



ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

Cap. 5.

An Act to enable the Trustees of Lord *Beauchamp's* Charity to purchase the Right of Nomination to the Chapelry of *Newland* in the County of *Worcester*, and to vest in them the Site of the Church or Chapel of *Newland*.

[20th August 1860.]

WHEREAS the Right Honourable *John Reginald Pindar* Earl *Beauchamp* duly executed his Will, dated the Eighteenth Day of *June* One thousand eight hundred and forty-seven, and thereby gave and devised a Piece or Parcel of Pasture Land situate in the Hamlet of *Newland* in the County of *Worcester*, containing Eight Acres, more or less, with the Appurtenances, unto and to the Use of his Nephew the Honourable *Charles Grantham Scott*, his Heirs and Assigns for ever, and the Testator thereby gave and devised all and singular other his Freehold and Copyhold Manors, Messuages, or Tenements, Farms, Lands, Tithes, and Hereditaments, situate in the Counties of *Worcester* and *Lincoln* and elsewhere, and all other the Real Estate, whatsoever and wheresoever, which he was seised of or in any Manner entitled to or interested in, either in Possession, Reversion, Remainder, or Expectancy, for any greater Estate or Interest than for the Remainder

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of

The Beauchamp Charity Act, 1860.

of his Life, or over which he had any Power of Appointment or Disposition, (except the Hereditaments vested in him as Mortgagee or Trustee,) to the Use of the said *Charles Grantham Scott* and his Assigns for and during the Term of his natural Life, without Impeachment of Waste (except voluntary Waste in pulling down Houses or other Buildings, and not rebuilding the same), and from and after his Decease to the Use of the First, Second, Third, Fourth, and all and every Son and Sons successively according to Seniority of the said *Charles Grantham Scott* in Tail Male, with Remainder to the Use of the First and all and every other the Daughter and Daughters of his said Nephew *Charles Grantham Scott* in Tail Male, with Remainder to the Use of the First, Second, Third, Fourth, and all and every other Son and Sons of the said *Charles Grantham Scott* in Tail General, with Remainder to the Use of the First and all and every other the Daughter and Daughters of his said Nephew *Charles Grantham Scott* in Tail General, with Remainder to the Use of the Second, Third, Fourth, Fifth, and all and every other Son and Sons of the Right Honourable *John Henry* Earl of *Clonmell* in Tail Male, with Remainder to the Use of the Testator's own right Heirs for ever: Provided, and the Testator thereby directed and declared that, in case the Person or Persons, being such Second or other Son of the said *John Henry* Earl of *Clonmell* as aforesaid, who, under the Limitations therein-before contained, should or might be or become entitled for an Estate Tail in the Hereditaments and Premises therein-before devised, either in Possession or in Remainder expectant on the Limitations therein-before contained in favour of the said *Charles Grantham Scott*, should at any Time thereafter become Earl of *Clonmell*, then and in that Case and so often as the same should happen the Estate Tail of any such Second or other Son or Issue Male of and in all and singular the Hereditaments therein-before devised as aforesaid should thereupon cease, determine, and become void, so and in such Manner that immediately thereupon the said thereby devised Hereditaments and Premises should (subject and without Prejudice to the Uses and Estates thereby limited in Priority to the Estate which should so cease) go over unto the Person or Persons next entitled in Remainder under the Limitations therein-before contained, in the same Manner as if the Person whose Estate Tail should so cease, determine, and become void were dead without leaving any Issue of himself or his Ancestor capable of inheriting under the Entail which should be so determined; and the said Will contained a Provision in the following Words:—“ And whereas I have contemplated erecting and endowing
“ Almshouses, either upon some Part of my Estate or elsewhere in the
“ Hamlet of *Newland* aforesaid, for the Residence of Twelve or some
“ larger Number of poor Men and Women, Members of the Church of
“ *England*, who should have been employed in Agriculture, and have
“ been reduced by Sickness, Misfortune, or Infirmary: Now, in case I
“ should happen to die without effecting such Object, and any Person
“ or Persons should within Twelve Months after my Decease, at their,
“ his,

The Beauchamp Charity Act, 1860.

“ his, or her Expense, purchase or give a suitable Piece of Land in
“ *Newland* aforesaid as a Site for such Almshouses, and with the Intent
“ that the same should be devoted to such Purpose, then I empower
“ and direct the Trustees or Trustee for the Time being of this my Will,
“ when and so soon as such Land shall have been legally dedicated to
“ charitable Uses, provided they or he shall approve the Scheme of the
“ intended Charity, and the Rules and Regulations proposed for the
“ Government thereof, to pay to the Trustees of the said intended
“ Charity, out of such Part of my Personal Estate as is herein-after
“ mentioned, the Sum of Sixty thousand Pounds, to be by them devoted
“ to the several Purposes of the said Charity in the Manner to be
“ determined in respect of the Funds of the same, but so nevertheless
“ that the said Sum or any Part thereof shall not be applied in or
“ towards the Purchase of any Lands for the Purposes of such Charity;
“ and if and in case no such Piece or Parcel of Land shall be found
“ or provided as aforesaid, or, being such, the Scheme of the intended
“ Charity, or the Rules and Regulations for the Government thereof,
“ shall not in the Opinion of the Majority of my said Trustees be in
“ accordance with what they may consider my Wishes upon the subject
“ to have been, then I give and bequeath the said Sum of Sixty
“ thousand Pounds to the Trustees for the Time being of *St. George's*
“ *Hospital*, situate at *Hyde Park Corner* in the County of *Middlesex*,
“ to be by them applied to the Purposes of that Institution;” and
the said Testator, after giving Two other charitable Legacies, directed
that the said several charitable Legacies (together with the Legacy
Duty thereon, in his said Will directed to be paid out of his Residuary
Personal Estate,) should be paid out of such Parts of his Personal
Estate as might legally be devoted to charitable Purposes, and should
be paid in preference to all other pecuniary Legacies bequeathed by his
Will, excepting only the Legacy therein excepted; and the said Testator
appointed the said *Charles Grantham Scott* and *Susan Kitching* and the
Reverend *Thomas Philpott* Trustees and Executors and Executrix of his
said Will: And whereas the said Testator afterwards made Seven
Codicils to his said Will, none of which affected the contingent Legacy
of Sixty thousand Pounds herein-before mentioned: And whereas by
the Third of such Seven Codicils, which is dated the Thirteenth Day of
August One thousand eight hundred and forty-seven, after reciting the
said Devise to the said *Charles Grantham Scott* for Life, with Remainders
over, and reciting that since the Date and Execution of his said Will
there had been born and was then living *Beauchamp Henry John Scott*
(in the said Third Codicil written *Beauchamp John Henry Scott*), a Son
of the Marriage of the said *Charles Grantham Scott* with his present
Wife, and that the Testator was desirous of limiting the before-mentioned
Manors and Estates in manner therein-after mentioned, he the said
Testator thereby, in lieu of the Uses limited by his said Will of and
concerning the said Estates to take effect from and immediately after
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The Beauchamp Charity Act, 1860.

the Decease of the said *Charles Grantham Scott*, gave and devised the same Estates, Hereditaments, and Premises to the Use of the said *Beauchamp Henry John Scott* and his Assigns for and during the Term of his natural Life, without Impeachment of Waste (except voluntary Waste in pulling down Houses or other Buildings, and not rebuilding the same), and from and after his Decease to the Use of the First, Second, Third, Fourth, and all and every Son and Sons of the said *Beauchamp Henry John Scott* in Tail Male, with Remainder to the like Uses in favour or for the Benefit of the Daughter and Daughters of the said *Beauchamp Henry John Scott*, and the Heirs Male of her and their Body or respective Bodies, and in default thereof to the like Uses in favour or for the Benefit of the Son and Sons, Daughter and Daughters respectively of the said *Beauchamp Henry John Scott*, and the Heirs Male of his her or their Body or respective Bodies issuing, as were in and by his said Will respectively expressed and declared of and concerning the same Estates, Hereditaments, and Premises in favour or for the Benefit of the Sons and Daughters respectively of the said *Charles Grantham Scott*; and in default of all such Issue of the said *Beauchamp Henry John Scott*, the Testator gave and devised the same Estates, Hereditaments, and Premises to the same Uses as were in and by the said Will limited of and concerning the same, to take effect from and after the Decease of the said *Charles Grantham Scott*, excepting so far as the same were so limited in favour of the First Son of him his said Nephew in case the said *Beauchamp Henry John Scott* should be living at the Time of his Father's Death: And whereas the said *Reginald Pindar Earl Beauchamp*, died on or about the Twenty-second Day of *January* One thousand eight hundred and fifty-three, without having revoked or in anywise altered his said Will and Codicils, except so far as the said Will was altered by the said Codicils, and as the earlier of such Codicils were respectively affected by the later ones; and the said Will, together with the Six Codicils thereto (One, the Fourth, having been revoked by a subsequent One), was on or about the Twenty-second Day of *February* One thousand eight hundred and fifty-three duly proved in the Prerogative Court of the Archbishop of *Canterbury*: And whereas the Right Honourable *Henry Beauchamp* now Earl *Beauchamp* was the Heir-at-Law of the said *John Reginald Pindar Earl Beauchamp* at the Time of the Death of the latter: And whereas by an Indenture dated the Sixth Day of *December* One thousand eight hundred and fifty-three, and made between the said *Charles Grantham Scott* of the one Part, and *John Abel Smith* Esquire and the said *Susan Kitching* and *Thomas Philpott* of the other Part, which Indenture was duly executed by all the Parties thereto, and was duly enrolled in Her Majesty's High Court of Chancery on the Twenty-second Day of *December* One thousand eight hundred and fifty-three, after reciting so much of the Testator's Will as related to the said charitable Legacy, and reciting that the said *Charles Grantham Scott* was desirous of effectuating the Object contemplated by the said Testator, it was

witnessed,

Indenture,
dated 6th
December
1853.

The Beauchamp Charity Act, 1860.

witnessed, that the said *Charles Grantham Scott*, for a nominal Consideration, granted and conveyed unto the said *John Abel Smith, Susan Kitching,* and *Thomas Philpott*, and their Heirs and Assigns, all that Piece of Pasture Land in the Hamlet of *Newland* containing Eight Acres, herein-before mentioned to have been devised by the said Will, to hold the said Piece of Land, Hereditaments, and Premises, with their Appurtenances, unto and to the Use of the said *John Abel Smith, Susan Kitching,* and *Thomas Philpott*, their Heirs and Assigns for ever, nevertheless upon trust and to the Intent that the same Piece of Land and Hereditaments should thenceforth be devoted to the Purposes and be used as a Site for the Erection of such Almshouses as in the said herein-before in part recited Will mentioned, and other the Purposes of the said intended Charity, and that the same should be used and enjoyed for those Purposes, and be subject to such Powers and Provisions in relation thereto, and that the Scheme of the said intended Charity, and the Rules and Regulations for the Government thereof, should be framed and settled in such Manner in all respects as they the said *John Abel Smith, Susan Kitching,* and *Thomas Philpott*, or other the Trustees or Trustee for the Time being of the now-stating Indenture, should, with the Approbation of the Trustees or Trustee for the Time being of the said Testator's said Will, thereafter determine, and should by an Indenture, sealed and delivered by them, him, or her in the Presence of Two credible Witnesses, and enrolled in Her Majesty's High Court of Chancery, direct and declare accordingly: And whereas a Suit was instituted in the High Court of Chancery on or about the Third Day of *June* One thousand eight hundred and fifty-four, wherein the said *Thomas Philpott* was Plaintiff, and the President, Vice-Presidents, Treasurers, and Governors of *St. George's Hospital*, and the said *John Abel Smith, Susan Kitching,* and *Charles Grantham Scott*, were Defendants, for the Purpose of having the Rights and Interests of all Parties under the Testator's Will in respect of the said Sum or Legacy of Sixty thousand Pounds ascertained and declared by the Decree of the High Court of Chancery, and the Trusts of the said Will carried into effect so far as the same related thereto: And whereas by the Decree in the said Suit made by the Master of the Rolls on the Nineteenth Day of *November* One thousand eight hundred and fifty-five it was declared, that the said herein-before recited charitable Bequest of Sixty thousand Pounds was void as regarded the Almshouses mentioned or referred to in the said Will, as coming within the Provisions of the Statute made in the Ninth Year of the Reign of King *George* the Second, intituled *An Act to*

Decree
dated 19th
November
1855.

9 G. 2. c. 36.

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Suit

The Beauchamp Charity Act, 1860.

Suit of *Philpott v. St. George's Hospital*, for the Purpose of establishing the Validity of the said charitable Bequest of Sixty thousand Pounds, in which Information a Decree was made on the Tenth Day of *March* One thousand eight hundred and fifty-six, dismissing the said Information: And whereas the Plaintiff in the said Suit of *Philpott v. St. George's Hospital*, and also the President, Vice-Présidents, Treasurers and Governors of *St. George's Hospital*, appealed to the House of Lords against the said Decree of the Master of the Rolls dated the Nineteenth Day of *November* One thousand eight hundred and fifty-five, and Her Majesty's Attorney-General also appealed to the House of Lords against the said Decree of the Tenth Day of *March* One thousand eight hundred and fifty-six: And whereas by an Order made by the House of Lords on all the said Three Appeals, and dated the Twenty-fourth Day of *July* One thousand eight hundred and fifty-seven, it was ordered that the said Decrees of the Master of the Rolls, so far as herein-before stated, should be reversed, and the charitable Bequest of Sixty thousand Pounds was declared to be a good charitable Bequest, and one which ought to have been carried into execution; and it was ordered that the said Causes should be remitted back to the Court of Chancery, to do therein as should be just, and consistent with the above Declaration: And whereas the said Order of the House of Lords was on the Twelfth Day of *November* One thousand eight hundred and fifty-seven made an Order of the Court of Chancery: And whereas by an Order in the above-mentioned Causes, made by his Honour the Master of the Rolls on the Twentieth Day of *January* One thousand eight hundred and fifty-eight, it was, amongst other things ordered that a Scheme for the future Management of the said Charity should be settled and approved by the Judge to whom the said Cause was attached, having regard to the Provisions of the Will of the said Testator: And whereas a Scheme for the Management of the said Charity was duly settled, in pursuance of the said Decree, and the same was, by an Order dated the Twenty-sixth Day of *March* One thousand eight hundred and fifty-nine, ordered to be adopted and carried into effect: And whereas by the First Clause of the said Scheme *George William Lyttelton* Lord *Lyttelton*, of *Frankley* in the County of *Worcester*, *Henry Lygon* Viscount *Elmley*, of *Powick*, in the said County of *Worcester*, *Charles Somers Somers Cocks* Earl *Somers*, of *Evesham*, in the said County of *Worcester*, *Sir John Somerset Palkington* Baronet, of *Westwood Park* in the said County of *Worcester*, *Sir Edmund Anthony Harley Lechmere* Baronet, of the *Rhyd* in the said County of *Worcester*, *William Dowdeswell* of *Pull Court, Tewkesbury*, Esquire, the Reverend *George Shaw Munn* Clerk, Rector of *Madresfield* in the said County of *Worcester*, the Honourable *Charles Grantham Scott* of *Cherbourg House, Malvern*, in the said County of *Worcester*, the Reverend *Thomas Philpott* of *Belbroughton* near *Stourbridge*, in the said County of *Worcester*, Clerk, the Right Honourable Earl *Beauchamp*, of *Madresfield Court* in the said County of *Worcester*, the Honourable *Frederick Lygon*.

of

The Beauchamp Charity Act, 1860.

of *Madresfield*, in the said County of *Worcester*, and *John Slaney Pakington* of *Kent's Green, Powick*, in the said County of *Worcester*, Esquire, were appointed to be the first Trustees of the Charity: And whereas it was by the Eighteenth Clause of the said Scheme provided, that the said Trustees should cause to be erected on the Piece of Ground in the Parish of *Newland* given for that Purpose by the Honourable *Charles Grantham Scott*, and according to Plans to be approved by the Court of Chancery, good and substantial Almshouses, to be called "The *Beauchamp* Almshouses," to contain a House for a Chaplain, a Board Room, and other necessary Offices and Accommodation for Twenty-four Almspeople, as therein-after mentioned, (that was to say,) Eight Sets of Rooms for married Couples, Eight Sets of Rooms for single Men or Widowers, and Eight Sets of Rooms for Spinsters or Widows: And whereas it was by the Nineteenth Clause of the said Scheme provided, that for the Purpose of procuring a Place of Worship for the Almspeople at *Newland* aforesaid it should be lawful for the Trustees of the said Charity, if the Sanction of the Legislature could be obtained for that Purpose, to purchase out of the Funds of the Charity, and to procure to be vested in themselves as Trustees of the Charity the Advowson of *Newland* aforesaid, and, after such Purchase should have been made, to repair and enlarge or rebuild, at the Expense of the Charity, subject to the Approval of the Court of Chancery, the Church of *Newland*, so as to make the same available as a Place of Worship for the Almspeople for the Time being: And whereas it was by the Thirty-fifth Clause of the said Scheme provided, that the Trustees should from Time to Time appoint a Clergyman of the Church of *England* in Priest's Orders to be Chaplain of the Almshouses, and should pay to him an annual Stipend not exceeding Two hundred Pounds a Year; and it was by the Thirty-sixth Clause of the said Scheme provided, that a Majority, not being less than Two Thirds of the Trustees for the Time being, might, at a Special Meeting, of which the Chaplain should have at least a Month's Notice, and at which he might attend and be heard for himself, remove the Chaplain from his Office, and appoint another in his Place: And whereas it was by the Thirty-seventh Clause of the said Scheme provided, that the Chaplain should read Prayers every Morning in the Chapel, and should perform there every *Sunday* Two full Services according to the Ritual of the Church of *England* (at One of which at least a Sermon should be preached,) and should perform One full Service at least, with a Sermon, on every *Christmas Day, Good Friday, Ascension Day*, and *Twenty-first November*; and that he should also celebrate in the Chapel the Holy Communion on Twelve Days at least in each Year, of which *Christmas Day, Easter Day, and Ascension Day* should be Three: And whereas *Newland* is or is considered to be a Chapelry and Perpetual Curacy in the Parish of *Great Malvern* (otherwise *Much Malvern*) in the said County of *Worcester*, and the Right of nominating the Incumbent of the said Chapelry and Perpetual Curacy of *Newland* is vested in the Vicar
for

The Beauchamp Charity Act, 1860.

for the Time being of the Parish of *Great Malvern* aforesaid: And whereas the Advowson and Right of Presentation to the Vicarage of *Great Malvern* was heretofore the Property of *Edward Thomas Foley*, late of *Stoke Edith Park* in the County of *Hereford*, Esquire: And whereas the said *Edward Thomas Foley* by his Will dated the Ninth Day of *December* One thousand eight hundred and forty-two, after subjecting and charging his Estates in the County of *Worcester* with the Payment of several Legacies and Annuities in case of his leaving Issue by his Wife *Lady Emily Foley*, but which Event did not happen, gave, devised, and appointed all the Freehold Estates in the Counties of *Stafford*, *Hereford*, and *Worcester* of or to which he was seised or entitled in Fee Simple, or which by virtue of any special Power he was enabled to dispose of, (which included the Advowson of the Vicarage of *Great Malvern*,) with their Rights, Members, and Appurtenances, to the Uses, upon and for the Trusts, Intents, and Purposes, and with, under, and subject to the Powers, Provisoos, and Declarations therein-after expressed and contained of and concerning the same, and which, as to the said Testator's said Estates in the said County of *Worcester*, and omitting certain Uses which have failed or ceased by subsequent Events, were as follows, (that is to say,) to the Use of the Testator's said Wife *Lady Emily Foley* and her Assigns during her Widowhood, without Impeachment of Waste, and with Power to cut down every Species of Timber, including ornamental Timber, with Remainder to such Uses, upon and for such Trusts, Intents, and Purposes, and with, under, and subject to such Powers, Provisoos, Agreements, and Declarations as the said Testator's Sister, *Dame Anna Maria Lambert*, by any Deed or Deeds, Instrument or Instruments in Writing, with or without Power of Revocation and new Appointment, to be by her sealed and delivered in the Presence of and attested by Two or more Witnesses, or by her Will in Writing, or any Codicil thereto in Writing, or any Writing in the Nature of a Will, to be by her signed and declared in the Presence of and attested by Two or more Witnesses, should at any Time or Times, whether covert or sole, and while covert notwithstanding her Coverture, direct, limit, or appoint, with Remainders over: And whereas the said Testator died on the Twenty-ninth Day of *March* One thousand eight hundred and forty-six, without revoking or altering his Will so far as respects the Devise of his *Worcestershire* Estates: And whereas by the Will of the said *Dame Anna Maria Lambert*, dated the Fifth Day of *July* One thousand eight hundred and forty-eight, after reciting that the said *Edward Thomas Foley* by his Will bearing Date on or about the Ninth Day of *December* One thousand eight hundred and forty-two charged his Estates in the County of *Stafford* with the Payment of the Sum of Thirty thousand Pounds, with Interest for the same, as therein mentioned, and gave the said Sum of Thirty thousand Pounds and Interest unto Sir *Henry John Lambert*, the Right Honourable *Montagu William Graham* commonly called Lord *Montagu William Graham*, and (*Henry Dampier Phelps*, in the now-reciting

Will of A.M.
Lambert,
dated
5th July
1848.

The Beauchamp Charity Act, 1860.

reciting Will called) *Henry Phelps* of the Parish of *Tarrington* in the County of *Hereford*, Clerk, their Executors, Administrators, and Assigns, upon and for such Trusts, Intents, and Purposes as his the said Testator's Sister *Elizabeth Maria Viscountess Gage*, Wife of the Right Honourable *Henry Hall Viscount Gage*, by any Deed or Writing, as in the said Will mentioned, or by her last Will in Writing, or any Codicil thereto in Writing, or any Writing in the Nature of a Will, to be by her signed and declared in the Presence of and attested by Two or more Witnesses, should from Time to Time, whether covert or sole, and while covert notwithstanding her Coverture, direct or appoint, and in default of such Direction or Appointment, and subject thereto, in trust for the said *Elizabeth Maria Viscountess Gage*, her Executors, Administrators, and Assigns, for her and their own Use and Benefit, but if the said *Elizabeth Maria Viscountess Gage* should die in his the said Testator's Lifetime, then in trust for the Children of the said *Elizabeth Maria Viscountess Gage*, as in the said Will is mentioned, and the said Testator also gave the Sum of Two thousand Pounds, charged on his Estates in the County of *Hereford*, and Two Sums of Five thousand Pounds and Five thousand Pounds, also (in the Events which happened) charged on his Estates in the said County of *Hereford*, and the Interest thereof respectively, unto the said Sir *Henry John Lambert*, Lord *Montagu William Graham*, and *Henry Dampier Phelps*, their Executors, Administrators, and Assigns, as to the said Sum of Two thousand Pounds and One of the said Two Sums of Five thousand Pounds, and the Interest thereof respectively, upon and for the same Trusts, Intents, and Purposes, and with, under, and subject to the same Powers, Provisoos, and Declarations as were therein-before expressed and contained of and concerning the said Sum of Thirty thousand Pounds, and the Interest thereof, therein-before settled upon his the said Testator's said Sister *Elizabeth Maria Viscountess Gage* and her Children, as aforesaid, and as to the surplus Monies to arise from his residuary Personal Estate and Effects, and which should remain after answering the Purposes in the said Will mentioned, the said Testator gave the same unto the said Sir *Henry John Lambert*, Lord *Montagu William Graham*, and *Henry Dampier Phelps*, their Executors, Administrators, and Assigns, upon trust to invest and hold the Funds arising from such Investment in trust for his the said Testator's Children and Grandchildren, as in the said Will is mentioned, and, in default, upon the same Trusts, and subject to the same Powers, Provisoos, and Declarations, in favour or for the Benefit of her the said Dame *Anna Maria Lambert*, and her Child or Children who should survive him the said Testator, as were therein-before expressed and contained in favour or for the Benefit of the said *Elizabeth Maria Viscountess Gage*, and her Child or Children who should survive him the said Testator, of and concerning the said Sums of Thirty thousand Pounds, Two thousand Pounds, and Five thousand Pounds, therein-before settled upon the said *Elizabeth Maria Viscountess Gage* and her Child or

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Children

The Beauchamp Charity Act, 1860.

Children as aforesaid the said Testatrix, in exercise of the Powers given to her by the said Will of the said *Edward Thomas Foley*, appointed that the said Sir *Henry John Lambert*, Lord *Montagu William Graham*, and *Henry Dampier Phelps*, and the Survivors and Survivor of them, and the Executors, Administrators, and Assigns of such Survivor, should immediately after her Decease stand and be possessed of the Residue of the said surplus Trust Monies, Stocks, Funds, and Securities arising from the residuary Personal Estate and Effects of the said Testator *Edward Thomas Foley*, upon trust to pay the Interest, Dividends, and annual Produce of the said residuary surplus Trust Monies, Stocks, Funds, and Securities unto or permit the same to be received by her the said Testatrix's Husband the said Sir *Henry John Lambert* and his Assigns during his Life, and after his Decease should pay unto each and every of her Five younger Sons (her Second Son *John Foley Lambert* being already amply provided for by the Kindness of her late dear Brother), *Edward Henry Gage Lambert*, *Charles Henry Lambert*, *William Henry Lambert*, *Alfred Henry Lambert*, and *Greville Henry Lambert*, the Sum of Two thousand Pounds in case and when they should respectively attain the Age of Twenty-one Years, if the same should respectively happen after the Decease of the said Sir *Henry John Lambert*, but if the same should respectively happen in the Lifetime of the said Sir *Henry John Lambert*, then immediately after his Decease; and she further directed and appointed that the said Sir *Henry John Lambert*, Lord *Montagu William Graham*, and *Henry Dampier Phelps*, and the Survivors and Survivor of them, and the Executors, Administrators, and Assigns of such Survivor, should stand possessed of the said residuary surplus Trust Monies, Stocks, Funds, and Securities, and the Interest, Dividends, and annual Produce thereof, after Payment of the said several Sums of Two thousand Pounds to her the said Testatrix's Five younger Sons as aforesaid, in trust for her Three youngest Daughters, *Elizabeth Mary Lambert*, *Emily Sophia Lambert*, and *Charlotte Jane Lambert*, to be divided between or amongst them in equal Shares, and to be Interests vested in them when they should respectively attain the Age of Twenty-one Years or marry under that Age, if the same respectively should happen after the Decease of the said Sir *Henry John Lambert*, but if the same respectively should happen in the Lifetime of the said Sir *Henry John Lambert*, then immediately after his Decease, but if either of her said three youngest Daughters should die in her Lifetime, or, having survived her, should afterwards die under the Age of Twenty-one Years without having been married, then in trust for the Survivors or Survivor of her said Three youngest Daughters in equal Shares, but if only One of her said three Daughters should survive her, and attain the Age of Twenty-one Years, or marry, then in trust for such surviving Daughter, her Executors, Administrators, and Assigns, and in case all her said Three Daughters should die in her Lifetime, or, having survived her, should die under

The Beauchamp Charity Act, 1860.

under the Age of Twenty-one Years and unmarried, then in Trust for her Five younger Sons, to be divided between them in equal Shares, and to be Interests vested in them on their respectively attaining the Age of Twenty-one Years, if the same should respectively happen after the Decease of the said Sir *Henry John Lambert*, but if the same should respectively happen in his Lifetime, then immediately after his Decease: Provided always, and the said Testatrix further directed and appointed, that in case her eldest Daughter *Anna Maria Lambert* should not attain the Age of Twenty-one Years or previously marry, in which Event her Daughter *Elizabeth Mary Lambert* would by the Kindness of her the said Testatrix's Brother, under the Trusts of a Deed executed by him previously to his Marriage, and bearing Date the Fourteenth Day of *August* One thousand eight hundred and thirty-two, become entitled to the Sum of Ten thousand Pounds, or the Stocks, Funds or Securities in which the same was invested, and in case her said Daughters *Emily Sophia Lambert* and *Charlotte Jane Lambert* should, under the Appointment therein-before made, become entitled to the Sums of Ten thousand Pounds and Five thousand Pounds, therein-before mentioned, or in case the Survivor of them should become entitled to the said last-mentioned Sum of Ten thousand Pounds, then the Shares or Share intended to be thereby provided or directed to be paid as aforesaid for or to the Daughter or Daughters so becoming entitled as aforesaid should remain and be in trust for her the said Testatrix's said Five younger Sons, *Edward Henry Gage Lambert*, *Charles Henry Lambert*, *William Henry Lambert*, *Alfred Henry Lambert*, and *Greville Henry Lambert*, in equal Shares: Provided also, and she further directed and appointed, that in case any of her said Sons should die in her Lifetime, or, having survived her, should afterwards die, or become an eldest Son under the Age of Twenty-one Years, then as well the original Share intended to be thereby provided for as the Share or Shares by virtue of the now-reciting Clause or Proviso surviving or accruing to each such Son so dying or becoming an eldest Son, or so much thereof as should not have been raised or applied for the Preferment or Advancement in the World of any such Son, in pursuance of the Power or Authority therein-after for that Purpose contained, should from Time to Time go, remain, and belong to the Survivors or Survivor or others or other of such Sons, other than and besides an eldest Son, and, so far as Circumstances would admit, should vest in and be paid, transferred, or assigned to them or him in equal Shares, if more than One, at such and the same Times or Time and in such and the same Manner as therein-before is directed concerning their or his original Shares and Share; and she further directed and appointed, that in case all her Sons, other than and besides an eldest Son for the Time being, should die in her Lifetime, or should after her Decease die under the Age of Twenty-one Years, then the said Sir *Henry John Lambert*, Lord *Montagu William Graham*, and *Henry Dampier Phelps*, their Executors, Administrators, and Assigns, should stand possessed of the said residuary surplus Trust

The Beauchamp Charity Act, 1860.

Trust Monies, Stocks, Funds and Securities; and the Interest, Dividends and annual Produce thereof, or of so much thereof respectively as should not have been applied under any of the Trusts or Powers therein contained, in trust for all her the said Testatrix's Daughters in equal Shares; and the said Testatrix further directed, limited, and appointed that all and singular the Freehold Estates in the Counties of *Hereford* and *Worcester* devised and appointed by the said Will of her said Brother *Edward Thomas Foley*, as therein-before mentioned, should, subject and without Prejudice to the respective Charges, Mortgages, Uses, Estates, Trusts, and Powers of Appointment in and by the said Marriage Settlement and Will and Codicil of her said Brother *Edward Thomas Foley* respectively created, limited, and declared, or mentioned of the same Estates respectively, prior to the respective Powers of Appointment by the said Will given to her, and to the Powers annexed to such Uses and Estates, and to the Uses, Estates, and Trusts limited, created, and declared, or to be limited, created, or declared by virtue of such Powers, or any of them, and in the Events in which she had Power to dispose of the said Freehold Estate, go, remain, and be to the Uses, upon and for the Trusts, Intents, and Purposes, and with, under and subject to the Charges, Powers, Provisoos and Declarations therein-after expressed and contained concerning the same, that is to say, charged and chargeable with the Payment of the Sum of One thousand Pounds Sterling, which she directed should be paid to the said Sir *Henry John Lambert*, Lord *Montagu William Graham*, and *Henry Dampier Phelps*, or the Survivors or Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, to be by them or him invested in their or his Names or Name in any of the Parliamentary Stocks or Public Funds of *Great Britain*, or at Interest on Government or Real Securities in *England* or *Wales*, with Liberty to change the Investment from Time to Time for any other or others of the Description aforesaid, the Sum charged as aforesaid, and the Stocks, Funds, and Securities in or upon which the same should be invested, to be held upon the same Trusts, and with, under, and subject to the same Powers, Provisoos, and Declarations as are in the now-reciting Will before expressed and contained concerning the said residuary surplus Trust Monies, Stocks, Funds, and Securities, and, subject and charged as aforesaid, to certain Uses (which have ceased by the Death of Sir *Henry John Lambert*, the Testatrix's Husband), with Remainder to her Son *Henry Edward Francis Lambert*, and his Assigns during his Life, without Impeachment of Waste, with Remainder to the Use of *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Son *Henry Edward Francis Lambert*, in trust for him and his Assigns during his Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Son *Henry Edward Francis Lambert*, severally and successively according to his respective Seniority in Tail Male, with Remainder to the Use of her Son *John Foley Lambert*

The Beauchamp Charity Act, 1860.

bert and his Assigns during his Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Son *John Foley Lambert*, in trust for him and his Assigns during his Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Son *John Foley Lambert*, severally and successively according to his respective Seniority in Tail Male, with Remainder to the Use of her Son *Edward Henry Gage Lambert*, and his Assigns during his Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Son *Edward Henry Gage Lambert*, in trust for him and his Assigns during his Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Son *Edward Henry Gage Lambert*, severally and successively according to his respective Seniority in Tail Male, with Remainder to the Use of her Son *Charles Henry Lambert*, and his Assigns during his Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Son *Charles Henry Lambert*, in trust for him and his Assigns during his Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Son *Charles Henry Lambert* severally and successively according to his respective Seniority in Tail Male, with Remainder to the Use of her Son *William Henry Lambert*, and his Assigns during his Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Son *William Henry Lambert*, in trust for him and his Assigns during his Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Son *William Henry Lambert*, severally and successively according to his respective Seniority in Tail Male, with Remainder to the Use of her Son *Alfred Henry Lambert*, and his Assigns during his Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Son *Alfred Henry Lambert*, in trust for him and his Assigns during his Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Son *Alfred Henry Lambert* severally and successively according to his respective Seniority in Tail Male, with Remainder to the Use of her Son *Greville Henry Lambert*, and his Assigns during his Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Son *Greville Henry Lambert*, in trust for him and his Assigns during his Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Son *Greville Henry Lambert*, severally and successively according to his respective Seniority

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The Beauchamp Charity Act, 1860.

in Tail Male, with Remainder to the Use of her Daughter *Anna Maria Lambert*, and her Assigns during her Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Daughter *Anna Maria Lambert*, in trust for her and her Assigns during her Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Daughter *Anna Maria Lambert*, severally and successively according to his respective Seniority in Tail Male, with Remainder to the Use of her Daughter *Elizabeth Mary Lambert*, and her Assigns during her Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Daughter *Elizabeth Mary Lambert*, in trust for her and her Assigns during her Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Daughter *Elizabeth Mary Lambert*, severally and successively according to his respective Seniority in Tail Male, with Remainder to the Use of her Daughter *Emily Sophia Lambert*, and her Assigns during her Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Daughter *Emily Sophia Lambert*, in trust for her and her Assigns during her Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Daughter *Emily Sophia Lambert*, severally and successively according to his respective Seniority in Tail Male, with Remainder to the Use of her Daughter *Charlotte Jane Lambert*, and her Assigns during her Life, without Impeachment of Waste, with Remainder to the Use of the said *John Brown* and *George James Nicholson*, their Heirs and Assigns, during the Life of her said Daughter *Charlotte Jane Lambert*, in trust for her and her Assigns during her Life, and to preserve contingent Remainders, with Remainder to the Use of the First and every other Son of her said Daughter *Charlotte Jane Lambert*, severally and successively according to his respective Seniority in Tail Male, with Remainder to the Testatrix's own right Heirs for ever: And whereas the said Testatrix made a Codicil to her said Will, dated the Thirteenth Day of *July* One thousand eight hundred and fifty-three, whereby she charged the said Estates in the County of *Worcester* with such further Sum of Money, in addition to the said Sum of One thousand Pounds by her said Will charged thereon, as would be sufficient with the Monies by her said Will appointed to or in trust for her said Three youngest Daughters to make up the Sum of Nine thousand Pounds, and which further Sum she directed should be paid to the said Sir *Henry John Lambert*, Lord *Montagu William Graham*, and *Henry Dampier Phelps*, and the Survivors and Survivor of them, and the Executors, Administrators, or Assigns of such Survivor, and to be held by them upon the Trusts therein mentioned: And whereas the Testatrix died on the Seventeenth Day of *February* One thousand eight hundred and fifty-seven, without revoking or altering her Will and Codicil:

And

The Beauchamp Charity Act, 1860.

And whereas the said Lady *Emily Foley* and *Henry Edward Francis Lambert*, now Sir *Henry Edward Francis Lambert* Baronet, are both living: And whereas the said Sir *Henry Edward Francis Lambert* Baronet has attained the Age of Twenty-one Years, and has lately intermarried, but has no Child or Children: And whereas the said *Anna Maria Lambert* died on the Twenty-second Day of *August* One thousand eight hundred and fifty-six, unmarried: And whereas the said *Alfred Henry Lambert* died on the First Day of *October* One thousand eight hundred and fifty-eight, unmarried: And whereas the said *John Foley Lambert*, *Edward Henry Gage Lambert*, *Charles Henry Lambert*, *William Henry Lambert*, *Greville Henry Lambert*, *Elizabeth Mary Lambert*, *Emily Sophia Lambert*, and *Charlotte Jane Lambert* are all now living: And whereas the said *John Foley Lambert*, *Edward Henry Gage Lambert*, *Charles Henry Lambert*, *William Henry Lambert*, *Elizabeth Mary Lambert*, *Emily Sophia Lambert*, and *Charlotte Jane Lambert* have respectively attained their Age of Twenty-one Years, and the said *Greville Henry Lambert* is still under that Age, and they are all at present unmarried, and have no Child or Children: And whereas the said Sir *Henry Edward Francis Lambert* was at the Time of the Death of the said Dame *Anna Maria Lambert* her Heir-at-Law: And whereas the Reverend *George Fisk* is the present Vicar of the Parish of *Great Malvern* aforesaid, and the Reverend *Thomas Philpott* is the present Incumbent of the said Chapelry and Perpetual Curacy of *Newland*: And whereas the late Earl *Beauchamp* claimed some Interest in the Site of the Chapel or Church of *Newland*, and such Interest (if any) formed Part of the Estates devised by his Will and Codicils: And whereas the said *Beauchamp Henry John Scott* is an Infant and unmarried: And whereas the said *Charles Grantham Scott* has Issue, besides the said *Beauchamp Henry John Scott*, his eldest Son, Two Sons and Three Daughters, that is to say, *Louis Guy Scott*, *Dudley Alexander Charles Scott*, *Eveline Mary Scott*, *Jessie Louisa Scott*, and *Annie Henrietta Scott*, all of whom are Infants under the Age of Twenty-one Years, and unmarried: And whereas the Second and Third Sons of the Right Honourable *John Earl of Clonmell*, in the said Will mentioned, are the Honourable *Thomas Charles Scott* and the Honourable *Francis Ulysses Scott*, both of whom are still Infants under the Age of Twenty-one Years, and unmarried: And whereas the said Earl of *Clonmell* has no Son, except the said *Thomas Charles Scott* and *Francis Ulysses Scott*, and the Honourable *John Henry Reginald Scott*, commonly called Viscount *Earlsfort*, his eldest Son: And whereas by an Order of the High Court of Chancery dated the Twenty-fifth Day of *February* One thousand eight hundred and sixty, and made in the Matter of an Act of the Nineteenth and Twentieth Years of Her present Majesty, intituled *An Act to facilitate Leases and Sales of Settled Estates*, the said Court has approved of and directed to be carried into effect a Contract dated the Thirty-first Day of *October* One thousand eight hundred and fifty-nine, for the Sale by the said *Charles Grantham*

The Beauchamp Charity Act, 1860.

Grantham Scott to the said *Henry Earl Beauchamp* of certain Estates in the Schedule to the said Contract mentioned, for all the Interest therein of the said *Charles Grantham Scott* and other Persons interested under the said Will and Codicils thereto of the said *John Reginald Pindar Earl Beauchamp*, and which Schedule includes such Interest, if any, in the Site of the Chapel or Church of *Newland* as passed by the Will of the late *John Reginald Pindar Earl Beauchamp*, but such Contract has not yet been completed : And whereas by an Order of the Court of Chancery made in the said Suit and Information, and dated the Seventeenth Day of *December* One thousand eight hundred and fifty-nine, it was referred to the Master of the Rolls in Chambers to settle the Draft of a Bill in Parliament to enable the Trustees to purchase out of the Funds of the Charity, and procure to be vested in themselves as Trustees of the said Charity the Advowson or Right of Presentation to *Newland* aforesaid, and also to procure to be vested in themselves the Site of the Church of the said Chapelry of *Newland*, and it was ordered that the Trustees should be at liberty to promote such Bill in Parliament : And whereas the Trustees of the said Charity on the one hand, and the said *Lady Emily Foley* and the Reverend *George Fisk* on the other, have agreed on the Sum of Seven hundred Pounds as a fair and reasonable Sum to be paid for the Purchase of the Advowson or Right of Presentation of the said Chapelry and Perpetual Curacy of *Newland* : And whereas the Interest in the Site of the said Church or Chapel, which passed under the Will of the late *Earl Beauchamp* (if any such Interest there were) has no pecuniary Value : And whereas by a Certificate of the Chief Clerk of the Master of the Rolls, dated the Ninth Day of *May* One thousand eight hundred and sixty, he certified that a Draft of a Bill for an Act of Parliament for the Purposes in the said Order mentioned had been laid before him, and he had approved of and allowed the same as a proper Bill for these Purposes, and in testimony thereof had signed his Allowance in the Margin of a Transcript of such Bill : And whereas such Certificate became absolute on the Eighteenth Day of *May* One thousand eight hundred and sixty : And whereas the Provisions contained in the said Scheme as to the Purchase of the Advowson of *Newland* cannot be carried into effect without the Authority of Parliament, and it is expedient that the same should be authorized : Wherefore Your Majesty's most dutiful and loyal Subjects the said *George William Lyttelton*, Lord *Lyttelton*, *Henry Lygon* Viscount *Elmley*, *Charles Somers Somers Cocks* Earl *Somers*, Sir *John Somerset Pakington*, Sir *Edmund Anthony Harley Lechmere*, *William Dowdeswell*, the Reverend *George Shaw Munn*, the Honourable *Charles Grantham Scott*, the Reverend *Thomas Philpott*, *Henry Beauchamp Lygon* Earl *Beauchamp*, the Honourable *Frederick Lygon*, and *John Slaney Pakington*, 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 :

I. In

The Beauchamp Charity Act, 1860.

I. In citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Beauchamp* Charity Act, 1860."

Short Title.

II. On Payment by the Trustees of the said Charity of the Sum of Seven hundred Pounds Sterling into the Court of Chancery, to an Account to be entitled "In the Matter of the *Beauchamp* Charity Act, 1860, the *Newland* Advowson Account," which Sum the Accountant General of the Court of Chancery is hereby authorized and directed to receive, and of which Payment a Certificate of the Accountant General of the Court of Chancery shall be conclusive Evidence for all Purposes, the Advowson of and Right of Presentation and Nomination to the said Chapelry and Perpetual Curacy of *Newland*, and also all such Interest (if any) in the Site of the said Church as passed by the Will of the said *John Reginald Pindar* Earl *Beauchamp*, shall be and become vested in the Persons who shall at the Time of such Payment be Trustees of the said Charity, and their Heirs, for the Purpose of the said Scheme, and for such further or other Purposes as the Court of Chancery may hereafter direct.

On Payment by the Trustees of 700*l.* into the Court of Chancery, the Advowson of *Newland* to vest in them.

III. From and after such Payment as last aforesaid, the Words "the Chapel," wherever the same are used in the said Scheme, shall signify the Church of the said Chapelry and Perpetual Curacy of *Newland*, which herein and in the said Scheme is called the Church of *Newland*.

The Words "the Chapel" in the Scheme to signify the Church of *Newland*.

IV. The Trustees of the said Charity shall from Time to Time appoint a Clergyman of the Church of *England* in Priest's Orders to be Chaplain of the said Almshouses, and shall pay to him an annual Stipend not exceeding Two hundred Pounds a Year.

Appointment of Chaplain.

V. A Majority, not being less than Two Thirds, of the said Trustees for the Time being, may, at a Special Meeting, of which the said Chaplain shall have at least a Month's Notice, and at which he may attend and be heard for himself, remove such Chaplain from his Office for Misconduct, Neglect of or Incapacity to perform properly the Duties of his Office, and appoint another in his Place.

Removal of Chaplain.

VI. The Chaplain for the Time being of the said Almshouses shall read Prayers every Morning in the Church of *Newland*, and, subject to the Provisions herein-before contained, shall perform there every *Sunday* Two full Services according to the Ritual of the Church of *England* (at One of which at least a Sermon shall be preached), and shall perform One full Service at least, with a Sermon, on every *Christmas Day*, *Good Friday*, *Ascension Day*, and *Twenty-first November*, and he shall also celebrate the Holy Communion in the said Church on Twelve Days at least in each Year, of which *Christmas Day*, *Easter Day*, and *Ascension Day* shall be Three.

Duty of Chaplain as to Divine Service.

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VII. If

The Beauchamp Charity Act, 1860.

Whenever Perpetual Curate of Newland and Chaplain are not the same Person, the Bishop of Worcester to regulate the Services to be performed by the Chaplain in the Church.

VII. If and whenever the Perpetual Curate of the Chapelry and Perpetual Curacy of *Newland* and the Chaplain of the said Almshouses shall not be the same Person, the Services to be performed by the said Chaplain in the Church of *Newland* shall be performed at such Times as the Lord Bishop of *Worcester* for the Time being shall determine, so that the same may not interfere with the Services performed there by the said Perpetual Curate; and the said Bishop may dispense with Part of the Services directed by the said Scheme to be performed by the said Chaplain in the Church of *Newland*, provided that the Number of Services herein-before directed are performed on the Days therein mentioned either by the said Perpetual Curate or the said Chaplain.

Rights of Perpetual Curate in the Church not to be affected.

VIII. Nothing in the said Scheme or herein contained shall in any way affect or derogate from the Rights of the Perpetual Curate of the Chapelry and Perpetual Curacy of *Newland* in the Church of *Newland*, save only that such Perpetual Curate shall in no Case be entitled to forbid the Performance by the Chaplain in the Church of *Newland* of such Services for the Almspeople, and at such Times, as shall be approved of by the Bishop of *Worcester*.

Perpetual Curate may require Chaplain to be his Curate.

IX. If and whenever the Perpetual Curate of the Chapelry and Perpetual Curacy of *Newland* and the Chaplain of the said Almshouses shall not be the same Person, the said Perpetual Curate may require the said Chaplain to be his Curate in respect of the said Chapelry and Perpetual Curacy, without Stipend; and the said Chaplain, when duly appointed and licensed, shall perform all the Duties of the Perpetual Curate of the Chapelry of *Newland* in the said Chapelry which he may be required to perform by such Perpetual Curate; and in case the said Chaplain, on being nominated by the said Perpetual Curate to be Curate of the said Chapelry and Perpetual Curacy, shall decline or refuse to accept such Nomination, or to perform any Act which may be necessary in order to his being licensed as such Curate, or, having been licensed as such Curate, shall do any Act in consequence of which such Licence shall be revoked, he shall thereupon cease to be Chaplain of the said Almshouses, and the said Trustees shall within Three Months appoint another Chaplain, and, if they fail so to do, the Appointment of Chaplain for that Time shall belong to the Bishop of the Diocese.

The Vicar of Great Malvern may obtain Order for the Investment of the Purchase Money, and for Payment of the Dividends and Costs.

X. At any Time after the Payment of the said Sum of Seven hundred Pounds shall have been made, it shall be lawful for the Vicar for the Time being of the Parish of *Great Malvern* aforesaid, and he shall be entitled, to obtain by Summons at the Chambers of the Master of the Rolls in the Matter of this Act of Parliament an Order for the Investment of the said Sum of Seven hundred Pounds in Three Pounds *per Centum* Bank Annuities to the same Account, and for the Payment of the Dividends of such Annuities to the Vicar for the Time being of *Great Malvern* aforesaid, and for the Payment by the Trustees of the Charity for the

The Beauchamp Charity Act, 1860.

the Time being of the Costs, Charges, and Expenses of and incident to such Order and Investment, and to the Application for the same, and for such Payment of the Dividends.

XI. The Trustees of the Charity shall pay out of the Charity Property such Costs, Charges, and Expenses as last aforesaid, and the Costs, Charges, and Expenses of all Parties properly already incurred or to be hereafter incurred in or about the Contract for the Purchase of the said Advowson, or the Deduction and Verification of the Title thereto, or in and about the procuring of the present Act of Parliament; and it shall be lawful for any Party claiming to be entitled to Payment from the said Trustees of any such Costs, Charges, or Expenses as aforesaid to apply by Summons at the Chambers of the Master of the Rolls in the Matter of this Act for an Order for the Taxation and Payment thereof, and the said Master of the Rolls may on such Application make such Order as to him may seem just as to the Costs of such Application or otherwise.

Costs of the Purchase of the Advowson and of obtaining Act to be paid out of the Charity Property.

XII. It shall be lawful for the Court of Chancery at any Time hereafter, upon the joint Petition of the Vicar of *Great Malvern* for the Time being and the Patron for the Time being of the said Vicarage, or the Guardian or Committee of such Patron if under Age or a Lunatic, to be presented in the Matter of this Act, and without Notice to any Person, to direct the said Sum of Seven hundred Pounds or any Part of it, or the Proceeds of the Stock to be purchased with that Sum, or of any Part of such Stock, to be laid out in the Purchase or Redemption of the Land Tax, or any Crown Rent, Fee Farm Rent, Chief Rent, or other Rent, or in the Discharge of any Debt or Incumbrance affecting the Vicarage of *Great Malvern* aforesaid, or the Vicarial Tithes or Tithe Rentcharge of the Parish of *Great Malvern*, or any Lands, Tenements, or Hereditaments held with the Vicarage by the Vicar for the Time being, or in the Purchase of any other Lands, Tenements, or Hereditaments to be settled to the Use of the Vicar for the Time being of the said Vicarage, and in defraying the Costs of and incident to and consequent on any such Purchase, Redemption, or Discharge, and any Application for the Order or Orders directing the same.

Court of Chancery may direct the Purchase Money to be laid out in the Purchase or Redemption of Land Tax, &c., or the Discharge of any Debt affecting the Vicarage of *Great Malvern* or the Vicarial Tithes, &c., or in the Purchase of other Lands, and in Payment of Costs.

XIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons or Bodies Politic or Corporate, his, her, or their Executors, Administrators, Successors, and Assigns, except the Vicar of *Great Malvern* otherwise *Much Malvern*, and his Successors, the Lady *Emily Foley*, Sir *Henry Edward Francis Lambert* Baronet, and the other Persons who under the Will of the said *Edward Thomas Foley*, or the Testamentary Appointment of the said Dame *Anna Maria Lambert*, or either of them, would, if this Act had not passed, have been entitled to the Chapelry and Perpetual Curacy of *Newland* aforesaid, as annexed to the Vicarage of *Great Mal-*

General Saving of Rights.

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The Beauchamp Charity Act, 1860.

vern otherwise *Much Malvern*, the Honourable *Charles Grantham Scott* and his Issue, the said *Beauchamp Henry John Scott* and his Issue, the said *Louis Guy Scott* and his Issue, the said *Dudley Alexander Charles Scott* and his Issue, the said *Eveline Mary Scott* and her Issue, the said *Jessie Louisa Scott* and her Issue, the said *Annie Henrietta Scott* and her Issue, the said Honourable *Thomas Charles Scott* and his Issue, the said Honourable *Francis Ulysses Scott* and his Issue, the said *Henry Beauchamp Earl Beauchamp* and his Heirs, and all other the Persons who under the Will of the said *John Reginald Pindar Earl Beauchamp* deceased would, if this Act had not passed, have been entitled to the Site of the Church or Chapel of *Newland*, all such Estate, Right, Title, Interest, Property, Benefit, Claim, and Demand whatsoever, of, in, to, or out of the said Advowson of and Right of Presentation and Nomination to the said Chapelry and Perpetual Curacy of *Newland*, and the Site of the Church, as they or any of them had before the passing of this Act, or would, could, or might have had, held, or enjoyed in case this Act had not been passed.

Consent of
E. H. Gage
Lambert
may be given
after the
Act.

XIV. Inasmuch as *Edward Henry Gage Lambert* is abroad, and his Consent to this Act has not been proved: Therefore this Act shall not be of any Effect as against the said *Edward Henry Gage Lambert* or his Issue Male unless and until the Consent of the said *Edward Henry Gage Lambert*, on behalf of himself and his Issue Male (if any), be signified by Writing under his Hand, or if he have a Son or Sons, and die, the Consent of the Guardian or Guardians of such Son or Sons, be signified by Writing under his or their Hand or Hands, such Writing or Writings to be attested by at least One Witness, and to be enrolled in Her Majesty's High Court of Chancery within Three Years after the passing of this Act; and after the Enrolment of such Consent it shall be deemed Part of this Act, and shall be as binding and conclusive on the said *Edward Henry Gage Lambert* and his Issue Male, and all Persons claiming or to claim by, from, through, or under him and them respectively, as if it had been obtained and proved before the passing of this Act; and the Consent may be given in a Form to the following Effect; (that is to say,)

‘ I, *Edward Henry Gage Lambert*, on behalf of myself and my Issue Male, hereby consent to “The Beauchamp Charity Act, 1860.” ’

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

XV. This Act shall not be a Public Act, but 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.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.