

ANNO SEXTO

GEORGII IV. REGIS.

CAP. LXXIV.

An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and Funds vested in Trustees, who are Infants, Idiots, Lunatics, or Trustees of unsound Mind, or who cannot be compelled or refuse to act; and also the Laws relating to Stocks and Securities belonging to Infants, Idiots, Lunatics, and Persons of unsound Mind. [27th *June* 1825.]

WHEREAS an Act was passed in the Seventh Year of the Reign of Queen *Anne*, intituled *An Act to enable Infants who are seised or possessed of Estates in Fee, in Trust, or by way of Mortgage, to make Conveyances of such Estates:* And whereas another Act was passed in the Fourth Year of the Reign of King *George* the Third, intituled *An Act to enable Infants who are seised of Lands, Tenements, or Hereditaments within the Duchy of* Lancaster, *or the Counties Palatine of* Chester, Lancaster, *or* Durham, *or the Principality of* Wales, *in Fee, or for the Life or Lives of One or more other Person or Persons in Trust, or by way of Mortgage, to make Conveyances of such Estates by Order of the Court of the Duchy Chamber of* Lancaster, *of the Court of Exchequer of the County Palatine of* Chester, *of the Court of Chancery of the County Palatine of* Lancaster, *of the Court of Chancery of the County Palatine of* Durham, *and of the Courts of Great Sessions in the Principality of* Wales: And whereas another Act was passed in the Fourth Year of the Reign of King *George* the Second, intituled *An Act to enable Idiots and Lunatics who are seised or possessed of Estates in Fee, or for Lives or Terms of Years, in Trust or by way of Mortgage, to make Conveyances, Surrenders, or Assignments of such Estates:* And whereas another Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for the Conveyance, Surrender, and Assignment of Estates in Fee, for Lives or Terms of Years, which shall be vested in Trust, or by way of Mortgage, in Idiots and Lunatics, not having been found such by Inquisition:* And whereas another Act was passed in the Thirty-sixth Year

7 Ann, c. 19.

4 G. 3. c. 16.

4 G. 2. c. 10.

1 & 2 G. 4. c. 114.

36 G. 3. c. 90. of Reign of King *George* the Third, intituled *An Act for the Relief of Persons equitably and beneficially entitled to or interested in the several Stocks and Annuities transferrable at the Bank of* England: And whereas another Act was passed in the Fifty-second Year of the Reign of King
52 G. 3. c. 32. *George* the Third, intituled *An Act for the Relief of Infant Suitors in Courts of Equity, entitled to Stock or Annuities in any of the Public or other Funds, transferrable at the Bank of* England: And whereas another Act was passed in the same Fifty-second Year of the Reign of
52 G. 3. c. 158. King *George* the Third, intituled *An Act to extend the Provisions of an Act passed in the Thirty-sixth Year of the Reign of His present Majesty for the Relief of Persons equitably entitled to Stocks and Annuities transferrable at the Bank of* England, *and of an Act passed in the present Session, for the Relief of Infant Suitors entitled to the like Stocks and Annuities, to all other transferrable Stocks and Funds*: And whereas another Act was passed in the Fifty-seventh Year of the Reign of
57 G. 3. c. 89. King *George* the Third, intituled *An Act to extend certain Provisions of the Acts of the Thirty-sixth and Fifty-second Years of the Reign of His present Majesty, to Matters of Charity and Friendly Societies*: And whereas another Act was passed in the said First and Second Years of
1 & 2 G. 4. c. 15. the Reign of His present Majesty, intituled *An Act to authorize the Transfer of Stocks and Payment of Dividends of Lunatics residing out of* England: And whereas it is expedient that the Provisions of the said recited Acts should be consolidated and amended; 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,

Recited Acts repealed, except as to Proceedings which have been commenced.

That the said several recited Acts shall be and the same are hereby repealed; save only and except as to such Proceedings under any of such recited Acts respectively as shall have been commenced before the passing of this Act, and which shall and may be continued and proceeded in under the Authority of and according to the Provisions in the said recited Acts respectively, or under the Authority of and according to the Provisions in this Act, as shall be most expedient.

Infant Trustees or Mortgagees empowered to convey by the Direction of Court of Chancery or Exchequer, &c.

II. And be it further enacted, That when and so often as any Person or Persons seised or possessed of any Lands, Tenements, or Hereditaments, or other Property, or any Estate or Interest therein, upon any Trust or Trusts, or by way of Mortgage, shall be under the Age of Twenty-one Years, it shall be lawful for such Infant or Infants, by the Direction of the Court of Chancery or Exchequer, or if such Lands, Tenements, or Hereditaments be situate within the Duchy of *Lancaster*, or the Counties Palatine of *Chester*, *Lancaster*, and *Durham* respectively, or the Principality of *Wales*, by the Direction of the Court of the Duchy Chamber of *Lancaster*, of the Court of Exchequer of the County Palatine of *Chester*, the Court of Chancery of the County Palatine of *Lancaster*, the Court of Chancery of the County Palatine of *Durham*, and the several Courts of Great Sessions in *Wales* respectively, to convey, release, surrender, assign, or otherwise assure such Lands, Tenements, or Hereditaments, or Property or Estate, or Interest therein, to such Person or Persons, and in such Manner as the said Courts respectively shall think proper and direct; and every such Conveyance, Release, Surrender, Assignment, or Assurance shall be as valid and effectual, to all Intents and Purposes, as if the said Per-

son or Persons, being an Infant or Infants, were at the Time of executing the same of the full Age of Twenty-one Years.

Trustees or Mortgagees being Idiots or Lunatics, or their Committees, or the Persons to be appointed by virtue of the Act, empowered to convey by Direction of the Lord Chancellor, &c.

III. And be it further enacted, That when and so often as any Person or Persons seised or possessed of any Lands, Tenements, or Hereditaments, or other Property, or any Estate or Interest therein, upon any Trust or Trusts, or by way of Mortgage, shall be Idiot, Lunatic, or of unsound Mind, it shall be lawful for the Committee or Committees of such Person or Persons, or any Person or Persons to be appointed as herein-after is mentioned, in the Name or Names of such Person or Persons, being Idiot, Lunatic, or of unsound Mind, by the Direction of the Lord Chancellor of *Great Britain*, or the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, being intrusted by virtue of the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found Lunatic, Idiot, or of unsound Mind, to convey, release, surrender, assign, or otherwise assure such Lands, Tenements, Hereditaments, or Property, or Estate on Interest, to such Person or Persons, and in such Manner as the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of *Great Britain*, intrusted as aforesaid respectively, shall think proper and direct; and every such Conveyance, Release, Surrender, Assignment, or Assurance shall be as valid and effectual to all Intents and Purposes as if the Person or Persons, being Idiot, Lunatic, or of unsound Mind, had been, at the Time of the Execution thereof, of sane Mind, Memory, and Understanding, and had by himself, herself, or themselves executed the same.

Lord Chancellor, &c. before Inquisition, may appoint a Person to convey.

IV. And be it further enacted, That when and so often as the Person or Persons seised or possessed as aforesaid, being Idiot, Lunatic, or of unsound Mind, shall not have been found such by Inquisition, it shall be lawful for the said Chancellor, Lord Keeper, or Commissioners of the Great Seal of *Great Britain*, intrusted as aforesaid, to order or appoint such Person or Persons as to the said Lord Chancellor, Lord Keeper, or Commissioners, shall seem meet, on behalf of the Person or Persons being Idiot, Lunatic, or of unsound Mind (but not having been found such by Inquisition), to convey, release, surrender, assign, or otherwise assure such Lands, Tenements, Hereditaments, or Property, or Estate or Interest, as herein-before is mentioned.

Where Trustees or Mortgagees are out of the Jurisdiction of the Court, or it be uncertain whether they are alive, or they refuse to convey, the Court of Chancery or Exchequer may appoint a Person to convey.

V. And be it further enacted, That when and so often as any Person or Persons seised or possessed of any Lands, Tenements, or Hereditaments, or other Property, or any Estate or Interest therein, upon any Trust or Trusts, or by way of Mortgage, shall be out of the Jurisdiction of or not amenable to the Process of the Court of Chancery or Exchequer, or it shall be unknown or uncertain whether he, she, or they be living or dead, or such Person or Persons shall refuse to convey or otherwise assure such Lands, Tenements, Hereditaments, or Property, or Estate or Interest, to the Person or Persons entitled thereto, or as he, she, or they shall direct, or to a new Trustee or Trustees duly appointed by virtue of some Power or Authority, or by the Court of Chancery or Exchequer, either alone or together with any

any continuing Trustee or Trustees, as Occasion shall require, then and in every or any such Case it shall be lawful for the Court of Chancery or Exchequer to appoint such Person or Persons as to such Court shall seem meet, on behalf and in the Name or Names of the Person or Persons seised or possessed as aforesaid, to convey, surrender, release, assign, or otherwise assure the said Lands, Tenements, Hereditaments, or Property, or Estate or Interest, to such Person or Persons, and in such Manner as the said Court shall think proper and direct; and every such Conveyance, Release, Surrender, Assignment, or Assurance shall be as valid and effectual to all Intents and Purposes, as if the Person or Persons, being out of the Jurisdiction or not amenable to the Process of the said Courts, or not known to be alive, or having refused, had by *himself*, herself, or themselves executed the same.

Lord Chancellor, &c. empowered to appoint a Person to transfer Stocks or Funds standing in the Name of a LunaticTrustee, and receive and pay over the Dividends.

VI. And be it further enacted, That when and so often as any Stocks, Funds, Annuities, or Securities, transferrable in the Books of the Governor and Company of the Bank of *England*, or of the *South Sea* Company, or the United Company of Merchants of *England* trading to the *East Indies*, or any other Company or Society established or to be established, shall be standing in the Name of or otherwise vested in any Person or Persons as a Trustee or Trustees, or the legal personal Representative of a Trustee or Trustees, who shall be Idiot, Lunatic, or of unsound Mind, either alone or jointly with any other Trustee or Trustees, Representative or Representatives, it shall be lawful for the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of *Great Britain*, intrusted as aforesaid (whether such Trustee or Trustees shall or shall not have been found Idiot, Lunatic, or of unsound Mind by Inquisition), to order and appoint such Person or Persons as to the said Lord Chancellor, Lord Keeper, or Commissioners shall seem meet, being an Officer of such Company or Society, to tranfer or join with the other Trustee or Trustees, Representative or Representatives (if any), in transferring such Stocks, Funds, Annuities, or Securities, to or into the Name or Names of such Person and Persons, and in such Manner as the said Lord Chancellor, Lord Keeper, or Commissioners shall think proper and direct; and also to order any Person or Persons appointed as aforesaid to receive and pay over the Interest, Dividends, or annual Produce of such Stocks, Funds, Annuities, and Securities, in such Manner as the said Lord Chancellor, Lord Keeper, or Commissioners shall direct; and every such Transfer, Receipt, and Payment shall be as valid and effectual as if the Trustee or Trustees, Representative or Representatives, being Idiot, Lunatic, or of unsound Mind, had been of sane Mind, Memory, and Understanding, and had by himself, herself, or themselves transferred, received, and paid such Stocks, Funds, Annuities, or Securities, or Interest, Dividends, and annual Produce.

Where Trustees are out of the Jurisdiction of the Court, or it be uncertain whether they are alive, or

VII. And be it further enacted, That when and so often as any Stocks, Funds, Annuities or Securities, transferrable as aforesaid, shall be standing in the Name of or otherwise vested in any Person or Persons as a Trustee or Trustees, or the legal personal Representative of a Trustee or Trustees, who shall be out of the Jurisdiction of, or not amenable to the Process of the Court of Chancery

cery or Exchequer, or it shall be unknown or uncertain whether such Person or Persons be living or dead, or such Person or Persons shall refuse to transfer such Stocks, Funds, Annuities, or Securities, or receive and pay over the Dividends thereof, to the Person or Persons entitled thereto, or as he, she, or they shall direct, or to a new Trustee or Trustees, duly appointed by virtue of some Power or Authority, or by the Court of Chancery or Exchequer, either alone or together with any continuing Trustee or Trustees (as Occasion shall require), then and in every such Case it shall be lawful for the Court of Chancery or Exchequer to appoint such Person or Persons as to the said Court shall seem meet, being an Officer of such Company or Society, to transfer or join with the other Trustee or Trustees, Representative or Representatives (if any), in transferring such Stocks, Funds, Annuities, or Securities, to, or into the Name or Names of such Person or Persons, and in such Manner as such Court of Chancery or Exchequer shall think proper and direct, and also to order any Person or Persons appointed as aforesaid, to receive and pay over the Interest, Dividends, or annual Produce of such Stocks, Funds, Annuities and Securities, in such Manner as the said Court of Chancery or Exchequer shall direct; and every such Transfer, Receipt, and Payment, shall be as valid and effectual as if the Trustee or Trustees, Representative or Representatives, had by himself, herself, and themselves transferred, received, and paid such Stocks, Funds, Annuities or Securities, or Interest, Dividends, and annual Produce.

they refuse to transfer Stocks or Funds, the Court of Chancery or Exchequer may appoint a Person to transfer them.

VIII. And be it further enacted, That every Direction, Order, or Appointment to be made in pursuance of this Act, by the Court of Chancery or Exchequer, or by any other Court herein-before mentioned, or by the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of *Great Britain*, intrusted as aforesaid, shall be signified by an Order to be made upon the Petition of such Person or Persons as herein-after is mentioned; (that is to say), if the same shall relate to a Conveyance or other Assurance, or Transfer to any Person or Persons beneficially entitled, then upon the Petition of the Person or Persons beneficially entitled to the Lands, Tenements, Hereditaments, Stocks, Funds, Annuities, Securities, or Property, or Estate or Interest to be conveyed, assured, or transferred; and if the same shall relate to a Conveyance or other Assurance or Transfer, in order to vest any Lands, Rents, Hereditaments, Property, Stocks, Funds, Annuities, or Securities, in a new Trustee or Trustees duly appointed by virtue of some Power or Authority, or by the Court of Chancery or Exchequer, either alone or together with any continuing Trustee or Trustees, then upon the Petition of the Trustee or Trustees in whom the same shall be proposed to be vested, or some or one of them; and if the same shall relate to the Conveyance or other Assurance of an Estate in Mortgage, then upon the Petition of the Person or Persons entitled to the Equity of Redemption thereof, or some or one of the Person or Persons entitled to the Monies thereby secured, or some or one of the Guardian or Guardians of the Person or Persons entitled to such Monies, if an Infant or Infants, or the Committee or Committees of such Person or Persons, if Idiot, Lunatic, or of unsound Mind.

Every Direction or Order of the Court of Chancery, Exchequer, &c. or by the Lord Chancellor, &c. under the Authority of this Act, to be made upon Petition.

Infants, Idiots, Lunatics, their Committees, or Persons appointed, may be compelled to convey, transfer, &c.

IX. And be it further enacted, That all and every Person and Persons being an Infant or Infants, and all and every Person and Persons being Idiot, Lunatic, or of unsound Mind, or the Committee or Committees of any such Person or Persons, and all and every the Person or Persons who shall be appointed by virtue of this Act, shall and may be empowered and compelled, by the Order to be obtained as herein-before is mentioned, to make such Conveyance or Conveyances, or other Assurance or Assurances, or Transfer or Transfers, Payment or Payments as aforesaid, in like Manner as Trustees of full Age and of sane Mind, Memory, and Understanding, are compellable to convey, or otherwise assure or transfer, and pay over their Trust Estates or Funds.

Act to extend to Trustees having Interest or having Duty to perform, so as to authorize Conveyances and Transfers to new Trustees.

X. And be it further enacted, That the several Provisions herein-before contained shall extend and be construed to extend to Cases in which a Trustee or Trustees may have some beneficial Estate or Interest in the Lands, Tenements, Hereditaments, Property, Stocks, Funds, Annuities, or Securities vested in him, her, or them as aforesaid, and also to Cases in which the Trustee or Trustees may have some Duty or Duties to perform, so as to enable Conveyances and other Conveyances and Transfers to be made, in order to vest any Lands, Tenements, Hereditaments, Property, Stocks, Funds, Annuities, or Securities in a new Trustee or Trustees, duly appointed in the Place of such Trustee or Trustees, by virtue of some Power or Authority, or by the Court of Chancery or Exchequer, either alone or jointly with any continuing Trustee or Trustees (as the Case may require).

Act to extend to Petitions in cases of Charity and Friendly Societies.

XI. And be it further enacted, That the Provisions herein-before contained shall extend and be construed to extend to all Cases of Petitions in which the Court of Chancery, or the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of *Great Britain*, or the Master of the Rolls, or the Vice Chancellor of *England*, or the Court of Exchequer, are by Law authorized and empowered to grant Relief and make summary Orders without Suit, either in Matters of Charity, or relative to or for the better Security, or for the Application, Receipt, Payment, or Transfer of any of the Funds thereof, or in Matters relative to any Benefit or Friendly Societies, or for the better Security, or for the Application, Receipt, Payment, or Transfer of any of the Funds thereof.

Court of Chancery or Exchequer may order Dividends of Stocks belonging to Infants to be paid to Guardians for Maintenance.

XII. And be it further enacted, That it shall be lawful for the Court of Chancery or Exchequer, by an Order to be made on the Petition of the Guardian or Guardians, or next Friend of any Infant in whose Name any Stocks, Funds, Annuities, or Securities transferrable, or which shall or may hereafter be made transferrable in the Books of the Governor and Company of the Bank of *England*, or of any other Company or Society established or to be established, shall be standing, or in whose Name any Sum or Sums of Money shall be standing in virtue of any Act or Acts of Parliament for paying off any such Fund, Annuity, or Security, and who shall be beneficially entitled thereto, to order and direct all or any Part of the Interest, Dividends, and annual Produce due or to become due in respect of such Stocks,

Funds, Securities, or Annuities, or any such Sum or Sums of Money, to be paid to any Guardian or Guardians of such Infant or Infants respectively, or to any other Person or Persons, according to the Discretion of such Courts respectively, to or for the Maintenance and Education, or otherwise for the Use and Benefit of such Infant or Infants, such Guardian or Guardians, or other Person or Persons to whom such Payment shall be directed to be made, being named in the Order directing such Payment; and the Receipt, Acquittance, or Discharge of such Guardian or Guardians, or other Person or Persons so named for such Dividend or Dividends, or Sum or Sums of Money so ordered and directed to be paid to them, or any Part thereof, shall be as valid and effectual, to all Intents and Purposes, to and for the said Company or Persons paying the same, against such Infant or Infants to whom such Dividend or Dividends, Sum or Sums of Money, have been or shall be due and belong, his, her, or their Executors, Administrators, or Assigns, as if such Receipt, Acquittance, or Discharge had been actually signed by such Infant or Infants, after he, she, or they had actually attained the Age of Twenty-one Years, and were capable by Law of signing and giving the same.

Stock belonging to Lunatics may, in certain Cases, be ordered by the Lord Chancellor, &c. to be transferred.

XIII. And be it further enacted, That when and so often as any Stocks, Funds, Annuities, or Securities transferrable as aforesaid, shall be standing in the Name or Names of, or shall be vested in any Person or Persons being Idiot, Lunatic, or of unsound Mind, who shall be beneficially entitled thereto, or any such Stocks, Funds, Annuities, or Securities shall be standing in the Name or Names of, or otherwise vested in any Person or Persons being Committee or Committees of the Estate of a Person found Idiot, Lunatic, or of unsound Mind, in Trust for or as Part of his or her Property, and such Committee or Committees shall have died intestate, or shall reside out of the Jurisdiction of the Court of Chancery or Exchequer, or shall himself, herself, or themselves become Lunatic or of unsound Mind, or it shall be uncertain or unknown whether such Committee or Committees be living or dead, then and in every or any such Case, it shall be lawful for the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal of *Great Britain*, intrusted as aforesaid, upon Petition or Motion of the Committee or Committees of the Estates of the Person or Persons being Idiot, Lunatic, or of unsound Mind, to appoint and order such Person as to such Lord Chancellor, Lord Keeper, or Commissioners shall seem meet, being an Officer of such Company or Society, to transfer such Stocks, Funds, Annuities, or Securities, to or into the Name of any new Committee or Committees or otherwise, and also to receive and pay over the Dividends thereof, in such Manner as the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal of *Great Britain*, intrusted as aforesaid, shall think proper and direct; and that such Transfers and Payments shall be valid and effectual to all Intents and Purposes whatsoever.

In Cases where Stocks shall be standing in the Names of Persons

XIV. And be it further enacted, That when and so often as any Stocks, Funds, Annuities or Securities, transferrable as aforesaid, shall be standing in the Name of, or vested in any Person residing out of *England*, it shall be lawful for the Lord Chancellor, Lord Keeper,

declared Lunatic, residing out of England, Lord Chancellor, &c. may direct the Transfer.

Keeper, or Commissioners of the Great Seal of *Great Britain*, intrusted as aforesaid, upon Petition and Proof being made to his or their Satisfaction, that such Person has been declared Lunatic or of unsound Mind, and that his or their personal Estate has been vested in a Curator or Curators, or other Person or Persons appointed for the Management thereof, according to the Laws of the Place where such Person shall reside, to order and appoint such Person, being an Officer of such Company or Society, as such Lord Chancellor, Lord Keeper, or Commissioners shall seem meet, to transfer such Stock, Funds, Annuities, or Securities, or any Part or Parts thereof, into the Name or Names of any such Curator or Curators, or other such Person or Persons as aforesaid, or otherwise; and also to receive and pay over the Interest, Dividends, and annual Produce thereof, as the Lord Chancellor, Lord Keeper, or Commissioners or Trustees as aforesaid, shall think fit and direct; and that such Transfers and Payments shall be valid and effectual to all Intents and Purposes whatsoever.

Who shall be named in the Orders of the Court for making Transfers.

XV. Provided always, and be it further enacted, That in all Cases in which Orders shall be made by any of the Courts aforesaid, for the Transfer of Stocks or Funds transferrable at the Bank of *England*, the Persons to be named in such Orders respectively for making such Transfers shall be the Secretary, Deputy Secretary, or Accountant General of the Governor and Company of the Bank of *England* for the Time being, or one of them, except in Cases where one or more of the Trustees, in whose Names such Stocks or Funds shall stand, shall be ordered to transfer the same without the Concurrence of any other or others of such Trustees; any thing herein contained to the contrary thereof in anywise notwithstanding.

Act to be an Indemnity to the Bank and other Companies.

XVI. And be it further enacted, That this Act shall be and is hereby declared to be a full and complete Indemnity and Discharge to the Governor and Company of the Bank of *England*, the *South Sea* Company, the *East India* Company, and all other Companies and Societies, and their Officers and Servants, for all Acts and Things done or permitted to be done pursuant thereto; and that such Acts and Things shall not be questioned or impeached in any Court of Law or Equity, to their Prejudice or Detriment.

Costs may be directed to be paid.

XVII. And be it further enacted, That the Court of Chancery or Exchequer, Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of *Great Britain*, intrusted as aforesaid, may order the Costs, Charges, and Expences of and relating to the Petitions, Orders, Appointments, Conveyances, or other Assurances and Tranfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the Lands, Tenements, and Hereditaments, Stocks, Funds, Annuities, and Securities, or the Rents, Issues, Dividends, and annual Produce in respect of which the same respectively shall be made, in such Manner as the said Court, Lord Chancellor, Lord Keeper, or Commissioner shall think proper.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1825.