



CHAPTER 1.

An Act to provide during the subsistence of the trust for accumulation contained in the will of Richard Beaumont Thomas deceased and during the lifetime and widowhood of his widow for the maintenance of the Testator's children and grandchildren out of the surplus income of the Testator's residuary estate and to direct how certain sums already paid for their maintenance advancement and benefit are to be accounted for and for the payment of an additional annuity to his widow and to enable the Testator's sons to appoint annuities to their widows and for other purposes.

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[10th May 1929.]

WHEREAS (1) Richard Beaumont Thomas late of Brynycerau Castle Llanelly in the county of Carmarthen steel and tinsplate manufacturer deceased (hereinafter referred to as "the Testator") by his will dated the fifteenth day of January one thousand nine hundred and three appointed his wife Nora Constance Beaumont Thomas (hereinafter called "Mrs. Beaumont Thomas") the Reverend Henry Robert William Anderson and the Right Honourable Charles Baron Bledisloe (then and therein called "Charles Bathurst") thereafter called "his Trustees" to be the executors and trustees of that his will and after giving certain pecuniary and specified legacies bequeathed to his Trustees the following shares or such of them as he should be entitled to at the

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— date of his decease namely eight ordinary shares and eight preference shares in the Melingriffith Company Limited eight ordinary shares in Richard Thomas and Company Limited and four ordinary shares in the Newport Tinplate Company Limited Upon trust that his Trustees should sell the same at such time or times and in such manner as they should think fit and should invest the proceeds of such sale in or upon any stocks funds or securities thereafter authorised as investments with power to vary investments And should stand possessed of the proceeds of such sale and the investments for the time being representing the same (thereinafter called "the charitable fund") In trust during the period of twenty-five years immediately following his decease to annually pay or apply the whole income arising therefrom to or for the advancement or support of some religious educational or temperance objects or institutions in the counties of Gloucester Carmarthen and Glamorgan or one or two of such counties as his Trustees in their absolute and uncontrolled discretion should think fit to select and from and after the expiration of such period of twenty-five years should stand possessed of the charitable fund Upon the trusts and with and subject to the powers and provisions thereafter declared concerning the residuary trust funds or such of them as should be then subsisting or capable of taking effect And the Testator thereby gave his freehold farm and lands known as Alvington Court Farm situate in the parishes of Alvington and Aylburton in the county of Gloucester with the cottage and smithy belonging to him situate in Alvington Village in the said parish of Alvington and his four freehold fields known as Somerleaze situate in the parish of Lydney in the county of Gloucester unto his Trustees Upon trust to pay the income thereof to his said wife until her decease or second marriage or until his son Lionel Beaumont Thomas (hereinafter called "Lionel Beaumont Thomas") should attain the age of twenty-five years whichever should first happen and thereafter In trust to permit his said son Lionel Beaumont Thomas to receive the income thereof during his life and after his decease In trust for his children or any of them or any of their issue in such shares (if more than one) and in such manner as his said son should by any deed or deeds or by his will appoint and in default of such appointment and so far as any such appointment

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should not extend In trust for all the children of his said son Lionel Beaumont Thomas who being sons should attain the age of twenty-one years or being daughters should attain that age or marry under that age in equal shares and if there should be only one such child the whole to be in trust for that one child And if there should be no child of his said son Lionel Beaumont Thomas who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry then upon the trusts and with and subject to the powers and provisions thereafter declared concerning his residuary real and personal estate or such of them as should be then subsisting and capable of taking effect And the Testator thereby gave his freehold house known as Moorlands situate at Lydney in the county of Gloucester and his three freehold cottages at Allastone Meend in the parish of Lydney aforesaid unto his Trustees Upon trust to pay the income thereof to his said wife until her decease or second marriage or until his daughter Irene Muriel Oldham (hereinafter called "Mrs. Oldham" and in the said will called "Irene") should attain the age of twenty-five years or marry whichever should first happen and thereafter In trust to pay the income thereof to his said daughter Mrs. Oldham during her life so that she should not have power while under coverture to anticipate the same and after her decease In trust for her children or any of them or any of their issue in such shares (if more than one) and in such manner as his said daughter should by any deed or deeds or by her will appoint and in default of such appointment and so far as any such appointment should not extend In trust for all the children of his said daughter who being sons should attain the age of twenty-one years or being daughters should attain that age or marry under that age in equal shares and if there should be only one such child the whole to be in trust for that one child And if there should be no child of his said daughter Mrs. Oldham who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry then Upon the trusts and with and subject to the powers and provisions thereafter declared concerning his residuary real and personal estate or such of them as should be then subsisting and capable of taking effect And the Testator devised and bequeathed all his real and personal estate not thereby otherwise disposed

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subsequent year or years Provided also that if his said wife should re-marry then from and after the date of such re-marriage his Trustees should stand possessed of the residuary trust funds during her life In trust to pay one equal fifth part or share of the income arising therefrom to his said wife and so that she should not have power while under coverture to anticipate the same Provided also that if in any year after the re-marriage of his said wife the said one-fifth part or share of the income arising from the residuary trust funds should exceed the sum of five hundred pounds then the said Testator directed and declared that his Trustees should pay to his said wife the sum of five hundred pounds and no more and should pay the excess of the income over and above five hundred pounds to the person or persons for the time being entitled to the remaining four equal fifth parts or shares of the said income as thereafter declared and in the like shares in which such person or persons should be so entitled And as to the said remaining four equal fifth parts or shares of the income arising from the residuary trust funds In trust to pay the same to the person or persons entitled after the decease of his said wife to the income arising from the residuary trust funds and in the like shares as were thereafter declared concerning the same And from and after the decease of his said wife his Trustees should stand possessed of the residuary trust funds upon the trusts following that was to say as to two equal third parts or shares thereof In trust to pay the income thereof to his said son Lionel Beaumont Thomas during his life and after his decease In trust for such child children or remoter issue of his said son Lionel Beaumont Thomas in such shares (if more than one) and in such manner as his said son Lionel Beaumont Thomas should by any deed or deeds or by his will appoint And in default of such appointment and so far as any such appointment should not extend In trust for all the children of his said son Lionel Beaumont Thomas who being sons attained the age of twenty-one years or being daughters attained that age or married in equal shares and if there should be only one such child the whole to be in trust for that one child but so that no child who or any of whose issue should take any share under any such appointment as aforesaid should participate in the unappointed part of the said two equal third parts or

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— shares of the residuary trust funds without bringing the share or shares appointed to him or her or to his or her issue into hotchpot and accounting for the same accordingly unless his said son Lionel Beaumont Thomas should by such appointment direct the contrary And if there should be no child of his said son Lionel Beaumont Thomas who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry then upon the trusts and with and subject to the powers and provisions thereafter declared concerning the remaining one equal third part or share of the residuary trust funds or such of them as should be then subsisting and capable of taking effect and as to the remaining one equal third part or share of the residuary trust funds In trust to pay the income thereof to his said daughter Mrs. Oldham during her life and so that she should not have power while under coverture to anticipate the same but with power for her by any deed or deeds or by her will to appoint that after her decease the whole or any part of the said income should be paid to any husband of her who might survive her during his life or for any less period And after the decease of his said daughter Mrs. Oldham and subject to any such appointment in favour of her husband as aforesaid In trust for such child children or remoter issue of his said daughter in such shares (if more than one) and in such manner as his said daughter should by any deed or deeds or by her will whether under coverture or not appoint And in default of such appointment and so far as any such appointment should not extend In trust for all the children of his said daughter who being sons attained the age of twenty-one years or being daughters attained that age or married in equal shares And if there should be only one such child the whole to be in trust for that one child but so that no child who or any of whose issue should take any share under any such appointment as aforesaid should participate in the unappointed part of the said one equal third part or share of the residuary trust funds without bringing the share or shares appointed to him or her or to his or her issue into hotchpot and accounting for the same accordingly unless his said daughter Mrs. Oldham should by such appointment direct the contrary And if there should be no child of his said daughter Mrs. Oldham who being a son should attain the age of twenty-one years or being a daughter

should attain that age or marry then upon the trusts and with and subject to the powers and provisions therein-before declared concerning the said two equal third parts or shares of the residuary trust funds or such of them as should be then subsisting or capable of taking effect And from and after the failure or determination of such limitations as aforesaid he directed that the residuary trust funds should go remain and be held by his Trustees Upon trust for all the nephews and nieces of himself and of his said wife in equal shares as tenants in common but if any of them should die in his lifetime leaving issue living at the time of his (the Testator's) death he declared that the share of and in the residuary trust funds of him or her so dying should not lapse but should devolve as if the death of the nephew or niece so dying as aforesaid had happened immediately after his (the Testator's) death And the said Testator declared that in addition to the powers for maintenance and education by law vested in his Trustees his Trustees might at any time or times raise any part or parts not exceeding together one moiety of the vested or presumptive share of any child or grandchild of his under the trusts of that his will and apply the same for his or her preferment advancement or benefit as his Trustees should think fit but so that no moneys should be raised under that power during the continuance of any prior interest or interests in the same moneys under that his will without the consent in writing of the person or persons having such prior interest or interests Provided always and the Testator declared that during the minority of either his said son or daughter or during the minority of any grandchild of his who if of the age or twenty-one years would for the time being be entitled in possession to a share of the residuary trust funds under the foregoing trusts his Trustees might apply the whole or any part of the income of the share of the residuary trust funds of such child or the whole or any part of the income of the expectant share of the residuary trust funds of such minor for or towards his or her maintenance and education with liberty to pay the same to the guardian or guardians of such child or minor for the purpose aforesaid without being liable to see to the application thereof and should accumulate the residue (if any) of such income by investing the same and the resulting income thereof to the intent that such accumulations should be added to the principal share from

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— which the same should have proceeded and follow the destination thereof but his Trustees might at any time resort to the accumulations of any preceding year or years and apply the same for or towards the maintenance and education of any person for the time being presumptively entitled thereto Provided also that if his said daughter Mrs. Oldham or any granddaughter of his should marry while an infant the share (if any) of income or of the residuary trust fund or other property to which she should for the time being be entitled in possession under that his will might be paid to her and her receipt should be a sufficient discharge for the same And he declared that during any postponement of the sale or conversion of his residuary estate under the power in that behalf thereinbefore contained his Trustees might manage and let his said residuary real and leasehold estates as therein mentioned and make out of the income or capital of his said residuary real and personal estates any outlay which his Trustees might consider proper for improvement repairs insurance calls on shares premiums on policies or otherwise for the benefit or in respect of his said residuary real and personal estate And the Testator declared that the rents profits and income to accrue from and after his decease of and from such part of his estate as should for the time being remain unsold and unconverted should after payment thereof of all incidental expenses and outgoings be paid and applied to the person or persons and in the manner to whom and in which the income of the proceeds of such sale and conversion would for the time being be payable or applicable under that his will if such sale and conversion had been actually made And the Testator also declared that all moneys liable to be invested under that his will (whether being part of his residuary estate or of the charitable fund) might be invested in or upon any investment in or upon which any moneys of his might be invested at the date of his decease or in or upon any stocks funds or securities of or guaranteed by the Government of the United Kingdom or of any British colony or dependency or in stock of the Bank of England or the debentures or debenture stock or guaranteed or preference stock or shares of any railway or other company in Great Britain or India incorporated by Act of Parliament or Royal Charter and paying a dividend on its ordinary stock or shares or upon real or leasehold securities in

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England or Wales or in any British colony or dependency or in the United States of America but not elsewhere such leasehold securities being held for a term whereof sixty years at least should be unexpired at the time of such investment And the Testator declared that it should be lawful for his Trustees to pay out of his estate any call or calls upon any shares which he might at the time of his decease hold in any joint stock or other company and also to accept or refuse any new shares or stock in any such company which might be allotted to them in respect of any shares or stock therein for the time being and to pay out of his estate any call or calls to become due in respect of any new shares or stock which might be accepted by them And the Testator thereby appointed his Trustees to be Trustees of that his will for the purpose of the Settled Land Acts 1882 to 1890 and of section 42 of the Conveyancing and Law of Property Act 1881 And declared that the expression "his Trustees" used by him in that his will should be construed when the context so admitted or required as comprising and referring to the Trustees or Trustee for the time being of that his will :

(2) Subsequently to the date of his said will a second son was born to the Testator namely Reginald Alexander Beaumont Thomas (hereinafter called "Reginald Beaumont Thomas") :

(3) The Testator duly made and executed a codicil dated the nineteenth day of October one thousand nine hundred and five to his said will and thereby gave his two freehold houses and gardens known as Bath Place and Bath Villa situate at Newernes in the parish of Lydney Gloucestershire unto his said Trustees Upon trust to pay the income thereof to his said wife Mrs. Beaumont Thomas until her decease or second marriage or until his said son Reginald Beaumont Thomas should attain the age of twenty-five years whichever should first happen and thereafter upon the like trusts in all respects as were in his said will declared concerning Alvington Court Farm and other property mentioned therewith but so that as regards the said Bath Place and Bath Villa the said trusts should be read and construed as if the name of his said son Reginald Beaumont Thomas had been substituted therein for the name of his son Lionel Beaumont Thomas wherever therein appearing With regard to the dispositions made by his said will

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— of the residuary trust funds (therein defined) from and after the decease of his said wife the Testator declared first that the words "two equal third parts or shares" wherever in his said will appearing should thenceforth be read and construed as "five equal twelfth parts or shares" He revoked the trusts in his said will declared of and concerning the said two equal third parts or shares (then five equal twelfth parts or shares) after the decease of his said son Lionel Beaumont Thomas in the event of there being no child of his said son Lionel Beaumont Thomas who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry And the Testator declared that after the decease of the said Lionel Beaumont Thomas in default of such appointment of the said five equal twelfth parts or shares as in his said will was mentioned and so far as any such appointment should not extend then if there should be no child of his said son Lionel Beaumont Thomas who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry his Trustees should stand possessed of the said five equal twelfth parts or shares of the residuary trust funds as to part thereof (being in proportion to the remainder as four is to three) Upon the trusts and with and subject to the powers and provisions thereafter declared concerning the four equal twelfth parts or shares of the residuary trust funds next thereafter disposed of or such of them as should be then subsisting and capable of taking effect and as to the remainder of the said five equal twelfth parts or shares Upon the trusts and with and subject to the powers and provisions declared by his said will (as by that codicil thereafter modified) and by that his codicil concerning three equal twelfth parts or shares of the residuary trust funds or such of them as should be then subsisting and capable of taking effect And the Testator thereby declared secondly that from and after the decease of his said wife his Trustees should stand possessed of four equal twelfth parts or shares of the residuary trust funds Upon the like trusts in favour of the said son Reginald Beaumont Thomas and his issue as were in his said will declared concerning the said two equal third parts (then five equal twelfth parts) in favour of his said son Lionel Beaumont Thomas and his issue with the like remainders in favour of his said son Lionel Beaumont Thomas and his issue

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and his said daughter Mrs. Oldham her husband and issue as were thereinbefore declared concerning the said five equal twelfth parts in favour of his said son Reginald Beaumont Thomas and his issue and his said daughter Mrs. Oldham her husband and issue but so that the proportion to be observed in the division of the said four equal twelfth parts for the purposes of such remainders should be as five is to three instead of as four is to three And the Testator declared thirdly that the words "one equal third part or share" wherever in his said will appearing should thenceforth be read and construed as "three equal twelfth parts or shares" And the Testator revoked the trusts in his said will declared of and concerning the said one equal third part or share (then three equal twelfth parts or shares) after the decease of his daughter in the event of there being no child of his said daughter who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry And he declared that after the decease of his said daughter in default of such appointment of the said three equal twelfth parts or shares in favour of any child children or remoter issue of his said daughter as in his said will was mentioned and so far as any such appointment should not extend then if there should be no child of his said daughter who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry his Trustees should stand possessed of the said three equal twelfth parts or shares of the residuary trust funds (subject to any such appointment in favour of any husband of his said daughter as in his said will was mentioned) as to part thereof (being in proportion to the remainder as five is to four) upon the trusts and with and subject to the powers and provisions declared by his said will (as modified by that codicil) and by that codicil concerning the five equal twelfth parts or shares aforesaid or such of them as should be then subsisting and capable of taking effect and as to the remainder of the said three equal twelfth parts or shares upon the trusts and with and subject to the powers and provisions thereinbefore declared concerning the four equal twelfth parts or shares aforesaid or such of them as should be then subsisting and capable of taking effect And the Testator declared fourthly that on failure or determination at any time and by any means of the

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(4) The Testator died on the fourteenth day of February one thousand nine hundred and seventeen without having revoked or altered his said will except so far as the same was revoked or altered by his said codicil and without having revoked or altered his said codicil and his said will and codicil were duly proved by the three executors therein named in the Principal Probate Registry on the seventeenth day of April one thousand nine hundred and seventeen :

(5) By an indenture dated the thirty-first day of March one thousand nine hundred and fifteen and made between the Testator of the one part and Mrs. Beaumont Thomas of the other part the Testator covenanted with Mrs. Beaumont Thomas to pay to her during her life

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an annuity of one thousand six hundred pounds by equal monthly payments of one hundred and thirty-three pounds six shillings and eightpence on the first day of each month Since the death of the Testator the said annuity has at her request been paid to Mrs. Beaumont Thomas by equal quarterly payments payable in advance :

(6) The Testator left surviving him his said wife and his three children mentioned in his said will and codicil namely (1) Lionel Beaumont Thomas who was born on the first day of August one thousand eight hundred and ninety-three (2) Mrs. Oldham who was born on the ninth day of October one thousand eight hundred and ninety-four and (3) Reginald Beaumont Thomas who was born on the third day of September one thousand nine hundred and three :

(7) Lionel Beaumont Thomas was married on the twenty-seventh day of May one thousand nine hundred and fourteen to Pauline Grace Marriott and there has been issue of his said marriage four children and no more namely (1) Richard Lionel Beaumont Thomas who was born on the eighth day of April one thousand nine hundred and fifteen (2) Nigel Beaumont Thomas who was born on the seventeenth day of April one thousand nine hundred and sixteen (3) Paul Sidney Beaumont Thomas who was born on the twelfth day of March one thousand nine hundred and nineteen and (4) Pearl Paulina Beaumont Thomas who was born on the twenty-first day of June one thousand nine hundred and twenty-one :

(8) Mrs. Oldham being then Irene Muriel Beaumont Thomas spinster was married on the fifth day of October one thousand nine hundred and eighteen to Joseph Stransham Oldham and there has been issue of her said marriage two children and no more namely (1) Wilton Joseph Oldham who was born on the second day of August one thousand nine hundred and nineteen and (2) David Anthony Oldham who was born on the seventeenth day of December one thousand nine hundred and twenty-one :

(9) Reginald Beaumont Thomas was on the eighth day of December one thousand nine hundred and twenty-five married to Germaine Blanche Aimee Duboc but there has been no issue of the said marriage :

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(10) The nephews and nieces of the Testator and of Mrs. Beaumont Thomas living at the death of the Testator were as follows (namely) :—

- (i) Hubert Allan Spence Thomas who was born on the seventh day of March one thousand eight hundred and ninety-nine;
- (ii) William James Spence Thomas who was born on the twenty-sixth day of February one thousand nine hundred and one;
- (iii) Richard Foulis Spence Thomas who was born on the twenty-sixth day of March one thousand nine hundred and two;
- (iv) Mrs. Winifred Aileen Powell who was born on the twenty-eighth day of January one thousand nine hundred;
- (v) Ruby Jean Spence Thomas spinster who was born on the twenty-fifth day of January one thousand nine hundred and four;
- (vi) Gladys Hamlyn Downing spinster who was born on the seventh day of March one thousand eight hundred and ninety-two;
- (vii) Mabel Mary Downing spinster who was born on the seventh day of March one thousand eight hundred and eighty-three;
- (viii) Mrs. Vera Emily Austin who was born on the twenty-first day of October one thousand eight hundred and ninety-four;
- (ix) Mrs. Charlotte Elizabeth Clarkson who was born on the eighteenth day of July one thousand eight hundred and ninety-six;
- (x) Ivan Nicholson Anderson Downing who was born on the first day of October one thousand eight hundred and eighty-nine;
- (xi) Mrs. Dorothy Clare Wilson (widow) who was born on the ninth day of June one thousand eight hundred and eighty-four;
- (xii) Kenneth Treherne Thomas who was born on the twelfth day of April one thousand nine hundred;
- (xiii) Cedric Treherne Thomas who was born on the sixteenth day of November one thousand nine hundred and one;

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- (xiv) Mrs. Beryl Treherne Whittome who was born on the seventeenth day of November one thousand nine hundred and one;
- (xv) Francis Hugh Treherne Thomas who was born on the eleventh day of March one thousand nine hundred and five;
- (xvi) Harold Plowden Thomas who was born on the twentieth day of October one thousand nine hundred and four;
- (xvii) Dorothy Beatrice Louise Thomas spinster who was born on the twentieth day of October one thousand eight hundred and ninety-nine;
- (xviii) Alwyne Bell Wyndham Thomas who was born on the eighth day of January one thousand eight hundred and ninety-nine;
- (xix) Vivienne Marguerite Wyndham Thomas spinster who was born on the twenty-sixth day of July one thousand nine hundred and five;
- (xx) James Stanley Richard Aloysius Brand who was born on the twentieth day of June one thousand nine hundred and seven;
- (xxi) Francis Loveluck Brand who was born on the third day of December one thousand nine hundred and nine;
- (xxii) Clement Treherne Brand who was born on the fifth day of March one thousand nine hundred and fifteen;
- (xxiii) Henry Alexander Drummond Malcolm who was born on the fifteenth day of August one thousand eight hundred and eighty-eight and was killed in action on the seventeenth day of February one thousand nine hundred and seventeen. No administration to his estate has been taken out;
- (xxiv) John Evelyn Malcolm who was born on the twelfth day of November one thousand eight hundred and ninety-two and died on the nineteenth day of February one thousand nine hundred and nineteen. Probate of his will was granted out of the Principal Registry to his mother Blanche Evelyn Malcolm (widow);

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- (xxv) Muriel Malcolm spinster who was born on the twenty-first day of December one thousand eight hundred and ninety;
- (xxvi) Mrs. Vida Mary Duncan who was born on the third day of February one thousand eight hundred and eighty-five;
- (xxvii) Thomas Hardy McCall who was born on the twenty-fourth day of February one thousand eight hundred and ninety-four;

and all of them with the exception of the said Henry Alexander Drummond Malcolm and John Evelyn Malcolm are still living;

No nephew or niece of the Testator or of Mrs. Beaumont Thomas died in the Testator's lifetime leaving issue living at the time of his death;

No nephew or niece of the Testator or of Mrs. Beaumont Thomas has been born since the death of the Testator:

(11) By an indenture dated the tenth day of December one thousand nine hundred and nineteen and made between Mrs. Beaumont Thomas and the Reverend Henry Robert William Anderson of the first part the said Lord Bledisloe of the second part and Lionel Beaumont Thomas of the third part in exercise of the power of appointment for that purpose given to them by the Trustee Act 1893 and of every other power enabling them Mrs. Beaumont Thomas and the Reverend Henry Robert William Anderson duly appointed the said Lionel Beaumont Thomas to be a Trustee of the said will and codicil of the Testator in the place of the said Lord Bledisloe and jointly with Mrs. Beaumont Thomas and the Reverend Henry Robert William Anderson for all the purposes of the said will and codicil and by the same indenture or otherwise the real and personal property constituting the residuary estate of the Testator including the investments representing accumulations of the surplus income thereof was duly assured unto Mrs. Beaumont Thomas the Reverend Henry Robert William Anderson and Lionel Beaumont Thomas upon the trusts respectively affecting the same under the said will and codicil:

(12) During the minority of Reginald Beaumont Thomas certain sums amounting in the whole to nine thousand four hundred and forty pounds sixteen shillings

and sixpence were paid or applied for his maintenance and education by the Trustees of the Testator's will out of the income of the Testator's residuary estate : A.D. 1929.
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(13) Divers orders have from time to time been made by the Chancery Division of the High Court of Justice in an action in the matter of the estate and of the trusts of the will and codicil of the Testator in which Mrs. Beaumont Thomas and others were plaintiffs and Lionel Beaumont Thomas and others were defendants (1917 T. 492) under which certain yearly allowances and other sums have been ordered to be paid to or for the benefit of the Testator's children and his grandchildren for the time being in existence by way of advancement under the power of advancement contained in the Testator's will in respect of their shares in his residuary estate. Such sums have been paid (except as to part of the money expended in purchasing equipping and furnishing a residence for Lionel Beaumont Thomas which was paid out of the capital of the Testator's residuary estate) out of the surplus income of the Testator's residuary real and personal estate (remaining after payment of the said annuities of one thousand six hundred pounds and two thousand pounds to Mrs. Beaumont Thomas) either as yearly allowances for the benefit of the Testator's children and grandchildren or for or towards purchasing equipping and furnishing residences for them in pursuance of orders of the said court under which such residences and furniture or the proceeds of sale thereof or the moneys (in excess of such yearly allowances as aforesaid) paid towards the purchase thereof are to be held upon trust for the Testator's child for whom the residence was intended for his or her life and afterwards upon the trusts by and in the Testator's will and codicil declared and contained concerning the settled share of such child in the Testator's residuary estate :

(14) Under the said orders of court the yearly allowances now payable out of the said surplus income to Lionel Beaumont Thomas Reginald Beaumont Thomas and Mrs. Oldham respectively are (a) in the case of Lionel Beaumont Thomas one half of five-twelfths of such surplus income (b) in the case of Reginald Beaumont Thomas the sum of five thousand six hundred pounds or one half of four-twelfths of such surplus income whichever is the lesser sum with a right to make up any deficiency in five thousand six hundred pounds per annum

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— (c) in the case of Mrs. Oldham one half of three-twelfths
of such surplus income ;

The sums advanced and paid to or for the benefit of the Testator's three children and grandchildren whether as yearly allowances or otherwise amounted in the whole on the thirtieth day of June one thousand nine hundred and twenty-eight (a) in the case of Lionel Beaumont Thomas and his children to the sum of eighty-five thousand five hundred and eighty-one pounds eleven shillings and ninepence (b) in the case of Reginald Beaumont Thomas to the sum of twenty-eight thousand six hundred and eighty-five pounds excluding the sum of nine thousand four hundred and forty pounds sixteen shillings and sixpence paid or applied for his maintenance and education during his minority as aforesaid and (c) in the case of Mrs. Oldham and her children to the sum of forty-eight thousand four hundred and fifty-two pounds eighteen shillings and fourpence :

(15) The investments and cash representing the Testator's residuary real and personal estate including accumulations of surplus income thereof now standing in the names of Mrs. Beaumont Thomas the Reverend Henry Robert William Anderson and Lionel Beaumont Thomas as trustees of the Testator's will and codicil are of the approximate value of between nine hundred thousand and one million pounds and such investments after payment of the annuities of one thousand six hundred pounds and two thousand pounds payable to Mrs. Beaumont Thomas as aforesaid produce a surplus income of upwards of thirty thousand pounds a year :

(16) Questions have from time to time been raised as to the manner in which the sums and allowances or advances so paid to or for the benefit of the children and grandchildren of the Testator ought to be accounted for by the persons to whom or for whose benefit the same have respectively been advanced and paid and whether any and if so what recoupment in respect of such advances or allowances or any of them and any and if so what interest thereon would ultimately have to be made out of or charged against the settled shares of the Testator's children and grandchildren in his residuary estate and in order to remove the uncertainty existing in the premises and to avoid difficult questions of adjustment

which would or might otherwise arise in relation thereto in the future it is expedient that the aggregate of the sums so allowed or advanced to or for the benefit of the Testator's said children and grandchildren respectively up to the day hereinafter appointed in that behalf should be brought into hotchpot or account against the capital of their respective settled shares in the Testator's residuary estate but without interest :

A.D. 1929.

(17) The period of twenty-one years allowed by law for the accumulations directed by the Testator's will of the said surplus income will expire on the fourteenth day of February one thousand nine hundred and thirty-eight if Mrs. Beaumont Thomas shall so long live and shall not have re-married and if Mrs. Beaumont Thomas shall be living on that date and shall not have re-married the surplus income from the Testator's residuary estate including the income from the investments then representing accumulations of income will during the then remainder of her life and widowhood be undisposed of by the Testator's will and codicil and pass as on the intestacy of the Testator (so far as the same is derived from personal estate of the Testator) as to one third part thereof to Mrs. Beaumont Thomas and as to two ninth parts thereof to each of the Testator's three children if living or to his or her representatives if dead and so far as the said surplus income is derived from the Testator's residuary real estate to Lionel Beaumont Thomas as the Testator's heir at law subject to any claim by Mrs. Beaumont Thomas to dower in respect thereof :

(18) In order to set at rest the questions which have been raised with reference to the said allowances and advances hereinbefore mentioned and to provide for allowances to be made in future to Lionel Beaumont Thomas Reginald Beaumont Thomas and Mrs. Oldham in lieu of those now payable to them respectively under the said orders and also to avoid questions and disputes at the expiration of the said period of accumulations if the same shall happen during the lifetime and widowhood of Mrs. Beaumont Thomas as to how the surplus income should then be distributed it is expedient that the trust for accumulations contained in the Testator's will should be modified or varied as hereinafter mentioned and that provision should be made for the division from and after the appointed day of the surplus

A.D. 1929. — income from the Testator's residuary estate during the remainder of the life and widowhood of Mrs. Beaumont Thomas in such manner that she shall receive thereout an additional annuity of three thousand pounds during her life and widowhood in lieu of her contingent interest in the surplus income as from the fourteenth day of February one thousand nine hundred and thirty-eight and that subject thereto one equal third part or thereabouts of the surplus income and no more shall be accumulated as to one moiety thereof until the death or re-marriage of Mrs. Beaumont Thomas and as to the other moiety thereof until the fourteenth day of February one thousand nine hundred and thirty-eight or the death or re-marriage of Mrs. Beaumont Thomas whichever date or event first occurs as an addition to the residuary estate of the Testator and that the residue of the surplus income shall during her life and widowhood be divided between the persons for the time being and from time to time presumptively entitled whether for life or otherwise in reversion immediately expectant on her death or re-marriage to the five-twelfth four-twelfth and three-twelfth shares of the residuary estate of the Testator by his said will and codicil settled upon trusts for Lionel Beaumont Thomas Reginald Beaumont Thomas and Mrs. Oldham respectively after bringing into account and hotchpot as against the capital of such respective shares but without interest the total advances and allowances made payable to or for the benefit of themselves or their children respectively as aforesaid and that for the purpose of giving effect to such partial accumulation and partial division of surplus income as aforesaid it will be convenient and proper to appropriate all the investments now representing or constituting the Testator's residuary estate to and among the said several shares and interests in manner hereinafter provided :

(19) Under the Testator's will and codicil no certain provision can at present be made either by Lionel Beaumont Thomas or by Reginald Beaumont Thomas in favour of any wife of either of them who may survive him and it is expedient that they should respectively be enabled to appoint annuities to their respective widows out of the income of the shares in the Testator's residuary estate settled on trust for them and their children respectively :

A.D. 1929.

(20) By certain indentures of mortgage and further charge (hereinafter collectively referred to as "Lionel's mortgages") dated respectively the twenty-fourth day of October one thousand nine hundred and twenty-one the seventh day of November one thousand nine hundred and twenty-two the twentieth day of December one thousand nine hundred and twenty-three the sixteenth day of February one thousand nine hundred and twenty-five the first day of July one thousand nine hundred and twenty-five and the thirtieth day of May one thousand nine hundred and twenty-seven and all made between Lionel Beaumont Thomas of the one part and the Equity and Law Life Assurance Society of the other part Lionel Beaumont Thomas assigned to the said society (amongst other premises) the income to arise after the death or re-marriage of Mrs. Beaumont Thomas during the remainder of the life of Lionel Beaumont Thomas from five equal twelfth parts or shares of the properties funds and investments for the time being representing the residuary real and personal estate of the Testator or other the income arising from the said residuary estate or any part or parts thereof to which Lionel Beaumont Thomas should become entitled during the remainder of his life on the death or re-marriage of Mrs. Beaumont Thomas :

(21) By an order made by his Lordship Mr. Justice Romer in the said action on the thirtieth day of July one thousand nine hundred and twenty-eight it was ordered that Mrs. Beaumont Thomas the Reverend Henry Robert William Anderson and Lionel Beaumont Thomas the present Trustees of the Testator's will might be at liberty to apply to Parliament for an Act authorising them to carry the foregoing purposes into effect :

(22) By the Master's certificate made in the said action on the thirtieth day of July one thousand nine hundred and twenty-eight it was certified that the draft of a Bill to be submitted to Parliament being the Bill for this Act had been settled and approved by the judge and that such draft was identified by the signature of the Master to the memorandum in the margin of the first page thereof and that the several instruments facts and events recited in the preamble of such draft Bill before the recital of the said certificate had been proved in the said action :

A.D. 1929.

(23) The said certificate was duly approved by his Lordship Mr. Justice Romer and was filed in the Central Office of the High Court of Justice on the thirtieth day of July one thousand nine hundred and twenty-eight :

(24) The objects of this Act cannot be attained without the authority of Parliament :

Therefore your Majesty's most dutiful and loyal subjects Mrs. Beaumont Thomas the Reverend Henry Robert William Anderson and Lionel Beaumont Thomas 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 as follows :—

Short title.

1. This Act may be cited as the Beaumont Thomas Estate Act 1929.

Interpretation.

2. In this Act unless the context otherwise requires—

The expression "the Trustees" means Mrs. Beaumont Thomas the Reverend Henry Robert William Anderson and Lionel Beaumont Thomas or the survivors or survivor of them or other the Trustees or Trustee for the time being of the will and codicil of the Testator ;

The expression "the appointed day" means the twenty-eighth day after the passing of this Act ;

The expression "the surplus income" means the net income for the time being and from time to time arising during the life and widowhood of Mrs. Beaumont Thomas from the Testator's residuary real and personal estate (including the income from investments representing accumulations of such income up to but not beyond the appointed day) after payment thereout of the said annuity of one thousand six hundred pounds payable to Mrs. Beaumont Thomas under the said indenture of the thirty-first day of March one thousand nine hundred and fifteen and the said annuity of two thousand pounds payable to her under the Testator's will ;

The expression "Lionel's advances" means the total of the sums actually paid or payable to or for the benefit of Lionel Beaumont Thomas and his children under the said orders of court calculated up to the appointed day;

A.D. 1929.

The expression "Reginald's advances" means the total of the sums actually paid or payable to or for the benefit of Reginald Beaumont Thomas under the said orders of court calculated up to the appointed day and the said sums amounting in the whole to nine thousand four hundred and forty pounds sixteen shillings and sixpence paid or applied for his maintenance and education during his minority; and

The expression "Mrs. Oldham's advances" means the total of the sums actually paid or payable to or for the benefit of Mrs. Oldham and her children under the said orders of court calculated up to the appointed day.

3. The allowances which at the date of the passing of this Act shall be payable to Lionel Beaumont Thomas Reginald Beaumont Thomas and Mrs. Oldham respectively under the orders of court hereinbefore referred to shall continue to be payable to them respectively down to the appointed day if they respectively shall so long live and the said allowances as to such of them the said three last-named persons as shall then be living shall cease on the appointed day and shall be apportioned down to that day accordingly but so that in making such apportionment the said allowances shall be calculated at the rate of the quarterly payments for the time being payable in respect thereof respectively (being in the case of Lionel Beaumont Thomas one thousand two hundred and fifty pounds per quarter in the case of Reginald Beaumont Thomas seven hundred and fifty pounds per quarter and in the case of Mrs. Oldham seven hundred and fifty pounds per quarter) without regard to the annual adjustment of such allowances which but for this provision would under the relevant order under which the same is paid be required to be made in respect thereof on the then next succeeding thirtieth day of June.

Present allowances to Testator's children to cease on appointed day.

4. On the appointed day Lionel's advances Reginald's advances and Mrs. Oldham's advances shall

Advances to Testator's children to

A.D. 1929.
—
be brought
into
account on
appointed
day.

respectively be brought into account but without interest as against the capital of their respective settled shares in the Testator's residuary real and personal estate and Lionel Beaumont Thomas Reginald Beaumont Thomas and Mrs. Oldham and their respective children and remoter issue shall thereupon be wholly freed and discharged from all claims and demands for repayment of the said advances and allowances respectively and from every part thereof.

Disposition
of surplus
income
as from
appointed
day.

5. As from the appointed day and in lieu of the accumulation of income directed by the Testator's will the Trustees shall (1) out of the surplus income pay to Mrs. Beaumont Thomas during the then remainder of her life or until she shall marry again an annuity of three thousand pounds in addition to the said annuities of one thousand six hundred pounds and two thousand pounds already payable to her as aforesaid and shall (2) accumulate part of the residue of the surplus income (namely the income of such one equal third part of the Testator's residuary estate as is directed to be appropriated by the section of this Act of which the marginal note is "Appropriation of accumulation fund") as to one moiety thereof until the death or re-marriage of Mrs. Beaumont Thomas and as to the other moiety thereof until the fourteenth day of February one thousand nine hundred and thirty-eight or the death or re-marriage of Mrs. Beaumont Thomas whichever date or event shall first occur by investing the same and the resulting income thereof as hereinafter in this Act provided and subject thereto the Trustees shall (3) pay and apply the residue of the surplus income during the remainder of the life and widowhood of Mrs. Beaumont Thomas to and between the persons for the time being and from time to time presumptively entitled whether for life or otherwise in reversion immediately expectant on her death or re-marriage to the five-twelfth four-twelfth and three-twelfth shares of the residuary estate of the Testator by his said will and codicil settled upon trust for Lionel Beaumont Thomas Reginald Beaumont Thomas and Mrs. Oldham respectively and in the shares and proportions in which such persons will be so entitled to such residuary estate after giving effect to the provisions hereinafter in this Act contained for bringing into hotchpot and account against such respective settled shares the said respective advances and the

disposition of the surplus income directed by this section shall be effected in the manner hereinafter in this Act provided. A.D. 1929.
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6.—(1) On the appointed day the Trustees shall out of investments held by them as part of the residuary estate of the Testator and which are for the time being authorised by law for the investment of trust funds appropriate set aside and retain such investments as they shall think fit and as shall on the appointed day be sufficient to answer by the annual income thereof— Appropriation of fund to answer widow's annuities.

- (i) the annuity of one thousand six hundred pounds payable to Mrs. Beaumont Thomas during her life under the said indenture of the thirty-first day of March one thousand nine hundred and fifteen;
- (ii) the said annuity of two thousand pounds payable to her under the Testator's will during her life and widowhood and the reduced annuity of five hundred pounds payable to her during her life after her re-marriage; and
- (iii) the said further annuity of three thousand pounds by this Act made payable to her as from the appointed day during the then remainder of her life or until she shall re-marry.

(2) As from the appointed day the said annuities of one thousand six hundred pounds and two thousand pounds and the said reduced annuity of five hundred pounds if and when payable shall be charged upon and be payable out of the annual income of the fund hereinbefore in this Act directed to be appropriated (hereinafter in this Act referred to as "Mrs. Beaumont Thomas's fund") and in case of the insufficiency thereof upon and out of the income of the first moiety of the accumulation fund hereinafter in this Act directed to be set aside in exoneration of the remainder of the Testator's estate and subject to the payment out of such income of the said last-mentioned annuities of one thousand six hundred pounds and two thousand pounds the Trustees shall out of the residue of such income pay to Mrs. Beaumont Thomas during her life or until she shall marry again the said additional annuity of three thousand pounds by equal quarterly payments on the fourteenth day of

A.D. 1929. February the fourteenth day of May the fourteenth day of August and the fourteenth day of November (being the quarterly days on which the said annuity of two thousand pounds is now payable to her) the said annuity of three thousand pounds to commence as from the appointed day and to be apportioned accordingly as from that day to the first of the said quarterly days which shall next happen thereafter.

Appropriation of accumulation fund.

7. The Trustees shall also on the appointed day out of investments authorised for the investment of trust funds as aforesaid forming part of the said residuary estate appropriate set aside and retain such investments as they shall think fit and as shall on the appointed day and at the medium price of the day be equal in value to one equal third part of the remainder (after setting aside Mrs. Beaumont Thomas's fund) of the property then constituting the residuary estate of the Testator (including accumulations of the income thereof) and the Trustees shall hold the investments so to be appropriated and set aside equivalent in value to such third part as aforesaid (hereinafter in this Act referred to as "the accumulation fund") upon trust as from the appointed day to accumulate the income of one moiety thereof (hereinafter referred to as "the first moiety of the accumulation fund") until the death or re-marriage of Mrs. Beaumont Thomas and as from the appointed day to accumulate the income of the other moiety thereof (hereinafter referred to as "the second moiety of the accumulation fund") until the fourteenth day of February one thousand nine hundred and thirty-eight or the death or re-marriage of Mrs. Beaumont Thomas whichever date or event shall first occur by investing such income and the resulting income thereof in any investments for the time being and from time to time authorised by law for the investment of trust funds with power from time to time to vary such investments at their discretion during the respective periods applicable to the first and second moieties of the accumulation fund respectively And as from the death or re-marriage of Mrs. Beaumont Thomas the Trustees shall hold the first moiety of the accumulation fund with all accretions thereto and the investments for the time being representing the same and as from the said fourteenth day of February one thousand nine hundred and thirty-eight or the death or re-marriage of Mrs. Beaumont Thomas

whichever date or event shall first occur the Trustees shall hold the second moiety of the accumulation fund with all accretions thereto and the investments for the time being representing the same upon the trusts and subject to the powers and provisions by and in the said Testator's will and codicil declared and contained concerning the Testator's residuary estate after the death of Mrs. Beaumont Thomas or such of the same as shall for the time being be subsisting and capable of taking effect.

A.D. 1929.

8. After appropriating Mrs. Beaumont Thomas's fund and the accumulation fund the Trustees shall also on the appointed day cause a valuation to be made as on that day of the whole of the remainder of the investments and moneys constituting or representing the remainder of the capital of the residuary real and personal estate of the Testator (excluding the charitable fund in the Testator's will mentioned and any contingent reversionary interest forming part of the said residuary estate) and the Trustees shall for the purpose of computation add to the amount of the valuation so obtained the aggregate amount of Lionel's advances Reginald's advances and Mrs. Oldham's advances and the Trustees shall divide the total amount so found into twelve equal shares and shall appropriate the said remainder of the said investments and moneys in part satisfaction of the settled shares of the Testator's three children in his residuary estate in manner following namely they shall out of the said remainder of the said investments and moneys set aside and appropriate investments and moneys which shall on the appointed day be equal to the value of five of such twelve equal shares ascertained as aforesaid after deducting therefrom the amount of Lionel's advances And the Trustees shall stand possessed of the investments and moneys so to be appropriated as last aforesaid (hereinafter in this Act referred to as "Lionel's fund") upon the trusts and subject to the powers and provisions by and in the Testator's will and codicil as varied by the section of this Act of which the marginal note is "Power to sons to appoint annuities to their respective widows" declared and contained after the death of Mrs. Beaumont Thomas of and concerning the five twelfth parts of the Testator's residuary estate thereby settled on trust for Lionel Beaumont Thomas for life with remainders over as if

Appropriation of remainder of estate towards children's settled shares.

A.D. 1929. — Mrs. Beaumont Thomas had died. And the Trustees shall out of further part of the said remainder of the said investments and moneys set aside and appropriate investments and moneys which shall on the appointed day be equal to the value of four of such twelve equal shares ascertained as aforesaid after deducting therefrom the amount of Reginald's advances. And the Trustees shall stand possessed of the investments and moneys so to be set aside and appropriated as last aforesaid (hereinafter in this Act referred to as "Reginald's fund") upon the trusts and subject to the powers and provisions by and in the Testator's will and codicil as varied by the section of this Act of which the marginal note is "Power to sons to appoint annuities to their respective widows" declared and contained after the death of Mrs. Beaumont Thomas of and concerning the four twelfth parts of the Testator's residuary estate thereby settled upon trust for Reginald Beaumont Thomas for life with remainders over as if Mrs. Beaumont Thomas had died. And the Trustees shall set aside and appropriate and stand possessed of the ultimate remainder of the said investments and moneys (hereinafter in this Act referred to as "Mrs. Oldham's fund") upon the trusts and subject to the powers and provisions by and in the Testator's will and codicil declared and contained after the death of Mrs. Beaumont Thomas of and concerning the three twelfth parts of the Testator's residuary estate thereby settled on trust for Mrs. Oldham for life with remainders over as if Mrs. Beaumont Thomas had died :

Provided always that during the joint lives of Mrs. Oldham and Mrs. Beaumont Thomas and the minority of any son or the minority and spinsterhood of any daughter of Mrs. Oldham the income of Mrs. Oldham's fund and of all accretions thereto shall be and the same is hereby charged with the maintenance and education of such of Mrs. Oldham's children as being sons or a son shall for the time being be under the age of twenty-one years or being daughters or a daughter shall be under the age of twenty-one years and unmarried but such charge shall not be deemed to entitle the father of such infant children to any allowance out of such income for the maintenance and education of such child or children save so far as may be directed by any order of the Chancery Division of the High Court of Justice with

reference to such maintenance and education of such child or children out of such income and the payment of an allowance for that purpose out of such income to such father : A.D. 1929.

Provided also that in appropriating Lionel's fund Reginald's fund and Mrs. Oldham's fund respectively the Trustees shall so far as circumstances shall in their discretion permit select for and appropriate to each of such funds a fair but not necessarily rateable proportion of each of the investments and the moneys available in that behalf.

9. In order so far as may be to preserve and retain continuity in payment the Trustees shall as from the appointed day continue to pay the said annuities of one thousand six hundred pounds and two thousand pounds while payable to Mrs. Beaumont Thomas as aforesaid on the quarterly days on which the same have hitherto been paid respectively and they shall pay the income of the investments and moneys appropriated to Lionel's fund Reginald's fund and Mrs. Oldham's fund respectively so far as may be by equal quarterly payments on the quarterly days on which the allowances hitherto payable to Lionel Beaumont Thomas Reginald Beaumont Thomas and Mrs. Oldham respectively under the said orders of court have been paid. Present dates for payment of existing annuities and allowances to be adhered to.

10. If Mrs. Beaumont Thomas shall re-marry (in which event the annuity of two thousand pounds per annum given to her by the Testator's will is reducible to five hundred pounds and her additional annuity of three thousand pounds will wholly cease) the Trustees shall thereupon forthwith (subject to the payment thereof of any duty then payable in respect thereof) appropriate and divide such part of the investments then representing Mrs. Beaumont Thomas's fund as they in their discretion shall determine to be then no longer required to answer by the income thereof the annuities of one thousand six hundred pounds and five hundred pounds then remaining payable to her to and between Lionel's fund Reginald's fund and Mrs. Oldham's fund in the proportions of five-twelfths four-twelfths and three-twelfths and as accretions thereto respectively and the Trustees shall hold the parts thereof which shall so accrue thereto respectively upon the trusts and subject to the powers and provisions applicable to such funds Partial distribution of widow's annuity fund on her re-marriage.

A.D. 1929. — respectively which shall then be subsisting and capable of taking effect.

Disposition of balance of income of widow's annuity fund after satisfying her annuities.

11. In each year ending on the thirtieth day of June in which after satisfying the annuities for the time being payable to Mrs. Beaumont Thomas as aforesaid there shall remain in the hands of the Trustees a balance of income from Mrs. Beaumont Thomas's fund (whether as originally appropriated or as reduced by partial distribution thereof under the provisions of the immediately preceding section of this Act) such balance shall be paid or applied by the Trustees upon the trusts and subject to the powers and provisions for the time being subsisting or capable of taking effect in relation to the income of Lionel's fund Reginald's fund and Mrs. Oldham's fund in the proportions of five-twelfths four-twelfths and three-twelfths.

Any deficiency of income of widow's annuity fund to be made up out of income of first moiety of accumulation fund.

12. In any year ending on the thirtieth day of June in which the income of Mrs. Beaumont Thomas's fund shall be insufficient to pay in full the annuities of one thousand six hundred pounds two thousand pounds and three thousand pounds while payable to her out of the income thereof as aforesaid such deficiency shall be made good by and out of the income for the time being arising from the first moiety of the accumulation fund.

Widow's annuity fund to be distributed on her death.

13. On the death of Mrs. Beaumont Thomas the Trustees shall (subject to the payment thereof of any duty payable on her death in respect thereof) appropriate and divide Mrs. Beaumont Thomas's fund to and between Lionel's fund Reginald's fund and Mrs. Oldham's fund in the proportions of five-twelfths four-twelfths and three-twelfths and as accretions thereto respectively and they shall hold the parts thereof which shall so accrue thereto respectively upon the trusts and subject to the powers and provisions applicable to such funds respectively which shall then be subsisting and capable of taking effect.

Widow and children deprived of rights in residuary estate under possible

14.—(1) In consideration of the provisions made for them respectively by this Act Mrs. Beaumont Thomas Lionel Beaumont Thomas Reginald Beaumont Thomas and Mrs. Oldham shall be and are hereby deprived of any rights and interests in the Testator's residuary real and personal estate to which they would or might but for this Act have become entitled on or after the fourteenth

day of February one thousand nine hundred and thirty-eight if Mrs. Beaumont Thomas shall be then living and shall not have re-married as upon the intestacy of the Testator by reason of the cesser of the trust for accumulation contained in his will. A.D. 1929.
—
partial
intestacy
of Testator.

(2) The power or provision for advancement contained in the Testator's will shall as from the passing of this Act cease to be exerciseable in favour of Lionel Beaumont Thomas Reginald Beaumont Thomas and Mrs. Oldham respectively.

15. Each of them Lionel Beaumont Thomas and Reginald Beaumont Thomas shall have power by deed revocable or irrevocable or by will or codicil to appoint that from and after his death there shall out of the income of the share in the Testator's residuary estate settled upon himself for life be paid to any wife of his who may survive him an annuity or annuities not exceeding in the whole the sum of two thousand pounds for the life of such wife or any less period and subject to any conditions or restrictions which the person making the appointment may think fit to impose and in the event of any such appointment being made the annuity or annuities so appointed shall take effect in priority over the trusts and provisions in the Testator's will and codicil declared and contained concerning such settled share to take effect after his death. Power to
sons to
appoint
annuities
to their
respective
widows.

16. Save as expressly hereinbefore provided by this Act nothing herein contained shall affect the powers and provisions in the Testator's will and codicil contained concerning his residuary estate which powers and provisions shall remain in full force and effect including in particular (but without affecting the generality of the saving of powers hereby intended) the powers of investment and varying investments and advancement (other than advancement in favour of his children) and maintenance and management conferred by the said will on the Trustees and nothing in this Act shall prejudice or affect the settlements of the properties and furniture purchased under the authority of the orders of the court hereinbefore referred to which several settlements shall remain in full force and effect. Trusts
powers and
provisions
of Testator's
Will to
remain in
full force
and effect
save as
provided
by this
Act.

17. In substitution for the charge in favour of the Equity and Law Life Assurance Society created by Lionel's mortgages upon the income to arise after the death or Substituted
charge in
favour of
Equity

A.D. 1929.
—
and Law Life
Assurance
Society.

re-marriage of Mrs. Beaumont Thomas during the then remainder of the life of Lionel Beaumont Thomas from five equal twelfth parts or shares of the investments representing the residuary real and personal estate of the Testator the principal moneys and interest by Lionel's mortgages secured to the Equity and Law Life Assurance Society are hereby charged upon the income for the time being and from time to time payable to Lionel Beaumont Thomas during the remainder of his life under or by virtue of the Testator's will and codicil as varied by this Act from or in respect of the residuary real and personal estate of the Testator and the investments for the time being representing the same but except as aforesaid nothing in this Act contained shall prejudice alter or affect the said securities in favour of the Equity and Law Life Assurance Society.

General
saving.

18. Saving always to the King's most Excellent Majesty His heirs and successors and to every other person and body politic and corporate and their respective heirs successors executors administrators and assigns (other than and except the several persons who are by this Act excepted out of this general saving) all such estate right title interest claim and demand whatsoever of in to and out of or upon the residuary real and personal estate held on the trusts of the will and codicil of the said Testator Richard Beaumont Thomas as they or any of them had before the passing of this Act or would could or might have had or enjoyed if this Act had not been passed.

Exception
from
general
saving.

19. The following persons are excepted out of the general saving in this Act and accordingly are the only persons bound by this Act (that is to say):—

- (1) Mrs. Beaumont Thomas;
- (2) The Reverend Henry Robert William Anderson;
- (3) Lionel Beaumont Thomas;
- (4) Reginald Beaumont Thomas;
- (5) Mrs. Oldham;
- (6) Richard Lionel Beaumont Thomas;
- (7) Nigel Beaumont Thomas;
- (8) Paul Sidney Beaumont Thomas;
- (9) Pearl Paulina Beaumont Thomas;
- (10) All other sons and daughters or remoter issue of Lionel Beaumont Thomas;

- (11) All sons and daughters or remoter issue of A.D. 1929.
Reginald Beaumont Thomas;
- (12) Wilton Joseph Oldham;
- (13) David Anthony Oldham;
- (14) All other sons and daughters or remoter issue
of Irene Muriel Oldham;
- (15) Hubert Allan Spence Thomas;
- (16) William James Spence Thomas;
- (17) Richard Foulis Spence Thomas;
- (18) Mrs. Winifred Aileen Powell;
- (19) Ruby Jean Spence Thomas;
- (20) Gladys Hamlyn Downing;
- (21) Mabel Mary Downing;
- (22) Mrs. Vera Emily Austin;
- (23) Mrs. Charlotte Elizabeth Clarkson;
- (24) Ivan Nicholson Anderson Downing;
- (25) Mrs. Dorothy Clare Wilson;
- (26) Kenneth Treherne Thomas;
- (27) Cedric Treherne Thomas;
- (28) Mrs. Beryl Treherne Whittome;
- (29) Francis Hugh Treherne Thomas;
- (30) Harold Plowden Thomas;
- (31) Dorothy Beatrice Louise Thomas;
- (32) Alwyne Bell Wyndham Thomas;
- (33) Vivienne Marguerite Wyndham Thomas;
- (34) James Stanley Richard Aloysius Brand;
- (35) Francis Loveluck Brand;
- (36) Clement Treherne Brand;
- (37) Mrs. Blanche Evelyn Malcolm as legal personal
representative of John Evelyn Malcolm deceased;
- (38) Muriel Malcolm;
- (39) Mrs. Vida Mary Duncan;
- (40) Thomas Hardy McCall;
- (41) All other nephews and nieces of the Testator or
Mrs. Beaumont Thomas hereafter to be born;
- (42) The Equity and Law Life Assurance Society.

A.D. 1929.

Costs of
Act to be
paid by
Trustees.

20. The costs charges and expenses as between solicitor and client of all parties of or incidental or preparatory to or consequent upon the obtaining and passing of this Act and not already paid shall be paid by the Trustees out of the accumulation fund hereinbefore in this Act directed to be made and the court may from time to time upon the application by summons in the said action of any person or persons interested make any order for ascertaining or taxing any costs charges and expenses incurred by the Trustees in relation to the Testator's estate or the costs of any parties to the said action with reference to any application for retention from time to time of investments forming part of the Testator's residuary estate or any question arising in the administration of the said estate or the execution of the trusts of the said will and codicil as varied by this Act and how the same are to be borne.

Act to be
printed by
King's
printers
and
admitted
as evidence.

21. This Act shall not be a Public Act but shall be printed by the several printers to the King's most Excellent Majesty duly authorised to print the statutes of the United Kingdom and a copy thereof so printed by any of them shall be admitted as evidence by all judges justices and others.

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FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
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