

LIII. That any person or persons, entitled in manner aforesaid, to apply for an order from the said Court of Chancery, or from the Chancellor, may, should he think fit, present a petition, in the first instance, to the Court of Chancery or to the Chancellor for such order as he may deem himself entitled to, and may give evidence, by affidavit or otherwise, in support of such petition before the said Court or the Chancellor, and may serve such person or person, with notice of such petition as he may deem entitled to service thereof.

LIV. That upon the hearing of any such motion or petition, it shall be lawful for the said Court or for the Chancellor, should it be deemed necessary, to direct a reference to one of the masters of the said Court to enquire into any facts which require such investigation; or it shall be lawful for the said Court or for the Chancellor, to direct such motion or petition to stand over to enable the petitioner or petitioners to adduce evidence, or further evidence, before the said Court, or before the Chancellor, or to enable notice or any further notice of such motion or petition to be served upon any person or persons.

LV. That upon the hearing of any such motion or petition, whether any certificate or report from the master shall have been obtained or not, it shall be lawful for the Court or the Chancellor to dismiss such motion or petition, with or without costs, or to make an order thereupon in conformity with the provisions of this Act.

LVI. That whensoever in any cause or matter, either by the evidence adduced therein, or by the admissions of the parties, or by a report of one of the masters of the Court of Chancery, the facts necessary for an order under this Act shall appear to such Court to be sufficiently proved, it shall be lawful for the said Court, either upon the hearing of the said cause, or of the petition or motion in the said cause, or matter, to make such order under this Act.

LVII. That whenever any order shall be made under this Act, either by the Chancellor or by the Court of Chancery, for the purpose of conveying or assigning any lands, or for the purpose of releasing or disposing of any contingent right, and such order shall be founded on an allegation of the personal incapacity of a trustee or mortgagee, or on an allegation that a trustee or the heir or devisee of a mortgagee is out of the jurisdiction of the Court of Chancery, or cannot be found, or that it is uncertain which of several trustees, or which of several devisees of a mortgagee, was the survivor, or whether the last trustee or the heir or last surviving devisee of a mortgagee be living or dead, or on an allegation that any trustee or mortgagee has died intestate without an heir, or has died and it is not known who is his heir or devisee, then in any of such cases the fact that the Chancellor or Court of Chancery has made an order upon such an allegation shall be conclusive evidence of the matter so alleged in any Court of Law or Equity, upon any question as to the legal validity of the order. Provided always, that nothing herein contained shall prevent the Court of Chancery directing a reconveyance or reassignment of any lands conveyed or assigned by any order under this Act, or a re-disposition of any contingent right conveyed or disposed of by such order, and it shall be lawful for the said Court to direct any of the parties to any suit concerning such lands, or contingent right, to pay any costs occasioned by the order under this Act, when the same shall appear to have been improperly obtained.

LVIII. That it shall be lawful for the Chancellor or the Court of Chancery to exercise the power herein conferred, for the purpose of vesting any lands, stock, or chose in action in the Trustee or Trustees of any Charity or Society over which Charity or Society the said Court of Chancery would have jurisdiction upon suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any person contained in any deed or instrument, or by the decree of the said Court of Chancery, or by order made upon a petition to the said Court, under any statute authorizing the said Court to make an order to that effect, in a summary way, upon petition.

LIX. That no lands, stock, or chose in action, vested in any person upon any trust, or by way of Mortgage, or any profits thereof, shall escheat or be forfeited to Her Majesty, Her heirs or successors, or to any Corporation, Lord or Lady of a Manor, or other person, by reason of the attainder or conviction for any offence of such Trustee or Mortgagee, but shall remain in such Trustee or Mortgagee, or survivor to his or her co-trustee or decend, or vest in his or her representative, as if no such attainder or conviction had taken place.

LX. That nothing contained in this Act shall prevent the escheat or forfeiture of any lands or personal estate vested in any such Trustee or Mortgagee, so far as relates to any beneficial interest therein, of any such Trustee or Mortgagee, but such lands or personal estate, so far as relates to any such beneficial interest, shall be recoverable in the same manner as if this Act had not been passed.

LXI. That when any infant or person of unsound mind shall be entitled to any money payable in discharge of any lands, stock or chose, in action, conveyed, assigned, or transferred under this Act, it shall be lawful for the person by whom such money is payable, to pay the same into the Colonial Treasury, in such manner as shall or may be directed by the said Court of Chancery, in trust, in any cause then depending, concerning such money of, if there shall be no such cause, to the credit of such infant or person of unsound mind, subject to the order or disposition of the said Court; and it shall be lawful for the said Court, upon petition, in a summary way, to order any money so paid, to be invested in the public funds, and to order payment or distribution thereof or payment of the dividends thereof, as to the said Court shall seem reasonable; and the Treasurer of the said Island, or his deputy, who shall receive any such money, is hereby required to give to the person paying the same, a receipt for such money, and such receipt shall be an effectual discharge for the money therein respectively expressed to have been received.

LXII. That when, in any suit, commenced, or to be commenced, in the Court of Chancery, it shall be made to appear to the Court, by affidavit, that diligent search and inquiry has been made after any person, made a defendant, who is only a Trustee, to serve him with the process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and determine such cause, and to make such absolute decree therein, against every person who shall appear to them to be only a Trustee, and not otherwise concerned or interested in the matter in question, in such and the same manner as if such Trustee had been duly served with the process of the Court, and had appeared and filed his answer thereto, and had also appeared by his counsel and solicitor, at the hearing of such cause. Provided always, that no such decree shall bind, affect, or in any wise prejudice any person against whom the same shall be made, without service of process upon him, as aforesaid, his heirs, executors, or administrators, for, or in respect of, any estate, right, or interest, which such person shall have, at the time of making such decree for his own use and benefit, or otherwise than as a Trustee, as aforesaid.

LXIII. That when any person shall, under the provisions of this Act, apply to one of the masters of the Court of Chancery, in the first instance, and adduce evidence, for the purpose of obtaining the certificate of such Master, as a foundation for an order of the said Chancellor, or the Court of Chancery, it shall be lawful for the said Master to order service of such application upon any person, or to dismiss such application, and to direct that the costs of any persons, consequent thereon, shall be paid by the person making the same; and all orders of the Master, under this Act, shall be enforced by the same process as orders of the Court, made in any suit against a party thereto.

LXIV. That the Chancellor, and the Court of Chancery may order the costs and expenses of, and relating to, the petitions, orders, directions, conveyances, assignments, and transfers, to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the lands or per-