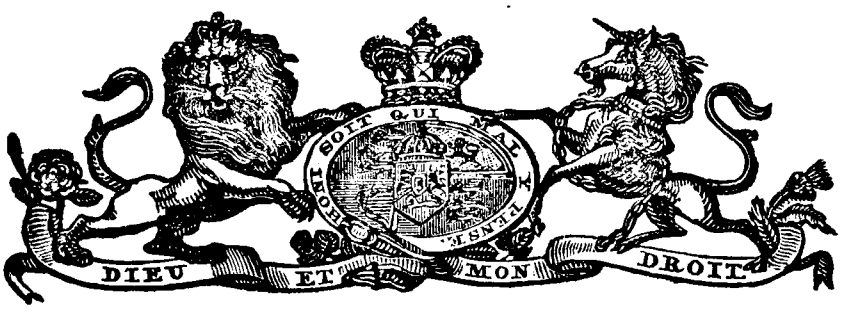


ANNO SEPTIMO

GEORGII IV. REGIS.

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CAP. XLV.

An Act for repealing an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for Relief of Persons entitled to Entailed Estates to be purchased with Trust Monies*, and for making further Provisions in lieu thereof.

[26th *May* 1826.]

WHEREAS an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for Relief of Persons entitled to Entailed Estates to be purchased with Trust Monies*; and such Act has been of great public Benefit, but it has been found that the Provisions thereof do not apply to all Cases to which Relief to such Persons may reasonably be extended, and it is therefore expedient that the said Act should be repealed, except as herein-after mentioned, and that other Provisions should be made in lieu of those therein contained; be it therefore enacted by the King's most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this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby repealed, except as to such Proceedings under the said Act as shall have been commenced before the

39 & 40 G. 3. c. 56.

Recited Act repealed, except as herein mentioned.

the passing of this Act, and which may be continued under the Authority and according to the Provisions of the said Act or of this Act, as shall be most expedient.

For granting Relief where Money, under the Controul of a Court of Equity, shall be subject to be invested in the Purchase of Freehold or Copyhold Premises under certain Settlements.

II. And be it further enacted, 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, 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 any Estate or Estates Tail therein, either alone or together with the Person or Persons who would be the Owner or Owners of any particular preceding Estate or Estates therein, 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 such Estate or Estates Tail, and the Rights and Interests of all Persons in Remainder after such Estate or Estates Tail, 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 be lawful for the High Court of Chancery, or such Court of Equity under the Controul of which such Money shall be, and in the Case of Trustees for the said High Court of Chancery, or the Court of Exchequer, in a summary Way, upon Petition of the Person or Persons who would be Tenant or Tenants of such Estate or Estates Tail, and of the Person or Persons, if any, whose Concurrence would be necessary and sufficient in order to enable the Person or Persons who would be Tenant or Tenants of such Estate or Estates Tail to bar the same, and the Rights and Interests of all Persons in Remainder after such Estate or Estates Tail, such Petitioners being Adults, and 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 (except only in Cases where the Fund in which she or they shall be interested shall be less than Two hundred Pounds, in which Case such Consent shall not be required) to make such Orders and Declarations as are herein-after mentioned; that is to say, in case such Petition shall be presented by the Person or Persons who would at the Time of presenting the same be Tenant or Tenants in Tail in possession of the Hereditaments to be purchased free from Incumbrances, or shall be presented by the Person or Persons who would at the Time of presenting such Petition be Tenant or Tenants of the first Estate or first Estates Tail, together with or with the Consent of the Person or Persons, if any, who would be Owner or Owners of the antecedent particular Estate or Estates, or who would be entitled to any Charge or Incumbrance antecedent to the Estate or Estates of such Tenant or Tenants in Tail, as the Case may be, to order the Money subject to such Trusts to be paid to the Petitioner or 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; and in case such Petition shall be presented by the Person or Persons who would at the Time

of presenting the same be Tenant or Tenants in Tail in possession of the Hereditaments to be purchased, but such Petition shall be presented without the Concurrence of all the Persons (if any) who would be entitled to any Charge or Incumbrance affecting the Hereditaments to be purchased antecedently to the Estate of such Tenant or Tenants in Tail, or shall be presented by the Person or Persons who would at the Time of presenting such Petition be Tenant or Tenants of some Estate or Estates Tail in the Hereditaments so to be purchased, together with or with the Consent of the Person or Persons (if any) whose Concurrence would be necessary and sufficient, in order to enable the Person or Persons who would be Tenant or Tenants of such Estate or Estates Tail, in case the said Hereditaments were purchased, to bar the said Estate or Estates Tail, and the Rights and Interests of all Persons in Remainder after such Estate or Estates Tail, but without the Concurrence of all the Persons who would be entitled to particular Estates in, or to Charges or Incumbrances upon, the said Hereditaments, antecedently to such Estate or Estates Tail, to declare that such Estate or Estates Tail, and all Remainders and Reversions expectant thereon, is and are absolutely barred, and to order that the Hereditaments to be purchased with the Money subjected to the said Trusts shall, when purchased, be settled (subject to the Uses, Trusts, Estates, and Interests antecedent to such Estate or Estates Tail) to the Use of the Person or Persons who would have been entitled to such Estate or Estates Tail, his, her, and their Heirs and Assigns; and every such Declaration and Order shall be binding and conclusive, not only the Person or Persons who would have been entitled to such Estate or Estates Tail, but also upon all Persons who could have claimed through or under such Person or Persons by force only of such Entail, or in Remainder or Reversion after such Estate or Estates Tail.

Securities for such Money may be transferred under an Order of Court.

III. And be it further enacted, That in all Cases where Monies 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, 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; and all Declarations and Orders to be made as to any such Securities shall be of equal Force and Validity with the Declarations and Orders herein-before authorized to be made, as to Money subjected to be laid out in the Purchase of Hereditaments, to be settled as aforesaid.

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