ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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C A P. LXII.

An Act to enable Masters of the Court of Chancery in *Ireland*, upon Application to that Court by Petition, to execute Renewals of Leases for Lives containing Covenants for Renewal in the Names of Persons bound by such Covenants to execute the same, and being out of the Jurisdiction of the Court; and to extend such Powers to Cases of Terms for Years, whether absolutely or dependent upon Lives. [31st *July* 1838.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of Queen *Anne*, intituled *An Act to enable Guardians and others to renew Leases for Lives*, it was amongst other things enacted, that where any Person or Persons, who by Covenant or Agreement were obliged to make Renewal of Leases for Lives of Lands, Tenements, or Hereditaments in the Kingdom of *Ireland*, were or should be disabled to renew by reason of being beyond the Seas, it should and might be lawful to and for the Lord Chancellor or Commissioner or Commissioners of the Great Seal of that Kingdom for the Time being, upon Petition or Complaint made to him or them in the High Court of Chancery, upon Payment of the Fine and such other Sum or Sums of Money

11 Ann. (I.)

Money as ought to be paid upon such Renewal, for the Use of the Person or Persons entitled to the same, and upon the Lessee or Lessees doing and performing all and every such Matters and Things as by the said Covenants or Agreements in the said Lease or Leases ought to be done or performed by him or them previous to such Renewal, to order or appoint such Renewal or Renewals to be made by One of the Masters of the said Court of Chancery, to be nominated and appointed by the said Lord Chancellor or Commissioner or Commissioners of the Great Seal for the Time being, such Master so nominated and appointed to make and execute such Deed of Renewal in the Name of the Person who ought to have renewed the same; such Deed or Deeds of Renewal so made and executed by the said Master or Masters, Counterparts thereof being duly perfected by the Lessee or Lessees, for the Use and Benefit of the Person or Persons having the Reversion and Inheritance of such Lands, Tenements, or Hereditaments comprised in such Deed or Deeds, to be as good and effectual in Law or Equity to all Intents and Purposes, as if the Person or Persons under such Disability had not been so disabled, and had executed the same: And whereas by an Act past in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind*, after reciting the said last-mentioned Act, and that it was expedient that the Provisions thereof which had been so long in force in *Ireland* should remain unaltered, it was enacted that the Clauses and Provisions contained in the said therein-recited Act should be and continue in force in the same Manner, to all Intents and Purposes, as if the said Clauses and Provisions and every Part thereof had been repeated and re-enacted in the said Act; and that none of the other Provisions in the said Act contained for authorizing any Surrenders to be accepted, or any new Lease to be made or executed, for or on behalf of any Person who in pursuance of any Covenant or Agreement for Renewal in any Lease contained or to be contained ought to make such new Lease or Leases, should extend or be construed to extend to Lands in *Ireland*: And whereas by an Act passed in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act to extend to* Ireland *certain Provisions of an Act made and passed in the First Year of His late Majesty's Reign, intituled 'An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Lunatics, and Persons of unsound Mind,'* the said recited Act of the Eleventh Year of the Reign of Queen *Anne*, and so much of the said Act of the First Year of the Reign of His said late Majesty as re-enacted the Provisions in the said last-mentioned Act contained were thereby repealed, and the Powers given by the same, in respect to Persons being beyond the Seas, were not continued or extended: And whereas it is expedient that the Powers given by the said recited Acts of the Eleventh Year of the Reign of Queen *Anne* and of the First Year of the Reign of King *William* the Fourth to the Court of Chancery in *Ireland* should be continued to the said Court in the Case of Persons not within its Jurisdiction, or not amenable to its Process, and should be extended to Renewals of Leases for Terms of Years or Years dependent upon Lives: Be it therefore

11 G. 4. & 1 W. 4. c. 65.

5 & 6 W. 4. c. 17.

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, That where any Person, who in pursuance of any Covenant or Agreement in Writing might, if within the Jurisdiction and amenable to the Process of the Court of Chancery in *Ireland*, be compelled to execute a Renewal of any Lease made or to be made, for the Life or Lives of One or more Person or Persons, or for any Term or Number of Years absolutely or determinable on the Death of One or more Person or Persons, shall not be within the Jurisdiction of or not amenable to the Process of the said Court, it shall be lawful to and for the said Court of Chancery, by an Order to be made upon the Petition of any Person or any of the Persons entitled to such Renewal (whether such Person be or be not under any Disability), upon Payment of the Fine, and such other Sum or Sums of Money as ought to be paid upon such Renewal, for the Use of the Person or Persons entitled to the same, and upon the Lessee or Lessees doing and performing all and every such Matters and Things as by the said Covenants or Agreements in the said Lease or Leases ought to be done or performed by him or them previous to such Renewal, to order or appoint such Renewal or Renewals to be made by one of the Masters of the said Court of Chancery, to be nominated by the said Court for such Purpose; and such Master so nominated shall make and execute such Deed of Renewal in the Name of the Person or Persons who ought to have renewed the same, which Deed or Deeds of Renewal so made and executed by the said Master or Masters, Counterparts thereof being duly perfected by the Lessee or Lessees, for the Use and Benefit of the Person or Persons having the Reversion and Inheritance of such Lands, Tenements, or Hereditaments comprised in such Deed or Deeds, shall be as good and effectual in Law and Equity, to all Intents and Purposes, as if the Person in whose Name the same shall be made had executed the same; but in every such Case it shall be in the Discretion of the said Court of Chancery in *Ireland*, if under the Circumstances it shall seem requisite, to direct a Bill to be filed to establish the Right of the Party seeking the Renewal, and not to make the Order for such new Lease or Renewal, unless by the Decree to be made in such Cause, or until after such Decree shall have been made.

Masters of the Court of Chancery in Ireland empowered to grant Renewals of Leases for Years or Lives.

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