

ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. XLVI.

An Act for Relief of Perſons entitled to Entailed Eſtates, to be purchaſed with Truſt Monies, in that Part of the United Kingdom called *Ireland*.

[30th *May* 1818.]

WHEREAS by the Practice of Courts of Equity in that Part of the United Kingdom called *Ireland*, in Caſes in which Money under the Controul of ſuch Courts is ſubject to be laid out in the Purchaſe of Lands to be limited to Uſes capable of being barred by Fine, the ſaid Courts direct ſuch Money to be paid to the Party or Parties who could by Fine bar the Uſes to which ſuch Lands, in caſe the ſame had been purchaſed, would have been limited, and do not require or compel the actual Inveſtment of ſuch Monies in the Purchaſe of Lands, notwithſtanding other Perſons might take Eſtates or Intereſts therein if the ſame were purchaſed, and be entitled to hold ſuch Eſtates or Intereſts until ſuch Fine was actually levied: And whereas nevertheleſs, where Money under the Controul of the ſaid Courts is ſubject to be inveſted in the Purchaſe of Lands to be limited to Uſes not capable of being barred by Fine, but capable of being barred by Recovery, the ſaid Courts, according to the Practice thereof, refuſe to direct the ſame to be paid to the Party or Parties who, in caſe ſuch Lands had been purchaſed, could by Recovery have barred all the Uſes to which the ſame would have been limited, and require and compel the actual Inveſtment of ſuch Monies in

a Purchaſe or Purchaſes of ſome Lands; and ſuch laſt-mentioned Practice is attended with great Inconvenience and Expence to the Party or Parties who by a Recovery could bar the Uſes to which ſuch Lands are to be limited when purchaſed, and the Intereſt and Benefit of others, who might take Eſtates barrable by ſuch Recovery when ſuffered, is not according to ſuch laſt-mentioned Practice materially promoted or ſecured, and it may therefore be expedient to alter ſuch Practice: And whereas it may alſo be expedient to provide ſome ſatisfactory and ſummary Proceeding, whereby Truſtees poſſeſſed of Money ſubject to be laid out in Lands may be required in proper Caſes to pay ſuch Money to the Parties entitled, and under this Act to become entitled, to receive the ſame: Be it therefore 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 after the paſſing of this Act, in all Caſes where Money under the Controul of any Court of Equity, or of or to which any Individuals as Truſtees are poſſeſſed or entitled, in that Part of the United Kingdom called *Ireland*, ſhall be ſubject to be inveſted in the Purchaſe of Freehold or Copyhold Hereditaments, or both, to be ſettled upon any Perſon or Perſons in ſuch Manner that it would be competent, in caſe ſuch Money had been inveſted in the Purchaſe of Real Eſtates, for the Perſon or Perſons who would be the Tenant or Tenants of the firſt Eſtate or Eſtates Tail therein, either alone or together with the Perſon or Perſons who would be the Owner or Owners of the particular preceding Eſtate or Eſtates therein, if any, by Deed, Fine, or Common Recovery, or any of them, or other lawful Act, in the caſe of Freehold Hereditaments, or by Surrender and Recovery, or either of them, or other lawful Act, in the caſe of Copyhold Hereditaments, to bar the firſt Eſtate or Eſtates Tail, and the Rights and Intereſts of all Perſons in Remainder, it ſhall not be neceſſary to have ſuch Money actually inveſted in Lands or Hereditaments, in order that ſuch Eſtates Tail and Remainders over may be ſo barred; but that it ſhall and may be lawful to and for the High Court of Chancery, or ſuch Court of Equity under the Controul of which ſuch Money ſhall be, in that Part of the United Kingdom called *Ireland*, and in the Caſe of Truſtees, to and for the ſaid High Court of Chancery, in a ſummary Way, upon Petition of the Perſon or Perſons who would be Tenant or Tenants of the firſt Eſtate or firſt Eſtates Tail, and of the Perſon or Perſons who would be the Owner or Owners of the antecedent particular Eſtate or Eſtates (if any) in the Lands and Hereditaments, in caſe the ſame were purchaſed, ſuch Petitioners being Adults, and in caſe where any of the Parties are or is Femes Covert or a Feme Covert, they or ſhe being firſt ſeparately examined in Court, or upon a Commiſſion, and conſenting, to order the Monies ſubjected to ſuch Truſts to be paid to the Petitioners, or any of them, or to be paid and applied in ſuch Manner and for ſuch Purpoſes as the Petitioners ſhall appoint and the Court ſhall approve of

Truſt Monies may be inveſted in Eſtates in manner herein mentioned.

II. And be it further enacted, That in all Caſes where Money ſubjected to be laid out in the Purchaſe of Hereditaments to be ſettled as aforeſaid ſhall happen to be inveſted in Government or Real or other Securities, all ſuch Securities ſhall for the Purpoſes of this Act be conſidered as Money, and ſhall and may accordingly be transferred, aſſigned,

Government Securities to be conſidered as Money, and may be transferred under

and diſpoſed of under an Order of the reſpective Courts aforeſaid, made in a ſummary Way upon the Petition of ſuch Perſons, and with ſuch Examination and Conſent where neceſſary as aforeſaid, in ſuch and the ſame Manner as Monies ſubjected to be laid out in the Purchaſe of Hereditaments to be ſettled as aforeſaid are herein-before authorized to be paid, applied, and diſpoſed of. an Order of the reſpective Courts.

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