

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. CLXVIII.

An Act to amend the Laws respecting the Attestation of Instruments of Appointment and Revocation, made in exercise of certain Powers in Deeds, Wills, and other Instruments.

[30th *July* 1814.]

WHEREAS Powers, Authorities, and Trusts are in many Cases required to be executed by Deeds or Instruments signed by or under the Hands of the Persons executing the same, or Persons consenting to or directing Acts respecting such Powers, Authorities, and Trusts are frequently required to signify such Consent or Direction by Deeds or Instruments signed by them, or under their Hands, and it has been the ordinary Practice, in the Memorandum of Attestation of Deeds, to express the Facts of Sealing and Delivery only: And whereas Doubts have arisen respecting the Validity of Deeds or Instruments so attested and requiring Signature, although the same may have been actually signed by the Persons whose Signature is required thereto, and the Titles of many Purchasers, and of other Persons claiming under such Instruments may be defective for want of the Insertion of the Word "Signed," or some Word to that Effect, in the Memorandum of Attestation thereof: And whereas it is expedient that the Titles of Purchasers and other Persons should not be disturbed, merely on account of the

Omiſſion to expreſs the Fact of Signature in the Memorandum of Atteſtation of any ſuch Deed or other Inſtrument already made: May it therefore pleaſe 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 every Deed or other Inſtrument, already made with the Intention to exerciſe any Power, Authority or Truſt, or to ſignify the Conſent or Direction of any Perſon whoſe Conſent or Direction may be neceſſary to be ſo ſignified, ſhall (if duly ſigned and executed and in other Reſpects duly atteſted) be from the Date thereof, and ſo as to eſtabliſh derivative Titles if any, of the ſame Validity and Effect, and no other, at Law and in Equity, and proveable in like Manner, as if a Memorandum of Atteſtation of Signature, or being under Hand, had been ſubſcribed by the Witneſs or Witneſſes thereto; and the Atteſtation of the Witneſs or Witneſſes thereto, expreſſing the Fact of Sealing, or of Sealing and Delivery, without expreſſing the Fact of Signing or any other Form of Atteſtation, ſhall not exclude the Proof or the Preſumption of Signature.

Deeds, &c. executed without a Memorandum of Atteſtation, deemed valid.

II. And be it enacted, That this Act ſhall extend and be conſtrued to extend to all Deeds and other Inſtruments already made in exerciſe of Powers, Authorities, and Truſts, of Sale, Exchange, Partition, Selection, Nomination, Diſcretion, Leaſing, Jointuring, raiſing Portions, and other Charges, and for appointing new Truſtees and other Powers, Authorities, and Truſts whatſoever, or made for evidencing Aſſent, Conſent, Requeſt, Direction, or any other like Circumſtance in reference to the Execution of any ſuch Powers, Authorities, or Truſts.

To what Deeds this Act ſhall extend.

III. Provided always, and be it further enacted, That this Act ſhall not extend nor be conſtrued to extend, to revive or give effect to any Appointment, Revocation, or other Aſſurance heretofore made, as far as the ſame has been avoided by Entry or Claim, or by Suit at Law or in Equity, or by any other legal or equitable Means whatſoever; nor ſhall this Act affect or prejudice any Suit at Law or in Equity, now depending, for avoiding any Deed or other Inſtrument of Appointment, Revocation, or Aſſurance.

Act not to have a retroſpective Operation; nor affect any exiſting Suit at Law, &c.

IV. Provided always, and be it further enacted, That if any Perſon who has made any ſuch Entry or Claim, or who has brought any ſuch Suit, or has defended any Suit for the Purpoſe of avoiding any ſuch Appointment, Revocation, or other Aſſurance, ſhould releaſe the Benefit of the ſame Entry, Claim, Suit, or Defence, within Six Calendar Months next after the paſſing of this Act, then ſuch Entry or Claim, or Suit or Defence, ſhall not prejudice or avoid any ſuch Appointment, Revocation, or other Aſſurance, but every ſuch Appointment, Revocation, or other Aſſurance ſhall be and remain in force under this Act as if no ſuch Entry or Claim had been made, or Suit brought or defended.

Appointments, &c. not to be affected.

V. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to affect any Queſtion reſpecting any Inſtrument not within the Proviſions of this

No Inſtrument, unleſs within the Proviſions of

Act, and which may want any Formality in the Atteſtation of any Witneſs or Witneſſes thereto, but ſuch Inſtrument ſhall have the ſame Force and Effect as it might have had if this Act had not been made; any Thing in this Act contained notwithſtanding. this Act, to be affected.

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