Where situate.	Harbour, Pier, Quay, or other Work, as the Case may be.	County in which situate.
Dunany - -	Pier - - -	Louth.
Duncannon - -	Pier and Approach -	Wexford.
Errislannan, or Loughawn Lea	Dock - - -	Galway.
Fethard - -	Pier - - -	Wexford.
Greystones - -	Landing Wharf -	Wicklow.
Greenane - -	Pier - - -	Kerry.
Helvick Head - -	Landing Slip and Basin -	Waterford.
Kilkieran - -	Pier - - -	Galway.
Knightstown (Valencia) -	Pier and Breakwater -	Kerry.
Kilmakilloge - -	Pier - - -	Kerry.
Kilmore - -	Pier - - -	Wexford.
Moville - - -	Pier - - -	Donegal.
Newport - -	Quay Wall - -	Mayo.
Newcastle - -	Pier and Breakwater -	Down.
Portorablahy - -	Pier - - -	Donegal.
Rosroe - -	Pier - - -	Galway.
Rush - -	Pier - - -	Dublin.
Sea View (Mountcharles) -	Pier - - -	Donegal.
Slade - - -	Pier - - -	Wexford.
Skull - - -	Pier and Approach -	Cork.
Tarrea - - -	Pier and Approach -	Galway.
Ventry - -	Pier and Landing Slip -	Kerry.

CAP. CXXXVII.

An Act for the better Administration of Charitable Trusts.

[20th *August* 1853.]

'WHEREAS it is expedient to provide Means for securing the due Administration of Charitable Trusts, and for the more beneficial Application of Charitable Funds in certain Cases:' 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:

Her Majesty empowered to appoint Charity Commissioners, Secretary, and Inspectors.

I. It shall be lawful for Her Majesty and Her Successors, by Warrant under the Royal Sign Manual, to appoint Four Commissioners, and also One Secretary and Two Inspectors for the Purposes of this Act, and upon any Vacancy by the Death, Resignation, or Removal of any Commissioners, Secretary, or Inspector under this Act, from Time to Time in like Manner to appoint another Person to succeed to such Vacancy, and until a fresh Appointment shall be made it shall be lawful for the surviving or continuing Commissioners, in case of any Vacancy, to act as if no such Vacancy had occurred; and Three of the said Commissioners shall hold Office during good Behaviour; and the Fourth, and every Secretary and Inspector to be appointed under this Act, shall hold Office during the Pleasure of Her Majesty.

Qualification of Commissioners.

II. The said Three Commissioners so holding Office during good Behaviour shall be paid as herein-after mentioned, and Two at least of the said paid Commissioners for the Time being shall be Barristers-at-Law of not less than Twelve Years standing at the Time of their respective Appointments, and One of such Barristers shall be the Chief Commissioner, and shall be so called and distinguished in his Appointment.

Officers of the Board.

III. The said Commissioners, with the Sanction of the Commissioners of Her Majesty's Treasury, shall from Time to Time appoint such Clerks and Messengers as the said Commissioners may think fit, and all Persons appointed under this Provision shall hold their Offices during the Pleasure of the said Commissioners.

Salaries.

IV. There shall be paid to the said paid Commissioners, and to the said Secretary, Inspectors, Clerks, and Messengers, such Salaries not exceeding for the Chief Commissioner the annual Sum of One thousand five hundred Pounds, and for each of the other paid Commissioners the annual Sum of One thousand two hundred Pounds, and for the said Secretary the annual Sum of Six hundred Pounds, and for each of the said Inspectors the annual Sum of Eight hundred Pounds, as shall be from Time to Time allowed by the Commissioners of Her Majesty's Treasury, who may also allow to every Commissioner, Inspector, and other Person appointed for the Purposes of this Act such reasonable Travelling and other Expenses as may be incurred by him in the Execution of his Office, and the said Salaries and Expenses, and the incidental Expenses of the said Board, shall be paid out of any Monies which may be from Time to Time provided by Parliament for that Purpose: Provided always, that after the Thirty-first Day of *March* in the Year One thousand eight hundred and fifty-seven, the said annual Salary shall be paid to One only of the said Commissioners besides the said Chief Commissioner.

No paid Commissioner, &c. to sit in House of Commons.

V. No paid Commissioner, Secretary, or Inspector to be appointed under this Act shall be capable of sitting in the House of Commons during the Tenure of his Office.

Style of Commissioners, who may sit as a Board.

VI. The said Commissioners to be appointed under this Act shall be styled "The Charity Commissioners for *England* and *Wales*," and may have and use a Seal for authenticating Documents, and such Commissioners shall sit from Time to Time as a Board for carrying this Act into execution; and any Two of such Commissioners may form a Board, and may exercise all or any of the Powers conferred on the Commissioners or the Board by this Act.

Board to frame General Minutes.

VII. The said Board shall, by General Minutes, from Time to Time prescribe Regulations for their Proceedings, and the Proceedings of their Inspectors, and concerning the Form and Manner of Applications to the said Board, and the Conditions to be performed by Applicants, and for the Guidance of Applicants in relation thereto, and all such General Minutes shall be signed by Three of the said Commissioners at the least; and Copies of all such General Minutes shall be laid before both Houses of Parliament within Fourteen Days after the making thereof if Parliament be sitting, or if Parliament be not sitting, then within Fourteen Days after the next Meeting thereof.

Minutes of Proceedings and Orders, &c. to be entered, and Copies of Entries signed by the Secretary to be received in Evidence.

VIII. The said Board shall cause Minutes of their Proceedings, and all Orders, Certificates, and Schemes, made or approved by them under this Act, to be entered in Books to be provided and kept for such Purpose, and all such Entries shall be signed by their Secretary, and all Copies purporting to be extracted from the Books of the said Board, and to be certified by their Secretary, of any such Minutes, Orders, Certificates, and Schemes entered as aforesaid, shall be received as Evidence of the Proceedings to which such Minutes shall relate, and of such Orders, Certificates, or Schemes, and of the making or Approval thereof (as the Case may require) by the said Board, without further Proof thereof.

Board to inquire into Condition and Management of Charities.

IX. It shall be lawful for the said Board from Time to Time, as they in their Discretion may see fit, to examine and inquire into all or any Charities in *England* or *Wales*, and the Nature and Objects, Administration, Management, and Results thereof, and the Value, Condition, Management, and Application of the Estates, Funds, Property, and Income belonging thereto; and the said Board may cause Examinations and Inquiries in relation to the Matters aforesaid to be made and prosecuted by their Inspectors, acting together or separately, in such Cases and at such Times as the said Board may think fit; and all such Inspectors shall from Time to Time report their Proceedings to the said Board.

Power to require Accounts and Statements.

X. The said Board may require all Trustees or Persons acting or having any Concern in the Management or Administration of any Charity, or the Estates, Funds, or Property thereof, to render to the said Board, or to their Inspectors, or either of them, Accounts and Statements in Writing in relation to such Charity, or the Funds, Estates, Property, Income,

or

or Monies thereof, or the Administration, Management, and Application thereof, and may also require such Trustees and Persons to return Answers in Writing to any Questions or Inquiries addressed to them by the Direction of the said Board relating to the Matters aforesaid.

Officers having Custody of Records to furnish Copies and Extracts, if required by Board.

XI. All Officers having the Custody of Enrolments, Decrees, Reports, Records, and other Documents relating to or concerning any Charity shall furnish such Copies or Extracts as shall be required by the said Board; and every Inspector, Secretary, and other Officer of the said Board for the Time being employed for the Purposes of this Act shall be at liberty, by the Authority and under the Directions of the Board, and subject to such Regulations as the Board may make in that Behalf, to examine and search the Registers and Records of every Court of Law and Equity, and every Ecclesiastical Court, and every public Registry and Office of Records, and to take Copies of and Extracts from any Decree or Document recorded or registered or deposited therein respectively, for any Purpose contemplated by this Act, without Fee or other Payment in respect thereof.

Inspector may examine Witnesses on Oath.

XII. Any Inspector acting under the Authority of the said Board may, by Precept under his Hand, subject to such Regulations as the said Board may make in that Behalf, require any Person, being a Trustee of any Charity or otherwise acting or having any Concern in the Management or Administration of any Charity, or of the Estates, Funds, or Property thereof, or in the Receipt or Payment of the Income or Monies thereof, or deriving any Income or Stipend therefrom, to attend before such Inspector for the Purpose of being examined by him touching or relating to such Charity, or the Estates, Funds, Property, or Income thereof, at any Time and Place mentioned or appointed by such Precept, and to bring and produce any Deed, Paper, Writing, Instrument, or other Document, being in the Custody, Possession, or Power of such Person, and relating to such Charity, or the Estates, Funds, Property, or Income thereof, and may examine upon Oath all Persons attending in pursuance of such Precept, and all Persons voluntarily attending before him, and may administer such Oath: Provided always, that no Person shall be obliged to travel in obedience to any such Precept more than Ten Miles from his Place of Abode.

False Evidence a Misdemeanor.

XIII. If any Person wilfully give false Evidence upon any Examination under this Act, every Person so offending shall be deemed guilty of a Misdemeanor.

Person refusing to render Accounts, &c. to be deemed guilty of a Contempt of Court.

XIV. If any Person from whom the said Board, or any Inspector, is authorized to require any Account or Statement or Answers to any Questions or Inquiries, or whose Attendance any Inspector is authorized to require, shall refuse or wilfully neglect to render to the said Board such Account or Statement, or to make Answers to such Questions or Inquiries, or to attend in obedience to any lawful Precept of any Inspector or to give Evidence before him, or shall wilfully alter, destroy, withhold, or refuse to produce any Deed, Paper, Writing, Instrument, or other Document which may be lawfully required to be produced before any Inspector or the said Board, every Person so offending shall be deemed and taken to have been guilty of a Contempt of the High Court of Chancery, 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.

Saving for Persons claiming adversely to Charities.

XV. Provided always, That nothing herein contained shall extend to give to the said Board or their Inspectors 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, or the Production of any Deed or Document whatever in relation to the Property so held or claimed adversely, or any Charitable Trust or Charge alleged to affect the same.

Board to entertain Applications for their Opinion or Advice.

XVI. The said Board shall receive and consider all Applications which may be made to them by any Trustee or other Person having any Concern in the Management or Administration of any Charity, for their Opinion, Advice, or Direction respecting such Charity, or the Management or Administration thereof, or the Estates, Funds, Property, or Income thereof, or the Application thereof, or any Question or Dispute relating to the same respectively, and, if they so think fit, may, upon any such Application, give such Opinion or Advice as they think expedient, subject to any Judicial Order or Direction which may be subsequently made

made or given by any competent Court or Judge; and such Opinion or Advice shall be in Writing, signed by Two or more of the said Commissioners, and sealed with the Seal of the said Commission; and every Trustee and other Person who shall act upon or in accordance with the Opinion or Advice given by the said Board shall in respect of so acting be deemed and taken, so far as respects his own Responsibility, to have acted in accordance with his Trust; and no such Judicial Order or Direction subsequently made or given by any Court or Judge shall have any such retrospective Effect as to interfere with or impair the Indemnity by this Act given to Trustees and other Persons who have acted upon or in accordance with such Opinion or Advice of the said Board: Provided always, that nothing herein contained shall extend to indemnify any Trustee or other Person for any Act done in accordance with the Opinion or Advice of the said Board, if such Trustee or other Person have been guilty of any Fraud or wilful Concealment or Misrepresentation in obtaining such Opinion or Advice.

Persons acting on Advice of Board to be indemnified.

Notice of legal Proceedings as to any Charity by any Person, except the Attorney General, to be given to the Board.

XVII. Before any Suit, Petition, or other Proceeding (not being an Application in any Suit or Matter actually pending) for obtaining any Relief, Order, or Direction concerning or relating to any Charity, or the Estate, Funds, Property, or Income thereof, shall be commenced, presented, or taken, by any Person whomsoever, there shall be transmitted by such Person to the said Board, Notice in Writing of such proposed Suit, Petition, or Proceeding, and such Statement, Information, and Particulars as may be requisite or proper, or may be required from Time to Time, by the said Board, for explaining the Nature and Objects thereof; and the said Board, if upon Consideration of the Circumstances they so think fit, may, by an Order or Certificate signed by their Secretary, authorize or direct any Suit, Petition, or other Proceeding to be commenced, presented, or taken with respect to such Charity, either for the Objects and in the Manner specified or mentioned in such Notice, or for such other Objects, and in such Manner and Form, and subject to such Stipulations or Provisions for securing the Charity against Liability to any Costs or Expenses, and to such other Stipulations or Provisions for the Protection or Benefit of the Charity, as the said Board may think proper; and such Board, if it seem proper to them, may by such Order or Certificate as aforesaid require and direct that any Proceeding so authorized by them in respect of any Charity, shall be delayed during such Period as shall seem proper to and shall be directed by such Board; and every such Order or Certificate may be in such Form and may contain such Statements and Particulars as such Board shall think fit; and (save as herein otherwise provided) no Suit, Petition, or other Proceeding for obtaining any such Relief, Order, or Direction as last aforesaid shall be entertained or proceeded with by the Court of Chancery, or by any Court or Judge, except upon and in conformity with an Order or Certificate of the said Board: Provided always, that this Enactment shall not extend to or affect any such Petition or Proceeding in which any Person shall claim any Property or seek any Relief adversely to any Charity.

Courts not to entertain Proceedings as to Charities, except upon Certificate of the Board.

Saving for the Attorney General acting ex officio.

XVIII. Provided always, That it shall be lawful for Her Majesty's Attorney General acting *ex officio* to make such Applications, and take and prosecute such Proceedings with respect to any Charity, in the Court of Chancery or otherwise as to him may seem fit, as if this Act had not been passed; and that nothing in this Act contained shall be construed as dispensing with the Fiat or Allowance of Her Majesty's Attorney General, with respect to any Proceeding not being an Application under the Jurisdiction created by this Act where such Fiat or Allowance was necessary before the passing of this Act.

Board may, upon Report of an Inspector, authorize Proceedings where no Notice has been given to them, and may in other Cases cause local Inquiries by their Inspector.

XIX. Provided also, That where upon any Report of any Inspector under this Act or otherwise it appears to the said Board that any Suit, Petition, or other Proceeding concerning or relating to any Charity, or the Estate, Funds, Property, or Income thereof, would be proper or expedient, it shall be lawful for the said Board by their Order to authorize or direct such Suit, Petition, or Proceeding to be commenced, presented, or taken, and to give such Directions in relation thereto as the said Board may think proper; and thereupon such Suit, Petition, or Proceeding may be commenced, presented, or taken accordingly, without any such previous Notice in Writing as herein-before mentioned; and the said Board, before giving any such Opinion, Advice, or Direction upon any such Application as aforesaid, or making any such Order or Certificate after Notice to them as aforesaid, may, where local Inquiry

Inquiry appears to them to be requisite, cause such Inquiry to be made by One of their Inspectors; and the said Board may, in any Case where they see fit, before acting upon the Report of any Inspector, cause such Report to be deposited for local Inspection, and give Notice of the same being so deposited, and consider any Statements or Objections which may be transmitted to them in relation thereto.

Power for Board to certify certain Cases to the Attorney General.

XX. In any Case in which it shall appear to the said Board that the Institution of legal Proceedings is requisite or desirable with respect to any Charity, or the Estates, Funds, Property, or Affairs thereof, and that under the Circumstances thereof it is desirable that such Proceedings should be instituted by the Attorney General, it shall be lawful for the said Board, if they so think fit, to certify such Case, in Writing under the Hand of the Secretary of the said Board, to Her Majesty's Attorney General, together with such Statements and Particulars (if any) as in the Opinion of the said Board may be requisite or proper for the Explanation of such Case; and thereupon the said Attorney General, if upon Consideration of the Circumstances he think fit, shall institute and prosecute such legal Proceedings as he shall consider requisite or proper under the Circumstances of such Case, by Information or Petition in the Court of Chancery, or by Application to a Judge thereof at Chambers, or to a District Court of Bankruptcy, or County Court under the Jurisdiction given by this Act.

Board may sanction Building Leases, working Mines, doing Repairs and Improvements;

XXI. If in any Case it appear to the Trustees or Persons for the Time being acting in the Administration or Management of any Charity, or the Estates or Property thereof, that any Part of the Charity Lands or Estates may be beneficially let on Building, Repairing, Improving, or other Leases, or on Leases for working any Mine, or that the digging for or raising of Stone, Clay, Gravel, or other Minerals, or the cutting of Timber, would be for the Benefit of the Charity, or that it would be for the Benefit of such Charity that any new Road or Street should be formed or laid out, or any Drains or Sewers made through any Part of the Charity Estates, or that any new Building should be erected, or that any existing Building should be repaired, altered, rebuilt, or wholly removed, or that any other Improvements or Alterations in the State or Condition of the Lands or Estates of such Charity should be made, it shall be lawful for such Trustees or Persons to lay before the said Board a Statement and Proposal in relation to any of the Matters aforesaid; and it shall be lawful for the said Board, if they think that the Leases or Acts to which the Statement and Proposal relate (with or without Modifications or Alterations) would be beneficial to the Charity, to make such Order under their Seal for and in relation to the granting of such Leases, or the doing of any other such Acts as aforesaid, and any Circumstances connected therewith, as they may think fit, although such Leases or Acts respectively shall not be authorized or permitted by the Trust; and the said Board, by any such Order, may authorize the Application of any Monies or Funds belonging to the Charity for any of the Purposes or Acts aforesaid, and, if necessary, may authorize the Trustees to raise any Sum of Money by Mortgage of all or any Part of the Charity Estates; provided that compulsory Provisions be reserved in every such Mortgage for the Payment of the Principal Money borrowed by annual Instalments, and for the Redemption and Re-conveyance of the mortgaged Estates, within the Period of not more than Thirty Years.

and may authorize the Application of the Charity Funds or the raising of Money on Mortgage for those Purposes.

Commissioners to authorize Trustees to remove Officers.

XXII. It shall be lawful for the Board, upon Proof to their Satisfaction that any Schoolmaster or Schoolmistress or other Officer of any Charity has been negligent in performing his or her Duties, or that he or she is unfit or incompetent to discharge them properly, either from immoral Conduct, Age, or any other Cause whatsoever, to empower the Trustees of such Charity to remove such School Master or Mistress or other Officer, and to charge the Salary of his or her Successors, or any other Portion of the Revenues of the Charity, with such Retiring Pension or Allowance, if any, in favour of the Person so removed, and generally to impose such Conditions as to the said Board shall appear proper: Provided always, that where there shall be any special Visitor of the Charity, the Consent of such Visitor, in Writing under his Hand, shall be necessary in order to such Removal.

Board may sanction Compromise of Claims on behalf of Charity,

XXIII. If in any Case it appear to the Trustees or Persons acting in the Administration of any Charity that any Claim or Demand or Cause of Suit against any Person in relation to such Charity may, with Advantage to the Charity, or should, under the special Circumstances of the Case, be compromised or adjusted without taking or without continuing any Proceedings

Proceedings at Law or in Equity, such Trustees or Persons may, or the Person against whom such Claim, Demand, or Cause of Suit exists or is alleged to exist, may, with the Consent of the Trustees or Persons acting in the Administration of such Charity, submit to the said Board a Statement and Proposal for such Compromise or Adjustment; and if it appear to the said Board after such Inquiry in relation thereto by One of their Inspectors, as they may deem requisite, or otherwise, that such Proposal, either with or without any Modification, is fit and proper, and for the Benefit of the Charity, it shall be lawful for the said Board to make such Order for and in relation to such Compromise or Adjustment as they may think fit; and upon the due Performance of the Terms and Conditions of such Compromise or Adjustment as aforesaid, such Agreement shall be a final Bar to all Actions, Suits, Claims, and Demands by or on behalf of the Charity concerned therein, in respect to the Cause of Action, Suit, or Matter in respect to which such Compromise or Adjustment shall have been made.

Board, under special Circumstances, may authorize Sale or Exchange of Charity Lands.

XXIV. Upon Application to the said Board by the Trustees or Persons acting in the Administration of any Charity, representing to the said Board that, under the special Circumstances of any Land belonging to the Charity, a Sale or Exchange of such Land can be effected on such Terms as to increase the Income of the Charity, or would otherwise be advantageous to the Charity, such Board may, if they think fit, inquire into such Circumstances, and if after Inquiry they are satisfied that the proposed Sale or Exchange will be advantageous to the Charity may authorize the Sale or Exchange, and give such Directions in relation thereto, and for securing the due Investment of the Money arising from any such Sale, or by way of Equality of Exchange for the Benefit of the Charity, as they may think fit.

Board may authorize the Redemption of Rentcharges.

XXV. The said Board shall have Authority, upon such Application as aforesaid, to authorize the Sale to the Owners of the Land charged therewith of any Rentcharge, Annuity, or other periodical Payment charged upon Land and payable to or for the Benefit of any Charity, or applicable to Charitable Purposes, upon such Terms and Conditions as they may deem beneficial to the Charity, and to give such Directions for securing the due Investment of the Money arising from such Sale for the Benefit of the Charity, or for securing the due Application thereof to such Charitable Purposes, as they may think fit; and in like Manner the Trustees of any Charity, with the Consent of the Board, may purchase any Rentcharge or other yearly Payment to which the Charity Estate is or shall be liable.

Leases, Sales, &c. authorized by the Board to be valid.

XXVI. The Leases, Sales, Exchanges, and other Transactions authorized by such Board under the Powers of this Act shall have the like Effect and Validity as if they had been authorized or directed by the express Terms of the Trust affecting the Charity.

Trustees of Charities enabled to purchase Sites for building from Owners under Disability, &c., according to the Provisions of Lands Clauses Consolidation Act, 1845.

XXVII. Where any Land shall be required for the Erection or Construction of any House or Building with or without Garden, Playground, or other Appurtenances, for the Purposes of any Charity, and the Trustees of the Charity shall be legally authorized to purchase and hold such Land, but by reason of the Disability of any Person having an Estate or Interest in such Land, or of any Defect in Title thereto, a valid and perfect Assurance of the same Land cannot be made to the Trustees of the Charity in the ordinary Manner, it shall be lawful for the Trustees of the Charity, with the Sanction of the said Board (such Sanction to be certified under the Hand of their Secretary), to take and purchase such Land according to the Provisions of "The Lands Clauses Consolidation Act, 1845;" and for that Purpose all the Clauses and Provisions of the last-mentioned Act with respect to the Purchase of Lands by Agreement, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making a Title, and also with respect to Conveyances of Lands, so far as the same Clauses and Provisions respectively are applicable to the Cases contemplated by this Provision, shall be incorporated in this Act; and in all Cases contemplated by this Provision, the Expression "the Special Act" used in the said Clauses and Provisions of the said "Lands Clauses Consolidation Act" shall be construed to mean this Act; and the Expression "the Promoters of the Undertaking," used in the same Clauses and Provisions, shall be construed to mean the Trustees of the Charity in question.

XXVIII. Where

XXVIII. Where the Appointment or Removal of any Trustee, or any other Relief, Order, or Direction relating to any Charity of which the gross annual Income for the Time being exceeds Thirty Pounds, shall be considered desirable, and such Appointment, Removal, or other Relief, Order, or Direction might now be made or given by the Court of Chancery, in respect either of its ordinary or its special or statutory Jurisdiction, or by the Lord Chancellor intrusted with the Care and Commitment of the Custody of Lunatics, it shall be lawful for any Person authorized in this Behalf by the Order or Certificate of the said Board, or for the Attorney General, to make Application (without any Information, Bill, or Petition,) to the Master of the Rolls or One of the Vice Chancellors sitting at Chambers, for such Order, Direction, or Relief as the Nature of the Case may require; and the Master of the Rolls or the Vice Chancellor to whom any such Application shall be made shall and may proceed upon and dispose of such Application in Chambers, save where he may think fit otherwise to direct, and shall and may have and exercise thereupon all such Jurisdiction, Power, and Authority, and make such Orders and give such Directions in relation to the Matter of such Application, as might now be exercised, made, or given by the Court of Chancery or by the Lord Chancellor intrusted as aforesaid, in a Suit regularly instituted, or upon Petition, as the Case may require; and the Master of the Rolls and Vice Chancellors respectively shall, in relation to such Applications as aforesaid, and the Proceedings thereon, (subject to any Rules which may be made by the Lord Chancellor, with the Advice and Consent of them or any Two of them,) have all such Powers of directing Matters to be heard in open Court, and of ordering what Matters shall be heard and investigated by themselves and their Chief Clerks respectively, and such other Powers and Authorities as by the Act of the last Session of Parliament, Chapter Eighty, are vested in or authorized to be exercised by them at Chambers, and the Provisions of the said Act applicable to Orders made by the Master of the Rolls or any of the Vice Chancellors at Chambers shall extend to all Orders so made under this Act: Provided always, that, save as may be otherwise provided by any Rules to be made by the Lord Chancellor, with such Advice and Consent as aforesaid, the Determinations of the Master of the Rolls and Vice Chancellors respectively upon and in relation to such Applications as aforesaid shall not be subject to Appeal in any Case where the gross annual Income of the Charity does not exceed One hundred Pounds: Provided also, that it shall be lawful for the Master of the Rolls or any Vice Chancellor, where under the Circumstances of any Application as aforesaid he may so see fit, to direct that for obtaining the Relief, Order, or Direction sought for by such Application an Information, Bill, or Petition, as the Case may require, shall be filed or presented and prosecuted as now by Law required, and to abstain from further Proceeding on such Application.

In Cases of Charities the Incomes of which exceed 30*l.*, Master of the Rolls and Vice Chancellors, upon Applications to them at Chambers, to have the same Jurisdiction as the Court of Chancery or Lord Chancellor now has upon Information, &c.

15 & 16 Vict. c. 80.

XXIX. The Jurisdiction created and given by this Act to the Master of the Rolls and the Vice Chancellors sitting in Chambers, upon any Application to them respectively as aforesaid, shall extend concurrently to and may be exercised by the Chancellor of the Duchy and County Palatine of *Lancaster*, and the Vice Chancellor of the same County Palatine respectively for the Time being, as to every Charity within the Jurisdiction of the Court of Chancery of the said County Palatine whose gross annual Income for the Time being exceeds Thirty Pounds, upon Application being made to such Chancellor or Vice Chancellor respectively; and it shall be lawful for the Chancellor of the said Duchy and County Palatine, with the Concurrence of the Vice Chancellor of the same County Palatine, from Time to Time to make and issue any Rules and Orders for regulating the Modes of proceeding, and the Fees to be taken in respect of Proceedings under this Act.

Provision as to Charities within the Jurisdiction of the Court of Chancery of the County Palatine of Lancaster.

XXX. Provided always, That the Provisions of this Act applicable to any Charity the gross annual Income whereof exceeds Thirty Pounds shall extend to any Charity established or administered or applicable to or for Objects or Purposes within the City of *London* the gross annual Income whereof does not exceed Thirty Pounds, in like Manner as if such Income exceeded that Amount.

Provisions as to Charities over 30*l.* per Annum to extend to Charities under 30*l.* in London.

XXXI. It shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors, or any Two of them, to make and issue General Rules and Orders for regulating the Mode and Form of Applications at the Chambers of the Master of the Rolls and Vice Chancellors respectively under this Act, and the Proceedings thereon,

Lord Chancellor, with the Advice of Master of the Rolls and Vice Chan-

cellors, or Two of them, to make General Orders.

thereon, and for determining in what Cases and under what Conditions and Restrictions the Determinations of the Master of the Rolls and Vice Chancellors respectively upon or in relation to such Applications shall be subject to Appeal, and the Fees and Allowances to Solicitors of the Court of Chancery, and the Fees to be payable in Money or by Stamps to the Officers of the said Court in respect of such Applications and Proceedings thereon; and such Rules and Orders may from Time to Time be varied by the like Authority, and all such Rules and Orders shall be deemed General Orders of the said Court.

District Courts of Bankruptcy and County Courts to have Jurisdiction in Cases of Charities the Incomes of which do not exceed 30*l*.

XXXII. Where any Charity of which the gross annual Income for the Time being does not exceed Thirty Pounds shall be established or administered or be applicable wholly or partially to or for Objects or Purposes within the District or any Two or more of the Districts of any District Court of Bankruptcy, or of any County Court or Courts holden under the Act of the Session holden in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter Ninety-five, and the Appointment or Removal of any Trustee, or any other Relief, Order, or Direction whatsoever concerning such Charity, shall be considered desirable, and such Appointment or Removal, or other Relief, Order, or Direction, might now be made or given by the Court of Chancery in respect either of its ordinary or its special or statutory Jurisdiction, or by the Lord Chancellor intrusted with the Care and Commitment of the Custody of Lunatics, it shall be lawful for any Person authorized in this Behalf by the Order or Certificate of the said Board, or for the Attorney General, to make Application to such District or County Court, or, as the Case may be, to any One of such District or County Courts, for such Order, Direction, or Relief as the Nature of the Case may require; and such District or County Court shall entertain such Application, and shall hear the Matter in open Court, and shall give such Relief, and make such Orders and Directions in relation to the Matter of such Application, as might now be made or given by the Court of Chancery or by the Lord Chancellor, intrusted as aforesaid, in a Suit regularly instituted, or upon Petition, as the Case may require; and the Clerk of such County Court shall transmit a Copy of such Order or Direction to the Office in *London* of the Registrar of County Courts Judgments, to be there enrolled: Provided always, that no Judge of any District or County Court shall be authorized to vary any Decree, Order, or Direction of the Court of Chancery, or of any Judge thereof, or to make or give any Order or Direction inconsistent or conflicting with any such Decree, Order, or Direction: Provided also, that where Two or more District or County Courts shall have concurrent Jurisdiction with respect to any Charity under this Act, no Application in respect of such Charity shall be made to or entertained by more than One of such District or County Courts at the same Time.

County Court Judge's Deputy not to exercise Jurisdiction.

XXXIII. The Jurisdiction hereby created and conferred on the County Courts with respect to any Charity shall not be exercised by any Deputy or other Person who may for the Time being be appointed to sit and shall be sitting for any such Judge.

Where Courts have concurrent Jurisdiction, Board to direct to which Court Applications shall be made.

XXXIV. Where Two or more District Courts of Bankruptcy or County Courts shall concurrently have Jurisdiction under this Act with respect to any Charity, it shall be lawful for the said Board to order to which of such Courts any Application with respect to such Charity shall be made; and every such Order shall be conclusive as to the Jurisdiction with respect to the Application referred to in such Order.

Board may direct Cases within the Jurisdiction of a District or County Court to be taken before a Judge of the Court of Chancery in the first instance.

XXXV. It shall be lawful for the said Board to direct that any Application as to any Charity within the Jurisdiction of any District Court of Bankruptcy or County Court shall be made before a Judge of the Court of Chancery, or as to any Charity within the Jurisdiction of the Court of Chancery of the County Palatine of *Lancaster*, either before the Chancellor or the Vice Chancellor of the same County Palatine, or before a Judge of the High Court of Chancery, according to the Provisions herein contained applicable to a Charity the gross annual Income whereof exceeds Thirty Pounds, and in such Case such Application shall be made and may be heard and determined accordingly, in like Manner as if the gross annual Income of such Charity exceeded Thirty Pounds; and upon the Production of the Order or Certificate containing such Direction, or of a Copy thereof, the Application with respect to which such Order or Certificate shall have been made shall not be entertained or proceeded with by such District or County Court.

XXXVI. Whenever

XXXVI. Whenever any Order or Decision is made by any District Court of Bankruptcy or County Court for the Appointment or Removal of any Trustee of any Charity, or approving of any Scheme for regulating or directing the Administration of any Charity, or the Estate, Funds, Property, or Income thereof, a Copy of every such Order or Decision shall immediately upon the making thereof be delivered or transmitted by the Deputy Registrar of such District Court or by the Clerk of the County Court, as the Case may be, together with all requisite Particulars, to the said Board, for the Purpose of being considered by them; and no such Order or Decision shall be valid or effectual until the same shall have been approved by the said Board, such Approval to be testified by a Certificate in Writing, signed by the Secretary of the said Board, and no such Approval shall issue from the said Board until One Calendar Month shall have elapsed after the Receipt by the Board of such Copy and Particulars.

No Order of District or County Court for the Appointment or Removal of Trustees or Approval of a Scheme to be valid unless confirmed by Board.

XXXVII. In case any such Order or Decision as last aforesaid of any District Court of Bankruptcy or County Court shall not be approved by the said Board, it shall be lawful for such Board to remit the same for Reconsideration and Decision by such District or County Court, with such Remarks and Recommendations thereon (if any) as shall seem fit and expedient to such Board, or, in the Discretion of the Board, to order and direct that the Subject Matter to which such Order or Decision relates, together with such Order or Decision, shall be submitted to the Consideration and Decision of a Judge of the Court of Chancery, and in such last-mentioned Case no further Proceedings shall be had or taken in the District or County Court with respect to the Matter in question; and in case the Order or Decision of the District or County Court on the Reconsideration of any Order or Decision so remitted for Reconsideration, be disapproved as aforesaid by the said Board, such Board shall refer such Orders and Decisions, and the Subject Matter thereof, to a Judge of the Court of Chancery, or, as to any Charity within the Jurisdiction of the Court of Chancery of the County Palatine of *Lancaster*, either to the Chancellor or the Vice Chancellor of the same County Palatine, or to a Judge of the High Court of Chancery; and where any Order or Decision is referred to a Judge of the Court of Chancery, or of the Court of Chancery of the said County Palatine of *Lancaster*, under this Provision, such Judge shall have and exercise all such Jurisdiction, Power, and Authority in relation thereto as in the Case of a Charity the gross annual Income whereof exceeds Thirty Pounds, and may make such Order in relation to the Matter of such Order or Decision as to him may seem proper.

Board, if dissatisfied with the Order of District or County Court may remit the Case for Reconsideration, or may transfer the Matter to Judge of the Court of Chancery.

XXXVIII. Subject to any Orders to be made by the Lord Chancellor as herein-after mentioned, and to the other Provisions of this Act, all Proceedings to be taken in any District Court of Bankruptcy or County Court, and all Orders and Directions to be made or given by any such District Court or County Court by virtue of the Jurisdiction hereby created and conferred on such Court, shall respectively be subject to the same Rules and Regulations, and have the same Effect, and be registered, enforced, and executed in the same Manner, as the other Proceedings, Orders, Judgments, and Directions of the same Court under its ordinary Jurisdiction, and it shall be lawful for any such District Court, or for any County Court, with the Consent of the Board, to rescind or vary any Order which shall have been previously made by such Court, without Prejudice to any Act or Matter in the meantime done under such Order; and for executing and putting in force any Order to be made by any County Court under this Act, every Judge of any such Court shall and may have and exercise all such Powers as by the Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, are given for enforcing the Payment of any Debt, Damages, or Costs under the said Act.

How Orders of District or County Court under this Act to be enforced.

XXXIX. Where any Person authorized to make any Application under this Act, (other than Her Majesty's Attorney General acting *ex officio*,) or any other Person who may have been made a Party to any Proceeding upon any Application under this Act, is aggrieved by or dissatisfied with any Order made by any District Court of Bankruptcy or County Court upon any such Application, or any Proceeding thereon, he may, within One Calendar Month after the making of such Order, give Notice in Writing to the said Court, and also to the said Board, that he is desirous to appeal against the same; and if the said Board think it reasonable and proper that such Appeal should be entertained, and give a Certificate to that Effect, such District or County Court shall suspend any Proceedings upon the Order appealed

Appeal.

appealed against during such Time as the Circumstances may require; and the said Board, if they so think fit, may require the Person giving any such Notice of Appeal to become bound with Two sufficient Sureties, to be approved by the Deputy Registrar of such District Court, or by the Clerk of the County Court, as the Case may be, to the Treasurers of the said Courts respectively, or such other Person as the said Board may see fit, in such Sum as to the said Board shall seem reasonable, to pay such Costs of the Proceedings on the Appeal as shall be ordered to be paid by such Appellant, and also (if the said Board so think fit) to indemnify the Charity against the Costs and Expenses of or attending such Appeal; and every Bond executed under this Provision shall be exempt from Stamp Duty: Provided always, that it shall be lawful for Her Majesty's Attorney General (acting *ex officio*), at any Time within Three Calendar Months after the making of any Order by a District Court or County Court under this Act, to lodge and commence and prosecute an Appeal against such Order, without giving any such Notice or becoming bound as aforesaid, and every such last-mentioned Appeal shall thereupon be allowed by the Order of such District or County Court, and shall have such other Effect as any other Appeal under this Act.

Proceedings on Appeal.

XL. Where any Order allowing an Appeal has been made as aforesaid, the Person thereby allowed to appeal shall within Three Calendar Months present a Petition to the Court of Chancery, setting forth the Order appealed against, and the Order allowing such Appeal, and praying such Relief as the Case may require; and upon the Hearing of such Petition the Court may confirm, vary, or reverse the Order appealed against, or may remit such Order to the District Court of Bankruptcy or County Court by which the same was made, with or without any Declaration or Directions of the Court of Chancery in relation thereto, or may proceed in relation to the Charity to which such Order relates as in the Case of an Application under this Act to a Judge of the Court of Chancery at Chambers, and any Judge of such Court sitting at Chambers or in open Court may make or give any such Orders or Directions in relation to the Matter of such Order as he may see fit, or the Court may make such other Order in relation to the Matter of any such Appeal as to the Court may seem just, and as might be made in the Case of a Suit regularly instituted, or a Petition, as the Case may require; and in case the Party allowed to appeal do not within such Three Calendar Months present such Petition of Appeal, the Order against which such Appeal was allowed shall be final; and in case any Costs adjudged on any such Appeal to be paid by the Party allowed to appeal be not paid, such Bond as aforesaid may be put in Suit, and the Money to be recovered on every such Bond shall be applied to indemnify the Charity Estate or the Person damnified, or otherwise in such Manner as the Justice of the Case may require, and the Court or Judge by whom such Appeal may have been heard shall think fit.

Bond to prosecute Appeal may be put in Suit.

No Chancery Judge, or District or County Court in Proceedings under this Act to try Titles, &c.

XLI. Provided always, That no Judge of the Court of Chancery, nor any District Court of Bankruptcy or County Court, shall upon any Proceedings under this Act have Jurisdiction to try or determine the Title at Law or in Equity to any Real or Personal Property, or any Term or Interest therein, as between any Charity, or the Trustee thereof, and any Person holding or claiming such Real or Personal Property, Term, or Interest adversely to such Charity, or to try or determine any Question as to the Existence or Extent of any Charge or Trust.

Notice to be published of Application for Schemes or Appointment or Removal of Trustees under this Act.

XLII. Before any Application shall be made to any Judge of the Court of Chancery, or to any District Court of Bankruptcy or County Court, under any of the Provisions herein contained for the Establishment or Alteration of a Scheme or the Appointment or Removal of any Trustees or Trustee, Notice in Writing of such intended Application shall be given in such Form and Manner as the said Board shall have directed; and if the Order be that such Notice be affixed to or near the Door of any Parish or District Church, the Incumbent and Churchwardens of such Parish or District are hereby respectively required to allow such Notice to be affixed and to remain so affixed during such Period, not less than Fifteen Days, as the said Board shall have ordered; and in any Case in which the Order shall be that such Notice shall be affixed to any Place, Evidence that the same has been so affixed shall be deemed and taken as *primâ facie* Evidence that it has remained affixed during the Period prescribed by the Board.

XLIII. Every

By whom Applications may be made.

XLIII. Every Application to any Judge or Court under the Jurisdiction created or conferred by any of the Provisions of this Act, may be made by Her Majesty's Attorney General, or, subject to the Provisions aforesaid, by all or any One or more of the Trustees or Persons administering or claiming to administer, or interested in, the Charity which shall be the Subject of such Application, or any Two or more Inhabitants of any Parish or Place within which the Charity is administered or applicable; and it shall be lawful for Her Majesty's Attorney General for the Time being, acting *ex officio*, to make Application by Petition to the Court of Chancery with respect to any Charity under the Provisions of the Act passed in the Fifty-second Year of King *George* the Third, Chapter One hundred and one, or under the Provisions of any Act or Acts passed or to be passed authorizing the Application to the same Court by Petition according to the Provisions of the said Act.

Attorney General may petition under 52 G. 3. c. 101.

Statement in Certificate of Board of the Amount of Income of any Charity to be sufficient Evidence for determining the Jurisdiction or Proceedings under this Act.

XLIV. For the Purposes of determining the Jurisdiction under this Act with respect to any Charity, or the Right to appeal from the Determination of a Judge of the Court of Chancery, it shall be lawful for the said Board to declare, according to such Judgment as they may be able to form upon the Returns or Statements before them in relation to any Charity, whether the gross annual Income for the Time being of such Charity does or does not exceed Thirty Pounds or One hundred Pounds, (as the Case may require,) and a Statement in any Certificate or Order of the said Board that according to such Judgment as aforesaid the gross yearly Income of any Charity does or does not exceed Thirty Pounds or One hundred Pounds shall be sufficient Evidence of the Amount of the gross annual Income of such Charity, for the Purpose of determining such Jurisdiction or Right to appeal as aforesaid; and any Certificate or Order made by the said Board under this Act, authorizing any Proceeding or Application concerning any Charity to be taken or made to any District Court of Bankruptcy or County Court, or to the Court of Chancery or any Judge thereof, shall state that the gross annual Income for the Time being of such Charity does not exceed Thirty Pounds, or does exceed Thirty Pounds (as the Case may be): Provided always, that where any Charity, or the Trustees thereof, in addition to the principal Endowment for its general Objects and Purposes, shall be possessed of or entitled to any other Endowment for any particular or special Object or Purpose arising out of or in its Nature or Application connected with the general Objects or Purposes of such Charity, it shall be lawful for the said Board, having regard to the Circumstances of each such Case, and to the Object and Extent of the proposed Application and Litigation, to determine whether such Endowment for such particular or special Object or Purpose should, for the Purposes of Jurisdiction and Proceedings under this Act, be considered and treated as forming Part of the general Endowment of the Charity, or as a separate or independent Charity, and such Board shall frame their Certificate or Order accordingly.

Proviso as to particular Endowments.

Lord Chancellor to make Orders for regulating Proceedings before District and County Courts.

XLV. The Lord Chancellor shall make such Orders for regulating Proceedings by and before the Judges of District Courts of Bankruptcy and County Courts under this Act, and for fixing and determining the Fees to be taken in respect of such Proceedings, as he may see fit; and, subject to such Orders, such Judges may regulate the Proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

Reservation of Rights and Privileges of Church of England with respect to Charities.

XLVI. Nothing herein contained shall diminish or detract from any Right or Privilege which by any Rule or Practice of the Court of Chancery, or by the Construction of Law, now subsists for the Preference or the exclusive or special Benefit of the Church of *England*, or the Members of the same Church, in settling any Scheme for the Regulation of any Charity, or in the Appointment or Removal of Trustees, or generally in the Application or Management of any Charity.

Secretary to be Treasurer of Charities; such Treasurer to be a Corporation.

XLVII. The Secretary for the Time being of the said Board shall by virtue of his Appointment be the Treasurer of Public Charities; and such Treasurer shall, for the Purposes of taking, holding, conveying, assigning, transferring, and transmitting Real Property, including Leaseholds for Lives or Years, be a Corporation Sole by the Name of "The Treasurer of Public Charities," and by that Name shall have perpetual Succession, and plead and be impleaded before all Courts, Justices, and others.

XLVIII. Where

Land holden upon trust for a Charity, subject to Jurisdiction of Court of Chancery and of Judge, may be vested in Treasurer.

XLVIII. Where any Land, or any Term or Estate therein, holden upon trust for any Charity, shall be vested in any Persons other than the Persons acting in the Administration and Application of the Rents; or where there shall be no Trustees thereof, or the 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 unsound Mind (whether found such by Inquisition or not,) or otherwise incapable of acting, or shall be out of the Jurisdiction or not amenable to the Process of the Court of Chancery, or where by reason of the reduced Number of Trustees or other Causes a valid Appointment of new Trustees cannot be made, or where by reason of the Expenses incident to the 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, or to any Judge of such Court or of any Court having Jurisdiction with respect to such Charity under this Act, desirable so to do, such Court or Judge may order that such Land, Term or Estate, be vested in such Treasurer, and thereupon the same shall vest in such Treasurer and his Successors for all the Estate and Interest holden 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, or Term or Estate as aforesaid, holden in trust as aforesaid, vested in a Corporation, without the Consent of the Corporation; and no such Vesting Order shall take effect in respect of any Copyhold Land without the Consent of the Lord of the Manor; and the Court of Chancery, or such Judge, may direct such periodical or other Payment, as such Court or Judge may think fit, to be made to the Lord of the Manor, in compensation for Fines or other Profits which would have become due upon Death or Admittance of Tenants.

Proviso.

Orders may be made re-vesting Land, &c. in the Trustees of the Charity.

XLIX. It shall be lawful for any Court or Judge by whom respectively any such Vesting Order may have been made, or for any other Court or Judge having Jurisdiction in the Matter, if it shall so seem fit to such Court or Judge, 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 Treasurer by virtue of any such Vesting Order as aforesaid, shall be devested, and that the same shall be vested in the acting Trustees or Trustee for the Time being of the Charity; and such last-mentioned Order shall operate to vest such Land, Term and Estate, in the Trustees or Trustee therein named without any Conveyance or Assurance.

Treasurer to be a Bare Trustee.

L. Subject to the Orders and Directions of the Court of Chancery or of any such Judge, such Treasurer shall be deemed a Bare Trustee, and shall permit the Persons acting in the Administration of the Charity 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.

Judge may order Trustees, &c. holding Stock, &c. belonging to a Charity subject to his Jurisdiction to transfer same to official Trustees.

LI. The Secretary for the Time being of the said Board, and such other public Officer or Officers as the Lord Chancellor shall appoint, shall be official Trustees of Charitable Funds, and where Trustees or other Persons having in their Names, or in the Name of any deceased Person of whom they are Representatives, in the Books of the Bank of *England*, or of the *East India* or *South Sea* 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 official Trustees in trust for such Charity, or where any Persons 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, or to any Judge of such Court, or of any District Court of Bankruptcy, or County Court having Jurisdiction under this Act, that any Annuities, Stock, Shares, or Securities held in trust for any Charity ought, for the Purpose of Security or convenient Administration, to be transferred or deposited as aforesaid, it shall be lawful for such Court or Judge to order the Transfer or Deposit of such Annuities, Stock, Shares, or Securities to or with such official Trustees.

Secretary to keep separate Accounts of Funds of each Charity.

LII. The Secretary of the said Board shall keep separate Accounts of the Annuities, Stock, Shares, and Securities belonging to each separate Charity, and the said official Trustees shall pay the Dividends or Interest or Income thereof to the Trustees or Persons acting in the

the Administration of such Charity, or otherwise dispose thereof, and transfer such Annuities, Stock, Shares, or Securities (when Occasion shall require), as the Court of Chancery, or any Judge of such Court, or of any District Court of Bankruptcy, or County Court having Jurisdiction under this Act, or other lawful Authority, shall direct.

Deeds, &c. may be deposited in Repository provided by Board.

LIII. It shall be lawful for any Trustees or other Persons having the Custody of any Deeds or Muniments of or relating to such Charity to deposit the same for Security in a Repository which may be provided by the said Board, subject to any Regulations to be made by the said Board under this Act.

Power to Board to frame Schemes for the Appropriaion of Charitable Property to varied Trusts.

LIV. 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 Board may think necessary in relation thereto), or upon any Report of an Inspector, or Information otherwise obtained by the said Board under this Act, with relation to any Charity, it shall appear to the said Board 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 Board cannot be, or it shall in the Opinion of the Board be doubtful whether it can be carried into complete effect by the Court of Chancery, or by any District or County Court under the Jurisdiction created by this Act, or otherwise than by the Authority of Parliament, it shall be lawful for the said Board in every such Case provisionally to approve and certify such new Scheme in the Manner and subject to the Regulations herein-after mentioned.

Notice to be given before Approval of Schemes, and Objections may be submitted for the Consideration of the Board.

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

Board may alter or modify or approve of Schemes.

LVI. If after such Notice as aforesaid any Objections or Suggestions shall be made, the Board 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 Objections and Suggestions, if any, have been disposed of, or if no such Objections or Suggestions shall have been made, the Board, in case they shall not think fit to refer such Scheme to an Inspector under the Provision next herein-after contained, may proceed to approve such Scheme, and to certify the same in manner herein-after mentioned.

The Matter of Schemes may be referred to an Inspector for local Inquiry.

LVII. Upon the Requisition of any Person interested in the Charity in question (in case the said Board after due Consideration shall be of Opinion that there are sufficient Grounds for complying with such Requisition), or in any other Case, if the said Board shall consider it desirable, the Matter of any Scheme in question may be referred by the said Board to One of their Inspectors, and such Inspector shall thereupon proceed to make a local Inquiry and Examination into the Matter of the Scheme in question, and for the Purposes of such Inquiry, such Inspector may hold a Sitting or Sittings in some convenient Place in the Parish or One of the Parishes or the District to or in which respectively the Charity in question is wholly or partially situated or is administered, and may take and receive any Evidence and Information, and hear and inquire into any Objections or Questions relating to the Scheme or Charity in question, and may from Time to Time adjourn any such Sitting, and public Notice shall be given by such Inspector of every such Sitting (except an adjourned Sitting) Fourteen Days at the least before the holding thereof, in such other Mode as in the Judgment of the said Board shall be sufficient to ensure Publicity.

Inspectors to report the Re-

LVIII. Every Inspector to whom any such Matter shall be referred shall report in Writing to the said Board the Result of his Inquiry, and whether in his Opinion the Scheme in

sult of Inquiry to the Board.

in question should be approved with or without any Alteration or Modification thereof, and such Report shall specify or indicate the Alterations (if any) which such Inspector shall consider desirable, with the Reasons for the same, and also the Nature of the Objections (if any) which shall have been made to the Scheme, and the Opinion of the said Inspector thereon, and the said Board shall consider such Report, and if, as the Result of such Report or after further Inquiry, they shall be satisfied therewith, they may proceed to approve the Scheme in question either with or without any Alteration, and to certify the same in manner hereinafter mentioned.

Schemes when approved to be certified by the Board.

Copy of such Certificate to be deposited in the Parish or District and Notice given.

LIX. Every Scheme to be approved by the said Board shall be certified by them, and for that Purpose shall be embodied in a Certificate to be made by the said Board, 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 or partially be situated or administered, and at the Office in *London* of the Registrar of County Courts Judgments, and a Notice shall also be given, in such Manner as the Board shall direct, which Notice shall refer to the Certificate so deposited, and shall state the Intention of the Board to proceed with the Scheme thereby certified.

Annual Report to be laid before Parliament, which shall set forth all the Schemes approved.

LX. The said Board shall in the Month of *February* in every Year make a Report to Her Majesty of all their Proceedings during the preceding Year up to the Thirty-first Day of *December* then last, and such Report shall, within Fourteen Days after the making thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or otherwise within Fourteen Days after the Meeting thereof; and in such Report the said Board shall specially distinguish and set forth in full all the Schemes (if any) approved by them under the Provisions lastly herein-before contained, together with the Grounds of such their Approval, and the Objections (if any) which have been made thereto, and all Proceedings had in respect of such Objections and the Grounds on which any such Objections have been over-ruled; and in case it shall be enacted by any Act of Parliament that any such Scheme or Schemes so certified shall be confirmed and take effect, either with or without any Alterations or Modifications thereof respectively, every such Act shall be deemed a Public General Act.

Accounts of Trustees of Charities to be delivered to the Clerks of County Courts, Clerks of the Peace, and to the Board.

LXI. The Trustees or Persons acting in the Administration of every Charity shall, in Books to be kept by them for that Purpose, regularly enter or cause to be entered full and true Accounts of all Money received and paid respectively on account of such Charity, and on or before the Twenty-fifth Day of *March* in every Year, or on or before such other Day as shall or may be fixed and appointed for that Purpose by the said Board, shall cause a Statement in Writing to be made of the Income and Revenues, whether actually paid or then due, and the actual Receipts and Expenditure of such Charity for the Year ending on the Thirty-first Day of *December* then next preceding, or on some other convenient Day to be fixed and appointed for that Purpose by the said Board, and also a Balance Sheet containing a clear Statement of the Balance of such Account, which Statement and Balance Sheet respectively shall be certified under the Hand of some One or more of such Trustees or Persons (and audited by the Auditor of such Charity, if any there be); and as to every Charity whose gross annual Income for the Time being shall not exceed Thirty Pounds, every such Statement and Balance Sheet respectively, or a Duplicate or true Copy thereof respectively, shall be delivered or sent by such Trustees or Persons free of Charge to the Clerk of the County Court or some One of the County Courts (if more than One) to whose Jurisdiction such Charity may be subject under this Act (in case such Charity be subject to the Jurisdiction of any County Court under this Act), or if such Charity be not subject to the Jurisdiction of any County Court, then to the Clerk of the County Court for the District or any One of the Districts (if more than One) wherein or nearest adjoining whereto such Charity is established, or the Property thereof (in whole or in part) is situate or administered and distributed; and as to every Charity whose gross annual Income for the Time being shall exceed Thirty Pounds, every such Statement and Balance Sheet, or a Duplicate or true Copy thereof respectively (unless the said Board shall otherwise direct), shall be delivered or sent free of Charge to the Clerk of the Peace for the County or the Division of the County, or some One of the Counties or Divisions of Counties (if more than One) in which the Charity

Charity is established, or the Property thereof is wholly or partially situated or administered and distributed; and every such Statement and Balance Sheet, or a Duplicate or true Copy thereof respectively, shall be kept and registered without Fee or Reward by the Registrar of County Courts Judgments or the Clerk of such County Court, and the Clerk of the Peace of such County or Division respectively, and shall be open to the Inspection of all Persons, at all seasonable Hours, on Payment of the Sum of One Shilling to the Registrar or Clerk for every such Inspection; and any Person may require and have a Copy of any such Statement and Balance Sheet, or of any Part thereof, paying therefor to such Registrar or Clerk after the Rate of Twopence for every Seventy-two Words or Figures; and a Duplicate or Copy of every such Statement and Balance Sheet to be made according to the foregoing Provision, so certified and audited as aforesaid, shall be delivered or transmitted, through the Post or otherwise, free of Charge, by such Trustees or other Persons, to the said Board, on or before the said Twenty-fifth Day of *March* in every Year, or such other Day as may be fixed and appointed by the said Board as aforesaid; and the said Board may from Time to Time by any Order direct that the Statement and Balance Sheet, or a Duplicate or true Copy thereof respectively, of the Accounts of any Charity whose gross annual Income exceeds Thirty Pounds shall be delivered or sent to the Clerk of the County Court in the same Manner as if the Income of such Charity did not exceed Thirty Pounds; and the said Board may make and give such further and other Orders and Directions in relation to the Delivery and Publication of such Accounts, and the Form thereof, as they may think fit, which Directions and Orders shall be obligatory on and obeyed by all such Trustees and Persons as aforesaid.

Exemptions from the Operation of Act.

LXII. This Act shall not extend to the Universities of *Oxford*, *Cambridge*, *London*, or *Durham*, or any College or Hall in the said Universities of *Oxford*, *Cambridge*, and *Durham*, or to any Cathedral or Collegiate Church, or to any Building registered as a Place of Meeting for Religious Worship with the Registrar General of Births, Deaths, or Marriages in *England* and *Wales*, and *bonâ fide* used as a Place of Meeting for Religious Worship; nor shall this Act, for the Period of Two Years from the passing thereof, extend or be in any Manner applied to Charities or Institutions, the Funds or Income of which are applicable exclusively for the Benefit of Persons of the Roman Catholic Persuasion, and which are under the Superintendence or Control of Persons of that Persuasion, nor shall this Act extend or be applied to the Commissioners of Queen *Anne's* Bounty, or to the *British Museum*, or to any Friendly or Benefit Society, or Savings Bank, or any Institution, Establishment, or Society for religious or other charitable Purposes, or to the Auxiliary or Branch Associations connected therewith, wholly maintained by voluntary Contributions, or any Bookselling or Publishing Business carried on by or under the Direction of any Society wholly or partially exempted from this Act, so far as such Business is or shall be carried on by means of voluntary Contributions only, or the Capital or Stock of such Business; and where any Charity is maintained partly by voluntary Subscriptions and partly by Income arising from any Endowment, the Powers and Provisions of the Act shall, with respect to such Charity, extend and apply to the Income from Endowment only, to the Exclusion of voluntary Subscriptions, and the Application thereof; and no Donation or Bequest unto or in trust for any such Charity as last aforesaid, of which no special Application or Appropriation shall be directed or declared by the Donor or Testator, and which may legally be applied by the governing or managing Body of such Charity as Income in aid of the voluntary Subscriptions, shall be subject to the Jurisdiction or Control of the said Board, or the Powers or Provisions of this Act; and no Portion of any such Donation or Bequest as last aforesaid, or of any voluntary Subscription, which is now or shall or may from Time to Time be set apart or appropriated and invested by the governing or managing Body of the Charity, for the Purpose of being held and applied or expended for or to some defined and specific Object or Purpose connected with such Charity, in pursuance of any Rule or Resolution made or adopted by the governing or managing Body of such Charity, or of any Donation or Bequest in aid of any Fund so set apart or appropriated for any such Object or Purpose as aforesaid, shall be subject to the Jurisdiction or Control of the said Board or the Powers or Provisions of this Act; and nothing in this Act shall subject the Funds or Property of any Missionary or other similar Society, or the Missionaries, Teachers,

Provisions as to Charities supported partly by voluntary Subscriptions.

or Officers of such Society, or of any Branch thereof, which Funds or Property shall not be within the Limits of *England* or *Wales*, to the Jurisdiction of the said Board: Provided always, that the said Exemption shall not extend to any Cathedral, Collegiate, Chapter, or other Schools.

Exempted Charities may petition Commissioners to have Benefit of Act.

LXIII. It shall be lawful for any of the Charities exempted from the Operation of this Act, by Order or Resolution duly made in conformity with the Constitution or Rules of such Charity (and which in that Case only shall be binding), to apply by Petition to the Commissioners to have the Benefit of this Act either generally or as to any of the Provisions herein contained; and such Petition shall be under the Seal of such Charity if incorporated, and if not, then under the Hands of the major Part of the Trustees and governing Body of such Charity; and in such Case it shall be lawful for the Commissioners, if they shall think fit, to make an Order in conformity with such Application, and such Charity shall thenceforth be entitled to and be bound by all the Provisions of this Act, if admitted generally thereto, or by such of the Enactments thereof as shall be mentioned and specified in such Order of the Commissioners, but in either Case in the same Manner as if such Charity had not been exempted from this Act, or such Exemption had not extended to the Enactments specified in such Order.

Disputes among Members of exempted Charities may be referred to Arbitration of Commissioners.

LXIV. Provided also, That if any Question or Dispute shall arise among the Members of any Charity exempted from the Operation of this Act in relation to any Office, or the Fitness or Disqualification of any Trustee or Officer, or his Election or Removal, or generally in relation to the Management of the Charity, it shall be lawful for Two Thirds of the Members present at any Special Meeting duly convened by Notice for the Purpose, in the same Manner in which Meetings of such Charity are by the Rules thereof appointed to be held and convened, to refer such Question or Dispute to the Arbitration of the Commissioners, who shall accept such Reference and act therein as Arbitrators, and their Award shall be final, and may be made a Rule of Her Majesty's High Court of Chancery.

Legal Estate of Lands now vested in Municipal Corporations on Charitable Trusts to be vested in Trustees. 5 & 6 W. 4. c. 76.

LXV. The legal Estate in all Lands which at the Time of the passing of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, was vested in the Body Corporate of any Borough which became subject to the Provisions of the said Act, or in any One or more of the Members of such Body Corporate, in his or their corporate Capacity, solely or together with any Person or Persons elected solely by such Body Corporate, or solely by any particular Number, Class, or Description of Members of such Body Corporate, in whole or in part in trust or for the Benefit of any Charitable Uses or Trusts whatsoever, and which legal Estate shall not have been since duly conveyed or assured to and vested in the Trustees appointed by the Lord High Chancellor under the Provisions of the said Act, or such of them as shall be surviving and continuing Trustees, or otherwise lawfully conveyed, aliened, or disposed of by such Body Corporate or Member or Members thereof, shall from and immediately after the passing of this Act, and without any actual Conveyance, Assignment, or other Assurance thereof, be vested in the Trustees so appointed, or such of them as shall be surviving and continuing Trustees under such Appointment as aforesaid, according to the respective Estates and Interests therein, and subject to such and the same Charges and Incumbrances and upon such and the same Trusts as the same were respectively subject to previously to such vesting; and in every Case, upon the Death, Resignation, or Removal of any of the Trustees, and upon any Appointment of any new Trustee or Trustees respectively, the legal Estate in the same Lands, and in all other Lands subject to any such Charitable Uses or Trusts which may for the Time being be vested in the Trustees or any of them, or in any Persons or the Heirs or Devisees of any Person who may have died, resigned, or been removed, shall vest in the Persons who after such Death, Resignation, or Removal, and such Appointment of such new Trustee or Trustees respectively, shall continue or be the Trustees for the Time being, without any Conveyance or Assurance whatsoever.

Interpretation of Terms.

LXVI. In the Construction of this Act, except where the Context or other Provisions of the Act may require a different Construction, the Expression "Court of Chancery" shall mean and include the Master of the Rolls and every Judge of the Court of Chancery in *England;* the Expression

Expression "Lord Chancellor" shall mean and include the Lord Chancellor of *Great Britain* and the Lord Keeper and Commissioners of the Great Seal of *Great Britain* for the Time being; the Expressions "District Court of Bankruptcy" and "District Court" shall mean and include every District Court of Bankruptcy established or to be established under the Act of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Twenty-two, or under any other Act or Acts passed or to be passed for the Alteration or Amendment or the Extension of the same Act, or for the Establishment of any District Court or Courts of Bankruptcy in *England* or *Wales*, and every Commissioner or Judge of every such District Court; the Expression "County Court" shall mean and include every County Court holden or established or to be holden or established under the Act of the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, or any Act or Acts passed or to be passed for the Alteration or Extension of the same Act, and every Judge of any such Court; the Expression "Charity" shall mean every endowed Foundation and Institution taking or to take effect in *England* or *Wales*, and coming within the Meaning, Purview, or Interpretation of the Statute of the Forty-third Year of Queen *Elizabeth*, Chapter Four, or as to which, or the Administration of the Revenues or Property whereof, the Court of Chancery has or may exercise Jurisdiction; the Expression "Trustee" of any Charity shall mean and include every Person and Corporation seised or possessed of or entitled to any Real or Personal Estate, or any Interest therein, in trust for or for the Benefit of such Charity, or all or any of the Objects or Purposes thereof, and every Member of any such Corporation; and the Expression "the Board" shall mean the said Charity Commissioners sitting as a Board under this Act; and the Expression "Endowment" shall mean and include all Lands and Real Estate whatsoever, of any Tenure, and any Charge thereon, or Interest therein, and all Stocks, Funds, Monies, Securities, Investments, and Personal Estate whatsoever, which shall for the Time being belong to or be held in trust for any Charity, or for all or any of the Objects or Purposes thereof; and the Expression "Land" shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description.

Extent of Act

LXVII. This Act shall not extend to *Scotland* or *Ireland*.

Short Title.

LXVIII. This Act may be cited as "The Charitable Trusts Act, 1853."