ANNO SEPTIMO

GEORGII IV. REGIS.

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C A P. XLIII.

An Act to amend the Laws in force in *Ireland* relating to Conveyances and Transfers of Estates and Funds vested in Trustees. [26th *May* 1826.]

WHEREAS an Act was passed in the Parliament of *Ireland*, in the Second Year of the Reign of King *George* the First, 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:* (2 G. 1. (I.)) And whereas an Act was passed in the Parliament of *Ireland*, in the Fifth 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 Estates, and to prevent Delays where Trustees are not found:* (5 G. 2. (I.)) And whereas it is expedient that further Provision should be made for the facilitating the Conveyance and Transfer of Estates and Funds in *Ireland*, vested in Trustees; 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 when and so often as any Person or Persons seised or possessed of any Lands, Tenements, or Hereditaments, or other Property in *Ireland*, or any Estate or Interest therein, upon any Trust or Trusts, or by way of Mortgage, shall be out of the Jurisdiction of, or shall not

Where Trustees or Mortgagees of Lands in Ireland are out of the Jurisdiction of the

Court, or refuse to convey, &c. the Court of Chancery or Exchequer there may appoint a Person to convey.

not be amenable to the Process of the Court of Chancery or Exchequer in *Ireland*, or it shall be unknown or uncertain whether such Person or Persons 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 such Person or Persons shall direct, or to a new Trustee or Trustees duly appointed by virtue of some Power or Authority, or by the said Court of Chancery or Exchequer, either alone or together with any continuing Trustee or Trustees, as Occasion shall require, then and in every or any such Case, it shall be lawful for such 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 such Lands, Tenements, Hereditaments, or Property, or Estate or Interest, to such Person or Persons, and in such Manner as such 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 such Courts, or not known to be alive, or having refused, had, by himself, herself, or themselves, executed the same.

Court of Chancery or Exchequer may appoint Persons to transfer Stock in the Bank of Ireland, &c.

II. 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 *Ireland*, or of any other Company or Society established or to be established in *Ireland*, 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 or Exchequer in *Ireland*, 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 to receive and pay over the Dividends thereof to the Person or Persons entitled thereto, or as such Person or Persons shall direct, or to a new Trustee or Trustees, duly appointed by virtue of some Power or Authority, or by the said 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 said Court of Chancery or Exchequer to appoint such Person or Persons as to such Court shall seem meet, being an Officer of such Company or Society, to transfer or join with the other Trustee or Trustees, or 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 such 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, or themselves,

selves, transferred, received, and paid such Stocks, Funds, Annuities, or Securities, or Interest, Dividends, and Annual Produce.

Orders of the Courts under Authority of this Act shall be made upon Petition of certain Parties.

III. 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, 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.

Persons appointed may be compelled to convey or transfer, &c.

IV. And be it further enacted, That every Person 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, or 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 shall extend to Trustees having beneficial Interest, or having Duty to perform, so as to authorize Conveyances and Transfers to new Trustees:

V. 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 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 in *Ireland*, either alone or jointly with any continuing Trustee or Trustees, as the Case may require.

And to Petitions in Cases of Charity and Friendly Societies.

VI. 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 Court of Exchequer in

in *Ireland* 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.

Indemnity to the Bank and other Companies.

VII. 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 *Ireland*, 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.

VIII. And be it further enacted, That the Court of Chancery or Exchequer in *Ireland* may order the Costs, Charges, and Expences of and relating to the Petitions, Orders, Appointments, Conveyances, or other Assurances and Transfers 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 such Court shall think proper.

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