

THE ILLUSORY APPOINTMENT AND INFANTS' PROPERTY ACT, 1841

ACT No. XXIV. OF 1841

(Rep., Act 48 of 1952)

[18<sup>th</sup> October, 1841.]

*Passed by the Right Hon'ble the Governor General of India in Council, On the 18<sup>th</sup> of October, 1841*

An Act the greater uniformity of the Law administered by Her Majesty's Supreme Courts With that administered in England, in regard to the undisputed residue of the Effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts and the better management of the property of such persons, and other like matters.

I. It is hereby enacted, that the Statute XI. George IV. and 1 William IV Ch. 40, entitled "an Act for making better provision for the disposal of the undisputed of residues of the Effects of Testators," shall be extended to the Territories of the East India Company as for as it is applicable to the same. Provided that this Act shall take effect from the first day of January next, which day is substituted for the first day of September mentioned in the Statute.

II. And it is hereby enacted, that the Statute XI. George IV and I William IV. Ch. 46, entitled, "an Act to alter and amend the Law relating to Illusory Appointments," and the Statute XI. George IV. and I William IV. Ch. 65, entitled "an Act for consolidating and amending the Law relating to property belonging to infants, feme coverts, idiots, Lunatics and persons of unsound mind," shall from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same.

III. And it is hereby enacted, that the Statute XI. George IV. and 1 William IV. Ch. 60, entitled "an Act for amending the Laws respecting conveyances and transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain cases, " except so much thereof as provides that it shall not extend to cases of partition, shall, from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same, and all provisions contained in the last mentioned Statute relating to the Lord Chancellor of Great Britain, in trusted as therein is mentioned, or to Courts of Chancery, or their respective Presidencies. And shall be applicable to the East India Company, and all Corporate Societies established within the Territories of the East India Company and their Officers and Servants.

IV. And whereas it is expedient to adopt the amendments of the English Law touching the delay of action, suits, or other proceedings, by reason of the parol demurring; and touching conveyances made by Infants under order of Courts; it is hereby enacted, that Sections 10 and 11 of the XIth Geo. IV. and I William IV. Ch. 47, entitled "an Act for consolidating and amending the Laws for facilitating the payment of debts out of real Estate," shall from the first day of January next, be extended to the Territories of the East India Company, as for as it is applicable in the same.

V. And it is hereby provided, that this Act shall not be construed to affect any case which would not have been governed by English Law as administered by Her Majesty's Supreme Courts previous to the passing thereof, or any proceedings at Law or in Equity commenced before the first day of January next.

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