



Charitable Trustees Incorporation Act 1872

1872 CHAPTER 24

13 **Enrolment where deeds have been lost or not duly enrolled.**

And whereas by an Act passed in the thirtieth year of the reign of Her present Majesty, chapter fifty-seven, intituled "An " Act to make further provisions for the enrolment of certain Deeds, " Assurances, and other instruments relating to Charitable Trusts," provision was made for the enrolment upon application by summons in a summary way to the Court of Chancery, and by order of the court made upon such application of certain deeds, assurances, and other instruments relating to charitable trusts, and it is expedient to extend such provision and to facilitate the enrolling of deeds, assurances, and instruments relating to charitable trusts where the original deeds creating such trusts have been lost, or when the same have not been enrolled in proper time: Be it enacted, from and after the passing of this Act, if the clerk of enrolments in Chancery for the time being shall be satisfied, by affidavit or otherwise, that the deed, assurance, or other instruments conveying or charging the hereditaments, estate, or interest for charitable uses was made really and bona fide for full and valuable consideration actually paid at or before the making or perfecting thereof, or reserved by way of rentcharge or other annual payment, or partly paid at or before the making or perfecting of such deed, assurance, or other instrument and partly reserved as aforesaid, without fraud or collusion, and that at the time of the application to the said clerk of enrolments possession or enjoyment is held under such deed, assurance, or other instrument, and that the omission to enrol the same in proper time has arisen from ignorance or inadvertence, or from the destruction thereof by time or accident, it shall be lawful for the said clerk of enrolments to enrol the deed, assurance, or instrument to which the application relates, or such a subsequent deed as in the said Act mentioned, as the case may be, and the same shall thereupon be enrolled accordingly, and such enrolment shall be as valid and effective for all purposes as if the same had been made under the authority of the said last-mentioned Act. Over and above the ordinary fee payable upon the enrolment of any deed, assurance, or other instrument, there shall be paid upon the enrolment under this section of any deed, assurance, or other instrument, the further fee of ten shillings.