ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. CII.

An Act for the registering and securing of Charitable Donations. [9th *July* 1812.]

WHEREAS Charitable Donations have been given for the Benefit of poor and other Persons in *England* and *Wales* to a very considerable Amount, and many of the aforesaid Donations appear to have been lost, and others from the Neglect of Payment and the Inattention of those Persons who ought to superintend them, are in Danger of being lost, or rendered very difficult to be preserved; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That a Memorial or Statement of the Real and Personal Estate, and of the Gross Annual Income, Investment, and the general and particular Objects of all and every Charity and Charities, and Charitable Donations, for the Benefit of any poor or other Persons in any Place in *England* and *Wales*, which shall have been founded, established, made, benefited, increased, or secured, together with the Names of the respective Founders of or Benefactors thereto, where known, and also of the Person or Persons in whose Custody, Possession, or Controul, the Deeds, Wills, and other Instruments whereby such Charities or Charitable Donations shall have been founded, established, made, benefited, increased, or secured, may be, and also of the Names of the then Trustee or Trustees, Feoffee or Feoffees, Possessor or Possessors of such Real or Personal Estate, shall from and after Six Calendar Months after the passing of this Act, be registered by such Person or Persons who shall then be the Trustee or

A Memorial of Deeds, &c. respecting Charitable Donations already founded to be registered.

Truſtees, Feoffee or Feoffees, Poſſeſſor or Poſſeſſors thereof, or ſome or one of ſuch Perſons, in Manner and in the Form contained in the Schedule to this Act annexed, in the Office of the Clerk of the Peace of the County, or City or Town, being a County of itſelf, within which ſuch poor or other Perſons ſhall be; and ſuch Memorial or Statement ſhall be ſigned by ſuch Perſon or Perſons cauſing the ſame to be regiſtered and left in the ſaid Office of ſuch Clerk of the Peace, who ſhall forthwith tranſmit a Duplicate or Copy of the ſame unto the Enrolment Office of the High Court of Chancery.

The like of Charitable Donations which may hereafter be founded.

II. And be it further enacted, That wherever any ſuch Charity or Charitable Donations ſhall be founded, eſtabliſhed, made or benefited, increaſed or ſecured by any Deed, Will or other Inſtrument hereafter to be made or executed by any Perſon or Perſons, that then a like Memorial or Statement, according to the Directions hereinbefore contained, ſhall be regiſtered, and left and tranſmitted as aforeſaid, by ſuch Perſon or Perſons as are herein-before mentioned, within Twelve Months after the Deceaſe of ſuch Perſon or Perſons by whom any ſuch Will, Deed or Deeds, or other Inſtrument ſhall have been made or executed.

Clerks of the Peace to provide proper Books wherein Regiſtries ſhall be made.

III. And be it further enacted, That for the Purpoſe of ſuch Regiſtries of ſuch Memorials or Statements, the Clerk of the Peace for the Time being of each and every County, or City, or Town, being a County of itſelf, or Riding within *England* and *Wales*, ſhall as there ſhall be Occaſion, provide proper Books of Parchment or Vellum, wherein ſuch Regiſters ſhall be made and entered; and every ſuch original Memorial or Statement, and every ſuch Book provided as aforeſaid, ſhall be carefully kept and preſerved for public Uſe and Inſpection in the Office to which it ſhall belong, together with a correct Index, to be made from Time to Time by ſuch Clerk of the Peace, of ſuch Charities and Charitable Donations, diſtinguiſhing each by the Name of the Original, or Firſt Donor or Founder thereof, where known, or the Appellation or Title moſt generally uſed for ſuch Charity or Charitable Donations.

Notice to be given in the London Gazette if Perſons to be benefited ſhall not be wholly within one County.

IV. And be it further enacted, That in caſe the Perſons to be benefited by any ſuch Charity or Charitable Donations as aforeſaid, ſhall not be wholly within any one County, then, and in ſuch Caſe ſuch Clerk of the Peace of the County where any ſuch Charity or Charitable Donation ſhall be regiſtered, ſhall forthwith notify in *The London Gazette* the Name or Title thereof, according to the Appellation or Title uſed in the Index aforeſaid, and the Names of the ſeveral Places wherein the Objects of ſuch Charity or Charitable Donations ſhall be, and the particular or general Objects thereof, and alſo the Name of the County wherein ſuch Memorial or Statement ſhall have been regiſtered.

If Donations ſhall not be regiſtered, a Petition may be preſented to the Lord Chancellor, &c. complaining thereof.

V. And be it further enacted, That if any ſuch Charity or Charitable Donation ſhall not be duly memorialized, ſtated, and regiſtered according to the Proviſions of this Act, it ſhall and may be lawful for any Two Perſons or more, intereſted in ſuch Charity or Charitable Donation, to preſent a Petition to the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal, or Maſter of the Rolls for the Time being, or the Court of Exchequer, complaining thereof; and they are

 hereby

hereby required to hear ſuch Petition in a ſummary Way, and upon Affidavits, or ſuch other Evidence as ſhall be produced upon ſuch Hearing, to determine the ſame, and to make ſuch Order therein, and with reſpect to the Coſts of ſuch Application and Proceedings, as to him or them ſhall ſeem fit, and which Order ſhall be final and concluſive.

No Proceedings to decide any Right or Title.

VI. Provided always, and be it further enacted, That no Proceedings under the Proviſions herein-before mentioned, ſhall extend or be conſtrued to extend to decide any Right or Title as to the Property that ſhall be ſo regiſtered, or as to the Perſons who ſhall be entitled, or claim to be entitled, to the Benefit thereof, or any Intereſt therein.

Clerk of the Peace to make Searches, and give Copies of Regiſters.

VII. And be it further enacted, That all and every Clerk of the Peace of the ſeveral Counties and Ridings in *England* and *Wales*, ſhall as often as required, make Searches concerning all Memorials and Statements directed by this Act to be entered in his or their Office as aforeſaid, and ſhall alſo give Copies of the ſame under his Hand, if required by any Perſon whatſoever, who ſhall tender or be willing to pay him the Sum or Sums hereinafter directed to be allowed to him for ſuch Copies of ſuch Memorials or Statements as aforeſaid.

Allowance to Clerk of the Peace;

VIII. And be it further enacted, That every ſuch Clerk of the Peace ſhall be allowed for the regiſtering every ſuch Memorial or Statement as is by this Act directed, the Sum of Four Shillings, and no more, in caſe the ſame do not exceed Four hundred Words, but if ſuch Memorial or Statement ſhall exceed Four hundred Words, then after the Rate and Proportion of One Shilling an Hundred for all the Words contained in ſuch Entry, and the like Fees for the like Number of Words contained in every Copy of any Entry given out of the ſaid Regiſter, and no more; and for every Notification in the *London Gazette*, the Coſts of ſuch Notification, and the further Sum of Ten Shillings for drawing and inſerting the ſame, and tranſmitting the Duplicate or Copy herein-before mentioned unto the Enrolment Office of the High Court of Chancery, and no more.

and to the Perſon inſerting Notification in the Gazette.

Further Time to be allowed to regiſter Memorial where Difficulties occur in preparing the ſame.

IX. And be it further enacted, That where any Difficulty ſhall occur in making and preparing ſuch Memorial or Statement as aforeſaid, ſo as to render it neceſſary to employ any longer Time than is allowed by the Proviſions of this Act for regiſtering ſuch Memorial or Statement as herein-before is mentioned, it ſhall and may be lawful for the Court of Quarter Seſſions for the County, or City or Town, being a County of itſelf, wherein ſuch Memorial or Statement is intended to be regiſtered, to allow, on Application made to them, and on Examination of the Circumſtances, ſuch further Time, not exceeding Six Calendar Months, as to ſuch Court ſhall ſeem neceſſary to be given for the Purpoſe of duly regiſtering ſuch Memorial or Statement as herein-before is mentioned.

Coſts attending the preparing Memorials to be allowed.

X. And be it further enacted, That it ſhall and may be lawful for the Court of Quarter Seſſions of the County, or City or Town, being a County of itſelf, wherein ſuch Statement or Memorial ſhall have been regiſtered, to allow ſuch reaſonable Coſts and Charges attending the preparing

paring and registering, notifying and transmitting such Memorial or Statement, with Reference to the Income of the Charity or Charitable Donation, to such Person or Persons causing the same to be registered, as such Court shall think fit; and it shall and may be lawful for such Person or Persons who shall have caused such Memorial or Statement to be registered, to deduct out of the Income, Funds, Rents and Profits, in his or their Hands, of such Charity or Charitable Donation so by him or them memorialized and stated and registered, the Sum and Sums so allowed, and no more: Provided always, that the said Court of Quarter Sessions shall not allow any Sum whatever for and in respect of such Costs and Charges, unless it shall be stated to them upon the Declaration in Writing of the Person or Persons applying for such Allowance, and signed by him or them, that such Memorial or Statement is to the best of his, her, or their Knowledge and Belief, true in every Respect, and that it doth contain to the best of his, her, or their Knowledge and Belief, a true and full Account of the Real and Personal Estate, Annual Gross Income, Investment, and the particular or general Objects of the Charity or Charitable Donation of which such Memorial or Statement shall have been registered, together with the Names of the respective Donors or Benefactors thereto, where known, and also of the Person or Persons in whose Custody, Possession, or Controul, the Deeds, Wills, and other Instruments herein-before mentioned, shall at such Time be, and also the Names of the Trustee or Trustees, Feoffee or Feoffees, Possessor or Possessors of such Real and Personal Estate: Provided always, that none of the Provisions herein before contained shall be construed to extend to any Charity or Charitable Donation not issuing out of or secured upon any Lands, Tenements, or Hereditaments, or directed by the Founder or Donor thereof to be secured thereon, or to be permanently invested in Government or any Public Stocks or Funds, nor to any Charitable Donation whatsoever, which by the Direction of the Donor thereof, or by the lawful Rules of any Charitable Institution whatsoever, may be wholly or in part expended in and about the charitable Purposes for which the same may have been given, at the Discretion of the Governors, Directors, Managers, or the Trustee or Trustees of such Charitable Institution at any Time whatsoever.

Not to extend to any Donation not secured upon Lands; nor to Charitable Institutions.

Act not to extend to any Royal Foundations; nor to certain Institutions:

XI. And be it further enacted, That nothing in this Act shall be construed to extend to any Hospital, School, or other Charitable Institution whatsoever, which shall have been founded, improved, or regulated by or under the Authority of the King's most Excellent Majesty, or any of His Royal Predecessors, or of any special Act of Parliament thereunto particularly relating; nor to any Charitable Donation under the Superintendence of any such Hospital, School, or Institution, nor to the Governors of the Corporation of the Charity for the Relief of Poor Widows and Children of Clergymen, nor to any Friendly Society, the Rules whereof shall have been confirmed according to the Provisions of the Act or Acts for the Encouragement and Relief of Friendly Societies; nor to either of the Universities of *Oxford* or *Cambridge*, nor to any College or Hall thereto belonging, or to any Charitable Bequest, Devise, Gift, or Foundation whatsoever belonging thereto, or under the Controul, Direction, Superintendence, or Management of the said Universities, or either of them, or any College or Hall therein respectively; nor to the *Radcliffe* Infirmary within the University of *Oxford*; nor to the Colleges of *Westminster*, *Eton*,

or *Winchester*, or any of them; nor to any Cathedral or Collegiate Church within *England* and *Wales*; nor to the Charter House; nor to the Corporation of the Trinity House of *Deptford Strond*; nor to any Funds applicable to charitable Purposes for the Benefit of any Persons of the *Jewish* Nation.

Nor to Charitable Institutions of Quakers.

XII. Provided always, That nothing in this Act contained shall extend to any Charitable Foundation or Donation which shall have been or shall be given to and for the Benefit of any Person or Persons of the Society of People called *Quakers*, and which shall be under the Superintendence and Controul of Persons of that Persuasion.

Nor to Charitable Foundations, the Accounts of which are directed to be passed in the Court of Chancery, &c.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to any Charity or Charitable Donation or Foundation, the Accounts of the Income and Expenditure whereof shall have been directed to be annually passed in the High Court of Chancery, nor to any Charity or Charitable Donation or Foundation, the annual gross Income whereof shall not exceed Forty Shillings, and of which the Trustee or Trustees, Feoffee or Feoffees, Possessor or Possessors, some or one of them, shall within Six Months after the passing of this Act deposit in the Hands of the Minister of the Parish wherein any of the Objects of such Charity, Charitable Donation, or Foundation shall be, a written Memorial or Statement in like Form as in the Schedule hereunto annexed is contained, and which by such Minister shall be forthwith deposited in the Parish Chest.

Divers Charities may be stated in the Memorial.

XIV. And be it further enacted, That where any Body Corporate, Guild, or Fraternity, shall be entrusted with the Possession or Distribution of divers Charities or Charitable Donations or Foundations, or of the Rents and Profits thereof, that in such Cases all such Charities, Charitable Donations and Foundations, may be registered and stated in one and the same Memorial.

Saving Clause.

XV. Saving always to the King's most Excellent Majesty, and to all other Persons, such Power of superintending and regulating Charities and Charitable Establishments, and the Property and Funds thereof, as they respectively had before the making of this Act.

SCHEDULE to which this Act refers.

A MEMORIAL or Statement in pursuance of an Act for the registering and securing of Charitable Donations; whereby it is declared by the Undersigned [*state the Name or Names of the Persons who sign the Memorial or Statement*] That the Real or Personal Estate [*state this as the Case may be*] of the [*state the Title, or Appellation of the Charity or Charitable Donation*] consists of [*state this as the Case may be; and if real Estate, whether it be in Lands, Tenements, or Hereditaments, and of what Tenure, and where the same are situate, or whether of any Charge or Incumbrance on any Lands, Tenements, or Hereditaments, and where situate; and if personal Estate, describe the Nature of it, and how secured*] and the Gross Annual Income arising therefrom amounts to [*state the Sum*] and the Objects of which Charity or Charitable Foundation are [*state the general or particular Objects of the Charity*] and which Charity or Charitable Foundation was, according to the best of my [*or*, our, *as the Case may be*] Knowledge and Belief, founded by [*state by whom; and if benefited, increased, or secured by any other Person, state the same and by whom*] and the Deeds, Wills, and other Instruments [*state this as the Case may be; and if no Deeds, Wills, or other Instruments exist, state the same*] are, to the best of my [*or*, our, *as the Case may be*] Knowledge and Belief, in the Custody, Possession, or Controul [*state this as the Case may be*] of [*state the Name of the Body Corporate or natural Person*] and the Trustees, Feoffees, or Possessors [*state this as the Case may be*] of the said Real and Personal Estate [*state this as the Case may be*] are, to the best of my [*or*, our, *as the Case may be*] Knowledge and Belief [*state the Name of the Body Corporate or natural Person, as the Case may be*].

(Signed) *A. B.*
C. D.
E. F.

Trustee or Trustees, Feoffees, Possessor or Possessors of the Real or Personal Estate [*as the Case may be*] of the Charity or Charitable Donation hereby memorialized and registered.

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