

said Joseph Edward Fisher and James Manger Holmes, their executors, administrators and assigns for the term of one hundred years, from the date of the same Indentures, if the said Charles William By and Charlotte, his wife, since deceased, or either of them, should so long live, upon the trusts in the same Indenture mentioned, and subject to the same term and the trusts thereof, as to one undivided moiety or half part of the said lands and hereditaments, to the use of Maria Susannah Holmes, the wife of Henry Holmes, her heirs and assigns; and as to the other undivided moiety or half part thereof, to the use of the said Charlotte Henderson, the wife of Charles Cooper Henderson, the elder, her heirs and assigns; and in the same Indentures were contained (amongst other things) powers for the trustees thereof, to sell and exchange all or any of the said lands and hereditaments, and to invest the moneys received on account of any sales or exchanges, in other real estate to be settled to and upon the like uses and trusts, as that sold or exchanged, and also a power to appoint new Trustees of the same Indentures as occasion should require; and whereas by two several Indentures, bearing date respectively the first day of December, one thousand eight hundred and fifty-five, and respectively made between the said Charles William By and Charlotte, his wife, of the first part; the said Henry Holmes and Maria Susannah, his wife, and the said Charles Cooper Henderson and Charlotte, his wife, of the second part; and of the said Joseph Edward Fisher and James Manger Holmes, of the third part; Henry Eden Cockayne, of the fourth part, and William Thomas Wade, of the fifth part, the said Henry Eden Cockayne was duly appointed a Trustee of the said two Indentures, respectively dated the twelfth day of August, one thousand eight hundred and fifty-three, in the place of the said Joseph Edward Fisher; and whereas by an Indenture dated the thirty-first day of October, one thousand eight hundred and fifty-six, and made between the said Charles Cooper Henderson and Charlotte, his wife, of the one part, and the said James Manger Holmes and Henry Eden Cockayne, of the other part, after reciting (amongst other things) as hereinbefore recited, it was witnessed that for the consideration therein mentioned, she, the said Charlotte Henderson, with the concurrence of the said Charles Cooper Henderson (testified as therein mentioned), did thereby grant, and the said Charles Cooper Henderson did thereby grant and confirm unto the said James Manger Holmes and Henry Eden Cockayne and their heirs, all that the undivided part or share to which the said Charlotte Henderson was entitled as aforesaid, of and in the said lands, and hereditaments particularly described in the said two several Indentures, dated respectively the twelfth day of August, one thousand eight hundred and fifty-three, and the Schedules thereto, and by the same Indentures, assured or expressed or intended so to be, and of, and in their and every of their appurtenances, to hold the same subject as to the entirety of the same hereditaments in England, to the life interest therein of the said Frances