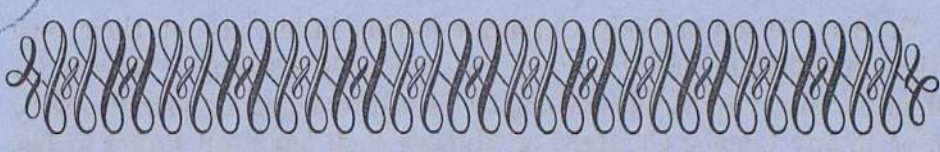




17 March 1862. 25 VICT.



[A

B I L L

TO

Amend the Laws relating to Charitable Donations and Bequests in Ireland.

WHEREAS Doubts have been entertained as to the Power of the Commissioners of Charitable Donations and Bequests in Ireland to accept Devises, Bequests, Gifts, or Transfers of Land or Money or other Real or Personal Property for charitable or pious Uses, and it is expedient to put an End to any such Doubts, and it is also expedient to extend the Powers of the said Commissioners: Be it 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 :

1. All Gifts, Devises, Bequests, Transfers, or other Conveyances of any Land, Stock, Money, or other Real or Personal Property of whatsoever Nature or Kind heretofore at any Time or Times made to the said Commissioners of Charitable Donations and Bequests in Ireland for charitable or pious Uses shall be and they are hereby ratified and confirmed, and they shall have full force and virtue in Law notwithstanding any actual or supposed Disability in the said Commissioners to accept or receive the same.

Preamble.

Former Devises, Gifts, &c confirmed.

[Bill 41.]

2. Any

Persons or
Bodies may
vest Lands,
&c. in Com-
missioners.

2. Any Person or Body Corporate having in his, her, or their own Right any Estate or Interest in Possession, Reversion, or Remainder of or in any Lands, Tenements, or Hereditaments, or any Property of or in any Goods, Chattels, or Monies, shall have full Power at his, her, and their Will and Pleasure, by Deed duly executed and attested, 5 or by his or her last Will in Writing duly executed according to Law, or by actual Gift or Transfer of the same, to give and grant to and vest in the said Commissioners of Charitable Donations and Bequests in Ireland, and their Successors, all such his, her, or their Estate, Interest, or Property in such Lands, Tenements, Hereditaments, 10 Goods, Chattels, and Monies, or any Part or Parts thereof, in trust for charitable or pious Uses, and such Estate, Interest, or Property in such Lands, Tenements, or other Hereditaments, Goods, Chattels, or Monies, shall vest in and be holden by the said Commissioners subject to the Trusts of such Deed and Will respectively without any 15 Writ or Licence other than this Act.

Power to
inquire into
Condition
and Manage-
ment of
Charities.

3. It shall be lawful for the said Commissioners from Time to Time to examine and inquire into all or any Charities in Ireland, and the Nature, Objects, Administration, Management, and Results thereof, and the Value, Condition, Management, and Application of 20 the Estates, Funds, Property, and Income belonging thereto, in such Cases and at such Times as the said Commissioners may think fit.

Power to
require
Accounts
and State-
ments.

4. The said Commissioners may require all Trustees or Persons acting or having any Concern in the Management or Administration 25 of any Charity, or the Estates, Funds, or Property thereof, to render to the said Commissioners Accounts and Statements in Writing in relation to such Charity, or the Funds, Estates, Property, Income, or Monies thereof, or the Administration, Management, and Application thereof, and may also require such Trustees or Persons to 30 return Answers in Writing to any Questions or Inquiries addressed to them by the Direction of the said Commissioners relating to the Matters aforesaid.

Persons
refusing to
render
Accounts,
guilty of
Contempt of
Court of
Chancery.

5. If any Person from whom the said Commissioners are autho- 35 rized to require any Account or Statement, or Answers to any Questions or Inquiries, shall refuse or wilfully neglect to render to the said Commissioners such Account or Statement, or to make Answer to such Questions or Inquiries, or shall wilfully alter, destroy, withhold, or refuse to produce any Deed, Paper, Writing, Instrument, or other Documents which may be lawfully required to be produced 40 before such Commissioners, every Person so offending, shall be deemed and taken to have been guilty of a Contempt of the High Court

Court of Chancery in Ireland, and shall be liable to be attached and committed by such Court on summary Application by the Commissioners to the same, and shall pay the Costs of and attending such Contempt as the said Court shall direct.

- 5 6. Provided always, That nothing herein contained shall extend to give to the said Commissioners any Power of requiring from any Person holding or claiming to hold any Property whatsoever adversely to any Charity, or free or discharged from any Charitable Trust or Charge, any Information on the Production of any Deed or
10 Document whatever in relation to the Property so held or claimed
11 adversely, or any Charitable Trust or Charge alleged to affect the same.

Saving for Persons claiming adversely to Charities.

7. Where any Land or any Term or Estate therein holden upon trust for any Charity shall be vested in any Persons or Trustees,
15 or where there shall be no Trustees thereof, or the Persons or Trustees, or any of them, shall be unwilling to act, or it shall be uncertain in whom such Land, Term, or Estate shall be vested, or all or any of the Persons in whom such Land, Term, or Estate shall be vested cannot be found, or shall be under Age, lunatic, or of
20 Unsound Mind, or otherwise incapable of acting, or shall be out of the Jurisdiction of or not amenable to the Process of the Court of Chancery in Ireland, or where by reason of the reduced Number of the Trustees or other Causes a valid Appointment of new Trustees cannot be made, or where by reason of the Expenses incident to the
25 Appointment of new Trustees, and the Conveyance or Assignment of such Land, Term, or Estate to such new Trustees, it shall appear to the Court of Chancery in Ireland desirable to do so, such Court may order that such Land, Term, or Estate be vested in the said Commissioners of Charitable Donations and Bequests, and
30 thereupon the same shall vest in the said Commissioners and their Successors in trust for the Charity as aforesaid, without any Conveyance or Assurance thereof, but no such vesting Order as aforesaid shall be made in respect of any Land, Term, or Estate as aforesaid holden in trust as aforesaid, vested in any Corporation, without the
35 Consent of such Corporation.

Landsholden upon trust for Charity may be vested in Commissioners.

8. It shall be lawful for the said Court of Chancery in Ireland, if it shall so deem fit, from Time to Time to order that all or any Part of the Land, Term, or Estate which shall for the Time being be vested in the said Commissioners by virtue of any such Vesting
40 Order as aforesaid, shall be divested, and that the same shall be vested in the acting Trustee or Trustees for the Time being of the Charity, and such last-mentioned Order shall operate to vest such

Order may be made, re-vesting Lands in Trustees of Charity.

4 *Charitable Donations and Bequests (Ireland).*

Land, Term, and Estate in the Trustee or Trustees therein named without any Conveyance or Assurance.

Commis-
sioners to
be bare
Trustees.

9. Subject to the Orders and Directions of the Court of Chancery in Ireland, such Commissioners shall be deemed bare Trustees, and shall permit the Persons acting in the Administration of the Charity 5 to have the Possession, Management, and Control of the Trust Estates, and the Application of the Income thereof, as if the same had been vested in them.

Trustees
may transfer
Stock, &c.
to Commis-
sioners

10. Where Trustees or other Persons having in their Names or in the Name of any deceased Person of whom they are Representatives 10 in the Books of the Bank of Ireland, or of the East India Company, or of any other Public Company, any Annuities, Stock, or Shares, or holding any Government or Parliamentary or other Securities in trust for any Charity, shall be desirous to transfer or deposit the same to or with the said Commissioners in trust for such Charity, 15 or where any Person shall be desirous of transferring or depositing as aforesaid any Annuities, Stocks, Shares, or Securities for discharging any Legacy or Charge given or made to or for the Benefit of any Charity, or where it shall appear to the Court of Chancery in Ireland or to any Judge in Bankruptcy that any Annuities, Stocks, 20 Shares, or Securities held in trust for any Charity, ought for the Purposes of Security or convenient Administration to be transferred or deposited as aforesaid, it shall be lawful for the said Court to order the Transfer or Deposit of such Annuities, Stocks, Shares, or Securities to or with the said Commissioner of Charitable Donations 25 and Bequests in Ireland.

Power to
frame
Schemes.

11. Where upon the Application of any Trustees or other Persons concerned in the Management or Administration of any Charity or interested in the Benefits thereof, (and after such Examination or Inquiry as the Commissioners may think necessary in relation thereto,) 30 or upon Information otherwise obtained by the said Commissioners in relation to any Charity, it shall appear to the said Commissioners to be desirable to have a new Scheme for the Application or Management of the Charity, and such new Scheme as contemplated or considered desirable by the Commissioners cannot be, or it shall, 35 in the Opinion of the Commissioners, be doubtful whether it can be carried into complete Effect by the Court of Chancery in Ireland, or otherwise than by the Authority of Parliament, it shall be lawful for the said Commissioners in every such Case provisionally to approve and certify such new Scheme in the Manner and subject 40 to the Regulations herein-after mentioned.

12. *One*

12. *One Month* at least before any such new Scheme shall be so provisionally approved, Notice thereof shall be given in such Manner as the said Commissioners may in each Case consider proper or expedient for ensuring due Publicity, and every such Notice shall
 5 contain such Particular of the proposed Scheme as the said Commissioners shall think fit, and as shall be deemed by the said Commissioners to be sufficient to show the Nature of such Scheme; and where the Nature thereof cannot be conveniently shown in the said Notice, such Notice shall refer to some convenient Place in the
 10 Parish or District, and to the Office in Dublin of the said Commissioners, where a Copy of the proposed Scheme shall be deposited and may be inspected, and every such Notice shall require any Objection to such Scheme to be stated or transmitted to the said Commissioners or their Secretary within *One Month* from the Time when such
 15 Notice shall have been given.

Notice to be given before Approval of Scheme.

13. If after such Notice as aforesaid any Objections or Suggestions shall be made, the Commissioners shall consider the same, and may thereupon, if to them it shall seem fit, alter or modify the Scheme according to any such Objections or Suggestions; and after all such
 20 Objections or Suggestions (if any) have been disposed of, or if no such Objections or Suggestions shall have been made, the Commissioners may proceed to approve of such Scheme, and to certify the same in manner herein-after mentioned.

Commissioners may alter, or modify, or approve of Scheme.

14. Every Scheme to be approved by the said Commissioners shall
 25 be certified by them, and for that Purpose shall be embodied in a Certificate to be made by the said Commissioners and sealed with their Seal, and in every Case a Copy of such Certificate shall be deposited in some convenient Place within the Parish, or One of the Parishes, or the District in which the Charity in question shall wholly
 30 or partially be situated, and at the Office of the said Commissioners in Dublin; and a Notice shall also be given in such Manner as the Commissioners shall direct, which Notice shall refer to the Certificate so deposited, and shall state the Intention of the Commissioners to proceed with the Scheme thereby certified.

Scheme when approved to be certified by Commissioners. Copy of Certificate to be deposited in Parish or District, and Notice given.

15. This Act and the Act of the Seventh and Eighth Years of the
 35 Reign of Her present Majesty, Chapter Ninety-seven, shall be read as One Act.

This Act and 7 & 8 Vict. c. 97. to be read as One Act.

16. This Act shall be entitled the "Charitable Donations and Bequests (Ireland) Amendment Act."

Title of Act.

Charitable Donations and Bequests (Ireland).

A

B I L L

To amend the Law relating to Charitable
Donations and Bequests in Ireland.

(Prepared and brought in by
Mr. Hassard and Mr. Longfield.)

Ordered, by The House of Commons, to be Printed,
17 March 1862.

[Bill 41.]

Under 1 oz.