

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXXV.

An Act for remedying a Defect in the Titles of Lands purchased for Charitable Purposes.

[25th *July* 1828.]

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Second, and intituled *An Act to restrain the Disposition of Lands whereby the same become unalienable*, it was amongst other Things enacted, that after the Twenty-fourth Day of *June* One thousand seven hundred and thirty-six no Manors, Lands, Tenements, Rents, Advowsons, or other Hereditaments, corporeal or incorporeal, whatsoever, should be given, granted, aliened, limited, released, transferred, assigned, or appointed, or anyways conveyed or settled to or upon any Person or Persons, Bodies Politic or Corporate, or otherwise, for any Estate or Interest whatsoever, or anyways charged or incumbered by any Person or Persons whatsoever, in Trust or for the Benefit of any Charitable Uses whatsoever, unless such Gift, Conveyance, Appointment, or Settlement of any such Lands, Tenements, or Hereditaments were made by Deed indented, sealed and delivered in the Presence of Two or more credible Witnesses, Twelve Calendar Months at the least before the Death of such Donor or Grantor, (including the Days of the Execution and Death,) and were enrolled in His Majesty's High Court of Chancery within Six Calendar Months next after the Execution thereof, and unless the same were made to take Effect in Possession, for the Charitable Use intended, immediately from the making thereof, and were without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever, 9 G. 2. c. 36.

for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him; but it was thereby provided, that nothing thereinbefore mentioned, relating to the Sealing and Delivery of any Deed or Deeds Twelve Calendar Months at least before the Death of the Grantor, should extend or be construed to extend to any Purchase of any Estate or Interest in Lands, Tenements, or Hereditaments, to be made really and *bonâ fide* for a full and valuable Consideration actually paid at or before the making such Conveyance, without Fraud or Collusion; and it was thereby enacted, that all Gifts, Grants, Appointments, Assurances, Transfers, and Settlements whatsoever, of any Lands, Tenements, or other Hereditaments, or of any Estate or Interest therein, or of any Charge or Incumbrance affecting or to affect any Lands, Tenements, or Hereditaments, to or in Trust for any Charitable Uses whatsoever, which should at any Time after the said Twenty-fourth Day of *June* One thousand seven hundred and thirty-six be made in any other Manner or Form than by the said Act was directed and appointed, should be absolutely and to all Intents and Purposes null and void: And whereas the said Provision contained in the said recited Act, in relation to the Purchase of any Estate or Interest in Lands, Tenements, or Hereditaments, for a full and valuable Consideration, was only intended to prevent such Purchases from being avoided by reason of the Death of the Grantor within Twelve Calendar Months after the Sealing and Delivery of the Deed or Deeds relating thereto: And whereas it has notwithstanding been generally apprehended that the said last-mentioned Provision was intended wholly to exempt such Purchases from the Operation of the said Act, and in consequence thereof the Formalities by the said Act prescribed, in relation to the Conveyance of Hereditaments to Charitable Uses, have in divers Instances been omitted on Purchases for a full and valuable Consideration, and by reason of such Omission the Title to such Hereditaments may be considered defective: And whereas it is expedient that Provision should be made for remedying such Defect in manner herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it 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 where any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, have or has been purchased for a full and valuable Consideration, in Trust or for the Benefit of any Charitable Uses whatsoever, and such full and valuable Consideration has been actually paid for the same, every Deed or other Assurance already made for the Purpose of conveying or assuring such Lands, Tenements, or Hereditaments, Estate or Interest as aforesaid, in Trust or for the Benefit of such Charitable Uses, (if made to take Effect in Possession, for the Charitable Use intended, immediately from the making thereof, and without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever, for the Benefit of the Grantor, or of any Person or Persons claiming under him,) shall be as good and valid, and of the same Effect, both for establishing derivative Titles, and in all other respects, as if the several Formalities by the said Act prescribed had been duly observed and performed.

Deeds relating to Purchase of Lands for Charitable Purposes to be valid, although the Formalities prescribed by the recited Act have not been duly performed.

II. Pro-

Act not to extend to Deeds avoided by Suits at Law.

II. Provided always, and be it further enacted, That nothing in this Act contained shall extend to give Effect to any Deed or other Assurance heretofore made, so far as the same has been already avoided by Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity actually commenced for avoiding any such Deed or other Assurance, or for defeating the Charitable Uses in Trust or for the Benefit of which such Deed or other Assurance may have been made.

Not to dispense with prescribed Formalities.

III. Provided also, and be it further enacted, That nothing herein contained shall be construed to dispense with any of the said several Formalities prescribed by the said recited Act, in relation to any Deed or other Assurance which shall be made after the passing of this present Act.

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