

ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

CAP. XCI.

An Act for giving additional Facilities in Applications to Courts of Equity, regarding the Management of Estates or Funds belonging to Charities. [12th *July* 1819.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for appointing Commissioners to enquire concerning Charities in* England *for the Education of the Poor;* and certain Commissioners were appointed for the Execution of the said Act: And whereas an Act hath passed in the present Session of Parliament, intituled *An Act to amend an Act of the last Session of Parliament for appointing Commissioners to enquire concerning Charities in* England, *for the Education of the Poor, and to extend the Powers thereof to other Charities in* England *and* Wales, whereby the Numbers and Powers of the Commissioners were extended: And whereas it is expedient that additional Facilities should be afforded for Applications to the Courts of Equity regarding the Management of Estates or Funds appropriated to Charitable Purposes; 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 whenever, upon any Examination or Investigation taken or had by and before the Commissioners appointed or to be appointed under the Authority of the beforementioned Acts, any Case shall arise or happen in which it shall appear

58 G.3. c. 91.

59 G.3. c. 81.

When it shall appear that the Directions of a Court of

Equity are requisite, Commissioners may certify the Particulars to the Attorney General, who may apply to commence a Suit in the Court of Chancery, or Court of Exchequer, &c.

appear to the said Commissioners that the Directions or Orders of a Court of Equity are requisite for the remedying of any Neglect, Breach of Trust, Fraud, Abuse, or Misconduct in the Management of any Trust created for any Charitable Purposes as aforesaid, or of the Estates or Funds thereto belonging, or for the regulating the Administration of any such Trust, or of the Estates or Funds thereof, it shall and may be lawful for the said Commissioners, or any Five or more of them, if they shall think fit, to certify the Particulars of such Case in Writing under their Hands to His Majesty's Attorney General, and thereupon it shall be lawful for His Majesty's Attorney General, if he shall so think fit, either by a summary Application in the Nature of a Petition, or by Information, as the Case may require, to apply to or commence a Suit in His Majesty's High Court of Chancery, or to or in His Majesty's Court of Exchequer sitting as a Court of Equity, stating and setting forth the Neglect, Breach of Trust, Fraud, Abuse, or Misconduct, or other Cause of Complaint or Application, and praying such Relief as the Nature of the Case may require; and when such Petition or Suit is instituted in the said Court of Exchequer, it shall be lawful for that Court to proceed in the hearing and deciding of the same, according to the due Course of the said Court; and any Order or Decree of the same Court in such Proceeding shall be final and conclusive to all Intents and Purposes whatsoever, unless the Party or Parties who shall think himself or themselves aggrieved thereby shall within One Year after the Time when such Order or Decree shall have been made and entered by the proper Officer, prefer an Appeal from such Order or Decree to the House of Lords; and when such Petition or Suit is presented or commenced in the said High Court of Chancery, it shall and may be lawful to and for the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal, and they are hereby required, to order and direct such Petition or Suit to be heard and determined either before the Master of the Rolls or Vice Chancellor, as to the said Lord Chancellor, Lord Keeper, or Lords Commissioners shall seem meet; and thereupon the Master of the Rolls or Vice Chancellor shall proceed to hear and to rehear, if to him it shall appear necessary, and to determine the same; and all Decrees, Orders, and Acts of the Master of the Rolls and Vice Chancellor made and done therein, shall be deemed and taken to be respectively Decrees, Orders, and Acts of the said Court of Chancery, and be executed accordingly, subject nevertheless in every Case to be reversed, discharged, or altered by the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal for the Time being; and no such Decree or Order shall be enrolled, until the same be signed by the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the Time being.

No Appeal from the Lord Chancellor to the House of Lords.

II. And be it further enacted, That when any Appeal shall be made to the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, from any Order or Decree of the Master of the Rolls or Vice Chancellor, made in any Matter aforesaid, the Decree or Order which shall be made on such Appeal by the Lord Chancellor, Lord Keeper, or Lords Commissioners of the

Great Seal, shall be final and conclusive, to all Intents and Purposes whatsoever; and no Appeal from such Decree or Order of the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal, to the House of Lords, shall be allowed or entertained.

No Proceedings subject to a Stamp Duty.

III. And be it further enacted, That no Petition or Information presented, filed, or prosecuted under this Act, nor any Answer thereto; nor any Depositions, Interrogatories, Affidavits, or Proceedings, nor any Order or Decree upon the same, or in relation thereto; nor any Copies of any such Petition, Information, Answer, Depositions, Interrogatories, Affidavits, Order, or Decree, nor of any other Proceedings whatsoever under this Act, shall be subject or liable to the Payment of any Stamp Duty whatever.

Persons refusing to appear before Commissioners, or to produce Deeds, or refusing to answer Questions upon Oath, liable to be fined by the Court of King's Bench or Exchequer.

IV. And be it further enacted, That if any Person summoned to appear before any Two or more of the said Commissioners shall wilfully omit or refuse to appear before such Commissioners, or to bring or to produce any Deed, Paper or Writing, Instrument, or other Document, in his, her, or their Possession, Custody, or Power, and which he, she, or they shall be required by the Precept of such Commissioners to produce, relating wholly to the Estates or Funds which shall be the Subject of Inquiry before such Commissioners, or to the Receipt or Application, or Non-application or Misapplication thereof, or to the State of the Schools or Charities which shall be the Subject of Inquiry before such Commissioners, or the true Copy of any Part or Parts of any Deed, Paper, Writing, or other Instrument, (and which Copy any Two of such Commissioners are hereby empowered to require by such Precept), or shall refuse to be sworn, or being a Quaker to affirm, or being sworn, or being a Quaker having affirmed, shall refuse to answer to and before the said Commissioners, or any Two of them, or to answer fully any lawful Question on Oath or Affirmation touching or concerning any Matter or Thing relating to such Estates or Funds as aforesaid, or to the State of such Schools or Charities as aforesaid (except in Cases excepted by the said first-recited Act), every such Person so refusing to comply with any such lawful Requisitions of the said Commissioners, shall be liable to the Payment of such Fine to His Majesty, as the Court of King's Bench or the Court of the Exchequer, on Application made by or on the Behalf of the said Commissioners, or any Two of them, or by His Majesty's Attorney General for the Time being, shall think fit to set and impose, which Fine the said Court of King's Bench or Court of Exchequer is hereby authorized and empowered to set and impose according to their Discretion respectively, and to enforce Payment of the same by Attachment or otherwise, in such Manner as the said Courts respectively may do in Cases of Contempt of the same Courts.

Where Regulations are insufficient for a due Administration of the

V. And be it further enacted, That whenever it shall appear to the Trustees of any Free School, Hospital, or other Charitable Institution or Donation within the Provisions of this Act, that the Statutes or Regulations thereof are insufficient for the secure and due Administration of the Funds thereto belonging, it shall be lawful for such

Funds of any Institution, Trustees may apply to Chancery for Relief.

such Numbers of them as are by the said Statutes or Regulations empowered to do any Act, by and with the Consent of any Five or more of the said Commissioners, to present a Petition to the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, or to the Court of Exchequer sitting as a Court of Equity, praying such Relief as the Nature of the Case may require; and the Lord Chancellor, Lord Keeper, and Lords Commissioners of the Great Seal, and the said Court of Exchequer, are hereby authorized and empowered to give such Directions, and to make such Order touching the Matter of the said Application, as to them respectively shall seem fit; which Order shall be final and conclusive to all Intents and Purposes whatsoever, unless the Party or Parties who shall think himself or themselves aggrieved thereby shall, within Two Years after the Time when such Order shall have been made and entered by the proper Officer, prefer an Appeal from such Order to the House of Lords, to whom it is hereby enacted and declared that an Appeal shall lie from such Order.

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