcel of Land in the Mill Quarter, with the One Half of the One Third Part of the Mill then standing in the Manor of Deer Park, alias Grange -	Do.	1 0 0	0 18 5
16	Do. - -	James Clarke - -	1 st June 1719.	Parcel of Land in the Mill Quarter, together with the One Half of the One Third Part of the Mill then standing in the Manor of Deer Park, alias Grange -	Do.	1 0 0	0 18 5
17	Do. - -	Andrew Anderson -	28 th April 1708.	Parcel of Land in Ballycunevea, Manor of Deer Park, alias Manybrook -	Do.	3 10 0	3 4 7
18	Do. - -	Michael Hollinshed	20 th April 1708.	Parcel of Land in Ballycunsusa, Manor of Deer Park, alias Manybrook -	Do.	2 0 0	1 16 11
19	Do. - -	Walter Clarke - -	1 st June 1719.	Parcel of Land in the Mill Quarter, together with One Third Part of the Mill formerly standing in the Manor of Deer Park, alias Grange -	Do.	2 0 0	1 16 11
20	Do. - -	Samuel Clarke - -	24 th Janv. 1701.	Parcel of the Townland of Killyliss, situate in the Territory of Grange, Manor of Deer Park	Do.	5 9 4	5 0 11
21	Do. - -	Samuel Clarke - -	Do.	Parcel of Land, being a Third Part of the Townland of Ballynoreagh, alias Gillistown, Manor of Deer Park -	Do.	6 10 0	6 0 0
22	Do. - -	William Clarke - -	20 th May 1721.	Part or Parcel of Land, Part of the Townland of Ardnaglass, Manor of Deer Park, alias Grange -	Do.	5 1 4	4 13 6
23	Do. - -	John Fassett - -	27 th July 1709.	The Plot or Parcel of Land commonly called and known by the Quarter of Kilvelish -	Do.	8 0 0	7 7 8

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						£	s.	d.	£	s.	d.
24	The Right Hon ^{ble} Clotworthy Lord Viscount Massereene and the Honourable Clotworthy Skeffington, his eldest Son.	James Weir	30 th Decr. 1738.	The Parcel of Land commonly called and known by the Name of the Grange Park, in the Manor of Grange, alias Manybrook.	3 Lives renewable for ever	6	0	0	5	10	9 ¹ / ₄
25	The Right Honourable Clotworthy Lord Viscount Massereene.	George Bovill	20 th May 1721.	All that Part or Parcel of Land in Aghabary and Ardnaglass, in the Manor of Doroarkats, Manybrook	Do.	4	18	0	4	10	5 ¹ / ₂
26	Do.	Titus Hollinshed	28 th April 1708.	The Part or Parcel of Land in Ballycunevea, in the Manor of Deer Park, alias Manybrook	Do.	6	0	0	5	10	9 ¹ / ₄
27	Do.	Tho ^s . Courtney	1 st May 1698.	The Parcel of Land Part of the Townland of Cullenavey, in the Manor of Grange, or Deer Park	Do.	15	0	0	13	16	11
28	Do.	Roger Bristow	28 th April 1727.	The Townland of Ballynageeragh, in the Manor of Killylough, in the Barony of Massereene	Do.	36	3	6	33	7	10
29	Do.	Do.	17 th April 1727.	Part of the Quarterland of Corbally, in the Manor of Killylough, in the Barony of Massereene	Do.	15	0	0	13	16	11
30	Do.	Charles Bristow	25 th Nov. 1742.	Those Farms or Parcel of Land, Part of the Lands of Corbally, in the Townland of Corbally, in the Parish of Killead	Do.	22	14	2	20	19	3
31	Do.	John White	16 th April 1712.	Part of the Townland of Ardmore, in the Manor of Killylough	Do.	6	0	0	5	10	9 ¹ / ₄

Also certain Lands, Tenements, and Hereditaments, situate in the Manor of Grange, alias Manybrook, formerly demised by the said Clotworthy Lord Viscount Massereene for Three Lives, renewable for ever, and now held by William Sharman Crawford, Esquire, and his Undertenants, Cottiers, or Assigns:

Also certain other Lands, Tenements, and Hereditaments, situate in the Manor of Deer Park, alias Manybrook, formerly demised by the said Clotworthy Lord Viscount Massereene for Three Lives, renewable for ever, and now held by John Sheil, Esquire, and his Undertenants, Cottiers, or Assigns:

Also certain other Lands, Tenements, and Hereditaments, Part of Ardnaglass, in the Manor of Deer Park, alias Manybrook, formerly demised by the said Clotworthy Lord Viscount Massereene for Three Lives, renewable for ever, and now in the Possession of John Reside, and his Undertenants, Cottiers, or Assigns:

Also certain other Lands, Tenements, and Hereditaments, Part of the Townland of Ardmore, situate in the Manor of Killylough, formerly demised by the said Clotworthy Lord Viscount Massereene for Three Lives, renewable for ever, and now in the Possession of Francis White, and his Undertenants, Cottiers, or Assigns.

SCHEDULE

OF

Leases of the Towns, Lands, Tenements, and other Hereditaments late of the said Chichester Earl of Massereene, in the County of Monaghan, referred to in the foregoing Act.

No.	Lessor.	Lessee.	Date of Lease.	Denominations, with Barony, Manor, or Parish wherein situate.	Term.	Rent reserved, late Currency, exclusive of Fees and Duties.			Rent reserved, present Currency, exclusive of Fees and Duties.		
						£	s.	d.	£	s.	d.
1	The Right Hon ^{ble} Clotworthy Lord Viscount Massereene.	James Hamilton -	25 th Novr. 1749.	The Tates, Towns, and Lands of Aughnamisky alias Tullynesky, Maghratilly alias Lagan, Crossnockagh alias Crossknockery, and Half Benmore, Barony of Cremorne.	Lives renewable for ever	40	0	0	36	18	5
2	Do. - -	Henry Owens -	13 th May 1751.	That Part or Proportion of the Tate or Townland of Aughnaskew, Barony of Dartry -	Do.	14	0	0	12	18	5
3	Do. - -	John Armstrong and William Armstrong.	24 th Octr. 1752.	The Tates, Towns, and Lands of Barraghy, Clowntrim, Tullynane-gish, and Tullynamabroo, in Barony of Cremorne - - -	Do.	102	10	0	94	12	3
4	Do. - -	Moses Rutherford -	22 nd April 1698.	The Tate of Land of Cadagh alias Cadaghroe, in the Barony of Cremorne - - -	Do.	8	0	0	7	7	8
5	Do. - -	Thomas Verner -	22 nd May 1750.	The Lands known by the Names of Corryhagan, Coredufles, Mullinegore, Coriske, Moninton, Lisgallinan, Tatybreke, Lewey, and Part of Aghanturr, in the Barony of Cremorne - - -	Do.	130	0	0	120	0	0
6	The Right Honourable John Lord Viscount Massereene.	Josias Campbell and Josias Coningham.	1 st Novr. 1693.	That Parcel of Land or Tates of Land, with certain Parcels of Tates, commonly called Part of the Jointure of Mrs. Eleanor Moore, deceased, containing those Denominations or Parcels, viz. Coolkill, Cloncorrick, Drumvady, Drumsal, Unshanagh, Corgera, Corglass, Rakera, Drumlenan, Lisivin, in the Barony of Dartry - - -	Do.	36	0	0	33	4	7

No.	Lessor.	Lessee.	Date of Lease.	Denominations, with Barony, Manor, or Parish wherein situate.	Term.	Rent reserved, late Currency, exclusive of Fees and Duties.			Rent reserved, present Currency, exclusive of Fees and Duties.		
						£	s.	d.	£	s.	d.
7	The Right Honourable Clotworthy Lord Viscount Massereene.	Alexander Woddoll	23 rd April 1698.	Three whole Tates of Land known by the Names of Drumgaven, Lisnavean, and Corduffis, in the Barony of Cremorne.	Lives renewable for ever	18	0	0	16	12	3 $\frac{1}{4}$
8	Do. - -	George Martin, Guardian to George Campbell, a Minor.	31 st March 1736.	The Tate of Land commonly called or known by the Name of Drumore, in Caddagh, also Part of the Tate of Caddaghroe, Barony of Cremorne - -	Do.	8	10	0	7	16	11
9	Do. - -	James Hamilton -	12 th Augt. 1749.	The Tates, Towns, and Lands of Cloghan, Dumphelmy, and Cremartin, Barony of Cremorne	Do.	38	0	0	35	1	6 $\frac{1}{2}$
10	Do. - -	Thomas Fortescue -	19 th June 1736.	Duragh, Rey, Drumilert, Cornesse, and Tullyglis, Listogher alias Beagh, Toghmacneagh, Tullyrean, and Shantonagh, and Aghmakere, in the Barony of Cremorne - -	Do.	55	0	0	50	15	4 $\frac{1}{2}$
11	Do. - -	John Beatty, senior	29 th July 1749.	The Tate of Land commonly called and known by the Name of Kilbern, Barony of Trough	Do.	8	10	0	7	16	11
12	Do. - -	John Whiteside -	13 th Novr. 1730.	Certain Lands in the Two Tates of Kilcorran, Barony of Monaghan	Do.	2	0	0	1	16	11
13	Do. - -	Oliver Ancketill -	28 th July 1749.	The Tate, Town, and Land of Killycorran, Barony of Trough -	Do.	20	0	0	18	9	2 $\frac{3}{4}$
14	Do. - -	Robert Kerr - -	1749.	The Tates, Towns, and Lands of Kenturk and Knockarne, Barony of Dartry - - -	Do.	6	12	4	6	2	2
15	Do. - -	Babtist Johnston -	1 st May 1749.	The Tate or Townland of Knockakervan, Barony of Trough -	Do.	16	0	0	14	15	4 $\frac{1}{2}$
16	Do. - -	Thomas Rogers -	31 st July 1749.	The Tate, Town, and Land of Kersland, Barony of Dartry -	Do.	21	0	0	19	7	8 $\frac{1}{4}$

No.	Lessor.	Lessee.	Date of Lease.	Denominations, with Barony, Manor, or Parish wherein situate.	Term.	Rent reserved, late Currency, exclusive of Fees and Duties.	Rent reserved, present Currency, exclusive of Fees and Duties.
						£ s. d.	£ s. d.
17	The Right Honourable Clotworthy Lord Viscount Massereene.	William Black	24 th July 1749.	The Tate, Town, and Land of Koolbern, Barony of Trough.	Lives renewable for ever	16 18 3	15 12 3
18	Do. - -	Atcheson Johnston, John Beatty, and Thomas Rogers.	29 th July 1749.	The Tates, Town, and Lands of Lattycrom, Crossduff, and Lurgannhamlough, Barony of Cremorne - -	Do.	48 0 0	44 6 1
19	Do. - -	John Armstrong and William Armstrong.	31 st July 1749.	The Two Tates of Land of Rassullas and Tullycar, Barony of Cremorne - -	Do.	40 0 0	36 18 5
20	Do. - -	William Whitsit and Andrew Spence	24 th July 1749.	The Tate or Townland of Tullyneheenagh, Barony of Cremorne -	Do.	25 10 0	23 10 9
21	Do. - -	Richard Dawson	7 th June 1726.	Parcel of Land in the North-east Part of Tonytillagh, contiguous to Drum, in the Barony of Dartry - -	Do.	3 0 0	2 15 4
22	Do. - -	Blayney Owen	8 th Augt. 1749.	All that the Half Tate or Half Townland of Tullycrummon, Barony of Monaghan - -	Do.	13 0 0	12 0 0
23	Do. - -	Alexander Montgomery.	11 th Augt. 1749.	The Tates, Towns, and Lands following; (that is to say,) the Two Tates of Tossiey, also the Two Tates of Carrickatee, the Tate of Gregarvagh, Two Tates of Creive, the Tate of Nullinagh, Tate of Tattycoe otherwise Aughakeist, the Tate of Roae, the Tate of Brackly, the Tate of Sneetrins, the Tate of Derryheclan otherwise Derry Island, Barony of Cremorne - -	Do.	160 0 0	147 13 10
24	Do. - -	Nicholas Forster	1 st Oct. 1749.	Mountain Barrs of Sleevebeagh commonly called the 29 Barrs, in the County of Monaghan - -	Do.	200 0 0	184 12

Lessor.	Lessee.	Date of Lease.	Denominations, with Barony, Manor, or Parish wherein situate.	Term.	Rent reserved, late Currency, exclusive of Fees and Duties.	Rent reserved, present Currency, exclusive of Fees and Duties.
					£ s. d.	£ s. d.
5 The Right Honourable Clotworthy Lord Viscount Massereene.	George Fisher, Executor of Lancelot Fisher.	24 th July 1752.	Part of the Lands of Shanmullagh, Barony of Cremorne, also all that Part Maghery otherwise Ania, and also all that Part of the Lands of Clonamunsagh, Barony of Monaghan.	Lives renewable for ever	19 4 5	17 14 10
6 Do. - -	Thomas Montgomery	25 th Janv. 1737.	The Townland or Tate of Leck, late in the Barony of - -	Do.	3 0 0	2 18 1 $\frac{3}{4}$

SCHEDULE

OF

Lease of the Towns, Lands, Tenements, and other Hereditaments late of the said Chichester Earl of Massereene, in the Counties of Cork and Kerry, referred to in the foregoing Act.

No.	Lessor.	Lessee.	Date of Lease.	Denominations, with Barony, Manor, or Parish wherein situate.	Rent reserved, late Currency, exclusive of Fees and Duties.	Do. present Currency
					£ s. d.	£ s.
1	The Right Hon ^{ble} Clotworthy Earl of Massereene.	The Right Hon ^{ble} John Hely Hutchinson.	14 th March 1767.	All those the Rectories and Improprate Tithes of Derryvolane and Ballydeloghey otherwise Ballylough, in the Baronies of Condons and Clongibbons and County of Cork. The Rectories and Improprate Tithes of Kilmanmage and Killcrohan in the Barony of Carberry and County of Cork aforesaid. The Rectories and Improprate Tithes of Culleen, Nohovall, Kilmeen, and Drishane, in the Barony of Muskerry and Duhallow and County of Cork aforesaid. As also the Rectories and Improprate Tithes of Killcomuthea, Clonfisk, Killaha, Killarney, and Killgarvan, in the County of Kerry: together with the Rights, Members, Privileges, Advantages, Emoluments, and Appurtenances, and Sub-denominations of the Abbey of S ^t . Katherines of Waterford in the said several Counties	200 0 0	184 12

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