

## Philip Antrobus

ANNO SECUNDO & TERTIO

# GULIELMI IV. REGIS.

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### *Cap. 21.*

An Act to authorize the granting of Leases of certain Parts of the Estates (subject to the Trusts I of the Will) of Philip Antrobus Gentleman, deceased. [4th July 1832.]

**W**HEREAS *Philip Antrobus*, late of *Bollington* in the County of *Chester*, Gentleman, deceased, by his last Will and Testament in Writing, bearing Date on or about the Thirteenth Day of *November* One thousand eight hundred and twenty-nine, so executed and attested as to pass Freehold Estates, after directing that all his just Debts, Funeral Expences, and the Charges of the Probate of that his Will, should be paid and discharged out of his Personal Estate, and in case that should be insufficient, then charging his Real Estates with the Payment of the Deficiency, and, subject thereto, gave and devised all those his Freehold, Copyhold, and Real Estates situate and being in the Counties of *Chester* and *Stafford*, unto his Friends and Brothers in law Mr. *Peter Brooke* and Mr. *John Brooke*, to hold the same to them the said *Peter Brooke* and *John Brooke*, their Heirs and Assigns for ever, upon the Trusts, and to and for the Uses, Intents, and Purposes therein-after mentioned, expressed, and declared of and concerning the same, and his Personal Estate therein-after given and bequeathed; and the said testator thereby gave and bequeathed all his Personal Estate, Goods, Chattels, and Effects whatsoever unto them the said *Peter Brooke* and *John Brooke*, their Executors and Administrators, absolutely; and the said Testator thereby declared that his said Freehold, Copyhold, and Real Estates, and his Personal Estate, were so devised and bequeathed to the said *Peter Brooke* and *John Brooke*, their Heirs, Executors, Administrators and Assigns, upon Trust that his said Trustees for the Time being did and should stand seised and possessed thereof in manner following; that is to say, upon Trust to pay to his Wile *Mary Antrobus*, out of the Rents, Issues, and Proceeds thereof; a clear Annuity of Five hundred Pounds *per Annum* for and during the Term of her natural Life, by Four equal Quarterly Payments in the Year; and upon further Trust also to pay to his Sister, Mrs.

*Mary Cheetham* [sic], a clear Annuity of One hundred and sixty Pounds for and during the Term of her natural Life, by the like Quarterly Payments in the Year; and in the said Annuity to his said Sister the said Testator included the Annuity given to her by his Brother *Thomas Antrobus* deceased, in and by his Will; and the said Testator thereby charged all his said Estates, Freehold, Copyhold, Real, and Personal, with the Payment of the said Annuity; and, subject thereto, then upon Trust that they his said Trustees for the Time being did and should stand seised and possessed of his Freehold Estates in *Staffordshire* to and for the Use and Behoof of his eldest Son *John Peter Antrobus*, his Heirs and Assigns for ever; and the said Testator thereby directed that the same last-mentioned Estates should become a vested Interest in his said Son *John Peter*, his Heirs and Assigns, immediately upon his obtaining the Age of Twenty-one Years; but in case his eldest Son *John Peter* should depart this Life before he attained the Age of Twenty-one Years, and without Issue, then the said Testator directed that his said Trustees for the Time being should stand seised and possessed of his said *Staffordshire* Estates to and for the Use and Behoof of his Son *Philip Antrobus*, his Heirs and Assigns for ever and he directed that the same should become vested in him, his Heirs and Assigns, immediately on his attaining the Age of Twenty-one Years; and in case his said Son *Philip* should depart this Life before he attained the Age of Twenty-one Years, and without leaving lawful Issue, then upon Trust to stand seised of his said *Staffordshire* Estates to and for the Use and Behoof of his Son *George*, his Heirs and Assigns for ever; and in case his said Son *George* should depart this Life before he attained the Age of Twenty-one Years, and without leaving lawful Issue, then upon Trust that his said Trustees for the Time being should stand seised and possessed of his said *Staffordshire* Estates to and for the Use and Behoof of his Son *Thomas Antrobus*, his Heirs and Assigns for ever; and as to, for, and concerning all his the said Testator's said Freehold, Copyhold, and Real Estates in the said County of *Chester*, upon Trust that his said Trustees for the Time being should stand seised and possessed thereof and of every Part thereof to and for the Use and Behoof of his the said Testator's Children, namely, *John, Peter, Philip, George, and Thomas*, and his Three Daughters, their Heirs and Assigns for ever, as Tenants in Common, and not as Joint Tenants; and the said Testator directed that when and as they should severally and respectively attain the Age of Twenty-one Years the Share of each Child should become vested in them at the Age of Twenty-one Years, and that in the meantime the Rents, Issues, and Profits of his said *Cheshire* Estates, or a competent Part thereof, subject as aforesaid, should be applied in their Maintenance, Education, and bringing up, as well at Home, and when sent to School, with Power for his said Trustees for the Time being to apply a proper Part thereof in placing them out to Professions or Trades; and It was further provided, In and by the said Testator's said Will, and he did thereby declare, that in case any of his said Children should depart this Life before attaining the Age of Twenty-one Years, and should leave lawful Issue, such Issue should have and take amongst them, if more than One, the Share and Interest, in all respects, which their Parent or Parents would have taken and be entitled to if living; but if any of his said Children should die under the Age of Twenty-one Years, without leaving lawful Issue, or whose Issue should also die under the Age of Twenty-one Years, then he directed that the Estate and Interest of such deceased Child should go and belong to the Survivors of his said Children, and the Issue of any of them who might die as aforesaid as might live to attain the Age of Twenty-one Years; but that Provision was not to extend to his said *Staffordshire* Estates, it being his the said Testator's Will and Intention that those Estates should go to the eldest or oldest surviving Son, or his Heirs as aforesaid; and as to and

concerning his the said Testator's said Personal Estate, Goods, Chattels, and Effects, upon Trust that his said Trustees for the Time being did and should stand and be possessed thereof, subject as aforesaid, to and for the equal Benefit of all his said Children, Share and Share alike, with such Benefit of Survivorship and Accruer as therein-before mentioned and declared respecting his said Real Estates; and the said Testator in and by his said Will nominated, constituted, and appointed his said Wife Guardian of his Children during their Minorities, and the said *Peter Brooke* and *John Brooke* Executors of that his Will: And whereas the said Testator intermarried with *Mary Brooke* on or about the Seventeenth Day of *May* One thousand eight hundred and fifteen, and departed this Life on or about the Eleventh Day of *December* One thousand eight hundred and twenty-nine, without having revoked or altered his said Will, leaving by the said *Mary Antrobus* his Widow the said *John Peter Antrobus* his eldest Son, and the said *Philip Antrobus*, *George Antrobus*, *Thomas Antrobus*, and his Three Daughters, *videlicet*, *Margaret Jane*, *Mary Elizabeth*, and *Frances*, all Infants under the Age of Twenty-one Years, his other Children, him surviving, and no other Children: And whereas the said recited Will of the said *Philip Antrobus* deceased was on or about the Twentieth Day of *March* One thousand eight hundred and thirty duly proved in the Consistory Court of the Bishop of *Chester* by the said *Peter Brooke* and *John Brooke* : And whereas the said Testator did in his Lifetime layout and expend divers large Sums of Money in the Improvement of his said *Cheshire* Estates, and particularly in the erecting and building of a large Stone and Fire-proof Cotton Mill, of great Value, upon a certain Copyhold Estate within the Manor and Forest of *Macclesfield* in the said County of *Chester*, called "The Lower House Estate," and in the Erection and making of divers Messuages, Cottages, Sheds, Storehouses, Weirs, Dams, Watercourses, and other Buildings and Erections connected with the said Mill, or contiguous thereto, and necessary or convenient for the working thereof with Advantage: And whereas the said Mill, and the said other Erections and Buildings connected therewith, are at present untenanted: And whereas the said recited Will of the said *Philip Antrobus* deceased does not contain any Power to grant Leases: And whereas the Rental of the said Testator's said *Cheshire* Estates is at present insufficient for the Maintenance and Education of his said Children: And whereas it would greatly increase the Rental of the said Testator's *Cheshire* Estates, and the Value thereof to the several Persons interested therein under and by virtue of the Limitations in the said Testator's said Will contained, if such Powers of granting Leases as are herein-after prayed were given to the Persons and in the Manner herein-after mentioned; but the same cannot be effected without the Aid and Authority of Parliament: Therefore Your Majesty's most dutiful and Loyal Subjects, *Peter Brooke* and *John Brooke*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act it shall be Lawful for the said *Peter Brooke* and *John Brooke*, or the Survivor of them, his Heirs or Assigns, as the Case may be, with the Consent of the said *Mary Antrobus*, the said *Mary Chetham*, and the Guardian or Guardians for the Time being of the said *John Peter Antrobus*, *Philip Antrobus*, *George Antrobus*, *Thomas Antrobus*, *Margaret Jane Antrobus*, *Mary Elizabeth Antrobus*, and *Frances Antrobus*, from Time to Time, during their respective Minorities, and in case of the Decease of them the said *John Peter Antrobus*, *Philip Antrobus*, *George Antrobus*, *Thomas Antrobus*, *Margaret Jane Antrobus*, *Mary Elizabeth Antrobus*, and *Frances Antrobus*, any or either of them, leaving lawful

Issue, as in the said Testator's said Will mentioned, then with the Consent of the Guardian or Guardians of any Minor or Minors who shall for the Time being be entitled to or interested in the said Testator's *Cheshire* Estates, or any Part thereof under and by virtue of the Limitations in his said Will contained, by Indenture or Indentures to be duly sealed and delivered, from Time to Time to make and grant any Lease or Leases to any Person or Persons willing to take the same of an or any of the aforesaid Mills, Cottages, and other Buildings and Erections, Lands, Tenements, Hereditaments, and Premises, or any Part or Parts thereof: and either together or separately, situate in the said County of *Chester*, which are more particularly mentioned and described in the Schedule hereunto annexed, with the full and free Liberty, Power, and Authority to dig, sink, work, erect, repair, and renew such Weirs, Tunnels, Trenches, Sluices, Water Gates, and Watercourses, and to make, erect, set up, and work such Furnaces and Steam Engines, and other Works and Contrivances as shall be deemed necessary or convenient for the working, weaving, spinning, or otherwise improving of Cotton, Thread, or Silk, or any of them, in and upon the said Mills, and for bringing and carrying Water for working the Machinery of the said Mills, as is usual and suitable to the Nature thereof; so as such Lease or Leases so to be made and granted do not exceed the Term of Twenty-one Years from the making thereof; so as the same be made at and for the best Rents and upon and under the best Terms and Reservations that can be reasonably gotten for the same (Regard being had to the then existing Circumstances) ; and so that the Lessees or Grantees therein execute Counterparts thereof; and so as in all Cases the Mills, Messuages, Cottages, and other Buildings and Erections, and every of them, now standing or hereafter erected or built, which shall or may be demised or let under and by virtue of the Authority of this Act, shall be from Time to Time insured against Loss or Damage by Fire in the full Amount of the Value of so much thereof as is not and shall not be Fire-proof, in some responsible Insurance Office or Offices in *London* or *Westminster*; and so as, in case the same or any Part thereof shall be burnt down or injured by Fire, that the Lessee or Lessees thereof for the Time being shall rebuild and reinstate the same, and shall produce, when requested by the said *Peter Brooke* or *John Brooke*, their Heirs or Assigns, as the Case may be, the Policy or Policies of Insurance to be effected in respect of the Premises therein comprised, and the Receipt or Receipts for the Premium and Duty on such Policy or Policies for the current Year; and so that the Rent to be reserved by such Lease or Leases respectively shall continue payable to the said *Peter Brooke* and *John Brooke*, their Heirs or Assigns, notwithstanding any Damage by Fire to or Destruction of the said demised Premises or any Part thereof.

II. Provided always, and be it further enacted, That the Receipt or Receipts of them the said *Peter Brooke* and *John Brooke*, or the Survivor of them, and their or his Heirs and Assigns (as the Case may be), shall be a good and sufficient Discharge or good and sufficient Discharges to the Lessees respectively, and their respective Executors, Administrators, or Assigns, and to all other Persons, for the Rents reserved and made payable for any Lease or Leases made under the Authority of this Act.

III. And be it further enacted, That the Costs, Charges, and Expences of and attending the Preparation of and applying for and passing this Act, and the Execution of the Powers thereof shall be paid out of the yearly Rents and Profits to be received from the Lands, Tenements, and Hereditaments comprised in the Schedule to this Act annexed; and it shall and may be lawful for the High Court of Chancery, from Time to Time, upon the Petition of any Party or Parties interested, to be preferred in a summary Way, to make such Order or Orders as to the said Court shall seem meet for

ascertaining, taxing, and settling the Costs, Charges, and Expences herein-before directed to be paid, and also the Costs, Charges, and Expences of the Application to such Court, and from Time to Time to make such Order or Orders as to the same Court shall seem meet for the Payment of such Costs, Charges, and Expences as aforesaid.

IV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Persons and Person, Bodies Politic and Corporate, his, her, and their Heirs, Executors, Administrators, and Assigns, (other than and except the said *Peter Brooke* and *John Brooke*, their Heirs, Executors, Administrators, and Assigns, the said *Mary Antrobus*, the said *Mary Chetham*, the said *John Peter Antrobus*, the said *Philip Antrobus* the Son, the said *George Antrobus*, the said *Thomas Antrobus*, the said *Margaret Jane Antrobus*, *Mary Elizabeth Antrobus*, and *Frances Antrobus*, and all and every other Persons and Person having or claiming, or who shall or may hereafter have or claim, any Estate, Right, Title, or Interest of, in, or to the said Hereditaments and Premises hereby authorized to be leased as aforesaid, under or by virtue of the said recited Will of the said *Philip Antrobus* the Father, deceased, or either of them, and the Heirs of the said Testator,) all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever as they or any of them had, held, or enjoyed of, in, to, or out of the same, in case this Act had not been made.

V. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

The SCHEDULE to which this Act refers.

<i>Description of Property</i>	<i>Tenant's Name.</i>	<i>Quantity</i>			<i>Annual Value.</i>		
		<i>Statute.</i>			<i>£</i>	<i>s.</i>	<i>d.</i>
		<i>A.</i>	<i>R.</i>	<i>P.</i>			
A Cotton Mill erected on the Estate called the Lower House, in Bollington, County of Chester, with Weir, Reservoir, Water Wheel, Shafts, Gearing, and Tail Loose, and Appurtenances, Manager's House, Yard, and Garden; also Fifty-three Cottages, with Land for Steam Engine and Boilers and Gasworks; together with the Fall of Water belonging thereto, and all other Waters, Privileges, and Conveniences now or heretofore used, occupied, or enjoyed - - -	Unoccupied	6	1	12	704	18	0
A Close of Land called the Carr, Part of an Estate called the Lower House, in Bollington aforesaid; also the Calf Croft Meadow adjoining thereto - -	Mary Antrobus	3	3	32	11	13	3
The Old Silk Mill, situated at Higher Bollington, together with the Water Wheel, Weir, Reservoir, River Course, Workshops, Stable, Outhouses, and Appurtenances - - - -	Unoccupied	0	2	0	100	0	0
Cottage, Garden, and Land belonging to or attached to							

the said Silk Mill - - - - -	Sam' Knowles	1 2 0	6 0 0
A Close of Land, Part of Moss Farm, in Bollington, called Pasture Field. -	Mary Antrobus	2 2 9	5 8 0
The remaining Part of Moss Farm, in Bollington, consisting of a Farmhouse, Barn, Two Cottages, Gardens, and several Closes of Land, called the Oakencliffe, Old Meadow, Middle Field, Brook Meadowt and Wharf - - -	Mary Antrobus	14 2 33	43 0 0
The remaining Part of Lower House Farm, consisting of a Farmhouse, Barn, Garden, and several Closes of Land, called the Cow Rake, the Outlet, the Broad Meadow, and Bean Ley ton, the Near Stair Field, and the Wheat Field - - - - -	Mary Antrobus	35 0 4	89 11 10
A Dwelling House at Turner Heath in Bollington, with the Hothouse, Stables, Coach-house, and Gardens, also the Rookery, Barn, and Shippon, and several Closes of Land, called the Flat Field, Old Meadow, and Elbrow Meadow, now in one, the Lower Meadow, the Great Field, the Horse Leach, the Crow Butts, the Long Meadow, the Pit Meadow, the Burgess Meadow, the Margery Croft, and the Barn Butts -	Mary Antrobus	34 0 31	162 13 5
A Warehouse, Dyehouse, Weaving Shop, and Engine House, with a Steam Engine, Pipes, and Fixtures, at Turner Heath in Bollington -	Unoccupied	0 0 32	74 0 0
A Cottage and Garden at Turner Heath -	Joseph Reeves	0 0 6	5 6 8
Do. Do. at Do. - - -	John Birtles	0 0 6	5 6 8
Do. Do.. at Do. - - -	Unoccupied	0 0 3	5 6 8
A Dwelling House called Rookery, with Stable, Garden, and Yard; also a Close of Land called the House Field - - - - -	Will <sup>m</sup> Crossley	6 3 18	52 15 0
A Cottage and Garden at Turner Heath - -	Unoccupied	0 0 4	2 10 0
A Public House in Bollington, with Garden -	Will <sup>m</sup> Whitehead	0 0 20	10 0 0
A Cottage and Garden, with Smith's Shop, in Bollington	John Birchall	0 0 6	5 8 0
A Cottage and Garden in Do. - - -	W <sup>m</sup> Mayers	0 0 6	5 0 0
A Farm called Spittal House, in the Township of Prestbury, County of Chester, consisting of a Farmhouse, Barn, and Outhouses, and several Closes of Land, called the Meadow and Stable Field, the Green Field, the Wood Field, the Shippon Field, and the High Field -	Peter Mottram	20 2 0	48 2 10
		126 2 12	£1337 0 4

*William Johnson.*