ANNO NONO 1735/6

GEORGII II. REGIS.

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C A P. XXXVI.

An Act to restrain the Dispositions of Lands, whereby the same become unalienable.

WHEREAS Gifts or Alienations of Lands, Tenements, or Hereditaments in Mortmain are prohibited or restrained by *Magna Charta* and divers other wholesome Laws, as prejudicial to and against the common Utility, nevertheless this public Mischief has of late greatly increased, by many large and improvident Alienations or Dispositions made by languishing or dying Persons, or by other Persons, to Uses called charitable Uses, to take place after their Deaths, to the Disherison of their lawful Heirs: For Remedy whereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fourth Day of *June* which shall be in the Year of our Lord One thousand seven hundred and thirty-six no Manors, Lands, Tenements, Rents, Advowsons, or other Hereditaments, corporeal or incorporeal, whatsoever, nor any Sum or Sums of Money, Goods, Chattels, Stocks in the Public Funds, Securities for Money, or any other Personal Estate whatsoever, to be laid out or disposed of in the Purchase of any Lands, Tenements, or Hereditaments, shall be given, granted, aliened, limited, released, transferred, assigned, or appointed, or anyways conveyed or settled, to or upon any Person or Persons, Bodies Politic

Preamble.

After 24th June 1736, no Manors, Lands, &c. nor Sums of Money, Goods, &c. to be given for charitable Uses,

Politic or Corporate, or otherwise, for any Estate or Interest whatsoever, or anyways charged or incumbered by any Person or Persons whatsoever, in trust or for the Benefit of any charitable Uses whatsoever, unless such Gift, Conveyance, Appointment, or Settlement of any such Lands, Tenements, or Hereditaments, Sum or Sums of Money, or Personal Estate (other than Stocks in the Public Funds), be and be made by Deed indented, sealed and delivered in the Presence of Two or more credible Witnesses Twelve Calendar Months at least before the Death of such Donor or Grantor (including the Days of the Execution and Death), and be enrolled in His Majesty's High Court of Chancery within Six Calendar Months next after the Execution thereof, and unless such Stocks be transferred in the Public Books usually kept for the Transfer of Stocks, Six Calendar Months at least before the Death of such Donor or Grantor (including the Days of the Transfer and Death), and unless the same be made to take effect in possession for the charitable Use intended immediately from the making thereof, and be without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever for the Benefit of the Donor or Grantor or of any Person or Persons claiming under him.

unless by Deed indented and executed before Two Witnesses, 12 Months before the Death of the Donor, and enrolled, &c.

II. Provided always, That nothing herein-before mentioned relating to the sealing and Delivery of any Deed or Deeds Twelve Calendar Months at least before the Death of the Grantor, or to the Transfer of any Stock Six Calendar Months before the Death of the Grantor or Person making such Transfer, shall extend or be construed to extend to any Purchase of any Estate or Interest in Lands, Tenements, or Hereditaments, or any Transfer of any Stock, to be made really and *bonâ fide* for a full and valuable Consideration actually paid at or before the making such Conveyance or Transfer, without Fraud or Collusion.

The said Limitations not to extend to Purchases or Transfers made for valuable Considerations.

III. And be it further enacted by the Authority aforesaid, That all Gifts, Grants, Conveyances, Appointments, Assurances, Transfers, and Settlements whatsoever of any Lands, Tenements, or other Hereditaments, or of any Estate or Interest therein, or of any Charge or Incumbrance affecting or to affect any Lands, Tenements, or Hereditaments, or of any Stock, Money, Goods, Chattels, or other Personal Estate, or Securities for Money, to be laid out or disposed of in the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate or Interest therein, or of any Charge or Incumbrance affecting or to affect the same, to or in trust for any charitable Uses whatsoever, which shall at any Time from and after the said Twenty-fourth Day of *June* One thousand seven hundred and thirty-six be made in any other Manner or Form than by this Act is directed and appointed shall be absolutely and to all Intents and Purposes null and void.

Gifts, &c. made after 24th June 1736 otherwise than directed by this Act to be absolutely void.

IV. Provided always, That this Act shall not extend or be construed to extend to make void the Dispositions of any Lands, Tenements, or Hereditaments, or of any Personal Estate to be laid out in the Purchase of any Lands, Tenements, or Hereditaments, which shall be made in any other Manner or Form than by this Act is directed, to or in trust for either of the Two Universities within that Part of *Great Britain* called *England*, or any of the Colleges or Houses of Learning within either of the said Universities, or to or in trust for the Colleges of *Eton*, *Winchester*,

But not to prejudice the Two Universities, or the Colleges of Eton, Winchester, or Westminster.

Winchester, or *Westminster*, or any or either of them, for the better Support and Maintenance of the Scholars only upon the Foundations of the said Colleges of *Eton*, *Winchester*, and *Westminster*.

No College to hold more Advowsons than shall be equal to One Moiety of their Fellows, &c.

V. Provided nevertheless, and be it enacted by the Authority aforesaid, That no such College or House of Learning which doth or shall hold or enjoy so many Advowsons of Ecclesiastical Benefices as are or shall be equal in Number to One Moiety of the Fellows or Persons usually styled or reputed as Fellows, or, where there are or shall be no Fellows or Persons usually styled or reputed as Fellows, to One Moiety of the Students upon the Foundation whereof any such College or House of Learning doth or may by the present Constitution of such College or House of Learning consist, shall, from and after the Twenty-fourth Day of *June* One thousand seven hundred and thirty-six, be capable of purchasing, acquiring, receiving, taking, holding, or enjoying any other Advowsons of Ecclesiastical Benefices by any Means whatsoever; the Advowsons of such Ecclesiastical Benefices as are annexed to or given for the Benefit or better Support of the Headships of any of the said Colleges or Houses of Learning not being computed in the Number of Advowsons hereby limited.

This Act not to extend to Scotland.

VI. Provided always, That nothing in this Act contained shall extend or be construed to extend to the Disposition, Grant, or Settlement of any Estate Real or Personal, lying or being within that Part of *Great Britain* called *Scotland*.

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