ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

C A P. LXXXII.

An Act for further amending the Act for abolishing Arrest on Mesne Process in Civil Actions.

[7th *August* 1840.]

WHEREAS by an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act for abolishing* 1 & 2 Vict. *Arrest on Mesne Process in Civil Actions, except in* c. 110. *certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in* England, it was amongst other things enacted, that if any Person against whom any Judgment should have been entered up in any of Her Majesty's Superior Courts at *Westminster* should have any Government Stock, Funds, or Annuities, or any Stock or Shares of or in any public Company in *England* (whether incorporated or not), standing in his Name in his own Right, or in the Name of any Person in Trust for him, it should be lawful for a Judge of One of the Superior Courts, on the Application of any Judgment Creditor, to order that such Stock, Funds, Annuities, or Shares, or such of them, or such Part thereof respectively, as he should think fit, should stand charged with the Payment of the Amount for which Judgment should have been so recovered, and Interest thereon, and such Order should entitle the Judgment Creditor to all such Remedies as he would have been entitled to if such

such Charge had been made in his Favour by the Judgment Debtor; provided that no Proceedings should be taken to have the Benefit of such Charge until after the Expiration of Six Calendar Months from the Date of such Order: And whereas Doubts have been entertained whether the said Provisions extend to the Cases herein-after mentioned: Now therefore be it declared and 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, That the aforesaid Provisions of the said Act shall be deemed and taken to extend to the Interest of any Judgment Debtor, whether in Possession, Remainder, or Reversion, and whether vested or contingent as well in any such Stocks, Funds, Annuities, or Shares as aforesaid as also in the Dividends, Interest, or annual Produce of any such Stock, Funds, Annuities, or Shares; and whenever any such Judgment Debtor shall have any Estate, Right, Title, or Interest, vested or contingent, in Possession, Remainder, or Reversion, in, to, or out of any such Stocks, Funds, Annuities, or Shares as aforesaid which now are or shall hereafter be standing in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, or in, to, or out of the Dividends, Interest, or annual Produce thereof, it shall be lawful for such Judge to make any Order as to such Stock, Funds, Annuities, or Shares, or the Interest, Dividends, or annual Produce thereof, in the same Way as if the same had been standing in the Name of a Trustee of such Judgment Debtor: Provided always, that no Order of any Judge as to any Stock, Funds, Annuities, or Shares standing in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, or as to the Interest, Dividends, or annual Produce thereof, shall prevent the Governor and Company of the Bank of *England*, or any public Company, from permitting any Transfer of such Stocks, Funds, Annuities, or Shares, or Payment of the Interest, Dividends, or annual Produce thereof, in such Manner as the Court of Chancery or the Court of Exchequer respectively may direct, or shall have any greater Effect than if such Debtor had charged such Stock, Funds, Annuities, or Shares, or the Interest, Dividends, or annual Produce thereof, in favour of the Judgment Creditor, with the Amount of the Sum to be mentioned in any such Order.

Provisions of recited Act as to Property of Judgment Debtors defined and extended.

II. And whereas it was by the said Act further enacted, that no Judgment of any of the Superior Courts of Common Law at *Westminster*, nor any Decree or Order in any Court of Equity, nor any Rule of a Court of Common Law, nor any Order in Bankruptcy or Lunacy, should by virtue of the said Act affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until such a Memorandum or Minute as therein mentioned should be left with the Senior Master of the Court of Common Pleas at *Westminster*: And whereas Doubts have been entertained whether a Purchaser, Mortgagee, or Creditor, having Notice of any such Judgment, Decree, Order, or Rule as aforesaid, would not in Equity be affected thereby, notwithstanding such a Memorandum or Minute of the same as in the said Act is mentioned may not have been left with

No Judgment, Decree, &c. to affect Real Estate, until Memorandum left with the Senior Master of the Common Pleas.

with the Senior Master of the said Court of Common Pleas; be it therefore further declared and enacted, That no such Judgment, Decree, Order, or Rule as aforesaid shall by virtue of the said Act affect any Lands, Tenements, or Hereditaments, at Law or in Equity, as to Purchasers, Mortgagees, or Creditors, unless and until such a Memorandum or Minute as in the said Act in that Behalf mentioned shall have been left with the Senior Master of the said Court of Common Pleas at *Westminster*; any Notice of any such Judgment, Decree, Order, or Rule to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1840.