

ANNO PRIMO

GULIELMI IV. REGIS.

****

CAP. LX.

An Act for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees; and for enabling Courts of Equity to give Effect to their Decrees and Orders in certain Cases.

[23d *July* 1830.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *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:* And 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:* 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 Delay in Suits in Equity, where Trustees are not found:* And whereas an Act

6 G. 4. c. 74.

2 G. 1. (I.)

5 G. 2. (I.)

was

was passed in the Seventh Year of the Reign of His late Majesty King
7 G. 4. c. 43. *George* the Fourth, intituled *An Act to amend the Laws in force in* Ireland *relating to Conveyances and Transfers of Estates and Funds vested in Trustees:* And whereas it is expedient that the Provisions of the said Acts should be consolidated and enlarged; 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Parliament assembled, and by the Authority of the same, That the said recited Acts shall be and the same are hereby repealed, except so far as the same relate to Stock belonging beneficially to Infants or Lunatics, and also except as to such Proceedings of any Description, under the same Acts respectively, as shall have been commenced before the passing of this Act, and which may be proceeded in according to the Provisions of the said recited Acts respectively, or according to the Provisions of this Act, as shall be thought expedient: Provided always, that the several Acts repealed by the said first-recited Act shall not be revived.

Recited Acts repealed, except as herein mentioned.

Rules for the Interpretation of this Act.

II. And inasmuch as, in order to avoid unnecessary Repetition, certain Words are used in this Act as describing Subjects some of which, according to their usual Sense, such Words would not embrace; for the understanding of the Sense attached to them in this Act, be it further enacted, That the Provisions of this Act shall extend to and include the several other Estates and Persons, Matters and Things herein-after mentioned; (that is to say,) those relating to Land, to any Manor, Messuage, Tenement, Hereditament, or Real Property, of whatever Tenure, and to Property of every Description transferrable otherwise than in Books kept by any Company or Society, or any Share thereof or Interest therein; those relating to Stock, to any Fund, Annuity, or Security transferrable in Books kept by any Company or Society established or to be established, or to any Money payable for the Discharge or Redemption thereof, or any Share or Interest therein; those relating to Dividends, to Interest or other annual Produce; those relating to a Conveyance, to any Fine, Recovery, Release, Surrender, Assignment, or other Assurance, including all Acts, Deeds, and Things necessary for making and perfecting the same; those relating to a Transfer, to any Assignment, Payment, or other Disposition; those relating to a Lunatic, to any Idiot or Person of unsound Mind or incapable of managing his Affairs; those relating to an Heir, to any Devisee or other real Representative by the Common Law or by Custom or otherwise; and those relating to an Executor, to any Administrator or other personal Representative; unless there be something in the Subject or Context repugnant to such Construction; and whenever this Act, in describing or referring to any Trustee or other Person, or any Trust, Land, Conveyance, Matter, or Thing, uses the Word importing the Singular Number or the Masculine Gender only, the same shall be understood to include and shall be applied to several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, and several Trust Lands, Stocks, Conveyances, Matters, or Things respectively, as well as one Trust, Land, Stock, Conveyance, Matter, or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction.

III. And

Where Trustees or Mortgagees of Land are lunatic, the Lord Chancellor may direct the Committees of such Persons to convey Land;

III. And be it further enacted, That where any Person seised or possessed of any Land upon any Trust or by way of Mortgage shall be lunatic, it shall be lawful for the Committee of the Estate of such Person, by the Direction of the Lord Chancellor 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 idiot, lunatic, or of unsound Mind, to convey such Land, in the Place of such Trustee or Mortgagee, to such Person and in such Manner as the said Lord Chancellor shall think proper; and every such Conveyance shall be as effectual as if the Trustee or Mortgagee, being lunatic, had been of sane Mind, Memory, and Understanding, and had made and executed the same.

or may direct the Committee or other Person to transfer Stocks or Funds standing in the Name of a lunatic Trustee, and receive the Dividends.

IV. And be it further enacted, That where any Stock shall be standing in the Name of any Person who shall be a Lunatic, as a Trustee or Executor, alone or jointly with any other Person, or shall continue to be standing in the Name of a deceased Person whose Executor shall be lunatic, or shall be otherwise vested in or transferrable by any Person who shall be lunatic, for the Benefit of some other Person, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to direct the Committee of the Estate of any such Lunatic to transfer or join in transferring such Stock to or into the Name of such Person and in such Manner as the said Lord Chancellor shall think proper, and also to order such Person appointed as aforesaid to receive and pay over or join in receiving and paying over the Dividends of such Stock in such Manner as the said Lord Chancellor shall direct; and every such Transfer, Receipt, and Payment shall be as effectual as if the Person being lunatic had been of sane Mind, Memory, and Understanding, and had transferred, received, and paid, or joined in transferring, receiving, and paying, such Stock or Dividends.

Lord Chancellor, before Inquisition, may appoint a Person to convey or transfer.

V. And be it further enacted, That where any such Person as aforesaid being lunatic shall not have been found such by Inquisition, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to direct any Person whom the said Lord Chancellor may think proper to appoint for that Purpose, in the Place of such last-mentioned Lunatic, to convey or join in conveying such Land, or to transfer or join in transferring such Stock, and receive and pay over the Dividends thereof, as herein-before is mentioned; and every such Conveyance, Transfer, Receipt, or Payment shall be as effectual as if the said Person being lunatic had been of sane Mind, Memory, and Understanding, and had made, done, or executed the same; but where any Sum of Money shall be payable to such Lunatic, no such last-mentioned Order shall be made if such Sum of Money shall exceed Seven hundred Pounds; and where any Sum not exceeding Seven hundred Pounds shall be payable to such Lunatic, and any such Order shall be made, the Lord Chancellor, intrusted as aforesaid, shall direct to whom and in what Manner the Money so payable shall be paid; and every Payment made in pursuance of such Direction shall effectually discharge the Person paying the same from the Money which he shall so pay.

VI. And

Infant Trustees or Mortgagees empowered to convey by the Direction of the Court of Chancery.

VI. And be it further enacted, That where any Person seised or possessed of any Land upon any Trust or by way of Mortgage shall be under the Age of Twenty-one Years, it shall be lawful for such Infant, by the Direction of the Court of Chancery, to convey the same to such Person and in such Manner as the said Court shall think proper; and every such Conveyance shall be as effectual as if the infant Trustee or Mortgagee had been, at the Time of making or executing the same, of the Age of Twenty-one Years.

Infant Trustees or Mortgagees of Land within the Jurisdiction of the Courts of Lancaster, Chester, Durham, and Wales.

VII. And be it further enacted, That where any Person seised or possessed upon any Trust or by way of Mortgage of any Land situated within the Duchy of *Lancaster*, or the Counties Palatine of *Chester*, *Lancaster*, and *Durham* respectively, or the Principality of *Wales*, shall be under the Age of Twenty-one Years, it shall be lawful for such Infant, by the Direction of the Court of the Duchy Chamber of *Lancaster*, the Court of Exchequer in the County Palatine of *Chester*, the Court of Chancery in the County Palatine of *Lancaster*, the Court of Chancery in the County Palatine of *Durham*, and the several Courts of Great Session in *Wales* respectively, as to Premises within the Jurisdiction of the same Courts respectively, to convey such Lands to such Person and in such Manner as the said Courts respectively shall think proper, in like Manner as such Infant is herein-before empowered to convey the same by the Direction of the Court of Chancery.

When Trustees of Real Estates are out of the Jurisdiction, or it is uncertain whether they be alive, or who may be the Heir, the Court of Chancery may appoint a Person to convey.

VIII. And be it further enacted, That where any Person seised of any Land upon any Trust shall be out of the Jurisdiction of or not amenable to the Process of the Court of Chancery, or it shall be uncertain, where there were several Trustees, which of them was the Survivor, or it shall be uncertain whether the Trustee last known to have been seised as aforesaid be living or dead, or, if known to be dead, it shall not be known who is his Heir; or if any Trustee seised as aforesaid, or the Heir of any such Trustee, shall neglect or refuse to convey such Land for the Space of Twenty-eight Days next after a proper Deed for making such Conveyance shall have been tendered for his Execution by, or by an Agent duly authorized by, any Person entitled to require the same; then and in every or any such Case it shall be lawful for the said Court of Chancery to direct any Person whom such Court may think proper to appoint for that Purpose, in the Place of the Trustee or Heir, to convey such Land to such Person and in such Manner as the said Court shall think proper; and every such Conveyance shall be as effectual as if the Trustees seised as aforesaid, or his Heir, had made and executed the same.

When Trustees of Leasehold Estates are out of the Jurisdiction, &c.

IX. And be it further enacted, That where any Person possessed of any Land for any Term of Years upon any Trust shall be out of the Jurisdiction of or not amenable to the Process of the Court of Chancery, or it shall be uncertain whether the Trustee last known to have been possessed as aforesaid be living or dead; or if any Trustee possessed as aforesaid, or the Executor of any such Trustee, shall neglect or refuse to assign or surrender such Land for the Space of Twenty-eight Days next after a proper Deed for making such Assignment

Assignment or Surrender shall have been tendered for his Execution by, or by an Agent duly authorized by, any Person entitled to require the same; then and in every or any such Case it shall be lawful for the said Court of Chancery to direct any Person whom such Court may think proper to appoint for that Purpose, in the Place of the Trustee or Executor, to assign or surrender such Land to such Person and in such Manner as the Court shall think proper; and every such Assignment or Surrender shall be as effectual as if the Trustee possessed as aforesaid, or his Executor, had made and executed the same.

Transfer of Stocks or Funds.

X. And be it further enacted, That where any Person in whose Name, as a Trustee or Executor, (either alone or together with the Name of any other Person,) or in the Name of whose Testator, (whether as a Trustee or beneficially,) any Stock shall be standing, or any other Person who shall otherwise have Power to transfer or join with any other Person in transferring any Stock to which some other Person shall be beneficially entitled, shall be out of the Jurisdiction of or not amenable to the Process of the Court of Chancery, or it shall be uncertain whether such Person be living or dead; or if any such Trustee or Executor or other Person shall neglect or refuse to transfer such Stock, or receive and pay over the Dividends thereof, to the Person entitled thereto or to any Part thereof respectively, or as he shall direct, for the Space of Thirty-one Days next after a Request in Writing for that Purpose shall have been made to any such Trustee or Executor or other Person by the Person entitled as aforesaid; then and in every or any such Case it shall be lawful for the Court of Chancery to direct such Person as the said Court shall think proper to appoint for that Purpose, in the Place of such Trustee or Executor or other Person, to transfer or join in transferring such Stock to or into the Name of such Person and in such Manner as such Court shall direct, and also to order any Person appointed as aforesaid to receive and pay over or join in receiving and paying over the Dividends of such Stock in such Manner as the said Court shall direct; and every such Transfer, Receipt, and Payment shall be as effectual as if the said Trustee or Executor or other Person had transferred or joined in transferring such Stock, or had received and paid or joined in receiving and paying the said Dividends.

Directions or Orders of the Court of Chancery, or by the Lord Chancellor, &c., under the Authority of this Act, to be made upon Petition.

XI. And be it further enacted, That every Direction or Order to be made in pursuance of this Act by the Lord Chancellor, intrusted as aforesaid, or by the Court of Chancery, or by any other Court herein-before mentioned, shall be signified by an Order to be made in any Cause depending in such Court respectively, or upon Petition in the Lunacy or Matter; and such Person as herein-after is mentioned shall be the Petitioner, whether such Person be or be not under any legal Disability; (that is to say,) if the same shall relate to a Conveyance, Transfer, Receipt, or Payment to or in such Manner as may be directed by any Person beneficially entitled, then upon the Petition of the Person or some or one of the Persons beneficially entitled to the Land, Stock, or Dividends to be conveyed, transferred, received, or paid; and if the same shall relate to a Conveyance in order to vest any Land or Stock in a new Trustee duly appointed

by virtue of some Power or Authority in some Instrument creating or declaring the Trusts of such Land or Stock, or by the Court of Chancery, either alone or together with any continuing Trustee, then upon the Petition either of the Trustee or some or one of the Trustees in whom the same shall be proposed to be vested, or of any Person having an Interest therein; and if the same shall relate to the Conveyance of an Estate in Mortgage, then upon the Petition of the Person or some or one of the Persons entitled to the Equity of Redemption thereof, or of the Person or some or one of the Persons entitled to the Monies thereby secured, or the Guardian or Committee or some or one of the Guardians or Committees of the Person entitled to such Monies, if an Infant or Lunatic.

Lord Chancellor or Court may direct a Bill to be filed to establish the Right.

XII. Provided always nevertheless, and be it further enacted, That where, on account of the Length of Time which shall have elapsed since the Creation or last Declaration of a Trust, the Title of the Person claiming a Conveyance or Transfer may appear to require deliberate Investigation in the Presence of all Parties interested, in order to prevent the vesting of the legal Estate in a Person who may not really be entitled to the Benefit thereof; or if under other Circumstances it shall appear to the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, or any other Court herein-before mentioned, not proper to make an Order upon Petition; it shall be lawful for such Lord Chancellor or any such Court to direct a Bill to be filed to establish the Right of the Party seeking the Conveyance or Transfer, and upon the Establishment by a Decree of such Right, by the same Decree, or any Order in the Cause or in the Lunacy, or both, to direct a Conveyance or Transfer to be made according to the Intent of this Act.

Committees, Infants, &c. may be compelled to convey, transfer, &c.

XIII. And be it further enacted, That any Committee, Infant, or other Person directed by virtue of this Act to make or join in making any Conveyance or Transfer or Receipt or Payment, shall and may be compelled, by the Order to be obtained as herein-before is mentioned, to make and execute the same in like Manner as Trustees of full Age, and of sane Mind, Memory, and Understanding, are compellable to convey, transfer, or receive and pay over the Trust Estates or Funds vested in them respectively.

Mortgage Money belonging to Infants to be paid into the Bank, or as the Court shall direct.

XIV. And be it further enacted, That where the Person or any of the Persons to whom any Money shall be payable, in or towards the Redemption or Discharge of any Mortgage or Incumbrance of which a Release or Conveyance shall be obtained under the Powers of this Act, shall be an Infant, it shall be lawful for the Person by whom such Money shall be payable to pay the same into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery or of the Court of Exchequer, to be placed to his Account in Trust in any Cause then depending in the said Court concerning such Money, or, if there shall be no such Cause, to the Credit of such Infant, subject to the Order and Disposition of the said Court respectively, or to such Person or Persons or in such other Manner as the said Court respectively shall direct; and the

said Court shall and is hereby empowered to order any Money which shall so be paid into Court to be invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, as to the said Court shall seem reasonable; and every Cashier of the Bank of *England* who shall receive any such Money is hereby required to give to the Person paying the same a Receipt for such Money; and such Receipt shall be an effectual Discharge for the Money therein respectively expressed to have been received.

Act to extend to Trustees having an Interest, or having Duty to perform.

XV. And be it further enacted, That every Person, being in other respects within the Meaning of this Act, shall be and be deemed to be a Trustee within the Meaning of this Act, notwithstanding he may have some beneficial Estate or Interest in the same Subject, or may have some Duty as Trustee to perform; but in every such Case, and in every Case of a Mortgagee (not being a naked Trustee), it shall be in the Discretion of the said Lord Chancellor, intrusted as aforesaid, or the said Court of Chancery, if under the Circumstances it shall seem requisite, to direct a Bill to be filed to establish the Right of the Party seeking the Conveyance or Transfer, and not to make the Order for such Conveyance or Transfer unless by the Decree to be made in such Cause, or until after such Decree shall have been made.

Representatives of Vendors to be Trustees within this Act, after a Decree for specific Performance; and Persons in whose Names Purchases are made to be such Trustees.

XVI. And be it further enacted, That where any Land shall have been contracted to be sold, and the Vendor or any of the Vendors shall have departed this Life, either having received the Purchase Money for the same or some Part thereof, or not having received any Part thereof, and a specific Performance of such Contract, either wholly or as far as the same remains to be executed, or as far as the same by reason of the Infancy can be executed, shall have been decreed by the Court of Chancery in the Lifetime of such Vendor or after his Decease, and where One Person shall have purchased an Estate in the Name of another, but the nominal Purchaser shall, on the Face of the Conveyance, appear to be the real Purchaser, and there shall be no Declaration of Trust from him, and a Decree of the said Court, either before or after the Death of such nominal Purchaser, shall have declared such nominal Purchaser to be a Trustee for the real Purchaser, then and in every such Case the Heir of such Vendor, or such nominal Purchaser or his Heir, in whom the Premises shall be vested, shall be and be deemed to be a Trustee for the Purchaser within the Meaning of this Act.

Tenants for Life, &c. of Estates devised in Settlement, and contracted to be sold, may be directed to convey, after a Decree for specific Performance.

XVII. And be it further enacted, That where any Land shall have been contracted to be sold, and the Vendor or any of the Vendors shall have departed this Life, having devised the same in Settlement so as to be vested in any Person for Life or other limited Interest, with any Remainder, Limitation, or Gift over which may not be vested, or may be vested in some Person from whom a Conveyance of the same cannot be obtained, or by way of Executory Devise, and a specific Performance of such Contract, either wholly or so far as the same remained to be executed, shall have been decreed by the Court of Chancery, it shall be lawful for the Court by whom such Decree shall be made, by the same or any other Decree, or any Decretal

Decretal Order, or upon Petition in the Cause, to direct any such Tenant for Life or other Person having a limited Interest, or the first Executory Devisee thereof, to convey the Fee Simple or other the whole Estate contracted to be sold to the Purchaser, or in such Manner as the said Court shall think proper; and every such Conveyance shall be as effectual as if the Person who shall make the same were seised of the Fee Simple or other the whole Estate contracted to be sold.

Act to extend to other constructive and resulting Trusts, when declared by Decree.

XVIII. And be it further enacted, That the several Provisions herein-before contained shall extend to every other Case of a constructive Trust, or Trust arising or resulting by Implication of Law; but in every such Case where the alleged Trustee has or claims a beneficial Interest adversely to the Party seeking a Conveyance or Transfer, no Order shall be made for the Execution of a Conveyance or Transfer by such alleged Trustee until after it has been declared by the Court of Chancery, in a Suit regularly instituted in such Court, that such Person is a Trustee for the Person so seeking a Conveyance or Transfer; but this Act shall not extend to Cases upon Partition, or Cases arising out of the Doctrine of Election in Equity, or to a Vendor, except in any Case herein-before expressly provided for.

Husbands of Female Trustees to be deemed Trustees within the Act.

XIX. And be it further enacted, That where any Feme Covert would be a Trustee, Mortgagee, Heir, or Executor, within the Provisions of this Act, if she were an Infant or Lunatic, or out of the Jurisdiction or not amenable to the Process of the Court of Chancery or Exchequer, or had refused or neglected as aforesaid to execute or make such Conveyance, Transfer, Receipt, or Payment as herein-before is mentioned, and the Concurrence of her Husband shall be necessary in any Conveyance, Transfer, Receipt, or Payment which ought to be made or executed by her as such Trustee, Mortgagee, Heir, or Executor, then and in any such Case such Husband, whether under any Disability or not, shall be and be deemed to be a Trustee within the Meaning of this Act.

Provisions as to Lunacy to extend to all Persons compellable to convey.

XX. And be it further enacted, That the Provisions herein-before contained for obtaining Conveyances from any Person being lunatic shall extend to and include all Persons being lunatic who, by force of any Law for Payment of Debts out of Real Estate, would or hereafter may be compellable to convey any Land if of sound Mind.

Act to extend to Petitions, in Cases of Charity and Friendly Societies.

XXI. 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 Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, or any of the Judges thereof, is 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.

XXII. And

In certain Cases, the Lord Chancellor or Court of Chancery may appoint new Trustees, upon Petition.

XXII. And whereas Cases may occur, upon Applications by Petition under this Act for a Conveyance or Transfer, where the recent Creation or Declaration of the Trust or other Circumstances may render it safe and expedient for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, (as the Case may require,) to direct, by an Order upon such Petition, a Conveyance or Transfer to be made to a new Trustee or Trustees, without compelling the Parties seeking such Appointment to file a Bill for that Purpose, although there is no Power in any Deed or Instrument creating or declaring the Trusts of such Land or Stock to appoint new Trustees; be it therefore further enacted, That in any such Case it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the said Court of Chancery, to appoint any Person to be a new Trustee, by an Order to be made on a Petition to be presented for a Conveyance or Transfer under this Act, after hearing all such Parties as the said Court shall think necessary; and thereupon a Conveyance or Transfer shall and may be made and executed, according to the Provisions herein-before contained, to or so as to vest such Land or Stock in such new Trustee, either alone or jointly with any surviving or continuing Trustee, as effectually and in the same Manner as if such new Trustee had been appointed under a Power in any Instrument creating or declaring the Trusts of such Land or Stock, or in a Suit regularly instituted.

Court of Chancery empowered to appoint new Trustees of Charities.

XXIII. And be it further enacted, That where all the Persons in whom any Land may have been vested, in Trust for any Charity or charitable or public Purpose, shall be dead, it shall be lawful for the Court of Chancery, on the Petition of the Persons or Body administering such Charity or superintending such public Purpose, or of any Person on behalf thereof, to direct any Master or other Officer of the said Court to cause Two successive Advertisements to be inserted in the *London Gazette* and in One or more of the Newspapers circulated in the County, City, or Place where such Land shall be situated, giving Notice that the Representative of the last surviving Trustee do within Twenty-eight Days appear or give Notice of his Title to such Master or other Officer, and prove his Pedigree or other Title as Trustee; and if no Person shall appear to give such Notice within such Twenty-eight Days, or the Person who may appear or give such Notice shall not, within Thirty-one Days after such Appearance or Notice, prove his Title to the Satisfaction of such Master or other Officer, then and in such Case it shall be lawful for the said Court to appoint any new Trustees for such Charity or charitable or public Purpose; and such Land may be conveyed to such new Trustees by any Person whom the said Court respectively may direct for that Purpose, by virtue of the Provisions in this Act, without the Necessity of any Decree.

Manner of Proceeding where Trustees, Defendants in Equity, cannot be found.

XXIV. And be it further enacted, That where in any Suit commenced or to be commenced in the Court of Chancery it shall be made to appear to the Court by Affidavit that diligent Search and Inquiry has been made after any Person made a Defendant who is only a Trustee, to serve him with the Process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and

determine such Cause, and to make such absolute Decree therein against every Person who shall appear to them to be only a Trustee, and not otherwise concerned in Interest in the Matter in question, in such and the same Manner as if such Trustee had been duly served with the Process of the Court, and had appeared and filed his Answer thereto, and had also appeared by his Counsel and Clerk at the Hearing of such Cause: Provided always, that no such Decree shall bind, affect, or in anywise prejudice any Person against whom the same shall be made without Service of Process upon him as aforesaid, his Heirs, Executors, or Administrators, for or in respect of any Estate, Right, or Interest which such Person shall have at the Time of making such Decree, for his own Use or Benefit, or otherwise than as a Trustee as aforesaid.

Costs may be directed to be paid.

XXV. And be it further enacted, That the Lord Chancellor, intrusted as aforesaid, and the Court of Chancery, may order the Costs and Expences of and relating to the Petitions, Orders, Directions, Conveyances, and Transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the Land or Stock or the Rents or Dividends in respect of which the same respectively shall be made, or in such other Manner as the said Lord Chancellor or Court shall think proper.

Powers given to the Lord Chancellor of Great Britain;

XXVI. And be it further enacted, That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain*, intrusted as aforesaid, shall extend to all Land and Stock within any of the Dominions, Plantations, and Colonies belonging to His Majesty (except *Scotland* and *Ireland*).

which may be exercised by the Lord Chancellor of Ireland.

XXVII. And be it further enacted, That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain*, intrusted as aforesaid, shall and may be exercised in like Manner by and are hereby given to the Lord Chancellor of *Ireland*, intrusted as aforesaid, with respect to all Land and Stock in *Ireland*.

Powers given to the Lord Chancellor to extend to the Lord Keeper and Commissioners.

XXVIII. And be it further enacted, That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain*, intrusted as aforesaid, shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Great Britain* for the Time being, intrusted as aforesaid; and the Powers and Authorities given by this Act to the Lord Chancellor of *Ireland*, intrusted as aforesaid, shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Ireland* for the Time being, intrusted as aforesaid.

Powers given to the Court of Chancery in England;

XXIX. And be it further enacted, That the Powers and Authorities given by this Act to the Court of Chancery in *England* shall extend to all Land and Stock within any of the Dominions, Plantations, and Colonies belonging to His Majesty (except *Scotland*).

which may be exercised by the Court of Exchequer.

XXX. And be it further enacted, That the Powers and Authorities given by this Act to the Court of Chancery, and the Provisions

contained in this Act relating to the said Court, shall and may be exercised in like Manner by and are hereby given and extended to the Court of Exchequer.

Powers given to Courts in England may be exercised by the same Courts in Ireland.

XXXI. And be it further enacted, That the Powers and Authorities given by this Act to the Courts of Chancery and Exchequer in *England*, and the Provisions contained in this Act relating to the same Courts, shall and may be exercised in like Manner and are hereby given and extended to the several Courts of Chancery and Exchequer in *Ireland*, with respect to all Land and Stock in *Ireland*.

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

XXXII. Provided always, and be it further enacted, That in all Cases in which Orders shall be made, in pursuance of this Act, for the Transfer of Stock, the Person to be named in such Order for making such Transfer shall either be the Committee of the Estate of the Person being lunatic in whose Place such Transfer shall be made, or a Co-trustee or Co-executor of the Person in whose Place such Person shall be directed to transfer, or some Officer of the Company or Society in whose Books the same respectively shall be directed to be made; and where such Transfer shall be directed to be made in Books kept by the Governor and Company of the Bank of *England*, such Officer shall be the Secretary or Deputy Secretary or Accountant General for the Time being of the said Governor and Company, or his Deputy.

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

XXXIII. 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*, 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1830.