ANNO PRIMO

GULIELMI IV. REGIS.

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C A P. XL.

An Act for making better Provision for the Disposal of the undisposed of Residues of the Effects of Testators. [16th *July* 1830.]

WHEREAS Testators by their Wills frequently appoint Executors, without making any express Disposition of the Residue of their Personal Estate: And whereas Executors so appointed become by Law entitled to the whole Residue of such Personal Estate; and Courts of Equity have so far followed the Law as to hold such Executors to be entitled to retain such Residue for their own Use, unless it appears to have been their Testator's Intention to exclude them from the beneficial Interest therein, in which Case they are held to be Trustees for the Person or Persons (if any) who would be entitled to such Estate under the Statute of Distributions, if the Testator has died Intestate: And whereas it is desirable that the Law should be extended in that respect; 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 when any Person shall die, after the First Day of *September* next after the passing of this Act, having by his or her Will, or any Codicil or Codicils thereto, appointed any Person or Persons to be his or her Executor or Executors, such Executor or Executors shall be deemed by Courts of Equity to be a Trustee or Trustees for the Person

After 1st Sept. 1830 Executors deemed to be Trustees for Persons entitled to any Residue

under the Statute of Distributions, unless otherwise directed by Will.

Person or Persons (if any) who would be entitled to the Estate under the Statute of Distributions, in respect of any Residue not expressly disposed of, unless it shall appear by the Will, or any Codicil thereto, the Person or Persons so appointed Executor or Executors was or were intended to take such Residue beneficially.

Not to affect Rights of Executors where there is not any Person entitled to the Residue.

II. Provided also, and be it further enacted, That nothing herein contained shall affect or prejudice any Right to which any Executor, if this Act had not been passed, would have been entitled, in Cases where there is not any Person who would be entitled to the Testator's Estate under the Statute of Distributions, in respect of any Residue not expressly disposed of.

Not to extend to Scotland.

III. Provided always, and be it further enacted, That nothing herein contained shall extend to that Part of the United Kingdom called *Scotland*.

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