

WILL OF ANTHONY GREGSON: ACT OF PARLIAMENT 1840

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GREGSON'S ESTATE

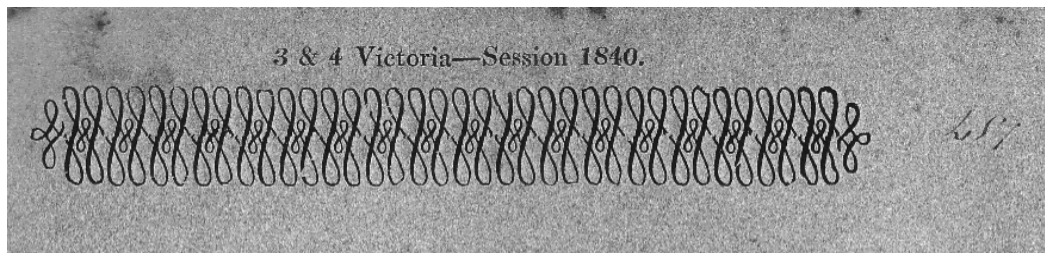
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FOR

Empowering the Tenant for Life under the Will of Anthony Gregson, Esquire, deceased, and the Trustees of the same Will, to Sell and Exchange certain Freehold Estates, situate in the County of Northumberland, and in the Town and Borough of Berwick-upon-Tweed, and certain Tithes respectively devised by such Will; and also to grant Mining and other Leases of the said Estates in the County of Northumberland, and of certain other Freehold Estates devised by, the same Will, situate in the County Palatine of Durham; and to grant Building, Repairing, and other Leases of the said Estates in the Counties of Northumberland and Durham, and Town and Borough of Berwick-upon-Tweed.

Sisson, 55 Parliament Street
PARLIAMENTARY AGENT

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[Royal Assent, 4th August, 1840.]

Preamble

WHEREAS Anthony Gregson, late of Lowlin, the County Palatine of Durham, Esquire, now deceased, being at the time of making his will hereinafter mentioned, and thence continuing up to the time of his death, seized-in fee simple of divers real estates situate, lying, and being, or arising in the counties of Northumberland and Durham, and the town and borough of Berwick-upon-Tweed, and elsewhere, duly made and published his last will and testament in writing,

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Seventh October one thousand eight hundred and thirty-one. Will of Anthony Gregson, Esquire.

bearing date the seventh day of October, one thousand eight hundred and thirty-one, and executed and attested as by law was then required, for the devise of freehold estates, and thereby after ordering and directing that all his just debts and funeral and testamentary expenses should be paid off and discharged by his executors, thereafter named, as soon as conveniently might be after his decease, out of his personal estate and effects, gave and devised all his real estates unto John Leithead, of Alnwick, in the said county of Northumberland, Gentleman, the Reverend Thomas Knight of Ford Rectory, in the same county, clerk, and Ralph Forster, of Downham, in the same county, farmer, and the survivors and survivor of them, and the heirs of such survivor, Upon Trust, to receive the rents, issues, and profits thereof, until Henry Knight, the eldest son of the said Thomas Knight, should attain the age of twenty-one years, and from and immediately after the said Henry Knight should attain the age of twenty-one

Fifth of March one thousand eight hundred and forty Order of the Court of Exchequer in the cause of Knight, Leithead, directing inquiry as to property of application to the use of the said Henry Knight, and authorizing the letting, selling, or exchanging of the real estate of any part thereof

ANTHONY GREGSON: ACT OF PARLIAMENT 1840

to the use and behoof of the said Henry Knight and his assigns, during his life, without impeachment of waste, save wilful waste, with remainder to the use of John Wilson of Tweedhouse, within the liberties of the borough of Berwick-upon-Tweed, Esquire, and John Langhorn, of the borough of Berwick-upon-Tweed, aforesaid, Esquire, and their heirs, during the life of the said Henry Knight, Upon Trust, to support the contingent uses and estates thereafter limited, with remainder to the use of the first, second, third, fourth, and every other son of the said Henry Knight, successively in tail male, with remainder to the use of all and every the daughters of the said Henry Knight, to be equally divided amongst them (if more than one,) as tenants in common in tail general, with cross remainders amongst them in tail general, with remainder to the use of the eldest brother of the said Henry Knight in tail male, with remainder to the use of the second, third, fourth, and all and every the brother or brothers of the said Henry Knight, successively, in tail male, with remainder to the use of all and every the sister and sisters of the said Henry Knight, equally to be divided between or amongst them (if more than one,) as tenants in common in tail general, with cross remainders between or amongst them in tail general, with remainder to the use of the right heirs of the said Henry Knight for ever. And he thereby declared his will and meaning to be, that his said real estate was so limited as aforesaid upon condition that the several persons respectively, and their respective issue male, who were to take by virtue of and under the limitations thereinbefore contained, should when in actual possession of the said real estate, assume and use the surname of Gregson only, and bear the coat of arms of that family ; and the said testator thereby gave and bequeathed to his man servant George Forsythe,

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and his assigns, during his life, an annuity Of twenty-five pounds, payable out of his said real estate, by quarterly payments, as therein mentioned, with power of distress in case of non-payment thereof. And the said testator thereby bequeathed several pecuniary legacies. And as to all his personal estate, and the rents, issues, and profits of his said real estate, during the minority of the said Henry Knight, over and above what should be sufficient for the aforesaid purposes, he gave and bequeathed the same unto the said John Leithead, Thomas Knight, and Ralph Forster, and the survivors and survivor of them, and the executors or administrators of such survivor, Upon Trust, to place the same out at interest, either in the government funds or upon real security or securities, and from time to time to call in, alter, or vary such security or securities as to them or him should seem meet; and to pay and apply the interest, dividends, or produce thereof, towards the maintenance and education of the said Henry Knight, together with such part of the principal as they, his said trustees, should think necessary for and towards his advancement in life, until he should attain the age of twenty-one years, and then to transfer the remainder unto the said Henry Knight, for his own use and benefit. And he thereby appointed the said John Leithead, Thomas Knight, and Ralph Forster, trustees and executors of his said will ; and he thereby declared it to be his will and desire that in the event of the death of any one or more of his said trustees, before the trusts of his said will should have been fully performed and executed, then the heir or heirs at law of such deceased trustee or trustees should act in concert with the surviving trustees or trustee in carrying into execution the aforesaid trusts ; and, in such case, he gave and devised unto such heir or heirs, all his real estate upon the same trusts and with the like privileges, powers, and authorities, as were thereinbefore contained, and as if such heir or heirs had been severally appointed a trustee or trustees by that his will.

AND WHEREAS the said testator Anthony Gregson departed this life on or about the twenty-third day of November one thousand eight hundred and thirty-three, without having revoked or altered his said will.

Death of Anthony Gregson.

AND WHEREAS the said John Leithead, Thomas Knight, and Ralph Forster, shortly after the death of the said testator, duly proved his said will in the proper ecclesiastical court, and entered into possession of or into the receipt of the rents and profits of his said real estates.

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AND WHEREAS the said Henry Knight is an infant tinder the age of twenty one years and unmarried, and the next eldest brother of the said Henry Knight is Valentine Knight, who is also an infant under the age of twenty one years; and the only other brothers of the said Henry Knight are Thomas Knight Delaval Knight, and Frederick Knight, who are all infants under the age of twenty one years; and the Only sisters of the said Henry Knight are Sarah Knight, and Harriet Mary Jane Knight who are also all infants under the age of twenty-one years and unmarried.

Henry Knight an infant and unmarried. Valentine Knight, the next brother of Henry Knight an infant. The other brothers of Henry Knight. The sisters of Henry Knight all infants and unmarried

AND WHEREAS by an order of Her Majesty's Court of Exchequer, at Westminster, bearing date the fifth day of March one thousand eight hundred and forty, made in a cause then and there depending, in which the said Henry Knight, by Martin Henry Gillingham his next friend, is plaintiff, and the said John Leithead, Thomas Knight, Ralph Forster, Valentine Knight, and George Forsythe, and Edward Carnaby Gregson (the heir at law of the said testator Anthony Gregson,) are defendants, it was ordered

amongst other things, that it should be referred to Richard Richards, Esquire, one of the Masters of the said Court, to inquire and report to the Court whether it would be fit and proper and for the benefit of the said Henry Knight and the other parties who were then and might thereafter become entitled to the real estates of the said testator, Anthony Gregson, that an Act of Parliament should be applied for in the present session of Parliament to enable the said Henry Knight, when he should attain the age of twenty one years, and the trustees for the time being of the said estates during the minority of the said Henry Knight, and the other persons who might thereafter become entitled to the said testator's said real estates, to let, sell, or exchange the said real estates, or any part thereof.

AND WHEREAS the said Master, pursuant to the said recited Order, made his Report in the said cause, bearing date the twenty sixth day of March one thousand eight hundred and forty, whereby he certified, (amongst other things,) that he found that the said plaintiff was an infant of the age of eighteen years or thereabouts, and that he was unmarried and without issue; and that his next eldest brother was, at the time of the death of the said testator, and was then the said Valentine Knight the second son of the said Thomas Knight, and which said Valentine Knight was then an infant of the age of fifteen years or thereabouts; and that the said Valentine Knight was the first tenant in tail then in esse of the said real estates, under the said limitations thereof contained in the said will of the said testator. And the said Master found that the real estates of the

Twenty sixth of March, one thousand eight hundred and forty, Master's Report approving power of sale and exchange, as to part of the real estate and power of letting and

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said testator contained, in the whole, three thousand nine hundred and six acres or thereabouts, and consisted of two great properties which were generally called and known by the respective names of the Lowlin estate and the Tone Hall estates, and which were distant from each other sixty miles or thereabouts, and that the Lowlin estate contained one thousand four hundred and twenty acres of land or thereabouts, and was situated in that part of the county Palatine of Durham known by the name of North Durham, and in the County of Northumberland; and that the Tone Hall estate contained two thousand four hundred and eighty six acres or thereabouts, and was situated in the County of Northumberland. And the said Master found that the greater part of the Tone Hall estate consisted of heath and hill pasture ground ; and that, in or about the month of April in the year one thousand eight hundred and thirty-nine, several persons established some iron works near to the said last mentioned estate, called the Tone Hall estate, and that they applied to the said trustees of the said testator's said will for a lease of the iron, stone, and coal upon the said last mentioned estate; but that, inasmuch as there was not any power contained in the said will empowering the said trustees or any other person to grant any lease thereof, they were unable to comply with such request; but that the said Thomas Knight, the father of the said plaintiff Henry Knight, conceiving that it would be (as in fact it would be,) greatly to the advantage of the said plaintiff and other the persons who were or might become entitled under the said will to the said real estates, that the said iron, stone, and coal should be let, entered into a covenant with the said persons whereby he undertook that the said plaintiff should, on his coming of age, grant them a lease thereof for the term of forty-two years. And the said Master found, that the said persons had then been joined by some other persons of great responsibility and that they were desirous of enlarging their aforesaid works to a considerable extent, for which purpose they wished to purchase or take on lease about fifty acres of the said estate called the Tone Hall estate, whereon to erect their additional works, but that, inasmuch as they might have to expend a very large sum in erecting such additional works, they declined doing so on the security of the covenant of the said plaintiff's father which they then had, and the said Master found that the erection of the said works, on the said Tone Hall estate, would be of very great advantage to the value of the said estate; and that if the said company, who had already got a lease of minerals on property adjoining the said Tone Hall estate, could not get so much of the said Tone Hall estate as was (as thereinbefore mentioned,) required by them for the erection of their said additional works, they might procure other land in the neighbourhood of the said

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Tone Hall estate for that purpose, and might not work any of the minerals on the said last mentioned estate, during the greater part of the said forty two years for which they had the aforesaid covenant of the said Thomas Knight. And the said Master found that it was apprehended that there were, under certain parts of the Lowlin estate, valuable seams of coal, and under certain parts of the Tone Hall estate valuable mines or seams of coal, and other valuable substances, as well as iron, and that several persons had, from time to time, applied to the said trustees of the said testator's said will, for leases of the said mines or seams of coal, and iron stone, and other substances, upon both the said respective estates, but that, inasmuch as there was not any power contained in the said will empowering the said trustees or any other person to grant leases thereof, they were unable to comply with such requests; and that as it would require a great outlay of capital in erecting machinery and necessary buildings to work such several mines and seams of coal and other substances to advantage, such persons refused to expend any large sums of money in erecting the requisite machinery and buildings unless they could have a lease or leases binding in law of such mines,

seams, and other substances, and of land upon which to erect such machinery and buildings for some certain term of years. And the said Master found that it would be greatly to the advantage of the said plaintiff Henry Knight, and other the persons who were or might become entitled under the said will to the said real estates, and would add greatly to the value of the said estates if the said several mines and seams of coal and iron stone and other substances, and sufficient quantity of land for the erection of machinery and buildings, and for such other things as might be necessary for the proper working thereof respectively, could be let for some long term of years. And the said Master found that it was the custom, in the neighbourhood where the said estates were respectively situated, for farms to be let on lease, and that persons would not expend capital on farms, or otherwise aid in improving the same, unless they held the same under a valid lease for some certain term, and that it would be greatly to the advantage of the said plaintiff and other the persons who were or might become entitled under the said will to the said real estates, and would tend greatly to the improvement thereof, if the farms comprising the said estates could be let for some certain term of years, not exceeding twenty one years. And the said Master found that the distance of the said estates of Lowlin and Tone Hall from each other, added considerably to the expense of the management thereof, and that the Lowlin estate was very superior, both as to the quality of the land and as to locality to the Tone Hall estate, and that the mansion house on Lowlin estate

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estate was of much more modern structure, and was in every respect superior to that on the Tone Hall estate, and that many of the lands which were comprised under the name of the Tone Hall estate lie considerably apart from each other, and that it would be greatly to the benefit and advantage of the said plaintiff and other the persons who were or might become entitled under the said will to the said real estates, to have the power to sell or exchange the said Tone Hall estate for other estates lying more contiguous to the said Lowlin estate, but that there was no power contained in the said will empowering the said trustees or any other person to sell or exchange all or any part of the said estates. And the said Master found that other part of the real estates of the said testator Anthony Gregson, deceased, was situate in the town of Berwick upon-Tweed, and consisted of a brewery and a number of houses, some of which were the sole property of the said testator, but of others of which only one undivided moiety belonged to him, and that the whole of the said houses were in a very indifferent state of repair, and some of them in a ruinous state, and that the amount of expenditure for repairs had been so considerable that the Receiver of the said estates had thought it prudent, in a great measure, to discontinue such repairs, partly because scarcely any rents could be obtained from the description of persons who alone would inhabit houses of that description, and partly because he considered it expedient that several of the same houses should be pulled down and rebuilt. And the said Master found that on this account it would also be expedient that the said plaintiff and the persons for the time being entitled to the said estates, under the limitations contained in the said will of the said Anthony Gregson, deceased, should have a power of selling and exchanging, in order that they might either be enabled to sell the undivided moieties of houses, or acquire the other moieties so as to have the entireties thereof. And the said Master found that other part of the property, late of the said testator, consisted of tithes, and that it would be desirable that the said plaintiff, and such other persons, as aforesaid, should be enabled either to exchange the said tithes for lands, or to sell such tithes to the owners of the estates on which the same arise. And the said Master further certified that he was of opinion, and therefore found, that it would be fit and proper, and for the benefit of the said plaintiff and the other parties who were and might thereafter become entitled to the said real estates of the said Anthony Gregson, if an Act of Parliament were obtained for the purpose of enabling the said plaintiff, when he should attain the age of twenty-one years, and the trustees for the time being of the said estates during the minority of the said plaintiff, and the other persons who might thereafter become entitled to

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the said testator's said real estates, to let, sell, or exchange, the said testator's said real estates or any part thereof.

AND WHEREAS by another Order of the said Court of Exchequer, made in the aforesaid cause on the twenty seventh day of March, one thousand eight hundred and forty, it was ordered that the said Report of the said Master should be and the same was thereby absolutely confirmed. And it was thereby ordered that the said Henry Knight, by or together with the said John Leithead, Thomas Knight, and Ralph Forster, and such other person or persons, if any, as might be necessary or proper, be at liberty to apply to Parliament in the present Session for an Act for the several purposes and with the several powers and provisions in the said Master's said Report mentioned or referred to, and with such other powers and provisions as might be necessary and proper to be inserted therein.

AND WHEREAS the said estates of the said testator Anthony Gregson, situate in the said county Palatine of Northumberland, and called the Lowlin Estate, are comprised or

The testator's estates in the county of Durham, and the county of Northumberland, called the Lowlin estate, intended to be comprised in the first Schedule to this Act.
 The testator's estates in the county of Northumberland, called the Tone Hall estate, intended to be comprised in the second Schedule to this Act.
 The testator's tithes intended to be comprised in the third Schedule to this Act.
 The testator's property in the town and borough of Berwick upon Tweed, intended to be comprised in the fourth

specified in the Schedule hereunto annexed, intituled the first Schedule, and the same are now let at the annual rents mentioned in the same Schedule. And the said estates of the said testator, situate in the said county of Northumberland, and called the Tone Hall Estate, are comprised or specified in the Schedule hereunto annexed, intituled the second Schedule, and the same are now let at the annual rents mentioned in the same Schedule. And the said tithes of the said testator are comprised in or specified in the Schedule hereunto annexed, intituled the third Schedule, and the same are now let at the annual rents mentioned in the same Schedule. And the said brewery, houses, and buildings, and premises, and undivided moieties of houses, buildings, and premises of the said testator, situate in the said town and borough of Berwick-upon-Tweed, and which are hereinafter called the Berwick upon Tweed property of the said testator, are comprised or specified in the Schedule hereunto annexed, intituled the fourth Schedule, and the same are now let at the annual rents mentioned in the same Schedule.

AND WHEREAS under the circumstances hereinbefore mentioned, and for the reasons stated in the said Master's said Report, bearing date the * twenty sixth day of March, one thousand eight hundred and forty, it will be for the advantage not only of the said infant plaintiff, Henry Knight, but of all other persons interested under the limitations contained

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in the said will of the said Anthony Gregson, that the said Henry Knight when he shall attain the age of twenty-one years, and the trustees of the said will during the minority of the said Henry Knight, and the other persons who may hereafter become entitled to the real estates of the said testator, should have power to sell and exchange the said estates, called the Tone Hall estate, and the said tithes of the said testator, and the said Berwick-upon-Tweed property of the said testator; and also power to let the said estates, called respectively the Tone Hall estate, and the Lowlin estate, and the Mines under the same estates respectively, and the said Berwick-upon-Tweed property of the said testator. But inasmuch as the purposes aforesaid cannot be effected without the aid and authority of Parliament,

THEREFORE your Majesty's most dutiful and loyal subjects, the said John Leithead, Thomas Knight, and Ralph Forster, as trustees aforesaid, and the said Thomas Knight, on behalf of his infant sons the said Henry Knight and Valentine Knight, and of his other infant children, the said Thomas Knight, Delaval Knight, Frederick Knight, Sarah Knight, and Harriet Mary Jane Knight, in compliance with the said order of the said Court of Exchequer, bearing date the twenty seventh day of March, one thousand eight hundred and forty, Do most humbly beseech your Majesty,

That it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall be lawful for the said John Leithead, Thomas Knight, and Ralph Forster, and the survivors and survivor of them, and the heirs of such survivor, their or his assigns or other the trustee or trustees for the time being, acting in the execution of the trusts of the will of the said Anthony Gregson during the minority of the said Henry Knight, and after the said Henry Knight shall have attained the age of twenty-one years, then on the request and with the approbation of the said Henry Knight, during his life, to be testified by some writing under his hand; and after the decease of the said Henry Knight, then for the trustee or trustees for the time being, acting in the execution of the trusts of the said will, of their or his sole authority, during the minority of any person or persons who, by virtue of the said will of the said Anthony Gregson, shall, for the time being, be beneficially entitled in possession to the rents and profits of the hereditaments to be affected by the exercise of

Power of sale and exchange as to the Tone Hall estate, the tithes, and the property in Berwick-upon-Tweed

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this power (but subject to any lease or contract for a lease which may be then affecting the same hereditaments, or any part thereof, by virtue of any power in this Act contained,) to make sale and dispose of, or to convey in exchange for or in lieu of other messuages, land, or hereditaments, being contiguous to or convenient to be held with the said estates of the said testator Anthony Gregson, called the Lowlin estate, or being any undivided share or shares of and in the said messuages and buildings in the said town and borough of Berwick-upon-Tweed, which are mentioned in the fourth Schedule hereunto annexed, all or any part of the said estates of the said testator, called the Tone Hall Estate, and of the tithes of the said testator, and which Tone Hall Estate and tithes are respectively comprised in the second and third Schedules hereunto annexed; and all or any part of the said Berwick-upon-Tweed property, of the said testator, and which is comprised in the fourth Schedule hereunto annexed; with the appurtenances and the inheritance thereof in fee simple, either together or in parcels, and by public auction or private contract, to any person or persons whomsoever, for such prices or prices in money, or for such equivalent messuages, lands, and hereditaments, and upon such terms and under such stipulations as to title, or evidence of title, as to the said John Leithead, Thomas Knight, and Ralph Forster, or the survivors or survivor of them, or the heirs of such

survivor shall seem reasonable, with liberty to rescind or alter any such contract, and to buy-in the premises, or any part thereof, which may be offered for sale at any such auction, and to resell any premises, the contract for the sale of which shall have been so rescinded, or which shall have been so bought in as aforesaid, either by auction or private contract, without being answerable for any loss which may happen by such re-sale, and to do all thing requisite or proper for the purpose of effectuating every such sale; and also, upon any such exchange as aforesaid, to pay or to stipulate that any person or persons with whom such exchange shall be made, shall pay any sum or sums of money by way of equality of exchange; and upon every such sale or exchange, the said John Leithead, Thomas Knight and Ralph Forster, or the survivors or survivor of them, or the heirs of such survivor, upon payment into the Bank of England in manner hereinafter directed, of the purchase monies of the premises so to be sold, or the monies so stipulated to be paid by way of equality or exchange (if any) but if not, then as soon as conveniently may be after the contract for such exchange shall convey and assure the premises, so to be sold or exchanged as aforesaid, to such person or persons and in such

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manner as shall be deemed expedient, in order to effect such sale or exchange, freed and discharged (except as to any such lease or contract for a lease, as aforesaid,) from all and every the uses, estates, trusts, powers, provisions, and declarations, in and by the said will of the said Anthony Gregson, limited, expressed, declared, and contained concerning the same, or by virtue of this Act then affecting the same, or any part thereof, and upon every such exchange as aforesaid, all and every the hereditaments to be received in exchange, shall thereafter forthwith be conveyed, settled, and assured to, for, and upon such uses, trusts, intents, and purposes, and with, under and subject to such powers, provisoes, and declarations, as under the said will of the said Anthony Gregson, or this Act shall, at the time of such exchange, affect the hereditaments so exchanged, or as near thereto as circumstances will permit.

AND BE IT FURTHER ENACTED that all monies which shall arise from every sale to be made in pursuance of this Act, or which shall be stipulated to be paid for equality of exchange as aforesaid, shall be paid by the person or persons respectively to or with whom such sale or exchange shall be made, into the Bank of England, in the name and with the privity of the Accountant-General of the said Court of Exchequer, to be placed to his account there – "Ex parte the purchasers of the devised estates late of Anthony Gregson, Esquire, deceased," pursuant to the method prescribed by an Act passed in the first year of the reign of his late Majesty King George the Fourth, intituled "An Act for the Better securing Monies and Effects paid into the Court of the Exchequer, at Westminster, on Account of the Suitors of the said Court, and for the Appointment of an Accountant-General, and two Masters of the said Court, and for other purposes;" and the general orders of the said Court, and without fee or reward, and the certificate or certificates of the said Accountant-General, together with the receipt or receipts of one of the Cashiers of the Bank of England, to be thereunto annexed and therewith filed with the Clerk of the Reports of the said Court of Exchequer, shall be an effectual discharge or effectual discharges to the persons respectively paying the same, and to his, her, or their respective heirs, executors, administrators, and assigns, for the monies aforesaid, or so much thereof as in such certificate or certificates, and receipt or receipts respectively, shall be expressed to be received; and the after the filing as aforesaid of such certificate or certificates, and receipt or receipts, the persons respectively paying such monies shall not be bound to see to the application, or be answerable for any loss, misapplication, or non-application of such monies, or any part thereof.

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AND BE, IT FURTHER ENACTED that all monies which shall have been so paid into the Bank, as hereinbefore directed, or so much thereof as shall not be ordered by the said Court of Exchequer to be applied in the payment of costs, charges, and expenses, according to the direction hereinafter contained, shall be forthwith laid out by the said Accountant-General in the purchase of Navy or Victualling Bills, or Exchequer Bills, and the interest arising from the money so laid out in the said Navy or Victualling Bills, or Exchequer Bills, and the money arising 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 Navy or Victualling Bills, or Exchequer Bills, all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank, in the name of the said Accountant-General, and shall there remain until the same shall, upon petition to be preferred to the said Court in a summary way, by the person or persons who by virtue of the said will of the said Anthony Gregson, or this Act, would, for the time being, have been beneficially entitled in possession to the rents and profits of the hereditaments from the sale or exchange whereof respectively such monies shall have arisen, if such sale or exchange had not been made (but if any such person or persons shall be under the age of twenty one years, then by his, her, or their guardian or guardians for the time being, on his, her, or their behalf,) be ordered, by the said Court of Exchequer, to be, sold by the said Accountant General, for the completing the Purchase or Purchases by this Act authorized to be made, in such manner as the said Court

Surplus of such monies, after payment of expenses, to be invested in Navy or Victualling or

shall think just and direct; and if the money arising by the sale of any such Navy, Victualling, or Exchequer Bills, which shall have been purchased as aforesaid, shall exceed the amount of the original purchase money, so laid down as aforesaid, then and in that case only the surplus which shall remain after discharging the expense of the applications to the said Court, shall be paid to such person or persons respectively as would have been entitled receive the rents and profits of the lands by this Act directed to be purchased, in case the same had been purchased pursuant to this Act or to the personal representative or representatives of such person or persons.

PROVIDED ALWAYS AND BE IT FURTHER ENACTED, that at any time or times after any monies shall have been paid into the Bank as hereinbefore is directed, it shall be lawful for the said Court of Exchequer, upon petition to be preferred thereto in a summary way, by the person or persons who, by virtue of the said will of the said Anthony Gregson, or this Act, would, for the time being, have been beneficially entitled in possession to the rents and profits of the hereditaments from the sale or exchange

Power to reinvest such monies in land, under the direction of the Court of Exchequer

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exchange whereof such monies respectively shall have arisen, if such sale or exchange had not been made (but if any such person or persons shall be under the age of twenty one years, then by his, her, or their guardian or guardians, for the time being on his, her, or their behalf) to direct such monies respectively, or any part thereof, to be laid out, or to direct the Navy or Victualling or Exchequer Bills, whereon such monies respectively shall be invested, or any part thereof, to be converted into money, and the monies produced by such conversion to be laid out in the purchase of messuages, lands, tenements, or hereditaments, being contiguous to or convenient to be held with the said estates of the said testator, called the Lowlin Estate, and of a clear and indefeasible estate of inheritance in fee simple, in possession (whereof any part may, if the said Court shall think fit, be copyhold of inheritance), or in the purchase of the other undivided moieties of, and in all, or any of the said messuages and buildings in the said town and borough of Berwick-upon Tweed, the one undivided moieties whereof are mentioned in the fourth Schedule hereunto annexed; and upon or immediately after every such purchase, the hereditaments therein comprised shall be conveyed, surrendered, settled, and assured to, for, and upon such uses, trusts, intents, and purposes, and with, under, and subject to such powers, provisions, and declarations, as under the said will of the said Anthony Gregson, or this Act, shall, at the time of such sale or exchange, affect the hereditaments from the sale or exchange, whereof the monies laid out in such purchase shall have arisen, or as near thereto as circumstances will permit.

AND BE IT FURTHER ENACTED that at any time or times after any monies shall have been paid into the Bank as hereinbefore is directed, it shall be lawful for the said Court of Exchequer, upon petition to be preferred thereto in a summary way, by any person or persons who, by virtue of the said will of the said Anthony Gregson, or this Act, shall be then absolutely entitled to such monies, or any part thereof (but if any such person or persons shall be under the age of twenty one years, then by his, her, or their guardian or guardians, for the time being, on his, her, or their behalf,) to direct such monies, or any part thereof, to be paid, or the Navy or Victualling or Exchequer Bills whereon the same, or any part thereof, shall then be invested, to be paid, transferred, or assigned to the person or persons so entitled, or to such person or persons, and in such manner as the said Court shall think fit.

Final payment of such monies to the persons absolutely entitled

PROVIDED ALWAYS AND BE IT FURTHER ENACTED, that all monies which shall arise by any sale or exchange under this Act, and

The monies arising from any sale or exchange to be

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the stocks, funds, or securities wherein such monies, or any part thereof, may be invested, shall be subject to the same trusts as the hereditaments from the sale or exchange of which such monies shall arise, would have been subject to, if such sale or exchange respectively had not been made, and shall, as to any transmissible beneficial interest therein, under the said will of the said Anthony Gregson, or this Act, of any person who shall die under the age of twenty-one years, be considered as real estate, and as such shall be transmissible to the representative or representatives of such person so dying.

impressed with the character of real estate as to transmission.

AND BE IT FURTHER ENACTED that it shall be lawful for the said Henry Knight and his assigns, at any time or times after he shall have attained the age of twenty-one years, during the then remainder of this life, and for the said John Leithead, Thomas Knight, and Ralph Forster, and the survivors and survivor of them, and the heirs of such survivor, at any time or times after the passing of this Act, during the minority of the said Henry Knight, or of any other person or persons who by virtue of the said will of the said Anthony Gregson, or this Act, shall for the time being be beneficially entitled in

Power to grant leases for twenty-one years

possession to the rents and profits of the hereditaments to be affected by the exercise of this power to demise or lease all or any part or parts of the said estates of the said testator, called respectively the Lowlin Estate and the Tone Hall Estate, and respectively comprised in the first and second Schedules hereunto annexed and of the said Berwick upon Tweed property of the said testator, comprised in the fourth Schedule hereunto annexed; and of any estates to be purchased or received in exchange under the powers in this Act contained, to any person or persons, for any term or number of years not exceeding twenty-one years in possession, and not in reversion or by way of future interest, so that, upon every such lease there be reserved and made payable during the continuance thereof, and to go along with and be incident to the immediate reversion of the premises so to be leased, the best and most improved yearly rent or rents that at the time of granting such a lease can or may be reasonably obtained for the same, without taking any fine, premium, or foregift, for the making thereof, and so that in every such lease there be contained a condition of re-entry on non-payment of the rent or rents to be thereby reserved by the space of twenty-one days next after any part thereof shall become payable, and so that the lessee or lessees named in every such lease, seal or deliver a counterpart thereof, and so that no lessee to whom any such lease shall be made be by any such clause or words therein contained authorized to

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commit waste or exempted from punishment for committing waste.

AND BE IT FURTHER ENACTED that it shall be lawful for the said Henry Knight and his assigns, at any time or times after he shall have attained the age of twenty-one years during the then remainder of this life and for the said John Leithead, Thomas Knight, and Ralph Forster, and the survivors and survivor of them, and the heirs of such survivor, during the minority of the said Henry Knight, or of any of the other person or persons who by virtue of the said will of the said Anthony Gregson, or this Act, shall for the time being be beneficially entitled in possession to the rents and profits of the hereditaments to be affected by the exercise of this power, to grant, demise, and lease all and every or any of the coal mines and seams of coal, and mines, quarries, beds, veins, and seams of iron, ironstone, freestone, limestone, clay, and all and every other ores, metals, minerals, and valuable substances whatsoever, opened, found, or discovered, or which shall or may at any time or times hereafter be opened, found or discovered, in or under the said estates of the said testator, called the Tone Hall Estate, and comprised in the second Schedule to this Act, or any part thereof, and also in or under the said estate of the said testator, called the Lowlin Estate, comprised in the first Schedule to this Act, (except under the Mansion House of Lowlin and the out offices, gardens, woods and plantations adjoining to and surrounding the same,) and also in or under any estates to be purchased or received in exchange under the powers in this Act contained, and also any part or parts of the same estates respectively (except as aforesaid) which it shall or may be thought expedient to demise and lease with such mines, minerals, quarries, beds veins, and seams for the better and more effectually working the same, unto any person or persons for any term or number of years not exceeding sixty years to take effect in possession, and not in reversion or by way of future interest, together with full and free liberty, license, power, and authority to search for, and win, work, take, use, and dispose of all such coals, iron, ironstone, freestone, limestone, clay, and other ores, metals, minerals, and valuable substances whatsoever as shall be found in the same mines, quarries, beds, veins and seams, and to sink, make and work, grooves, shafts, drifts, trenches, sluices, waygates, watergates, and watercourses, and to erect a furnace or furnaces, fir or other engines, mills or gins, and to use all other ways and means whatsoever whether or present use of future invention, as well for the finding, discovering, winning, working, and getting of coals, iron, ironstone, freestone, limestone, clay, and other ores, metals, minerals, or valuable substances

Power to
grant
mining
leases

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forth and out of the said coal mines and seams of coal and other mines, quarries, beds, veins, and seams, as for the avoiding and carrying away water, foul air, or stench, from forth, and out of, and properly ventilating the same, and also full and free liberty of outstroke and instroke into or from any adjoining coal mines or seams of coal, and also full and free liberty, license, power, and authority to take and use sufficient ground room, heap roots, and pit room, for laying, placing, and manufacturing, the coals, iron, ironstone, freestone, limestone, clay, and other ores metals, minerals, and valuable substances, or the earth and rubbish that shall from time to time be wrought, dug, gotten or proceed from, forth or out of the said coal mines and seams of coal and other mines, quarries, beds, veins, and seams, and also sufficient ways, paths, and passages to and for the respective lessees to be named in such demises or leases respectively, and his, her, or their respective executors, administrators, or assigns, and their agents, servants, and workmen, from time to time during the continuance of such leases, respectively to take and carry away with horses, carts, wains, waggons, and other carriages over any of the lands specified in the said first and second Schedules to this Act, all the coals, iron, ironstone, freestone, limestone, clay, and other ores, metals, minerals, and valuable substances, which shall from time to time be wrought, won, or gotten, in, from, forth, and out of the said coal mines and seams of coal and other mines, quarries, beds, veins, and seams to be demised or leased as aforesaid, or any adjoining coal mines or seams of coat, and also full and free liberty, licence

power, and authority, to erect, build, and set up in any convenient place or places near any of the said coal mines or other mines, quarries, beds, veins, or seams, so to be demised or leased, all such houses, hovels, lodges, sheds, or other buildings, as shall from time to time be needful or convenient for the habitation, standing, laying, or placing of any agents, workmen, or other persons, horses, gear, utensils, or materials to be employed or used in or about the working of the said mines and quarries, beds, veins, and seams, respectively, and to dig and get stone, lime, peat, or clay for erecting, building, or repairing such houses and other buildings, and do whatsoever else shall be needful or requisite in or about or for the winning, working, obtaining, getting washing cleansing, and smelting of coals, iron, ironstone, freestone, limestone, clay and other ores, metals, minerals, and valuable substances from forth and out of the said coal mines, seams of coal, and other mines, quarries, beds, veins, and seams, and for the manufacturing, taking, and carrying away the same; and also to grant, demise, and lease unto any person or persons whomsoever, full and free liberty of way and passage with horses, waggons, wains, steam engines, carts, and carriages,

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carriages for the conveyance of coal, freestone, and other commodities, and or constructing and making railways, sideways, byways, batteries, cuts, inclined planes, and all other works necessary or incident thereto, upon, along, over, and across the same lands or any part thereof respectively, so that upon every such lease there shall be reserved and made payable during the continuance thereof the best or most improved yearly rent or rents, tolls, duties, and reservations that can under the circumstances of the case be reasonably had or gotten for the same, without taking any fine, premium, or foregift for the making thereof; and so that in every such lease there be contained a condition or power of re entry for non-payment of the relit or rents, tolls, duties, or reservations to be thereby respectively reserved at such time or times after the same shall become due as shall be thought proper or deemed advisable, and so that the respective lessees to be named in such leases shall duly execute counterparts thereof respectively and enter into such covenants and agreements for the due and punctual rendering and paying the rent or rents, tolls, duties, and reservations to be thereby respectively reserved, and for the due and orderly working and managing of the said mines and works, and for the building, repairing, and keeping in repair the houses, cottages and other buildings to be mentioned in such leases respectively as shall be deemed necessary or as shall be thought proper and reasonable.

AND BE IT FURTHER ENACTED that it shall be lawful for the said Henry Knight and his assigns, at any time or times after he shall have attained the age of twenty one years, during the then remainder of his life, and for the said John Leithead, Thomas Knight, and Ralph Forster, and the survivors and survivor of them and the heirs of such survivor, during the minority of the said Henry Knight, or of any other person or persons who by virtue of the said will of the said Anthony Gregson or this Act shall for the time being be beneficially entitled in possession to the rents and profits of the hereditaments to be affected by the exercise of this power, to grant or demise to any person or persons whomsoever, for any term or terms of years whatsoever, and either at any annual rent or rents or in consideration of any tolls or other duties, any wayleave or wayleaves, or right or rights of way and passage, with horses, waggons, wains, steam engines, carts, and carriages for the conveyance of any coal, iron, ironstone, freestone, limestone, or other minerals or commodities, upon, through, over, or across the said estates of the said testator called the Tone Hall Estate, comprised in the second schedule to this Act or any part thereof, or upon, through, or over the said estate of the said testator,

Power to grant wayleaves

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called the Lowlin Estate, comprised in the first schedule to this Act or any part thereof, (except through or over the said mansion house of Lowlin or the out offices, gardens, woods, or plantations adjoining to and surrounding the same,) or upon, through, over, or across any estate to be purchased or received in exchange, under the powers in this Act contained, from any other estates, lands, mines, or collieries, with liberty to construct, make, and lay any railway or railways, waggonway or waggonways, coalway or coalways, or other way or ways, and to amend, repair, or alter the same, from time to time, so that upon every such grant or demise there be reserved and made payable, during the continuance thereof, the best yearly rent or rents, tolls, duties, or reservations, that can, under the circumstances of the case, be reasonably had or gotten for the same, without taking any fine, premium, or foregift for the making thereof, and so that in every such grant or demise there be contained a condition or power for avoiding the same on non payment of the rent or rents, tolls, duties, or reservations to be thereby respectively reserved, at such time or times after the same shall become due, as shall be thought proper or deemed advisable.

AND BE IT FURTHER ENACTED that it shall be lawful for the said Henry Knight and his assigns, at any time or times after he shall have attained the age of twenty one years, during the then remainder of his life, and for the said John Leithead, Thomas Knight, and Ralph Forster, and the survivors and survivor of them, and the heirs of such survivor, at any time or times after the passing of this Act, during the minority of the said Henry Knight, or of any other person or persons who by virtue of the said will of the

Power to grant building and repairing leases of the Berwick-upon-Tweed property

said Anthony Gregson, or this Act, shall for the time being, be beneficially entitled in possession to the rents and profits of the hereditaments to be affected by the exercise of this, power, to demise or lease all or any part of the said brewery, houses, buildings, premises, and moieties, constituting the Berwick upon Tweed property of the said Testator, comprised in the fourth Schedule to this Act; and of any share or shares to be purchased or received in exchange under the powers in this Act contained of and in the said houses, buildings, and premises, mentioned in the said fourth Schedule to any person or persons who shall be willing to take the same for the purpose of building or of rebuilding any building or buildings upon the premises so to be leased or any part thereof, or of effectually repairing any building or buildings then standing thereon, with or without liberty to take down any building or buildings then existing upon the same premises, and to apply

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apply the materials to such purposes as shall be agreed upon, and with or without liberty to lay out and appropriate any part or parts of the ,round which shall be comprised in any such lease as or for a yard or yards, garden or gardens, or any other convenience, to be held, occupied or enjoyed, with any building or buildings so to be built, rebuilt, or repaired, and with or without liberty to make drains, sewers, or other easements for the more convenient enjoyment of the premises and for the purposes aforesaid, to dig, take, and remove earth, clay, stone, sand, loam, or gravel, and also with any other power or powers which may be considered advisable, in order to effectuate the object of the parties to any such lease; and also with, under, and subject to such covenants, provisoes, and agreements, as from the nature of the case may be deemed expedient, so that every such lease for the purpose of new building or rebuilding, be made for any term or number of years not exceeding ninety-nine years, and so that every such lease for the purpose of effectually repairing any building or buildings, be made for any term or number of years not exceeding forty-one years; and so from time to time and in like manner to grant a new lease or new leases for building, rebuilding, or repairing of the same premises or any part thereof for such term or terms respectively as aforesaid, and so that every such lease shall take effect in possession and not in reversion or by way of future interest, and so that upon every such lease there be reserved and made payable half yearly or oftener during the continuance thereof, and to go along with and be incident to the immediate reversion of the premises so to be leased, the best and most beneficial rent or rents that at the time of granting such lease (considering the nature and circumstances of the case,) can be reasonably obtained for the same, but so, nevertheless, that a nominal rent may be reserved for the first one, two, or three year or years of any term that may be granted under this present power, without taking any fine, premium, or foregift for the making thereof, (the acceptance of the surrender of any existing lease not being considered in the nature of a fine, premium, or foregift,) and so that in every such lease there be contained covenants by the lessee or lessees to pay the rent or rents to be thereby reserved, and also to pay all taxes, charges, assessments, and impositions, affecting the premises therein comprised, and also to build, rebuild, and effectually repair the building or buildings which at the time of the execution of such lease may be agreed to be so built, rebuilt, or repaired, and also to maintain and keep every such building good repair and insured from loss or damage from fire, to the amount of at least three fourths of its value, in some one or more respectable office or offices for insuring against loss or damage by fire; and to lay out the money to be received by virtue of every such insurance

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in rebuilding, repairing, and reinstating such building or buildings as shall be destroyed or damaged by fire, and at the end or sooner determination of the term by such lease granted, to surrender quietly and without delay the premises therein comprised, and to leave in good repair the building, or buildings therein covenanted to be built, rebuilt, or repaired, and so that in every such lease there be also contained a condition of re entry, on non payment of the rent or rents to be thereby reserved, by the space of twenty-one days next after any part thereof shall become payable, or on non performance of tile covenants, provisoes, or conditions to be therein contained, on the part or parts of the lessee or lessees, and so that the lessee or lessees named in every such lease, seal and deliver a counterpart thereof, and so that no lessee to whom any such lease shall be made, be by any clause or words therein contained, authorized to commit waste, or exempted from punishment for committing waste, save so far as may be necessary for the purposes hereby authorized.

Power of contracting to grant building and repairing leases

PROVIDED ALWAYS AND BE IT FURTHER ENACTED that it shall be lawful for the said Henry Knight and his assigns, at any time or times after he shall have attained the age of twenty-one years, during the then remainder of his life, and for the said John Leithead, Thomas Knight, and Ralph Forster, and the survivors and survivor of them, and the heirs of such survivor at any time or times after the passing of this Act during the minority of the said Henry Knight, or of any other person or persons for the time being, beneficially entitled in possession as last aforesaid, to enter into any contract or contracts in writing for granting any lease or leases authorized by the powers hereinbefore contained, or any of them for the purposes of building, rebuilding, or repairing, and to agree, when and as any ground, or building, or buildings so contracted to be let, or any part or parts thereof, shall be built upon, rebuilt, or repaired to demise and lease, all or any part or parts of the ground, or building or buildings, mentioned. in any such contract to the person or persons contracting to take the same, his, her, or their executors, administrators or assigns, or nominee,

or nominees, during the residue of the term or terms to be specified in such contract, and in such parcels, and under and subject to, such portions of the yearly rent or rents to be specified in such contract, as shall be thought proper, but so nevertheless that if the yearly rent to be reserved in any such lease shall bear a greater proportion to all the rent in the contract agreed to be reserved, than the quantity of land to be comprised in such lease shall bear to all the land comprised in the contract, then and in such case the same rent, shall not exceed one eighth part of the clear yearly rack

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rack rent value of the land and buildings to be comprised in such lease, when fit for habitation and use, and so that every lease to be granted pursuant to any such contract, shall be conformable to the provisions hereinbefore contained concerning the building and repairing leases hereinbefore authorized to be made, so far as the same shall be applicable. **PROVIDED ALWAYS** that in every such contract there shall be inserted a condition for vacating the same, or for re entry into such part or parts of the premises therein comprised as shall not be built upon, rebuilt, or repaired respectively in the manner therein stipulated, within a reasonable time to be therein appointed for that purpose ; and also a provision that the person or persons to whom a lease or leases ought to be granted, pursuant to such contract, shall accept such lease or leases, and execute a counterpart or counterparts thereof, and pay the reasonable charges of preparing the same, within a reasonable time to be appointed by such contract, or that in default thereof, such contract shall be void. **Provided also** that every lease which shall be granted as aforesaid, in pursuance or in consequence of a previous contract, and not being inconsistent with the provisions of this Act, shall be deemed to be duly granted, although such contract shall not, in all respects, have been duly observed, and that after any such lease shall have been executed, the contract for the same shall not form any part of the evidence of the title at law or in equity, to the benefit of such lease.

AND BE IT FURTHER ENACTED that when and so often as any contract for a lease shall have been entered into as aforesaid, it shall be lawful for the said Henry Knight and his assigns, at any time or times after he shall have attained the age of twenty one years, during the then remainder of his life, and for the said John Leithead, Thomas Knight, and Ralph Forster, or the survivors or survivor of them, or the heirs of such survivor, at any time or times during the minority of the said Henry Knight, or of any other person or persons for the time being, beneficially entitled in possession, as last aforesaid, to enter with the other party or parties to such contract, into any new covenant or covenants, agreement or agreements, by way of addition to or explanation or alteration of, all or any of the covenants or agreements in such contract to be contained or to release the person or persons with whom such contract shall have been entered into, and his, her, or their heirs, executors, administrators, or assigns, from the observance of all or any part thereof, and to substitute (if it shall be thought expedient) any new covenant or covenants, agreement or agreements, instead of the part or parts of such contract which shall be so released, or to accept a surrender of all or any

Power to alter or release contracts or to accept a surrender of any premises contracted to be leased.

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Part of the hereditaments comprised in such contract, which hereditaments so surrendered, may be leased or contracted to be leased and afterwards leased under the powers herein contained, as if no contract for leasing the same had been previously entered into: **PROVIDED ALWAYS** that nothing herein contained shall be taken to authorize any covenant or agreement inconsistent with the provisions of this Act, or to authorize the release of any covenant, proviso, or agreement hereinbefore specifically directed to be inserted in any lease, or contract for a lease, to be made or entered into by virtue of this Act, unless such lease or contract be absolutely surrendered.

AND BE IT FURTHER ENACTED that when and so often as possession of any hereditaments to be comprised in any such lease, or contract for a lease as aforesaid, shall be resumed or recovered by virtue of the condition for re entry in such lease or contract to be contained, the premises whereof possession shall be so resumed or recovered may be leased, or contracted to be leased, and afterwards leased under the powers herein contained, as if no lease, or contract for a lease of the same, had previously been made or entered into.

Where possession is recovered under condition of re-entry, the premises may be leased again

PROVIDED ALWAYS AND BE IT FURTHER ENACTED that during the minority of the said Henry Knight, or of any other person or persons who, by virtue of the said will of the said Anthony Gregson, shall, for the time being, be beneficially entitled in possession to the rents and profits of the hereditaments thereby devised, all the several powers or authorities hereinbefore made exercisable during such minority by the said John Leithead, Thomas Knight, and Ralph Forster, or the survivors or survivor of them, or the heirs of such survivor, shall be exercised under the direction, or with the approbation of the said Court of Exchequer, to be given by one or more order or orders on petition preferred in a summary way, by or on behalf of the said Henry Knight, or such other person or persons as aforesaid.

The foregoing powers to be exercised during the minority of any party beneficially entitled in possession under the direction of the Court of Exchequer.

PROVIDED ALWAYS AND BE IT FURTHER ENACTED that it shall be lawful for the said Court of Exchequer, upon petition to be preferred in a summary way, by the person or persons who, by virtue of the said will of the said Anthony Gregson, or this Act, shall, for the time being, be beneficially entitled in possession to the rents and profits of the hereditaments devised by the same will (but if any such person or persons shall be under the age of twenty one years, then by his, her, or their guardians for the time being, in his, her, or their behalf,) from time to time

The Court of Exchequer empowered to make orders for taxation and payment of costs. &c.

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time to make such orders as the said Court shall think fit, for taxing or settling all costs, charges, and expenses which shall have been incurred in or about the said proceedings in the Court of Exchequer, and in preparing, soliciting, applying for, and obtaining and passing this Act; and preparatory thereto, and in making the several applications to the said Court, in pursuance thereof, and in making and completing any sale or exchange hereby authorized, and in investing all or any of the monies which tender this Act shall be paid into the Bank on real securities or the purchase of lands and hereditaments under the powers herein contained, or otherwise in carrying the trusts and purposes of this Act into execution, and also from time to time to make such orders as the said Court shall think fit for payment of such costs, charges, and expenses out of the monies which shall be paid into the Bank as aforesaid, and also from time to time to make such other order or orders in or about the execution of this Act, as the said Court shall think fit.

PROVIDED ALWAYS AND BE IT FURTHER ENACTED that in case the said John Leithead, Thomas Knight, and Ralph Forster, or any or either of them, or any succeeding or other trustee or trustees to be appointed as hereinafter mentioned, shall happen to die, or be desirous of being discharged from, or refuse, neglect, or become incapable or unfit to act in the execution of the trusts or powers herein contained, before the same trusts and powers shall have been fully performed or satisfied, then and so often as the same shall happen, it shall be lawful for the said Court of Exchequer, upon petition to be preferred in a summary way as lastly hereinbefore mentioned, to appoint the person or persons to be proposed in such petition, or any person or persons to be named by the Court to be a trustee or trustees in the place or stead of the trustee or trustees so dying, desiring to be discharged, or refusing, neglecting, or becoming incapable or unfit to act, and that such new trustee and trustees shall and may in all things act in the execution and exercise of the trusts, powers, and authorities herein declared, and contained as fully and effectually to all intents and purposes whatsoever, as the trustee or trustees in or to whose place or stead he or they shall come or succeed, could or might have done under or by virtue of this Act.

Power to appoint new trustees

SAVING ALWAYS TO THE QUEEN'S MOST EXCELLENT MAJESTY, her heirs and successors, and to the said George Forsythe and his assigns, and to all and every other person and persons, body and bodies politic or corporate, and their respective heirs, successors, executors, administrators, and assigns (other than and except the said Henry Knight,

Saving clause

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and his sons, and the heirs male of their respective bodies, and his daughters, and the heirs of their respective bodies, and the said Valentine Knight, Thomas Knight, Delaval Knight, and Frederick Knight, and other the brother or brothers of the said Henry Knight, and the heirs of their respective bodies, and the said Sarah Knight, and Harriet Mary Jane Knight, and the heirs of their respective bodies and also the right heirs of the said Henry Knight,) all such estates, rights titles, or interests whatsoever, as they would or might have had in, over, or upon the said messuages, lands tenements, and hereditaments hereinbefore authorized to be respectively sold, and exchanged, and demised and leased as aforesaid, or any of them, or any part thereof, if this Act had not been made.

AND BE IT FURTHER ENACTED that this Act shall be printed by the several printers to the Queen's Most Excellent Majesty, duly authorized to print the statutes of the United Kingdom, and a copy thereof so printed by any of them to be admitted as evidence thereof by all Judges, Justices, and others.

Evidence clause

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The first Schedule to which the foregoing Act refers, containing the Lowlin Estate.

Parish.	Premises	Tenants	Cont ents			Yearly Rent		
			A.	R.	P.	£	s.	d.
<i>In the County of North Durham</i>								
Kyloe	Mansion-house and garden	Robert Wilkie, Esq.	3	0	32	70	0	0
-	Lamb Inn and land	John Smith	8	0	9	50	0	0
-	West Lowe field	Robert Sheil	45	2	6	136	0	0
-	Middle ditto	George Jackson	47	1	15	145	0	0
-	East ditto	Henderson and Gibson	4,3	3	25	154	0	0

-	Broadmeadow	Robert Jobson	25	0	39	91	0	0
-	East Banks	Alexander Thomson	51	0	4	76	0	0
-	Middle ditto	Jas. R. Nicholson	38	3	5	121	0	0
-	West ditto	James Grey	48	3	3	140	0	0
	Gin field	Alexander Thomson	70	8	1	102	0	0
	West orchard close	George Patrick	23	3	24	39	0	0
	East ditto	John Hunt	10	2	8	40	0	0
	Mill field	John Matthewson	49	2	37	50	0	0
	Bridge close	James Grey	19	3	4	24	0	0
	South moor	Messrs. Mahon	2.1	1	6	16	0	0
	Cottage	Robert Tait	0	0	0	3	0	0
	Lough estate	John Matthewson	404	3	20	100	0	0
<i>In the County of Northumberland.</i>								
Lowick	Lickar lee farm	John Matthewson	236	2	12	265		0
	Lickar moor	Selby Murton	201	0	39	80	0	0
-	Cottage in Bowsden Village	Robert Nelson				4	4	0
-	Do.	Thomas Locke				4	4	0
-	Do.	Joseph Bell				4	4	0
	Do.	William Crackett				4	4	0
-	Do.,	William Wade				4	4	0
-	Do.	Adam Hills				4	4	0
	Do.	George Hills				4	4	0
	Two Do.	Alexander Bell				8	8	0
	Public house in do.	Pratt and Crossman				10	0	0
	Churchyard, house, and croft, in Lowick Village	George Nesbitt				8	0	0

The second Schedule to which the foregoing Act refers, containing the Tone Hall Estate.

Chollerton	Tone Hall and land	Cuthbert Jobling	82	1	5	100	0	0
	Quarry house and Lager Hill	Messrs. Nicholson	230	2	34	160	0	0
	Tone hill head & green ridge	James Patterson	372	2	2	180	0	0
	Tone Inn and land	Thomas Davison	52	2	8	125	0	0
Hartburn	Cowdons	Messrs. Jobling	373	1	21	185	0	0
	Ritton White house and Roughlees	} Messrs. Potts	435	0	0	220	0	0
Corsenside	Chesterhope and Coltdown	Messrs. Wood	894	0	0	330	0	0
Chollerton	Cottage and yard on Cowdon	Thomas Brydon	0	0	0	5	0	0
Bellingham	Boggle-hole farm	William Thompson	35	0	0	30	10	0
	Free rent of Carycoats estate	Gascoigne Shaftoe, Esq.	0	0	0	2	14	0
	Andrew Craig, use of colliery waste water to his mill at Lowick		0	0	0		2	6

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The third Schedule to which the foregoing Act refers, containing the Tithes

			<i>occupied by</i>			£	s.	d.
Lowick	Tithes of a farm	at Bowsden	Thomas Brown			18	0	0
	Do.	Do.	Ann Barber			19	0	0
	Do.	Do.	John Muckle			9	10	0
	Do.	Bowsden moor	John Mathewson			8	0	0
	Do.	Bowsden	Thomas Fish			0	8	0
	Do.	Hunting Hall	George Jackson			10	0	0

Do	Lowick Low Stead	Storey Main	2	7	0
Do.	Do.	William Dickson	2	0	0
Do.	Lowick hills	Luke Harp	4	0	0
Do.	Lowick	Mrs. Saunderson	0	5	0
Do.	Do.	George Phillips	1	0	0
Do.	Do.	Messrs. Henderson	40	0	0
Do.	Do.	Thomas Forman	2	0	0
Do.	Do.	Charles Coulter	0	15	0
Easter offerings of Bowsden and Lowick	Townships, estimated at		2	10	0

***The fourth Schedule to which the foregoing Act refers, containing the
Berwick-upon-Tweed Property.***

Property the Entirety of which belonged to the said Testator Anthony Gregson.

			£	s.	d.
Berwick on Tweed	Pier Inn	Pratt and Crossman	22	0	0
	Inn, in Castlegate	Do.	13	0	0
	Do. Do.	Do.	15	0	0
	Do. Church Street	Do.	20	0	0
	House in Parade	James Frazer	12	0	0
	Do.	James Park	4	10	0
	Do.	George Paulin	2	10	0
	Do.	Pratt, Crossman & Boyd	12	0	0
	Do.	Jane Weatherburn	1	5	0
	Do.	Ralph Knox	3	8	0
	Do.	Whillis	2	0	0
	Do.	John Smith	1	0	0
	Do.	Robert Dickson	2	10	0
	Do.	Isabella Blackadder	0	15	0
	Do.	William Carss	2	10	0
Do.	William Davison	1	10	0	
Do.	Margaret M'Kenzie	1	10	0	
Do.	Ann Robertson	0	15	0	

Joint Property of which one Moiety belonged to the said Testator Anthony Gregson.

			£	s.	d.
Berwick-on -Tweed	Brewery	Pratt and Crossman	75	0	0
	Packhorse Inn	Do.	12	10	0
	Granary in do. Yard	Do.	2	10	0
	Butcher's Arms Inn	Do.	7	10	0
	Leith and Berwick Tavern	Do.	7	0	0
	House in Shaw's Lane	Do.	4	15	0
	Do. Church Street	John Brown	5	5	0
	Do. Mary Gate	Walter Rowlands	17	10	0
	Do. Do.	James Spowart	8	10	0
	Granary in Eastern Lane	Messrs. Oswald	10	0	0
North Durham	Foundry Inn, Tweedmouth	Pratt and Crossman	4	0	0
	Salmon Inn, Norham	Do.	4	0	0

W. LOWREY,

Barmoor, April 7, 1840.

ADDENDUM

Calculations added by Ellen Stoddart, 2012

The monetary amounts for Income from above 4 schedules have been added to show total annual income that Henry Knight Gregson inherited under the Will of Anthony Gregson..

To give an estimate of equivalent in 2012, annual rent for 'Cottage in Bowsden' has been taken as the comparator, being 4 guineas per year in 1840 and approx £450 per month in 2012. Applying that increase factor [1,200] to the 1840 annual income of around £3,500, indicates income in 2012 would be around £4,200,000.

Note: The 1840 schedules did not include the proposed Colliery Leases.

Summary	From 1840 Act	£	s.
Schedule 1		1,756	36
Schedule 2		1339	30
Schedule 3		117	55
Schedule 4		268	173
		<u>3,480</u>	<u>294</u>
<i>Convert Shillings to Pounds</i>		14	14
Total		<u>3,494</u>	<u>14</u>
Estimation of Value in 2012			
Rent of Cottage in Bowsden			
	<i>Source: Internet2012</i>	1840	4P 4S
<i>About Stg Per Mth</i>	450		
Yearly	5,400	4.2	
IncreaseFactor		1,285.71	
	Round down to	<u>1,200</u>	
Annual Income 1840 rounded		<u>3,500</u>	
Income x Incr. Factor		<u>4,200,000</u>	