ANNO PRIMO

GULIELMI IV. REGIS.

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C A P. XLVI.

An Act to alter and amend the Law relating to Illusory Appointments. [16th *July* 1830.]

WHEREAS, by Deeds, Wills, and other Instruments, Powers are frequently given to appoint Real and Personal Property amongst several Objects, in such Manner that none of the Objects can be excluded by the Donee of the Power from a Share of such Property: And whereas Appointments in exercise of such Powers, whereby an unsubstantial, illusory, or nominal Share of the Property affected thereby is appointed to or left unappointed to devolve upon any one or more of the Objects thereof, are invalid in Equity, although the like Appointments are good and binding at Law: And whereas considerable Inconvenience hath arisen from the Rule of Equity relative to such Appointments, and it is expedient that such Appointments should be as valid in Equity as at Law; 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 no Appointment, which from and after the passing of this Act, shall be made in exercise of any Power or Authority to appoint any Property, Real or Personal, amongst several Objects, shall be invalid or impeached in Equity, on the Ground that an unsubstantial, illusory, or nominal Share only shall be thereby appointed to or left unappointed to devolve upon any one or more of the Objects of such Power; but that every such Appointment shall be valid and effectual in Equity as well as at Law, notwith-

Illusory Appointments shall be valid in Equity as well as at Law.

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standing that any one or more of the Objects shall not thereunder, or in default of such Appointment, take more than an unsubstantial, illusory, or nominal Share of the Property subjected to such Power.

Not to affect any Deed which declares the Amount of the Share;

II. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or affect any Provision in any Deed, Will, or other Instrument creating any such Power as aforesaid, which shall declare the Amount of the Share or Shares from which no Object of the Power shall be excluded.

nor to give any other Force to any Appointment than the same would have had.

III. Provided also, and be it further enacted and declared, That nothing in this Act contained shall be construed, deemed, or taken, at Law or in Equity, to give any other Validity, Force, or Effect to any Appointment, than such Appointment would have had if a substantial Share of the Property affected by the Power had been thereby appointed to or left unappointed to devolve upon any Object of such Power.

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