

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. IX.

An Act to amend the Law relating to the Conveyance of Land for Charitable Uses.

[17th *May* 1861.]

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 inalienable*, it was amongst other things enacted, that no Lands or other Hereditaments should be given, granted, or anyways conveyed, settled, or charged for Charitable Uses, unless such Gift, Conveyance, or Settlement should be made by Deed indented and enrolled, sealed and delivered in the Presence of Two or more credible Witnesses Twelve Calendar Months at least before the Death of such Donor or Grantor, and should be enrolled in the High Court of Chancery within Six Calendar Months next after the Execution thereof, and unless the same should be made to take effect in possession for the Charitable Use intended immediately from the making thereof, and should be without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever for the Benefit of the Donor or Grantor, or of any Person claiming under him: And whereas by another Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, and intituled *An Act for remedying a Defect in the Titles of Lands purchased for Charitable Purposes*, it was enacted, that where any Lands, Tenements, 9 G. 2. c. 36. 9 G. 4. c. 85.

Tenements, or Hereditaments had been purchased for a full and valuable Consideration for Charitable Uses, and such Consideration had been actually paid, every Deed or other Assurance then already made for the Purpose of conveying or assuring the same should (subject as in the now-reciting Act mentioned) be as good and valid in all respects as if the several Formalities by the said first-recited Act prescribed had been duly observed and performed: And whereas Doubts have been entertained with reference to the Assurance for Charitable Uses of Hereditaments of Copyhold or Customary Tenure: And whereas it is expedient to make Provision for further remedying Defects and obviating Doubts and Difficulties, and as to Enrolment in regard to Deeds and Assurances of Hereditaments conveyed for Charitable Uses in manner herein-after provided: Be it therefore enacted by the Queen'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, as follows:

No future Deed, &c. for Charitable Uses to be void by reason of not being indented, or of specified Stipulations for Donor's Benefit, or (as to Copyholds) for Want of Deed.

1. No Deed or Assurance hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, shall be deemed to be null and void within the Meaning of the first-recited Act by reason of such Deed or Assurance not being indented, or not purporting to be indented, nor by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any Grant or Reservation of any Peppercorn or other nominal Rent, or of any Mines or Minerals, or Easement, or any Covenants or Provisions as to the Erection, Repair, Position, or Description of Buildings, the Formation or Repair of Streets or Roads, Drainage or Nuisances, or any Covenants or Provisions of the like Nature for the Use and Enjoyment as well of the Hereditaments comprised in such Deed or Assurance as of any other adjacent or neighbouring Hereditaments, or any Right of Entry on Nonpayment of any such Rent, or on Breach of any such Covenant or Provision, or any Stipulations of the like Nature for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, nor (in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein,) by reason of the same not being made by Deed, nor in the Case of such Assurances made *bonâ fide* on a Sale for a full and valuable Consideration, by reason of such Consideration consisting wholly or partly of a Rent, Rentcharge, or other annual Payment reserved or made payable to the Vendor or to any other Person with or without a Right of Re-entry for Nonpayment thereof: Provided always, that in all Reservations authorized by this Act the Donor, Grantor, or Vendor shall reserve the same Benefits for his Representatives as for himself.

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2. In all Cases where the Charitable Uses of any Deed or Assurance hereafter to be made for Conveyance of any Hereditaments for any Charitable Uses shall be declared by any separate or other Deed or Instrument, it shall not be necessary, for the Purposes of the first-recited Act or of this Act, to enrol such Deed or Assurance for Conveyance; but every such Deed or Assurance for Conveyance shall nevertheless be absolutely null and void unless such separate or other Deed or Instrument shall within Six Calendar Months next after the making or perfecting of such Deed or Assurance for Conveyance be enrolled in Her Majesty's High Court of Chancery, and such Enrolment as last aforesaid shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid.

Where Charitable Uses of any future Deed, &c. is declared by any separate orotherDeed, &c., Enrolment of such separate or other Deed, &c. requisite.

3. No Deed or Assurance heretofore made and under which Possession is now held for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, made really and *bonâ fide* for a full and valuable Consideration actually paid at or before the making or perfecting such Deed or Assurance, or reserved by way of Rent, Rentcharge, or other annual Payment, or partly paid at or before the making or perfecting such Deed or Assurance and partly reserved as aforesaid, without Fraud or Collusion, shall for any Reason whatever be deemed to be null and void within the Meaning of the first-recited Act, if such Deed or Assurance was made to take effect in possession for the Charitable Uses intended immediately from the making thereof, and without any Power of Revocation, and has been at any Time prior to the passing of this Act, or shall be within Twelve Calendar Months next after the passing of this Act, enrolled in Her Majesty's High Court of Chancery.

No past Deed, &c. for Charitable Uses upon valuable Consideration to be void for any Reason if enrolled in Chancery.

4. In all Cases where the Charitable Uses of any Deed or Assurance heretofore made for Conveyance of any Hereditaments for any Charitable Uses upon such full and valuable Consideration as aforesaid, and under which Possession is now held for such Uses, have been declared by any separate or other Deed or Instrument, and such Deed or Assurance for Conveyance has not been enrolled in Her Majesty's High Court of Chancery prior to the passing of this Act, but such separate or other Deed or Instrument has been so enrolled, such Enrolment shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid; but if neither of such Deeds no such Instrument has been so enrolled, then it shall not be necessary

Where Charitable Uses of any past Deed, &c. not enrolled are declared by any other Deed, &c., Enrolment of such other Deed, &c. sufficient.

Where neitherDeed, &c. is en-

rolled, Enrolment of such separate or other Deed, &c. requisite.

necessary for the Purposes of the first-recited Act or of this Act to enrol such Deed or Assurance for Conveyance, but every such Deed or Assurance for Conveyance shall nevertheless be absolutely and to all Intents and Purposes null and void, unless such separate or other Deed or Instrument shall within Twelve Calendar Months next after the passing of this Act be so enrolled; and such Enrolment as last aforesaid shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid.

Act not to invalidate certain Deeds, nor to extend to Deeds, &c. already avoided, or to pending Suits.

5. Nothing in this Act contained shall extend to render null and void or in any Manner to affect or apply to any Deed already good and valid by virtue of the secondly recited Act or of any other Act, or to give Effect to any Deed or Assurance heretofore made so far as such Deed or Assurance has already been avoided by any 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 Assurance, or for defeating the Charitable Uses in trust or for the Benefit of which such Deed or Assurance has been made; and no Deed, Assurance, or Instrument Thirty Years old, nor any Deed, Assurance, or Instrument heretofore executed, as to which it shall be proved to the Satisfaction of the Clerk of Enrolments in Chancery that the Acknowledgment thereof by the Grantor of the Lands or Hereditaments to which the same relates cannot be obtained within Twelve Calendar Months after the passing of this Act, shall for the Purposes of the first-recited Act or of this Act require Acknowledgment prior to Enrolment.

When Acknowledgment not necessary.

Act not to extend to Scotland or Ireland, nor to prejudice the Two Universities, or the Colleges of Eton, Winchester, or Westminster.

6. Nothing in this Act contained shall extend or be construed to extend to the Disposition, Grant, or Settlement of any Property or Estate lying or being in *Scotland* or in *Ireland*, nor to make void any Dispositions made or to be made to or in trust for either of the Two Universities, or any of the Colleges or Houses of Learning within either of such Universities, in the first-recited Act mentioned, or to or in trust for the Colleges of *Eton*, *Winchester*, or *Westminster*, or any or either of them, for the better Support and Maintenance of Scholars only upon the Foundation of the said Colleges of *Eton*, *Winchester*, and *Westminster*.

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