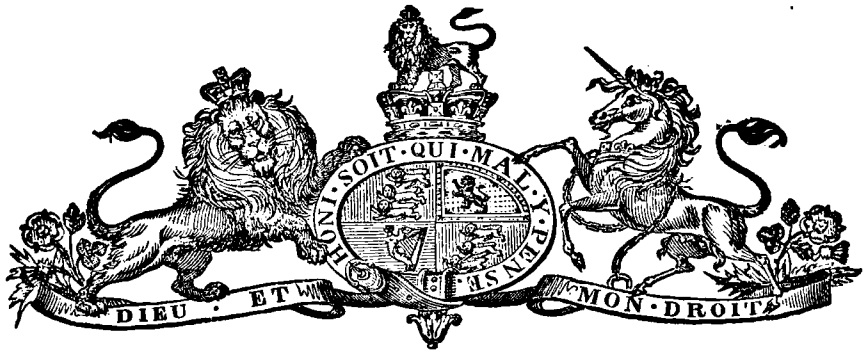


ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. LXXII.

An Act to facilitate the Sale and Transfer of Land in *Ireland*. [2d *August* 1858.]

WHEREAS an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act further to facilitate the Sale and Transfer of Incumbered Estates in* Ireland: 12 & 13 Vict. c. 77.
And whereas a certain other Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled *An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in* Ireland: 15 & 16 Vict. c. 67.
And whereas a certain other Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, intituled *An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in* Ireland: 16 & 17 Vict. c. 64.
And whereas a certain other Act was passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, intituled *An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in* Ireland: 18 & 19 Vict. c. 73.
And whereas a certain other Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled *An Act to extend the Period for applying for a Sale under the Acts* 19 & 20 Vict. c. 67.

for

for facilitating the Sale and Transfer of Incumbered Estates in Ireland, and to amend the said Acts: And whereas it is expedient to create a permanent Court for the Sale and Transfer of Land in *Ireland*, whether the same shall be incumbered or unincumbered, and to invest the said Court with other and more extensive Powers than those conferred by the said recited Acts: Be it therefore 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, as follows:

Construction of certain Terms in this Act.

I. In the Construction of this Act (except where the Context or other Provisions of this Act require a different Construction),

The Word "Land" shall include and extend to Manors, Advowsons, Rectories, Messuages, Tithes, Lands, Tenements, Rents, Annuities charged on Lands and Hereditaments of any Tenure, or any Estate therein, partial, derivative, or otherwise, and whether such Land be held as Freehold or Chattel, or held by Lease, or whether subject to any Fee-farm or other perpetual Rent, with or without the Condition of Re-entry for securing the same or otherwise, or whether corporeal or incorporeal, and whether a divided or undivided Share;

And the Word "Estate" shall include and extend to an Estate in Equity as well as at Law, and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for or Right of Renewal, and whether this Land be held in Fee Simple or for any lesser Estate, or held by Lease;

And the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement in the whole or in any Part of the Land therein comprised;

And the Expression "Lease in Perpetuity" shall mean any Lease or Grant for One or more Life or Lives, with or without a Term of Years, or determinable upon the Expiration of any given Term of Years, or for Years determinable on One or more Life or Lives, or for Years absolute, with a Covenant or Agreement in any of such Cases, whether in the same or any other Instrument, for the perpetual Renewal of such Lease or Grant, whether such Lease shall be derived out of the Inheritance or by way of Under-lease out of any other Lease or Estate;

The Word "Owner," as applied to Land, shall include any Person beneficially entitled in possession to an Estate in Fee Simple or Fee Tail, or *quasi* Fee Tail, or for any lesser, partial, or derivative or other Estate, Freehold or Chattel, at Law or in Equity, or any Person entitled to such Estate as a Trustee for Sale;

And the Words "Person or Owner" shall extend to a Body Politic or Corporate, as well as to an Individual;

And the Word "Judge" shall mean One of the Judges of the "Landed Estates Court, *Ireland*;"

And the Expression "the Judge" shall mean the Judge of the said Court before whom the Matter shall be pending of which the Section is conversant;

And the Expression "Commissioners of Her Majesty's Treasury" shall mean the Commissioners of Her Majesty's Treasury for the Time being, or such Members of them as are competent to perform Acts for the said Commission at large, or the Lord High Treasurer for the Time being;

And the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee, or for any less Estate, and also any Money secured by a Trust, and also any Legacy, Portion, Lien, or other Charge, whereby a gross Sum of Money is secured to be paid on an Event, or at a Time certain, and also any annual or periodical Charge, which, by the Instrument creating the same or any other Instrument, is made purchaseable on Payment of a gross Sum of Money, and every other Charge upon Land which is deemed an Incumbrance in a Court of Equity, and which a Court of Equity would discharge by a Sale of the Land charged, or by the Appointment of a Receiver over the same;

And the Word "Incumbrancer" shall mean a Person entitled to an Incumbrance absolutely, or a Person entitled to the absolute or any partial or lesser Interest in an Incumbrance, or in any Part thereof;

And the Word "Court" shall mean the "Landed Estates Court, *Ireland*;" and where the Expression "the Court" shall be used in connexion with any Act to be done or Order to be made by the same, it shall mean the Judge of the said Court before whom the Matter referred to shall be pending;

And the Words "Lord Chancellor" shall mean as well the Lord High Chancellor of *Ireland* as the Lord Keeper or Lords Commissioners of the Great Seal for the Time being.

Title of Court, and Place of Sitting.

II. A Court is hereby constituted, to be called the "Landed Estates Court, *Ireland*," with Power to exercise such Jurisdiction and Authority as herein-after provided, and to hold its ordinary Sittings at such Place or Places in the City of *Dublin* as the Lord Lieutenant of *Ireland* in Council shall from Time to Time appoint.

First Judges of the Court.

III. There shall be Three Judges of the said Court, and *Henry Martley* Esquire, *Mountifort Longfield* Esquire, LL.D., and *Charles James Hargreave* Esquire, shall be and are hereby constituted First Judges of the said Court.

IV. It

Appointment of future Judges.

IV. It shall be lawful for Her Majesty and Her Successors from Time to Time, when and as often as any Vacancy shall occur in the Office of any of the said Judges of the said Court herein-before named, or of any of their Successors for the Time being, by Death, Resignation, or Removal from Office, by Letters Patent under the Great Seal of *Ireland*, to appoint a fit Person, being a practising Barrister of at least Fifteen Years standing, who shall have actually practised Fifteen Years in Her Majesty's Superior Courts in *Dublin*, and shall not, at the Time of his Appointment to such Office, have retired from such Practice, to supply such Vacancy.

Judges to hold Office during good Behaviour.

V. Each of the said Judges herein-before named, and every other Judge hereafter to be appointed by Her Majesty and Her Successors, under the Provisions of this Act, shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Oath of Judges.

VI. Every such Judge as aforesaid shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor of *Ireland* or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I *A. B.* do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the "Landed Estates Court, Ireland." So help me GOD.'

Every such Judge as aforesaid shall have Rank and Precedence next after the Puisne Judges of Her Majesty's Superior Courts of Common Law and the Judge of the Court of Probate in *Ireland*.

Judges not to sit in House of Commons.

VII. No Judge appointed under this Act shall, during his Continuance in such Office, be capable of being elected or of sitting as a Member of the House of Commons.

Court to have a Seal.

VIII. The said "Landed Estates Court, *Ireland*," shall cause to be made a Seal for their said Court, and shall cause to be sealed therewith all Orders, Conveyances, and other Instruments made by or proceeding from the said Court in pursuance of this Act, and all such Orders, Conveyances, and other Instruments, or Copies thereof, purporting to be sealed with the Seal of the said Court, shall be received in Evidence without any further Proof thereof.

Officers to be appointed.

IX. There shall be One Registrar, One Taxing Officer, One Accountant for said Court, One Examiner for each Judge, and so many Clerks and other Officers for the said Court (save the Office of Master)

Master) as the Lord Chancellor of *Ireland*, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit.

First Appointment of Officers.

X. *Henry Carey* Esquire, the present Secretary to the Court for the Sale of Incumbered Estates, shall be the First Registrar, *Richard Augustine Fitz Gerald* shall be the First Taxing Officer, and *Thomson Seed* shall be the First Accountant of the said Landed Estates Court, *Ireland;* and the several Examiners for the said Judges shall be appointed under the Hand of the said Judges respectively.

Certain Officers to be transferred to such Situations as Judges may select.

XI. Such of the other Clerks and Officers now employed in the said Court for the Sale of Incumbered Estates shall be transferred to such Situations in the Court hereby created as the Judges of the said Court, or any Two of them, shall, with the Approbation of the Lord Chancellor, select and appoint as best qualified for such Situations, or, in default of Appointment by them, as the Lord Chancellor himself shall select and appoint.

Future Appointment of Officers.

XII. The Registrar, Taxing Officer, and Accountant of the said Court hereby constituted, upon the Death, Resignation, or Removal of the Persons respectively appointed or to be appointed from Time to Time to the said Offices, and the Persons to be appointed to any Situation which is of a general Nature in the said Court, and not attached to any particular Office, and every Officer who shall preside in any Office, shall be appointed by Warrant of the Lord Lieutenant, on the joint Recommendation of the Judges of the Court; or, in default of such joint Recommendation, by the Lord Lieutenant at his Discretion; and the Examiners of the said Judges, and other Officers immediately attached to their respective Courts or Chambers, shall from Time to Time be appointed by such Judges respectively for the Time being as such Office shall become vacant, and the several other inferior Officers or Clerks shall, save in the Case of such Transfer as aforesaid, be appointed by the said Judges jointly.

Salaries of Officers.

XIII. There shall be paid to *Henry Martley* Esquire a Salary of Three thousand Pounds a Year; there shall be paid to *Mountifort Longfield* Esquire and *Charles James Hargreave* Esquire a Salary of Two thousand five hundred Pounds a Year each, and to every future Judge of the said Court a Salary of Two thousand five hundred Pounds a Year each; and there shall be paid to the Registrar, Taxing Officer, Accountant, and the several other Officers and Clerks who shall be appointed under the Provisions of this Act, such Salaries as the Commissioners of Her Majesty's Treasury shall approve, upon the Recommendation of the Judges of the said Court, with the

Approval of the Lord Chancellor, all which several Salaries shall be payable quarterly.

Certain Officers to hold their Offices during good Behaviour.

XIV. The Registrar, Taxing Officer, Accountant, and Examiners shall hold their Offices during good Behaviour, subject to be removed by the joint Order of the Judges of the said Court, with the Sanction of the Lord Chancellor of *Ireland*, for some reasonable Cause to be in the said Order expressed, and all other Officers of the said Court shall be removable by the joint Order of the said Judges thereof, with the Sanction of the Lord Chancellor.

Qualification of Officers.

XV. No Person, save such as shall be transferred under the Provisions of this Act, shall be appointed Examiner, Registrar, or Taxing Officer of the said Court who shall not have been a Barrister or Solicitor of at least Six Years standing, unless he shall have filled some Office or Offices in the Court for the Sale of Incumbered Estates or the Court hereby constituted, or some Offices in both Courts, or some Office or Offices in the Court of Chancery for a Period of Five Years.

Officers to act in Person.

XVI. The Registrar, Taxing Officer, Accountant, and Examiners shall execute their respective Offices in Person, and not by Deputy, unless where a Deputy for the Execution of any of such Offices shall be appointed for that Purpose by the Lord Chancellor in the Case of temporary Illness or other unavoidable Accident; and no Officer of the said Court shall, during the Term of his holding such Office, directly or indirectly practise as a Barrister or Attorney, or participate in the Fees of any other Person so practising.

Privilege of Barristers and Solicitors.

XVII. Barristers and Solicitors shall respectively have and enjoy the like Privilege of practising before and be subject to the like Authority of the said Court as they have and enjoy and are subject to in Her Majesty's High Court of Chancery, or the Court for the Sale of Incumbered Estates in *Ireland*.

Salaries of Judges and Officers.

XVIII. The Salaries payable to the Judges of the said Court under this Act shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Salaries payable to the other Officers of the said Court under this Act shall be payable out of such Funds as shall be provided by Parliament for such Purpose, and all such Salaries shall be paid by equal Portions, quarterly, and the first of such Payments, or a proportionate Part thereof to be computed from the Time of the Appointment of such Judge, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Judge,

Judge, such Judge, or his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Times of the Commencement of such Salary, or from the last Day of Payment thereof, to the Time of such Resignation, Death, or Removal from Office.

Retiring Pension of Judges.

XIX. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person exercising the Office of Judge of the said Court in pursuance of this Act an Annuity not exceeding Two Thirds of the Salary of such Judge, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; provided that no such Judge shall be entitled to such retiring Allowance until he shall have served for a Period of at least Fifteen Years; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland;* and such Annuity shall be paid quarterly by equal Portions, and the first quarterly Payment, or a proportionate Part thereof to be computed from the Time of the Resignation of the said Officer, shall be made on such of the same Days as shall happen next after the Resignation of the said Officer, and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement of the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the Amount of the Salary of the Office previously held; provided also, that no Annuity granted to any Person having executed the Office of Judge of the said Court under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of Commissioners for the Sale of Incumbered Estates in *Ireland*, or in the Office of a Judge in One or more of Her Majesty's Superior Courts, for the Period of Fifteen Years, or shall be inflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Retiring Pension of Officers.

XX. Every Registrar, Taxing Officer, Accountant, Examiner, or other Officer, who shall hold Office under the Provisions of this Act, shall

shall be entitled to the like retiring Allowances and upon the same Conditions as by the "Court of Chancery (*Ireland*) Regulation Act, 1850," are provided in respect of the Offices of the said Court of Chancery; and all the Provisions of the said Act relating to such retiring Allowances shall extend to and include the Officers of the Court hereby created, and their respective Salaries, save that the said retiring Allowances shall be paid out of such Moneys as may be provided by Parliament for that Purpose: Provided that in estimating the Length of Service the Time during which any such Officer shall have filled any Office in the Court of the Commissioners for the Sale of Incumbered Estates in *Ireland*, or in the Court of Chancery or the Superior Courts of Common Law in *Ireland*, shall be taken into Account as if such Service had been under this Act; that *Stephen Woulfe Flanagan*, and the several other Officers of the Court for Sale of Incumbered Estates in *Ireland* whose Offices have been or shall be abolished, and such Officers as are not to be transferred to the said last-mentioned Court, shall receive such Compensation by way of annual Payment out of such Monies as may be provided by Parliament for that Purpose, as the Judges, with the Assent of the Lord Chancellor, shall recommend, and shall be approved of by the Commissioners of Her Majesty's Treasury.

Compensation to unemployed Officers of the Incumbered Estates Court.

Periods during which such unemployed Officers may have served to be taken into account in estimating future retiring Pensions, &c.

XXI. In case the said *Stephen Woulfe Flanagan*, or any other Officer of the said Incumbered Estates Court who shall not be transferred to the said Landed Estates Court, shall at any Time hereafter be appointed to any Office under Her Majesty, the Period during which he has served in the Incumbered Estates Court shall be taken into account and allowed in estimating the Period at which he shall be entitled to retire from such new Office, and the Amount of the retiring Pension or Superannuation Allowance to which he shall be entitled.

Commencement of the new Court.

XXII. The Authority and Jurisdiction of the "Landed Estates Court (*Ireland*)" shall commence and take effect from the First Day of *November* next.

Jurisdiction of Commissioners for Sale of Incumbered Estates to continue until Formation of new Court.

XXIII. Every Commissioner, Secretary, or other Officer appointed under the Provisions of the first-recited Act may hold his Office until the said First Day of *November*, and no longer, unless the Lord Chancellor shall otherwise direct; and all such Applications under the said recited Acts or any of them as are mentioned in Section Eleven of the said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty, and which are by the said lastly-recited Act of the Nineteenth and Twentieth Years of Her Majesty authorized to be made within Five Years from the Twenty eighth Day

Day of *July* One thousand eight hundred and fifty-three, may be made before the said First Day of *November* next; and all Orders and Proceedings by such said Acts or any of them authorized, and which might be made, had, or taken under the same, may be made, had, and taken at any Time before the said last-mentioned Day.

Lord Chancellor to call for a Return of Business before the Commissioners for Sale of Incumbered Estates.

XXIV. It shall and may be lawful for the Lord Chancellor to issue an Order directed to each of the Commissioners for the Sale of Incumbered Estates in *Ireland* requiring him to report to the Lord Chancellor the Number and Titles of Matters pending in his Office, distinguishing those in which Orders for a Sale or for an independent Partition or Exchange have been made, those in which Rentals have been settled, those in which Sales have been had, those in which Deeds have been executed to a Purchaser, and those in which Final Schedules have been ruled, with the Date of the filing of the Petition in each Matter, so far as such Proceedings shall be incident to such Matters, and the Dates of such Acts of the Commissioners in the Progress of such Matters respectively as have been in this Section enumerated; and each Commissioner shall, within such Time after having been served with such Order as shall be named therein, make a Report or Return in conformity to the Terms and Requisition of same.

Judges to make annual Return to Secretary of State.

XXV. At the Termination of each Year after this Act shall come into operation, each Judge shall furnish to Her Majesty's Secretary of State for the Home Department a Return showing the Number and Titles of Matters which shall have been brought into his Chamber during the Year, and of all Matters then pending, distinguishing those which are founded upon original Applications from those referred by the Courts of Chancery and the Court of Bankruptcy and Insolvency, and distinguishing those in which Orders for a Sale or independent Partition or Exchange or for specific Performance or Declarations of Title have been made, and those in which Applications or References have been dismissed or the Title registered, and also the Titles of Matters in which Rentals have been settled, those in which Sales have been had, those in which Deeds of Conveyance have been executed to a Purchaser, and those in which Final Schedules have been settled, together with the several Dates of such Applications or References, and the Dates of such Acts of the Judges respectively as are in this Section enumerated, and the Dates of the filing and Commencement of each Matter respectively, and the said Return shall also state the Sum produced on each Sale; provided that the Form of and Particulars to be contained in such Return may be varied by any General Order of the Court.

 XXVI. When

All Matters pending before the Incumbered Estates Court to be transferred to the new Court.

XXVI. When and so soon as the Court constituted by this Act shall come into operation, all the Matters theretofore pending before the Commissioners for the Sale of Incumbered Estates in *Ireland* shall thereupon stand transferred to the "Landed Estates Court, *Ireland*," and be dealt with in that Court in respect of all Orders and Conveyances, and otherwise in the further Prosecution of the same, as if the said Matters had been commenced in the said last-mentioned Court; and all Acts and Orders of the said Commissioners, whether their Powers shall or shall not have expired, shall continue in force, save as herein mentioned; and the Court shall for the Purposes of such Matters have all the Jurisdiction, Power, and Authority possessed by the said Commissioners, as well as those conferred upon the Court by this Act; and all the Rules of Procedure which shall be in force under this Act shall be applied in the future Prosecution thereof, so far as such Rules are capable of being so applied, and if such Rules shall not be found applicable thereto, then such Matters shall be prosecuted according to the Course of Procedure theretofore used before the said Commissioners; and every Appeal previously made to the full Court of the said Commissioners which shall be then pending shall not be heard by them, but shall be prosecuted directly before the Court of Appeal in Chancery; provided that nothing herein contained shall prevent the said Commissioners from giving Judgment in any Case which shall have been heard before them, or shall prevent any of the Parties to such Matter from having an Appeal therefrom to the Court of Appeal in Chancery; and provided that every Proceeding to make absolute a Conditional Order which shall have been made by the Court of the Commissioners for the Sale of Incumbered Estates in *Ireland*, or by any of them, shall be prosecuted before a Judge of the said Landed Estates Court as if such Order had been pronounced by him; provided also, that nothing herein contained shall operate to prevent the Court from rescinding, vacating, or varying any Acts or Orders of the said Commissioners, as if same had been made or done by the Court itself.

Stock and Cash to be transferred to the Control of new Court.

XXVII. When and so soon as the Court constituted by this Act shall come into operation, the Cash and Stock now standing to the Credit of the Commissioners for the Sale of Incumbered Estates in *Ireland*, or under their Control, or of any Matters then pending before them, shall be transferred to or placed under the Control of "The Landed Estates Court, *Ireland*," and may be generally transferred or changed to such Names or Credit as the last-mentioned Court shall, by any General Order or Orders or by any Special Order or Orders, from Time to Time direct; and in the meantime it shall be lawful for the several Judges of the Court from Time

Time to Time to make such Orders in relation to any Portion or Portions of such Funds, and draw or make such Orders, or ratify such Drafts or Orders of the Commissioners in relation to any Portion or Portions of such Funds, as the said Commissioners or any of them could have drawn or ratified before the Time when this Act shall have come into operation, or as such Judges shall be authorized by any General Rule or Order of the Court; and the Accountant of the "Landed Estates Court, *Ireland*," shall and hereby is authorized and empowered to do any Act which the Accountant of the said Commissioners could have done before this Act shall have come into operation, or such Acts as he shall be authorized to do by any General Rule or Special Order of the Court.

Deeds, Books, &c. to be handed over as Lord Chancellor shall direct.

XXVIII. When the Court constituted by this Act shall come into operation the several Officers of the Court of the Commissioners for the Sale of Incumbered Estates in *Ireland* shall respectively hand over and deliver up all such Deeds, Documents, Books, and Papers as shall be then in their Custody as such Officers, and to such Person or Persons as the Judges of the Court shall by Order direct.

Judges to frame and promulgate Forms of Application, &c.

XXIX. The said Judges shall frame, and cause to be printed and circulated or promulgated, as they shall see Occasion, Forms of Applications and Directions indicating the Particulars of the Information to be furnished to the Court, on Applications to them under this Act, with reference to Title, Incumbrances, and the Circumstances of the Land, and such other Information as, in the Judgment of the said Judges, may assist them in forming an Opinion on such Application, and also such other Forms and Directions as they may deem requisite or expedient for facilitating Proceedings under this Act.

Judges to frame General Orders, to be approved by Lord Chancellor, &c.

XXX. The said Judges, on or before the First Day of *November* next, shall prepare a Code of General Rules, such as they may think best adapted for regulating the Course of Procedure under this Act, and in relation to the making Investments, and generally for securing the due Execution of the Powers vested in the said Court, and giving Effect to the Provisions and Objects of this Act; but no Fees or Sums shall, under any such General Rule or otherwise, be payable to any Officer or Person appointed under this Act, upon or in respect of any Proceedings under this Act, save in respect of the Copy or Extract of or from any Order, Document, or Proceeding actually required and taken by any Party, such Sum, not exceeding Three Halfpence for every Seventy-two Words, as shall be paid for the making of such Copy or Extract, and the said Court shall authorize to be charged to such Party for the same: Provided always, that every such Code of General Rules shall be laid before the

the Lord Chancellor of *Ireland*, and the Lord Chancellor thereupon, with the Assistance of the Lord Justice of Appeal, shall consider the Expediency of such Rules and every of them; and it shall be lawful for the Lord Chancellor, with the Concurrence of the Lord Justice of Appeal, by Order signed by him, to confirm or disallow all or any of such Rules, or to alter or amend, and confirm with such Alterations or Amendment, any of such Rules, or to remit any of such Rules to the said Judges for further Consideration, or to frame any additional Rule or Rules; and every such General Rule or Rules (when the same shall have been so confirmed by Order of the Lord Chancellor) shall be enrolled in the High Court of Chancery in *Ireland*, and when so enrolled shall be binding on the said Court in the Exercise of its Powers, and shall be of the same Force and Effect as if the same had been enacted by Authority of Parliament: Provided also, that any Rules so confirmed and enrolled as aforesaid may from Time to Time be added to, rescinded, amended, or altered, as Occasion may require, by other Rules made by the Judges for the Time being, and confirmed and enrolled in like Manner; and provided also, that it shall be lawful for any of the Judges of the Court singly to lay any Rule or Rules before the Lord Chancellor which such Judge may think expedient, whereupon the Lord Chancellor may proceed with respect to such Rule or Rules as if the same had been prepared and laid before him by both the Judges of the said Court.

Special Notice to Tenants and Owners of contiguous Lands.

XXXI. The Court or Judges thereof, in framing General Orders under this Act, shall have regard to the best Mode of apprizing Tenants on the Estate of the Subject of any Matter or Reference pending before the Court, and of the Nature and Effect of the Proceeding, by causing Notices to be posted on and in the Vicinity of the Lands, and also by Advertisement or otherwise, thereby inviting them to establish their Rights, with a view to have such reserved, and shall also have regard to the best Mode of calling the Attention of Owners of Lands contiguous to those which may be the Subject of any Matter or Reference pending before the Court, to the Boundaries set out in the Maps annexed to the Rental, and shall also have regard to the best Mode of having brought before the Judge a Draft of every proposed Conveyance or Declaration, and of having produced before the Judge such Materials as shall enable him to settle such Conveyance or Declaration in accordance with the Rights of the Tenants and other Parties concerned.

General Orders to be laid before Parliament.

XXXII. Such Code of General Rules as shall be made and confirmed as aforesaid shall be laid before both Houses of Parliament within One Calendar Month from the Enrolment thereof, if Parliament

ment be then sitting, or if Parliament be not then sitting, within One Calendar Month from the Commencement of the next Session of Parliament.

Power of Court to summon and examine Witnesses.

XXXIII. It shall be lawful for the Court, by Summons under its Seal, to require the Attendance before One of the said Judges or any Officer of said Court, at a Time and Place to be mentioned in such Summons, of all such Persons as it shall think fit to examine in relation to any Question or Matter depending before the said Court, and to require all such Persons to produce before the said Court or Judge or Officer all Deeds, Books, Papers, Documents, and Writings relating to such Question or Matter, and to examine upon Oath, or, in case of Persons allowed to make Affirmations or Declarations in lieu of an Oath, upon Affirmation or Declaration (as the Case may require), all Persons who shall attend under such Summons, and all Persons who shall voluntarily attend as Witnesses; and it shall be lawful for either of the said Judges or any Officer appointed for that Purpose generally or in the particular Matter to administer such Oath, Affirmation, or Declaration, and every Person required by such Summons so to attend who without reasonable Cause, to be allowed by the said Court, shall fail to appear according to the Tenor of such Summons, or shall refuse to be sworn or to make Affirmation or Declaration (as the Case may be), or shall not make Answer to all such Questions as shall be lawfully put to him on such Examination, or shall refuse or fail to produce before the said Court, Judge, or Officer any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him before the said Court, Judge, or Officer, shall for such Default of Appearance, Refusal to be sworn or to make Affirmation or Declaration, or for not answering any such Question as aforesaid, or not producing such Deed, Book, Paper, Document, or Writing, incur and be liable to all such Penalties, Prosecutions, Actions, and Suits as a Person might incur or be liable to for failing to appear or refusing to be sworn or to give Evidence in any Suit or Matter depending in the High Court of Chancery in *Ireland;* and the said Court, and each of the Judges thereof, shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons summoned as aforesaid, for punishing Persons failing to appear or refusing to be sworn or to make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders made by the said Court under any of the Powers or Authorities vested in it under this Act, and otherwise in relation to the Matters to be inquired into and done by them under this Act, as are by Law vested in the High Court of Chancery in *Ireland* for such Purposes in relation to any Suit or Matter depending in such Court.

Judges may receive Affidavits in Evidence.

XXXIV. Provided always, That the said Court or Judge thereof may, where they or he think fit, receive in Evidence Affidavits; and such Affidavits may be made before any Person empowered to take Affidavits which may be received in Evidence in the Court of Chancery in *Ireland*, or where they think fit the said Court may, by Order under the Seal thereof, appoint and authorize any Person, either generally or in a particular Matter, to take Affidavits or examine any Witness or Witnesses who shall attend before such Person to be examined in *Ireland* or elsewhere, in relation to any Application to or Matter pending before the said Court, and to administer Oaths, Affirmations, or Declarations for the Purposes of such Examination; but the Deponent in every such Affidavit shall, on the Application of any other Party interested in the Facts deposed to, be subject to be cross-examined by or on behalf of such other Party orally in open Court, or before any Person appointed to take such Examination, and after such Cross-examination may be re-examined orally in open Court or before such Person appointed as before said.

Examination by Commissioners.

XXXV. It shall be lawful for the Court to enforce the Attendance of Witnesses, and to have such Witnesses examined and Evidence taken in any Matter pending before it, whether by Commission or otherwise, before such Person or Persons or such Tribunal as under the several Statutes now in force and hereafter to be enacted the Court of Chancery, or Her Majesty's Superior Courts of Common Law in *Ireland*, may have Evidence taken and received.

Orders of the Court may be enforced in England.

XXXVI. Every Order made by the said Court constituted under this Act, a Copy whereof shall be certified under their Seal to the High Court of Chancery in *England*, may be enrolled in like Manner and enforced by the like Process as an Order for Payment or for accounting for Money made by the High Court of Chancery in *Ireland*, a Copy whereof is exemplified and certified to the said Court of Chancery in *England* under the Great Seal of *Ireland*, may be enrolled and enforced under an Act passed in the Forty-first Year of King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of* Great Britain *and* Ireland, *and for the better Administration of Justice within the same.*

41 G. 3. c. 90.

Court to be a Court of Record, and shall have Powers, &c. of a Court of Equity.

XXXVII. The said "Landed Estates Court, *Ireland*," shall be a Court of Record, and shall have all the Powers, Authority, and Jurisdiction of a Court of Equity in *Ireland*, for the Investigation of Title, and for ascertaining and allowing Incumbrances and Charges, and the Amounts due thereon, and settling the Priority of such Charges

Charges and Incumbrances respectively, and the Rights of Owners and others, and generally for ascertaining, declaring, and allowing the Rights of all Persons in any Land in respect of which Application may be made under this Act, or in the Money to arise from Sales under this Act, upon such Applications, and shall have the like Authority and Jurisdiction for enforcing, rescinding, or varying any Contract for Sale made under this Act, and in other Matters incident to or consequent on a Sale under this Act, as are vested in a Court of Equity in relation to a Sale under the Direction of such Court, but the Procedure of the Court in reference to the same shall be according to such General Rules as aforesaid, or when the General Rules shall be inapplicable, at the Discretion of the Court; and the said Court shall have Power, in relation to any Matter or Question before them, to direct Issues of Fact to be tried by a Jury; and, subject to any General Rules as aforesaid, the Acts and Orders of each Judge acting separately shall for all the Purposes of this Act be deemed and taken in relation to all such Inquiries and Matters as the Acts and Orders of the said Court, and so described in the said Orders and in all legal Proceedings.

Power of the Court to direct an Issue to be tried by Jury

XXXVIII. It shall be lawful for the Court to cause any Matter or Question of Fact arising in any Proceeding before them to be tried by a Special or Common Jury before the Court itself; and the Court may make all such Rules and Orders upon the Sheriff, or on any other Person, for procuring the Attendance of a Special or Common Jury for the Trial of such Question or Matter of Fact, as may be made by any of the Superior Courts of Common Law at *Dublin*, and may also make any other Orders which to the Court may seem requisite; and every such Jury shall consist of Persons possessing the Qualification, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause of the said Superior Courts; and every Juryman so summoned shall be entitled in the same Rights and subject to the same Duties and Liabilities as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights, as to Challenge and otherwise, as if he were a Party to any such Cause, and generally for all Purposes of or auxiliary to the Trial of Question of Fact by a Jury before the Court itself; and in respect of new Trial the Court shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, for the like Purposes: Provided that from any Order made by the Court on an Application made for a new Trial there shall be the same Right of Appeal as from any other Order of the Court: Any Question of Fact which shall be so ordered to be tried by

Power to Court, in certain Cases, to summon a Jury

by a Jury before the Court itself shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict give thereon according to the Evidence, and upon every such Trial the Court shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

Court may rescind or vary its own Orders.

XXXIX. It shall be lawful for the Court to review and rescind or vary any Order which shall have been previously made by it or by the Commissioners for the Sale of Incumbered Estates, or any of them, but, save as aforesaid, and as herein-after provided, every Order of the Court shall be final.

Proceedings in each Matter to be taken before a single Judge.

XL. Upon each Petition being presented to the said Court, the Subject Matter of the same shall be referred to and become attached before One of the said Judges, according to a Routine to be settled by the General Orders of the said Court, and all Proceedings in reference to the same, save as herein-after provided, shall be taken before the Judge before whom such Matter shall have been so attached, and the Decision of such Judge in the Course of the Proceedings in the said Petition Matter shall not be subject to any other Appeal than that herein-after provided, and every Order of such Judge shall be deemed and taken to be and shall be called the Order of the said Court: Provided always, that nothing herein contained shall operate to prevent such Judge, before pronouncing any Decision, if he shall see fit, from calling in the Aid of One or both of the other Judges of the said Court; provided also, that it may be lawful for any of the Judges of said Court to take up and perform in the whole or Part the Duty of any other Judge of the said Court in relation to any Matter attached or pending before him, where such other Judge shall be ill or absent, or his Office be vacant, or for other reasonable Cause.

Appeal from Judges to be direct to the Court of Appeal in Chancery.

XLI. Every Order or Decision of the Judge shall be subject to a direct Appeal to the Court of Appeal in Chancery in *Ireland* and no other, but such Appeal must be entered within Three Months from the Date of the Decision or Order, or such further Time as the Court shall by special Leave allow, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act, and on hearing of such Appeal the only Evidence to be relied on or admissible shall be such as was given before the Court below, but the said Appeal Court, if it shall think fit, may receive such Evidence, or direct or make any such Inquiry thereon,

thereon, as it shall seem fit, or may direct the Court below to rehear the Case, on such further Evidence as it may be in the Power of either Party to produce; and the Costs of such Appeal shall be in the Discretion of the said Court of Appeal: Provided always, that it may be lawful for said Court of Appeal, if it see fit, on special Application for that Purpose, to rehear any Appeal upon which it may already have made an Order, and on such Rehearing to rescind, vary, or add to such Order as to said Court of Appeal may seem just.

Appeals from Chancery to be to the House of Lords.

XLII. Any Decision of the Court of Appeal in Chancery from the "Landed Estates Court, *Ireland*," shall be subject to an Appeal to the House of Lords, in like Manner as, and subject to the like Conditions and Restrictions as, apply to or govern, or hereafter from Time to Time shall apply to or govern, Appeals from the Court of Appeal in Chancery to the House of Lords.

Owner of Incumbered Estate, or any Incumbrancer, may apply for a Sale.

XLIII. Where any Land in *Ireland* shall be subject to any Incumbrance, it shall be lawful for any Incumbrancer on such Land, or for the Owner of any Estate therein charged with such Incumbrance, to apply to the Court, under the Provisions of this Act, for the Sale of the Estate in said Land charged with such Incumbrance.

Owner of unincumbered Estates may apply for a Sale.

XLIV. In any Case where any Person shall be seised or possessed of any Estate in Land as Owner thereof (save a Trustee, other than a Trustee for Sale,) it shall be lawful for such Person to apply to the Court for the Sale of such Estate under the Provisions of this Act.

Incumbrance by a Trust Term.

XLV. Wherever any Incumbrance affecting Land shall be secured by a Trust Term thereof of not less than Ninety-nine Years absolute, of which not less than Sixty Years shall be unexpired, and shall have been created by the Owner of a larger Estate in such Land, whether Freehold or Chattel, such Incumbrance shall for the Purposes of this Act be deemed an Incumbrance upon such larger Estate; and an Incumbrance on Land charged under a Power shall for the Purposes of this Act be deemed an Incumbrance upon the Estate in such Land of the Person who created such Power.

Court to exercise the Jurisdiction of Chancery for Sale of settled Estates under the 19 & 20 Vict. c. 120.

XLVI. It shall and may be lawful for any Person who would be authorized under the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and twenty, entitled *An Act to facilitate Leases and Sales of settled Estates*, to make an Application to the Court of Chancery for the Sale of a settled Estate in Land, instead of making such Application to the said Court of Chancery to apply to the Court created by this Act for the Purpose of having the Sale of such settled Estate in the said Lands under the

said last-mentioned Court; and thereupon it shall be lawful for the Court to exercise all the Powers conferred upon the Court of Chancery in relation to Sales of such Nature under the Provisions of the said last-mentioned Act; save that the Judge shall himself execute the Conveyance to the Purchaser under such Sale, and save that such Conveyance shall have the like Operation and Effect, and confer such indefeasible Title to the Purchaser, as if such Sale had been made and such Conveyance had been executed upon an Application for the Sale of an Incumbered Estate under this Act: Provided always, that the Court shall make such Investigation of the Title and Circumstances of the said Lands as the Court shall see expedient, and as in other Cases preliminary to Sales under this Act; provided also, that every Decision and Order in the Course of such Proceeding shall be subject to Appeal to the Court of Appeal in Chancery as in other Cases under this Act.

Vendor or Vendee may apply for an Investigation of Title, and a Conveyance with indefeasible Title.

XLVII. Whenever a Contract for Sale of any Estate in *Ireland* shall be made, it shall and may be lawful for the Vendor and Vendee jointly, or, if the Contract shall so provide, for the Vendor or Vendee individually, as the Case may be, to present a Petition to the said Court for the Purpose of procuring for the said Vendee an indefeasible Title to the Land so previously sold, and a statutable Conveyance thereof under the said Court to him, and (if necessary) the Court, as incidental to such Proceeding, may make an Order for a specific Performance of such Contract at the Instance of either Party, and thereupon all Investigations of Title and other Proceedings in relation to such Petition shall be similar to those which are and shall be prescribed for Owners applying for the Sale of incumbered or unincumbered Property by the Court as aforesaid, save that no Sale thereof shall be made by the said Court, unless the Petitioner, being the Vendor, shall so desire, with the Consent of the Purchaser, but the Sale or Contract so theretofore made by the Vendor shall be ratified by the said Court, if it shall so think fit, and a Conveyance of such Property so sold shall be executed to the Purchaser by the Judge, and such Conveyance shall have the same Validity and Effect as Conveyances of Incumbered Estates by the Judges under this Act; and it shall and may be lawful for such Court, if necessary, to pay and discharge out of the Purchase Money such Incumbrances as shall appear upon Investigation of Title to be charged upon the Property so sold or contracted to be sold, and for that Purpose to order the Purchase Money into Court: Provided always, that it shall be lawful for the Court, at the joint Instance of the Vendor and Vendee, to substitute any other Person as Purchaser in the Room and Stead of the original Vendee, or to set up the Land for Sale under the Court, and in such Case the Conveyance shall be made by the Judge to

to such substituted or other Purchaser as if the original Application had been for a Sale of the Lands so contracted for.

Incidental Power to enforce specific Performances.

XLVIII. In the Matter of every such Application as in the last Section mentioned, the Court, if so required, shall, as incident to such Application, exercise and is hereby invested with all the Jurisdiction and Powers at present exercised by the Court of Chancery in respect to specific Performance of Contracts for the Sale of Land, whether the Person seeking for such Relief shall be the Person who shall have made the original Application in the Matter or not.

Where a Decree for a Sale is pronounced in Chancery, or where Order for Sale is in Bankruptcy or Insolvency, Sales shall be made by the "Landed Estates Court, Ireland."

XLIX. Whenever any Order or Decree for a Sale of any Estate of Land in *Ireland* shall be pronounced by the High Court of Chancery in *Ireland*, or One of the Masters thereof, or any Judge or Officer of the said Court who, according to the Practice thereof, may make such Decree or Order, and where any Order for Sale of Lands shall be pronounced by a Judge of Her Majesty's Court of Bankruptcy and Insolvency in *Ireland*, such Sale shall be effected in and by the "Landed Estates Court in *Ireland*," and not by or under the said Court of Chancery, or the said Court of Bankruptcy and Insolvency, and the Title of such Land shall undergo such Investigation by the "Landed Estates Court in *Ireland*," preparatory to such Sale, as shall be incident to Sales founded upon Petitions filed in the said last-mentioned Court, and the Conveyance of such Land to the Purchaser thereof shall be executed by a Judge of the said last-mentioned Court, and such Conveyance shall have the like Operation and Effect as Conveyances by Judges of the said Court to Purchasers upon Sales founded upon Petitions to the said Court under this Act: Provided always, that if upon the Representation of the Parties, or on Consideration of the small Value of the Property to be sold, the said Courts of Chancery or Bankruptcy and Insolvency respectively shall not deem it expedient to have such Investigation of Title or Sale or Conveyance by the "Landed Estates Court, *Ireland*," it shall be lawful for such Courts respectively to retain the Conduct of the said Sale, and otherwise act in relation thereto according to their own Course of Proceeding as if this Act had not been passed.

Proviso as to Investigation of Title.

Application of Purchase Money when Sales are made in pursuance of Order in Chancery or Bankruptcy.

L. Where Sales shall be effected in and by the "Landed Estates Court, *Ireland*," of any Lands which had been decreed or ordered to be sold by Decree or Order of the Court of Chancery or any of the Judges, Masters, or other Officers thereof as aforesaid, the Purchase Monies realized by such Sales shall, if the Court of Chancery or Judge or Master thereof shall so direct, be paid into or lodged in the Bank of *Ireland* to the Credit of the Accountant General

General of the Court of Chancery, or otherwise disposed of in such Matter as shall be directed by any General or Special Order of the Court of Chancery, and shall be distributed by such Court according to the Course and Practice thereof as if this Act had not been passed, and as if the Fund so realized had been produced by a Sale directly had by or under the Court in which such Proceedings had been instituted; but when the said Court of Chancery shall not direct such Purchase Monies to be so lodged to the Credit of the Accountant General of the said Court, the same shall be lodged to the Credit of the Court hereby constituted, and abide the Order thereof, as if the Sales had been made on an original Application to the same, unless the Court shall deem it expedient to transfer such Fund to the Court of Chancery; and in every Case where a Sale shall be so made by the "Landed Estates Court, *Ireland*," in pursuance of an Order of the Court of Bankruptcy and Insolvency, the Purchase Money upon the same shall abide the General or Special Orders of the said last-mentioned Court, or which may be in force for the Regulation of the same, or otherwise, as if such Sale had been made directly under the said Court of Bankruptcy and Insolvency, and this Act had not been passed: Provided nevertheless, that if on such Investigation of Title as in the last Section mentioned it shall appear to the Court that the Title is insufficient, and such as the Court ought not and would not sell if the Proceedings had been originally instituted in the "Landed Estates Court, *Ireland*," the Judge shall refuse to sell, and shall certify and report such Refusal and the Reason thereof to the Court by which such Decree or Order shall have been made, together with such other Matters relating to the Defect in such Title as to the Judge shall seem expedient, but subject to such Appeal as is herein provided from the Orders of the Judge.

Owner may obtain a Declaration of indefeasible Title from Court.

LI. Where any Owner of an Estate in Fee Simple in Land, whether subject to any Fee-farm or other perpetual Rent, in *Ireland*, shall desire to have his Title thereto investigated by the Court, and a Judicial Declaration made thereon that he has a good and sufficient Title to the same, as alleged by him, with view to future Sale, Mortgage, or Registration thereof, or other Objects, it shall be lawful for him to make an Application to the Court for that Purpose, whereupon the said Court shall investigate such Title and give such Notices, by Advertisement or otherwise, as the Court may by General or Special Order direct, and otherwise proceed in like Manner as if a Sale of such Land had been sought by the Owner; and if such Title shall appear satisfactory to the Court, it shall be lawful for the Judge to make and sign a written Declaration to that Effect, which shall be sealed with the Seal of the Court, and shall state, in a Schedule thereto, any Leases, Tenancies, and Incumbrances

Effect of Declaration.

brances to which the Court shall find such Estate subject; and such Declaration, so signed, sealed, and registered as herein-after mentioned, shall have the Effect of making such Title so described in such Declaration (but subject to the Leases, Tenancies, and Incumbrances referred to in such Schedule,) conclusive and indefeasible from the Date of signing thereof by the Judge, in like Manner as same would have been vested in a Purchaser upon a Sale and Conveyance to him by the Court upon an Application to it for a Sale of the said Land; and it shall and may be lawful for such Owner to have such Declaration registered in the Office for the Registry of Deeds in *Ireland*, which original Declaration the Registrar of such Office is hereby authorized and directed to file as he is now bound by Law to do in respect to Memorials of Deeds, and shall receive such Fees on the Registration of such Declaration as are now chargeable on the Registration of Deeds; and the Registrar shall enter in the Books of the Registry the Name of the Person mentioned in said Declaration as having such Title, and the Name and Description of the Lands therein set forth, and shall refer to same on a Requisition for Searches, in like Manner as he is now bound by Law to enter the Names of Parties and Lands as described in Memorials of Deeds, and make such Return on Requisitions as aforesaid; and the Registrar shall from Time to Time give Attested Copies of such Declarations to any Persons who shall require the same, on Payment of the Fees payable in respect of Copies of Memorials, and such Copies of Declarations shall have all the Effect in Evidence which has been given by any Statute now in force with respect to Memorials of Deeds registered in the said Office: Provided always, that no Registration of such a Declaration shall be permitted by the said Registrar of Deeds, unless the Declaration be lodged with him within One Week from the Date of the Execution thereof by the Judge, and unless an Affidavit of the Execution of the same by such Judge shall be made by a Solicitor presenting the same, which Affidavit the said Registrar is hereby empowered to administer, and any Person swearing falsely in any such Affidavit shall be subject to all the Penalties and Punishment affixed by Law to the Crime of Perjury; and the said Court shall keep a Record of such Declaration in such Form and Manner as shall be provided by a General Order: Provided that if after such Investigation of Title under this Section the Owner may be at liberty, instead of obtaining such Declaration, to have the Land sold and conveyed by the Court, and the Fund realized by such Sale disposed of as if the Application had been originally to that Effect.

Registry of Declaration.

LII. When and so soon as any Application shall be made to the Court for a Declaration of Title under this Act, the First Act of the Court

On Application for a Declaration

of Title the Court shall direct Publication thereof to be made by Advertisement.

Court in reference to such Application shall be to cause Publication thereof to be made by Advertisement in such Manner as the Court shall direct; and when and so soon as the Court shall make a Rule, Order, or Decision as to the Sufficiency of the Title of the Person applying for a Declaration thereof as aforesaid, the Court shall cause such Order or Decision to be published in such Manner as the Court shall direct; and such Declaration shall not be signed by the Judge until after the Expiration of Three Calendar Months from the First Publication hereintofore mentioned, and of One Calendar Month after the Publication of such Rule, Order, or Decision; provided that no Appeal shall lie from the Declaration of Title when signed by the Judge and registered as aforesaid.

Power of Court to sell, and Proceedings thereon.

LIII. If, upon any Application for a Sale, Conveyance to a Vendee, or Declaration under this Act, or the Execution of any Decree or Order for a Sale directed by the Court of Chancery or Bankruptcy and Insolvency in *Ireland* respectively, or upon any Information or Evidence which may be received by and produced to the Judge in relation to the Matter of such Application or Reference, it shall appear to the Judge that a Sale or Conveyance of the Land to which the Application, Decree, or Order may relate, or any Part thereof, or Conveyance to a Vendee or Declaration of Title, may be found expedient, he shall direct Notices to be given to such Persons and in such Manner as he shall think fit, and shall, where any Parties interested in the Land apply to the Court for that Purpose, hear such Parties, by themselves, their Counsel or Solicitors, and shall, so far only as may be necessary to enable him to determine whether, under all the Circumstances, it is expedient that a Sale of all or any Part of the Land should be made, or Conveyance to a Vendee be executed, or a Declaration of Title should be made, investigate the Title and the Incumbrances affecting the Land, and the State and Circumstances of the Land, and, according as it shall seem so expedient to the Judge, it shall be lawful for him, at his Discretion, to make or refuse an Order for the Sale of all or any Part of such Land, or for a Conveyance to such Vendee, or a Declaration of Title accordingly, in manner aforesaid, or, if he see fit, he may dismiss any original Application in such Matter, or report or certify the Insufficiency of the Title to the Court of Chancery or Court of Bankruptcy and Insolvency in manner aforesaid.

Court to ascertain Tenancies, Right of Common, &c.

LIV. Where a Sale shall be made, or a Conveyance executed, or a Title declared under this Act, the Judge shall, when and so far as he may deem necessary for the Purpose of such Sale, Conveyance, or Declaration, ascertain the Tenancies of the occupying Tenants, and of any Lessees or Under-lessees whose Tenancies, Leases, or Under-leases and other such Rights as aforesaid affect the Land or Part thereof to be

be sold, conveyed, or to be the Subject of such Declaration, and the Rights of Persons claiming Right of Common, Rights of Way, or other Easements in such Lands, and shall also ascertain the Boundaries thereof, and may give such Notices and make or cause to be made such Inquiries as he may think necessary for ascertaining and securing the Rights of such Tenants, Lessees, Under-lessees, or Persons having such Easements as aforesaid, and for ascertaining the Boundaries of such Lands; and all occupying Tenants, and all Persons being or claiming to be Lessees or Under-lessees as aforesaid, or claiming such Right of Common, Right of Way, or other Easement, shall, at such Times and Places as the Judge may by his Notices require, produce all Leases, Under-leases, Agreements in Writing, or Deeds or Instruments under which such Tenant or Person occupy or claim to hold, or such Persons claim such Easements, if such Leases, Under-leases, or Agreements, or Counterparts thereof, or such Deeds or Instruments, be in their Possession or Power, and where they occupy or claim to hold under Leases, Under-leases, or Agreements in Writing not in their Possession or Power, or under parol Agreements or Lettings, they shall deliver, at such Times and Places as aforesaid, Particulars of the Terms and Conditions upon and subject to which they occupy or claim to hold; and such Persons as may claim Right of Common, Right of Way, or other Easements, or who may dispute such alleged Boundaries, shall also in like Manner deliver Particulars of such Rights or such Grounds of Objection to such Boundaries, and shall sustain such Claims or Objections; and the Sale, Conveyance, or Declaration shall be made subject to the Tenancies, Leases, or Under-leases, Rights of Common, Rights of Way, or other Easements, and to such Boundaries, ascertained as aforesaid, and subject to which the Owner, Incumbrancer, or other Person applying for a Sale, Conveyance, or Declaration under this Act shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, and Under-leases, or Easements, ascertained as above, as shall appear to the said Judge to have been granted *bonâ fide* by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the said Judge the Sale, Conveyance, or Declaration should be made, save such (if any) of such respective Tenancies, Leases, and Under-leases as, with Consent as herein-after mentioned, shall be included in such Sale, and where the said Judge shall think fit be made subject to any Leases, Under-leases, or Tenancies, according to any general Description, or subject to any Condition concerning any Leases, Under-leases, or Tenancies or Easements the Nature of which shall not have been ascertained or shall be disputed; and the Decision of the said Judge in relation to such Claim under Leases or of Easement, or in relation to such Boundaries, shall be final

final and conclusive as to all Persons whatsoever, but subject to the Appeal hereby provided from the Orders of the Judges; and when the said Judge shall think fit, such Sale, Conveyance, or Declaration may be made subject to any annual Charge affecting the Land or Part thereof sold, or to any such apportioned Part of such annual Charge as the Judge may think fit should remain charged thereon; and where such Estate in Land or Part thereof is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale or Conveyance may, if the said Judge think fit, be made subject to such Incumbrance; and the Court shall have Power, upon any Application for Sale, whether now pending before the Commissioners for Sale of Incumbered Estates, or to be hereafter made under this Act, to sell and convey any Land subject to any Right, Title, or Estate to or in Dower, Jointure, or Annuity.

Sale may be made subject to annual Charge or Apportionment thereof.

Court may sell subject to annual Charge.

Sale to be had under Control of Court either by Public Auction or by Private Contract, and Conveyance to be made by Judge under Seal.

LV. Where the said Judge shall make an Order for Sale, the Land or Part thereof to which such Order shall relate shall be sold, by or under the Control and Direction of the said Judge, by Public Sale or Private Contract, together or in Lots or Parcels, at such Times and Places and generally in such Manner as the said Judge may think fit, and the Conveyance or Assignment of the Land or Part thereof shall be made by the said Judge under the Seal of the Court, and shall be signed by the said Judge, and the Execution by any other Party shall be unnecessary; and such Conveyance or Assignment shall express or refer to the Tenancies, Leases and Under-leases, Rights of Way, Rights of Common, or other Easement (if any), and Charges (if any), subject to which the Sale is made, and may be in the Form contained in Schedule B. to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the said Judge, the Purchaser may direct: Provided, that every Conveyance made under or in pursuance of this Act shall set forth the full Amount of the Purchase Money or Consideration and other Facts upon which the Amount of Stamp Duty shall depend.

Purchase Money to be paid into Bank.

LVI. The Purchase Money in every Case shall be paid into the Bank of *Ireland* to an Account to be there opened in the Name of the "Landed Estates Court, *Ireland*," or otherwise as the Court by General Rule or Special Order shall direct; and on the Notification by the Bank to the said Court of the Receipt of the Money, a Certificate of such Payment shall be endorsed on or written at the Foot of the Conveyance or Assignment by the Judge who shall execute the same; and on such Payment into the Bank the Purchaser shall be discharged from all Liability in respect of the Application of the Money so paid,

and

and such Certificate of the Judge under the Seal of the Court shall be Evidence of the Payment.

Persons interested may bid at Sale, except Petitioner, or Person having Carriage of Sale, who may bid by Permission of the Court.

LVII. Provided always, That it shall be lawful for any Incumbrancer on, or Person otherwise interested in, any Land or Rentcharge, or Part thereof, (other than the Incumbrancer or Owner upon whose Application the Sale has been ordered, or the Person having Carriage of the Sale, or Attorney or Solicitor of such Incumbrancer or Owner as last aforesaid, or of the Person having Carriage of the Sale,) to bid at any Public Sale, and to become the Purchaser at any Public Sale or by Private Contract, in like Manner as any Person not interested therein might bid and become the Purchaser; and, by Leave of the said Judge, it shall be lawful for the Incumbrancer or Owner on whose Application the Sale has been ordered to bid and become the Purchaser; and where an Incumbrancer on any Land, or Part thereof, shall be the Purchaser of such Land, or Part thereof, the Judge may, if he think fit, authorize such Purchaser to retain out of the Purchase Money the Amount which might have been ordered to be paid thereout in respect of such Incumbrance in case the whole Purchase Money had been paid into the Bank of *Ireland* under this Act, or such Sum on account of such Amount as the Judge may think fit, and to pay the Residue only of the Purchase Money into the said Bank; and where, at the Time of authorizing such Retainer as aforesaid, the said Judge shall not finally have ascertained and determined the Priority and Rights of such Purchaser in respect of his Incumbrance, or the Amount which he would be entitled to be paid in respect thereof out of the Purchase Money, such Retainer shall be without Prejudice to the Power of the said Judge to require such Purchaser to pay into the said Bank the whole or any Part of the Amount so retained which ought to be paid by him, and the said Judge shall withhold his Certificate of Payment herein-before mentioned until he shall be satisfied that the full Purchase Money, less the Amount which such Purchaser would be entitled to be paid in respect of his Incumbrance, has been paid into the said Bank.

Incumbrancer becoming Purchaser may deduct the Amount of his Incumbrance from the Purchase Money, with Leave of Court.

Court may include Arrears of Rent in Sale of Land.

LVIII. Where a Sale is made by the Court under the said recited Acts or this Act of any Land or Lease, it shall be lawful for it, whenever it shall appear to such Court convenient so to do, to include in such Sale all or any Part of the Arrears of Rent, if any, which may at the Time of the Sale be owing from any Lessees or Tenants, subject to whose Leases or Tenancies the Sale is to be made, where such Arrears are subject to any Incumbrance in respect of which an Incumbrancer shall have obtained an Order for Sale, or where the Order for Sale has been obtained by the Owner, and in the Conveyance

or Assignment of such Land or Lease to assign such Arrears to the Purchaser accordingly, and such Purchaser, his Heirs, Executors, Administrators, or Assigns, shall, after such Assignment of the said Arrears, have for the Recovery, and in respect of the Nonpayment thereof, the same Rights and Remedies which the Person or Persons who would have been entitled to such Arrears would have possessed if no such Assignment thereof or any Conveyance or Assignment of such Land or Lease had been made.

Where Sale of undivided Share, the Court may include the other undivided Share at the Instance of its Owner.

LIX. Where there is or shall be an Application to the Court for the Sale of any undivided Share of any Land, it shall be lawful for the Court, where it shall see fit so to do, upon the Application of the Owner of any other undivided Share or Shares of the same Land or Lease, (and although such other undivided Share be not subject to any Incumbrance,) or on the Application of any Incumbrancer on such other undivided Share or Shares, to include the same Share or Shares, upon such Terms as it shall see fit, with the Share so proposed to be sold as aforesaid, and in every such Case the Court shall apportion the Purchase Money among the Owners, according to their respective Shares so sold, and shall apportion the Expenses as they may see fit.

Court may order Conversion of Leaseholds in Perpetuity into Fee Farm.

LX. Where the Court has ordered or shall order the Sale of any Lease in Perpetuity, it shall and may be lawful for the Court, if it shall think it expedient so to do, to cause the same to be converted into a Fee Farm under the Renewable Leasehold Conversion Act, and for that Purpose to cause Notice to be given to the Owners or other Person interested in the Reversion, or any Person on behalf of such Owner or other Persons, or any Person deemed Owner under the Provisions of the Leasehold Conversion Act; and the Court may thereupon proceed to convert such Lease in Perpetuity into a Fee-farm Grant, according to the Principles prescribed in the Renewable Leasehold Conversion Act, but the Procedure in relation thereto shall be according to the General Rules and Practice of the said Court; and in case such Conversion shall be ordered the Court shall have Power to convey the Land included in such Lease to the Purchaser in Fee, subject to the Fee-farm Rent to be ascertained as aforesaid, and to such Exceptions, Reversions, Covenants, and Clauses as shall be in conformity with the original Lease, and the Provisions of the Renewable Leasehold Conversion Act, and thereupon the Owner of the immediate Reversion expectant on the said Lease in Perpetuity for the Time being shall have the same Rights and Remedies against the Purchaser, his Heirs, Executors, Administrators, and Assigns, and against the Land, by Action, Distress, Entry, or otherwise, in respect of such Rent, and of any Exceptions, Reservations, Covenants,

Covenants, and Clauses contained in the said Deed, as belong by Law to the Owner of any Fee-farm Rent created under the said Acts.

Conveyance to Purchaser to pass Fee, subject to Tenancies, but discharged from all Estates and Incumbrances.

Conveyance of a Lease. Rentcharge, Annuity, or partial Estate to pass Estate created by the Instrument purporting to grant same.

LXI. Every such Conveyance executed as aforesaid by the said Judge purporting to pass an Estate in Fee Simple shall be effectual to pass the Fee Simple and Inheritance of the Land, subject to such Charges, Tenancies, Rights of Common or other Easements, Leases, and Under-leases, as may be expressed or referred to therein as aforesaid, but, save as aforesaid, and as herein-after provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and every such Conveyance or Assignment executed by the said Judge upon the Sale of a Lease or Rentcharge, or an Annuity charged on Land, or any partial or lesser Estate than an Estate in Fee Simple, shall be effectual to pass the Estate created or agreed to be created by such Lease, then remaining unexpired, or by the Instrument creating such lesser or partial Estate, Rentcharge, or Annuity, but subject as to such Lease to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, and as to such Instrument creating such Rentcharge, Annuity, or partial or lesser Estate, subject to such Tenancies, Rights of Common or other Easements, Leases and Under-leases, as shall be expressed or referred to in such Conveyance or Assignment, but, save as aforesaid, and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Estate or Interest, Rentcharge, Annuity, or partial or lesser Estate: Provided always, that where any Land or Lease, or Part thereof, shall be sold and conveyed or assigned subject to any annual Charge or apportioned Part thereof, such annual Charge or such apportioned Part thereof (as the Case may be) shall remain and be charged on and payable out of such Land, or Part thereof, as in the Conveyance or Assignment shall be expressed.

Conveyance, &c. not to affect certain Charges made by virtue of 5 & 6 Vict. c. 89. and 10 & 11 Vict. c. 32., except where Court think fit to redeem Crown Rents, &c.

LXII. Provided always, That any Conveyance, Assignment, or Declaration of Title under this Act shall not prejudice or affect any Rentcharge in lieu of Tithes, Crown Rent, or Quitrent charged upon or issuing out of any Land, or any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled *An Act to promote the Drainage of Lands and Improvement of Navigation and Water Power in connexion with such Drainage in* Ireland, and the Acts amending the same, or by virtue of an Act passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, save where the said Court shall think fit to redeem or apportion the Crown Rents

Rents or Quitrents, or any Part thereof, or to pay off or redeem the Charges under the said Acts or either of them, under the Power herein-after contained, and shall express in such Conveyance or Assignment that the Land conveyed or assigned thereby is so conveyed or assigned discharged of all Crown Rents or Quitrents or Charges under the said Acts or either of them, as the Case may be, and in such Case such Land shall be so discharged accordingly: Provided always, that in every Case in which Application shall be made to the Court for the Sale or Conveyance of, or Declaration of Title to, the Fee Simple of any Land or Hereditaments, the Judge, before making any Final Order for such Sale, Conveyance, or Declaration, shall be satisfied that One Calendar Month's previous Notice in Writing of such Application has been given to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty or Her Successors, stating full Particulars of the Land or Hereditaments for the Sale or Conveyance of, or Declaration of Title to, which Application has been or is intended to be made, and of any Rent payable to Her Majesty or Her Successors in respect of the same.

Court may order Delivery of Tenants Leases, &c.

LXIII. The Court shall have Power to order the Delivery to the Purchaser, or as he shall direct, of all Leases or Counterparts of Leases and Agreements, and other Evidence of the Tenancies, subject to which the Sale shall be made, affecting the Land, or Part thereof sold, and shall, on the Application of any Purchaser, issue an Order to the Sheriff to put such Purchaser in possession of all such Lands not in the Occupation of Lessees, Under-lessees, or Tenants, subject to whose Leases, Under-leases, or Tenancies the Sale shall have been made, and who shall have attorned to such Purchaser within a Time to be limited in such Order, and such Order shall be executed by the Sheriff in like Manner as a Writ for the Delivery of Possession.

Application of Purchase Money.

LXIV. The Court shall, out of the Purchase Money to be received on any Sale under this Act, where any Sale has been made in any Matter of a Petition filed in the said Court, allow and pay such Costs of and consequential on the Application for the Sale and the Expenses of and incidental to the Sale, according to the Provisions contained in the Twelfth Section of the Statute of the Sixteenth and Seventeenth of the Reign of Her Majesty, Chapter Sixty-four, and the Surplus of such Purchase Money, after Payment of such Costs and Expenses, shall, under the Order of the Court, be applied in or towards Payment or Satisfaction of the Incumbrances or Charges, if any, which affect such Land, or Part thereof, according to their Priorities, and shall, subject as aforesaid, be paid to the Owner where such

such Owner was absolutely entitled thereto, or, where not so entitled, be laid out in the Purchase of Land, which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes, and in the same Manner as the Land or Part thereof sold stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect; and until such Money can be so laid out it may, under such Order as aforesaid, be transferred or paid over to the Trustees to be appointed or approved by the Court for the Purpose of being so laid out as aforesaid, with such Power for the Investment thereof in Government Stocks, Funds, or Securities in the meantime, and such Directions for the Payment of the Income of such Investment in the Manner in which the Rents of the Land to be purchased would be applicable, as the Court shall think fit: Provided always, that if by Mistake or otherwise any Purchase Money shall, under the Provisions aforesaid, have been paid to any Person or Persons as being the Person or Persons absolutely entitled thereto when he or they were not so entitled, such Money shall be deemed to have been paid to him or them upon an express Trust to invest the same in the Purchase of Lands to be settled to the Uses and upon the Trusts to and upon which the Lands sold stood limited, settled, and assured at the Time of the Sale.

Court may invest at Instance of Parties for their Benefit.

LXV. Where the Judge shall be of opinion that from the Nature of the Case the Proceedings must be protracted, the Money so paid into the Bank as aforesaid may, by Order of the Court, be invested in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland* in such Manner as shall be directed by any General or Special Order of the Court, and until the same shall be sold by Order of the Court for the Purposes of this Act, the Dividends thereof shall from Time to Time be applied, under the Order of the Court, in like Manner as the Rents of the Land or Lease, or Part thereof, from the Sale whereof the Money invested in such Stocks, Funds, or Annuities has arisen, would have been applicable, the Investments in and Sale of such Stocks, Funds, and Annuities to be made through a Stockbroker or Stockbrokers to be appointed by the Court by General or Special Order, as the Court may think fit.

Where it is expedient to appoint, change, or remove Trustees, Judge to make Orders as to vesting Property in new Trustees as in

LXVI. Whenever in the Course of Proceedings in any Petition Matter pending before the Court it shall appear expedient to appoint, change, or remove Trustees, it shall and may be lawful for the Judge to make such Orders, and give such Directions in reference to such Appointment, Change, or Removal, and in reference to the vesting Property in new Trustees, as the Lord High Chancellor is empowered to make under the Authority vested in him for such Purposes by "The Trustee Act, 1850," and also by another Act passed in

13 & 14 Vict. c. 60. and 15 & 16 Vict. c. 55.

in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled *An Act to extend the Provisions of the Trustee Act*, 1850, and by any other Act which may be passed in relation to Trustees.

Court may vest Property in new Trustees.

LXVII. Whenever the Court shall appoint or direct the Appointment of Trustees for any of the Purposes of this Act, it shall be lawful for the Judge to make or to direct to be made such Provision as he shall think fit for the Appointment of new Trustees on any Event to be determined by the Court.

Court may provide for Redemption of certain Charges, and otherwise to facilitate the Distribution of the Purchase Money.

LXVIII. It shall be lawful for the Court, with the Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, to apportion any Crown Rent upon or amongst the several Lands liable to the Payment thereof, or to charge the whole of any such Rent on any Part of the Lands charged therewith in exoneration of the Remainder of such Lands, and every such Apportionment or exclusive Charge shall be binding on the Queen's Majesty and on every Corporation and Person, and the apportioned Parts of any such Crown Rent, or any such Crown Rent so exclusively charged, shall thenceforth be issuing out of and chargeable upon the Lands whereon the same may be apportioned or exclusively charged, but no such Apportionment or exclusive Charge shall in any Manner prejudice or affect any Reversion or Remainder of the Crown in any Lands originally charged with any such Rent so apportioned or exclusively charged, nor shall the Sale of any apportioned Part of any Crown Rent, or of any Crown Rent so exclusively charged, or of any Interest in the Reversion or Remainder of the Crown in the same Lands, affect the Right or Interest of the Crown in any other Part of the Lands originally charged with any Rent so apportioned or exclusively charged, either as regards the Rent remaining unsold, or the Crown's Interest in the Remainder or Reversion of such Lands or otherwise; and it shall also be lawful for the Court to sell any Land, or Part thereof, discharged from any Crown Rent or Quitrent which it may be enabled, and may, with the Consent of the Owner, think fit to purchase, or from any Charge made by virtue of the said Acts of the Sixth and Tenth Years of Her Majesty, or either of them, which it may, with such Consent, think fit to pay off or redeem; and in any such Case the Court shall, out of the Money arising from the Sale, and in preference to all other Payments thereout, pay the Consideration for the Purchase of such Crown Rent or Quitrent, or such Sum as may be necessary for paying off or redeeming such Charge; and it shall be lawful for the Court, where it shall think fit, to purchase, with the Consent of the said Commissioners of Woods, any Estate or Interest

of

of the Crown, in remainder or reversion, in the whole or any Part of the Lands for the Sale of or Declaration of Title to which Application has been made, or to pay to any Person entitled to any annual or other Charge, not being an Incumbrance according to the Definition of this Act, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof or of a Part thereof, and where a Part only of any Land or Lease subject to any Incumbrance or Charge is sold, to charge the Part not sold with such Incumbrance or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable or authorize Persons to release the Money arising from the Part so sold from any Incumbrance or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Land or Lease originally charged; and the Court, where it shall think fit, may invest or provide for the Investment of Money to meet any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where, by reason of such Charge, Incumbrance, or Interest being contingent or otherwise, it shall appear to the Court proper or expedient so to do, and otherwise may make such Orders and Directions for applying the Money arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of the Parties interested in the Land or Part thereof from the Sale of which the same shall have arisen.

No Payment, not being in full, to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over.

LXIX. Provided always, That no Payment under this Act towards Discharge of what shall be due on any Incumbrance or Charge, not being Payment in full, shall prejudice or affect any Right or Remedy of the Incumbrancer or the Person entitled to the Charge in respect of the Balance, otherwise than against the Land, or Part thereof, sold under this Act; and no Payment under this Act for or in respect of any Incumbrance or Charge shall impair any Right or Equity of any Persons out of whose Estate such Payment shall be made to be reimbursed or indemnified by any Person or out of any other Land or Estate, except so far as the Court under any special Circumstances shall order.

Power to Court to order Money to be paid into Court of Chancery.

LXX. Where any Money arising from a Sale under this Act is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Court may think it expedient for the Protection of the Rights and Interests therein, the Court, at its Discretion, may order such Money, or any Stocks, Funds, or Securities in which the same may have been invested under this Act, to be transferred to the Account of the Accountant General of the High Court of Chancery, or (where the Case may require) of the

the High Court of Chancery in *England*, in the Matter of the Parties interested in the same, to be described as the Court shall think fit and direct, in trust to attend the Orders of such Courts respectively, and the Court may by its Order declare the Trust affecting such Money, Stocks, Funds, or Securities, so far as it may have ascertained the same, or state (for the Information of the respective Courts) the Facts or Matters found by it in relation to the Rights and Interests therein, and the High Court of Chancery, Lord Chancellor, and Master of the Rolls, in *England* and *Ireland* respectively, may make such Orders and give such Directions in relation to any such Moneys, Stocks, Funds, or Securities as shall be so transferred to the Account of the Accountant General of such respective Court, as such Court or Judge respectively might make or give in relation to any Trusts, Moneys, Stocks, or Securities paid in, transferred, or deposited under the Act passed in the Eleventh Year of Her Majesty, "for better securing Trust Funds, and for the Relief of Trustees," or the Act of the Eleventh and Twelfth Year of the Reign of Her Majesty, for extending to *Ireland* the said Act of the Eleventh Year of Her Majesty, respectively; and no Money transferred into the Name of the Accountant General of the Court of Chancery in *Ireland*, or paid out under this Provision under any Order of the Lord Chancellor or Master of the Rolls, shall be liable to Ushers Poundage.

10 & 11 Vict. c. 96.
11 & 12 Vict. c. 68.

Lands included in different Applications, and different Interests in the same Lands, may be included in the same Sale.

LXXI. Where there shall be separate Applications to the Court for Sales under this Act of any Land and of any Lease in the same Land, or there shall be such Applications for Sales of different undivided Shares of any Land or Lease, it shall be lawful for the Court, where they shall see fit so to do, to include, with the Consent of the Persons by whom such respective Application may be made or prosecuted, and of any other Persons whose Consent the Court may under the Circumstances think fit to require in the same Sale, upon such Terms as they think fit, such Land or Lease, or such Leases, or such several undivided Shares as aforesaid; and where there shall be separate Applications for Sales under this Act of any Land, and of any Lease in other Land, or if different Lands or Leases in different Lands, it shall be lawful for the Court, where, from the Lands being intermixed, or from other Circumstances, it shall appear to them convenient so to do, to include, with such Consent as aforesaid, such Land or Lease, or Lands or Leases, in the same Sale, upon such Terms as it may think fit; and where any Land, or Part thereof, subject to any Incumbrance, is proposed or ordered to be sold under this Act, it shall be lawful for the Court, upon the Application of the Owner of any Lease or Under-lease, or Estate in Reversion, or other Estate or Interest whatsoever in the same Land,

(and

(and although such Lease, Under-lease, Estate in Reversion, or other Estate or Interest be not subject to any Incumbrance, or would not, if subject to any Incumbrance, be subject to be sold under an Order of the Court under the Provisions herein-before contained,) or upon the Application of any Incumbrancer on any such Lease, Under-lease, Estate, or Interest, to include the same, upon such Terms as they may see fit, in the Sale of the Land or Lease, or Part thereof, so proposed or ordered to be sold as aforesaid; and all the Provisions of this Act applicable to any Land subject to any Incumbrance, and ordered to be sold under this Act, and to any Incumbrance or Charge upon such Land, and the Purchase Money arising from the Sale thereof, and to the Conveyance or Assignment thereof, shall, so far as Circumstances admit, extend and be applicable to every such Lease, Under-lease, Estate in Reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Judge shall apportion the Purchase Money and Expenses as he shall see fit.

If Land sold be subject to a Lease, &c. comprising other Land, or if Part of Lease in Perpetuity, &c. be sold, Court may apportion the Rent.

LXXII. If any Land to be sold under this Act shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the Court to apportion the Rent between the Land to be sold and the Remainder of the Land subject to such Rent; and where it is intended to sell under this Act a Part only of any Lease in Perpetuity or other Lease, it shall be lawful for the Court, where it shall think fit, and (having regard to the Rights and Interests of the Owner of the Reversion) it shall appear to the Court just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land; and the Court shall direct Notices of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as it shall think fit, and shall hear such Parties as shall apply to them in relation thereto; and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the apportioned Rents against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment, and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Application had taken place: Provided always, that the Enactment in this Section shall be deemed to apply to any Rent reserved upon a Lease, where the Court shall have sold or shall sell the Reversion expectant upon such Lease at different Times or in different Lots.

LXXIII. Where

Provisions for Persons under Disability.

LXXIII. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceedings under this Act, shall be a Minor, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, and Husband respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Persons respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; but a married Woman entitled for her separate Use (with or without Power of Anticipation) shall, for the Purposes of this Act, be deemed a Feme Sole: Provided always, that where there shall be no Guardian or Committee of the Estate of any such Person as aforesaid being infant, idiot, or lunatic, or where any Person, the Committee of whose Estate, if he were an Idiot or Lunatic, would be authorized to act for and represent such Person under this Act, shall be of unsound Mind, or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, it shall be lawful for the Court to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Court sees fit it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Court may obtain Assistance of Accountants, Merchants, &c.

LXXIV. It shall be lawful for the said Court or any Judges thereof, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court or Judge to determine on any Matter at issue in any Case or Proceeding.

Fees to such Accountants, &c.

LXXV. The Allowance in respect of Fees to such Accountants, Merchants, Engineers, Actuaries, or other scientific Persons shall, unless the Court or a Judge shall have given any special Direction in regard of the same, be regulated by the Taxing Officer of the Court, subject to an Appeal to the Judge to whose Court this Matter shall be attached, whose Decision shall be final.

Proceedings not to abate by Death.

LXXVI. Proceedings under this Act shall not abate or be suspended by any Death or Transmission, or Change of Interest, but in any such Case of Death or Transmission, or Change of Interest, it shall be lawful for the Court, where it shall see fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings or otherwise in relation thereto, which to it may appear just.

LXXVII. In

Costs.

LXXVII. In every Proceeding under this Act the Court shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may apportion the same amongst such Parties, and in respect of Interest, Rents, or Income, and Principal or Corpus, as it shall see fit.

Costs of Petition for a Sale.

LXXVIII. Provided always, That in the Case of any Petition for a Sale the Costs of the Petitioner in respect of such Petition and of any Proceedings thereunder shall not (unless the Judge shall otherwise direct) be payable out of the Proceeds otherwise than in the same Order of Priority in which the Incumbrance of the Petitioner shall be payable; and provided also, that where a Judge shall not order Costs to be paid by a Party unsuccessfully making or resisting an Application to the Court, such Judge shall state on the Face of the Order the Reason why such Costs have been withheld.

On Application for Sale of an undivided Share, or after Sale, Court may, on Application of Party interested, and giving Notices and hearing Parties, make Order for a Partition.

LXXIX. Where an Application shall be made for a Sale under this Act of an undivided Share of any Land, or where any such undivided Share shall have been sold under this Act, and, either before or after the Conveyance or Assignment thereof under this Act, the Court, on the Application of any Party interested in such undivided Share, or of the Purchaser, (as the Case may be,) and after causing to be given such Notices to the Owner or Owners of the other undivided Share or Shares of the same Land or Lease as it may think fit, and hearing such Parties interested in the respective Shares as may apply to it, and making or causing to be made such Inquiries as may enable it to make a just Partition, may, if it shall think fit, make an Order under its Seal for the Partition of such Land; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Land; and the Court shall have the like Authorities, Jurisdiction, and Power in relation to such Partition under the Direction of such Court; and the Part so allotted in Severalty in respect of each such undivided Share by such Order for Partition as aforesaid shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made (where the Order for Partition is made before the Sale), and the like Proceedings

ings had in relation to such Sale, and the like Conveyance or Assignment may be made of the Part allotted in respect of the Share sold (where the Order for Partition is made after Sale, and before Conveyance or Assignment), and with the like Consequences in the several Cases aforesaid, as if the Application for a Sale, or the Sale, (as the Case may be,) had been in respect of the Part so allotted as aforesaid; and where any Land or Lease, or Part thereof, to be sold under this Act, is subject to any Lease, Under-lease, or Tenancy under which the Lessees, Under-lessees, or Tenants hold jointly, or as Tenants in Common, it shall be lawful for the Court, on the Application of any such Lessee, Under-lessee, or Tenants, and after causing to be given such Notices as it may think fit, and hearing such Parties as may apply to it, and making such Inquiries as it may think necessary, to make an Order under its Seal for the Partition, as between such Lessees, Under-lessees, or Tenants, of the Land included in their Lease, Under-lease, or Tenancy, and for the Apportionment of the Rent reserved or payable under such Lease, Under-lease, or Tenancy; and after such Order of Partition the Owner of the Reversion in the respective Parts of the Land shall have the like Remedies for the apportioned Rents against the respective Parts out of which the same shall be payable, and the Lessees, Under-lessees, or Tenants holding such respective Parts under such Lease, Under-lease, or Tenancy, and such Order of Partition, as were subsisting for the entire Rent before such Partition and Apportionment; and all the Covenants, Conditions, and Agreements of every such Lease, Under-lease, or Tenancy, except as to the Amount of Rent to be paid, shall, as regards the respective Parts allotted on such Partition, and the apportioned Parts of the Rent, remain in force as against the respective Lessees, Under-lessees, or Tenants to whom under such Partition such respective Parts shall be allotted.

On Application for Sale, or after Sale, Court, on Application of Party interested, and with Consent, may make Order for Exchange.

LXXX. Where an Application shall be made for a Sale under this Act of any Land or Part thereof, or where the same shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, if Application be made to the Court by any Party interested in such Land, or by the Purchaser, (as the Case may be,) for the Exchange of all or any Part of such Land for other Land which the Owner thereof may be willing to give in Exchange, the Court may make or cause to be made such Inquiries as they think fit, for ascertaining whether such Exchange would be beneficial to the Person interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands, as it may think fit; and if, after making such Inquiries, and hearing such Parties interested in the respective Lands as may apply to them, the Court shall be of opinion that such Exchange would

would be beneficial, and that the Terms thereof as proposed, or as modified by it, with the Consent of such Owner as aforesaid, are just and reasonable, the said Court may make an Order under their Seal for such Exchange accordingly, and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given on such Exchange would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale may be made by the Court in respect of the Land taken in Exchange for any Land to which the Application for a Sale shall relate, (where the Order for Exchange is made before Sale,) and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made in respect of the Land taken in Exchange for the Land or Part thereof sold, (where the Order for Exchange is made after Sale, and before Conveyance or Assignment,) and with the like Consequences in the several Cases aforesaid, as if applicable for a Sale, or the Sale (as the Case may be) had been in respect of the Land taken in Exchange.

Partition may be made of Land where Shares are not subject to be sold under this Act.

LXXXI. It shall be lawful for the Court, on the Application of the Owners of the several undivided Shares (not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending,) of any Land in *Ireland* who shall desire to effect a Partition of such Land, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Partition would be beneficial to the Persons interested in such respective Shares; and in case the Court shall be of opinion that the proposed Partition would be beneficial, and that the Terms thereof are just and reasonable, it shall make an Order under their Seal for such Partition accordingly; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each such undivided Share, and the Part so allotted in Severalty in respect of such undivided Share by such Order of Partition shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Use, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made.

Exchanges may be made of Lands not

LXXXII. It shall be lawful for the Court, upon the Application of the Owner of Lands in *Ireland* not subject to be sold under this

subject to be sold under this Act.

this Act, or as to which no Proceedings for a Sale under this Act shall be pending, who shall desire to effect an Exchange of such Lands, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands; and in case the Court shall be of opinion that the proposed Exchange would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given upon such Exchange would have stood limited or been subject to in case such Order had not been made.

Division of intermixed Land not subject to be sold under this Act.

LXXXIII. It shall be lawful for the Court, upon the Application of any Number of Persons who shall be separately Owners of Parcels of Land for any Estate in *Ireland* not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, so intermixed or divided into Parcels of inconvenient Forms or Quantity that the same cannot be cultivated or occupied to the best Advantage, but forming together a Tract which may be divided into convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels, to be allotted in lieu of the old Parcels, to make or cause to be made such Inquiries as the Court may think fit, for ascertaining whether such proposed Division and Allotment would be beneficial to the Persons interested in such Lands; and in case the Court shall be of opinion that the proposed Division and Allotment would be beneficial, it shall make an Order for the Division and Allotment thereof accordingly, with a Map or Plan thereunto annexed, in which shall be specified as well the Parcels in which the several Persons on whose Application such Order shall have been made were respectively interested before such Division and Allotment, as the several Parcels allotted to them respectively by such Order; and the Parcels of Land taken under such Division and Allotment shall go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the several Lands which the Persons taking the same shall have relinquished or lost in such Division would have stood limited or been subject to in case such Order had not been made.

Notices of Partitions, Exchanges.

LXXXIV. Provided always, That in the Case of Land in which no Proceedings for a Sale under this Act shall be pending, no such Order

Order of Partition, or of Exchange, or of Division and Allotment, as aforesaid, shall be made by the Court until such Notices by Advertisement in public Newspaper or Newspapers as the Court shall direct shall have been given of such proposed Partition, Exchange, or Division and Allotment, and Three Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Three Calendar Months any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Partition, Exchange, or Division and Allotment, shall give Notice in Writing to the Court of his Dissent from such proposed Partition, Exchange, or Division and Allotment, (as the Case may be,) the Court shall not make an Order for such Partition, Exchange, or Division and Allotment, unless such Dissent shall be withdrawn, or it shall be shown to the Court that the Estate or Charges of the Party so dissenting shall have ceased, or that such Estate or Charges is not an Estate or Charge in respect of which he would be entitled in Equity to prevent such Partition, Exchange, or Division and Allotment; but no such Order as aforesaid shall be in anywise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made.

and Division to be given.

LXXXV. Every Conveyance, Assignment, and Declaration respectively executed as required by this Act, and every Order for Partition or for Exchange, or for Division and Allotment, made by the Court under its Seal, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance, Assignment, or Declaration, or the making of such Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same; and no such Conveyance, Assignment, Declaration, or Order shall be impeached by reason of any Informality therein; and every such Order shall operate, and may be registered in the Office for registering Deeds in *Ireland*, in like Manner as if Conveyances by way of Partition, Exchange, Division, or Allotment had been executed for such Purposes.

Conveyances, Assignments, and Orders for Partition, Exchange, or Division and Allotment, conclusive.

LXXXVI. The Court shall not be subject to be restrained in the Execution of its Powers under this Act; nor shall any Person be restrained from making Application under this Act to the Court, or doing any other Act or giving any Consent under the Provisions of this Act, by Order or Injunction of a Court of Equity, or by Writ of Prohibition; nor shall the Court be required by Writ of Mandamus to do any Act or take any Proceedings under this Act; nor shall Proceedings

Court not to be restrained by Injunction.

Proceedings before them be removed by Certiorari; and the Judge of the Court shall not, nor shall any Person acting under the Order or Authority of them or any of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter *bonâ fide* done or omitted by them respectively in the Exercise or supposed Exercise of the Powers of this Act.

Rights of Purchaser against Tenants.

LXXXVII. Where any Conveyance or Assignment has been made before the passing of this Act by the Commissioners for the Sale of Incumbered Estates in *Ireland*, or shall hereafter be made by the Court, subject to any Lease, Under-lease, or Tenancy, such Conveyance or Assignment shall be deemed to afford conclusive Proof that the Estate or Interest purporting to be conveyed or assigned thereby is the Reversion expectant upon such Lease, Under-lease, or Tenancy; and it shall not be necessary, in any Action arising out of or connected with such Lease, Under-lease, or Tenancy, or in any Pleadings in such Action, to allege or prove the Title of such Reversion prior to the said Conveyance or Assignment; and the Person to whom such Conveyance or Assignment is made, his Heirs, Executors, Administrators, and Assigns, and every of them, shall and may have and enjoy the like Advantages against the Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, Assigns, and Under-tenants, and against all other Persons in possession or occupation of the Land comprised in such Conveyance or Assignment, by Distress or by Entry for Nonpayment of Rent, or for doing of Waste or other Forfeiture, and also shall and may have and enjoy like Advantages and Remedies by Action for not performing other Conditions, Covenants, and Agreements contained in such Lease or Underlease, or in the parol Agreement for such Tenancy, against the said Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, and Assigns, as the Person granting such Lease or Underlease, or as the Landlord entering into the Agreement for such Tenancy, or his Heirs, Executors, Administrators, or Assigns, ought to have had and enjoyed at any Time or Times, in like Manner and Form as if the Reversion in such Land expectant on such Lease, Under-lease, and Tenancy had remained or continued in such Person granting such Lease or Under-lease, or as Landlord entering into such Agreement.

Duty payable on Proceedings.

LXXXVIII. A Duty shall be levied upon every Estate which shall be sold or conveyed under this Act, or of which a Partition, Exchange, or Division shall be made by the Court, where no Sale is to be effected by the Court, or of which the Title shall be verified by Declaration under this Act as aforesaid; and such Duty shall be payable, in the Proportion herein-after mentioned, according to the Value

Value of such Estate; and such Value shall, when the Estate shall be sold or conveyed, be estimated by the *bonâ fide* Purchase Money, and where the Court shall make a Partition, Exchange, or Division of Land, or shall verify the Title thereof by Declaration as aforesaid, the Value of such Estate shall be ascertained by such Means as shall be settled by a General Order of the Court; and such Duty shall be the First Charge upon the Purchase Money, and, where there shall be no Sales, the Duty shall be a First Charge upon the Estate conveyed, or the Estate being the Subject of such Declaration of Title as aforesaid, or the Estates which shall be the Subject of such Exchange, Partition, or Division as aforesaid; and Payment of such Duty shall be enforced by such Method as shall be determined by any General Order of the Court for that Purpose; and such Duty shall be paid so as to become and form Part of the Consolidated Fund of *Great Britain* and *Ireland* in such Manner as shall be determined by General Order of the Court, to be approved by the Commissioners of Her Majesty's Treasury: The Rate of such Duty shall be Ten Shillings upon every Hundred Pounds of the gross Value of the Estate or Estates which shall form the Subject of each Application to the Court, or Reference from the Courts of Chancery or Bankruptcy and Insolvency respectively, where such Value shall be less than Ten thousand Pounds, and One Pound upon every Hundred Pounds of such gross Value, where such Value shall amount to Ten thousand Pounds or upwards: Provided that it may be lawful for the Commissioners of the Treasury to lower or raise such Rate of Duty from Time to Time within the Limit of the Rate hereby provided as a Maximum, according as such Rate or substituted Rate shall to them seem sufficient to provide a Fund for the Support of such Court: Provided always, that no such Duty shall be payable in respect of any Property which shall be sold in pursuance of an Order of the Commissioners of the Incumbered Estates Court made before the passing of this Act.

Rate of Duty.

LXXXIX. Whereas it has been found that a large Sum in Cash, the Produce of the Sales under the Court for the Sale of Incumbered Estates in *Ireland*, has from Time to Time been lying unproductive in the Bank of *Ireland:* And whereas there is Reason to expect that a large Sum in Cash, the Produce of Sales under the Court hereby constituted, will be unproductive, unless the same shall be rendered profitable in the Manner herein-after provided: Be it therefore enacted, That it may be lawful for the Commissioners of Her Majesty's Treasury, at their Discretion, to make such Arrangements, from Time to Time, as to them shall seem expedient, for the Investment in Public Funds or in Exchequer Bills or Exchequer Bonds of so much as they may think fit of the Cash, being the Proceeds of Sales lodged in the Bank of *Ireland* under the Provisions of this

Power to Commissioners of the Treasury to invest unproductive Cash.

Act, as in their Opinion, after Reference to and Report from the Judges of the said Court, may not be required to meet the Payments or special Investments which may from Time to Time be ordered by the Court, or, if the said Commissioners shall think fit, it shall be lawful for them, at their Discretion, to make such other Arrangements with the said Bank as they may deem expedient for rendering such Cash, or such Part thereof as aforesaid, productive while deposited in the said Bank; and the Dividends, Interest, or other annual Proceeds derived from such Public Securities, or from any other Arrangements with the said Bank, shall be paid to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided that if at any Time the whole or any Part of the Securities in which such Cash may be so invested shall be wanted to answer any of the Demands of the Parties entitled thereto in the several Matters pending in the said Court, then and in such Case the said Commissioners, on the Certificate from the Court of such Want, may direct such Securities or any Part thereof to be disposed of, in order that such Parties may at all Times be paid the Sums in full to which they may be respectively entitled.

Persons swearing falsely to be punished for Perjury.

XC. Every Person who, upon Examination upon Oath, Affirmation, or Declaration before the Court or any of the Judges thereof, or any Person appointed and authorized under this Act by the Court, or by any General or Special Order thereof, to administer such Oath, Affirmation, or Declaration, shall wilfully give false Evidence, and every Person who shall wilfully swear, affirm, or declare falsely in any Affidavit authorized under this Act to be received in Evidence by the Court, shall be liable to the Pains and Penalties of Perjury.

Act only to extend to Ireland.

XCI. This Act shall, except as far as the special Provisions of the same otherwise require, extend only to *Ireland.*

SCHE-

SCHEDULE.

SCHEDULE A.

FORMS OF CONVEYANCE on Sales by the Court [*which may be used with such Variations as the Circumstances may appear to the to require*].

I, *A.B.*, One of the Judges of the "Landed Estates Court, Ireland," under the Authority of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*], in consideration of the Sum of by *E.F.* of &c. paid into the Bank of Ireland [*or other Bank, as the Case may be*], to our Account, to the Credit of , do grant unto the said *E.F.* all [*here describe the Premises to be sold*], to hold the same unto the said *E.F.*, his Heirs and Assigns [*or, in the Case of a Chattel Interest in a Lease,* his Executors, Administrators, and Assigns] for ever, [*or* for the unexpired Term created by a certain Lease, *describing the Lease, as the Case may be,*] subject to [*here specify, where the Sale is made subject thereto, the Tenancies, Leases, Under-leases, or Charge, either by Reference to a Schedule or otherwise*].

In witness whereof, I, the said *A.B.*, have hereunto set my Hand and the Seal of the said Court, this Day of in the Year of our Lord .

A.B.

(*Seal of the Court.*)

The Certificate of Payment to be endorsed on or written at the Foot of the Conveyance or Assignment may be in the following Form:—

I certify, That the within [*or* above] mentioned Sum of was paid in the Bank of or to the Account and Credit within [*or* above] mentioned, on the Day of

A.B.

(*Seal of the Court.*)

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