



Probate and Legacy Duties Act 1808

1808 CHAPTER 149

XXXVI Where Executors, &c. alledge, that any Property was vested in the Deceased as a Trustee, a special Affidavit may be required of the Facts.

And be it further enacted, That where the Executors or Administrators of any Person deceased shall be desirous of transferring or of receiving the Dividends of any Share standing in the Name of the Deceased, of and in any of the Government or Parliamentary Stocks or Funds transferrable at the Bank of *England*, or of and in the Stock and Funds of the Governor and Company of the Bank of *England*, or of and in the Stock and Funds of any other Company, Corporation, or Society whatsoever, passing by Transfer in the Books of such Company, Corporation, or Society, under and by virtue of any such Probate or Letters of Administration as aforesaid, and shall alledge that the Deceased was possessed thereof or entitled thereto, either wholly or partially, as a Trustee, it shall be lawful for the said Governor and Company of the Bank of *England*, and for any such other Company, Corporation, or Society as aforesaid, or their respective Officers, for their Indemnity and Protection, to require such Affidavit or Affirmation of the Fact as herein-after is mentioned, if the Fact shall not otherwise satisfactorily appear, and thereupon to permit such Executors or Administrators to transfer the Stock or Fund in question, or receive the Dividends thereof, without regard to the Amount of the Stamp Duty on the Probate of the Will of the Deceased, or the Letters of Administration of his or her Effects ; and where the Executors or Administrators of any Person deceased shall have Occasion to recover any Debt or Debts, or other personal Effects, due or apparently belonging to the Deceased, and shall alledge that the Deceased was possessed thereof or entitled thereto, either wholly or partially, as a Trustee, it shall be lawful for the Person or Persons liable to pay or deliver such Debt or Debts or other Effects to require such Affidavit or Affirmation of the Fact as herein-after is mentioned, if the Fact shall not otherwise satisfactorily appear, and thereupon to pay, deliver, or make over the Debt or Debts or other Effects in question to such Executors or Administrators, or as they shall direct, without regard to the Amount of the Stamp Duty on the Probate of the Will of the Deceased, or the Letters of Administration of his or her Effects ; and where the Executors or Administrators of any Person deceased shall have Occasion to assign or transfer any Debt or Debts due to the Deceased, or any Chattels Real or other personal Effects whereof or whereto the Deceased was possessed or entitled, and shall alledge that the same respectively was or were due to or vested in the Deceased, either

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wholly or partially, as a Trustee, it shall be lawful for the Person or Persons to whom or for whose Use such Debt or Debts, Chattels Real, or other Personal Effects, shall be proposed to be assigned or transferred, to require such Affidavit or Affirmation of the Fact as herein-after is mentioned, if the Fact shall not otherwise satisfactorily appear, and thereupon to accept the proposed Assignment or Transfer, without regard to the Amount of the Stamp Duty on the Probate of the Will of the Deceased, or the Letters of Administration of his or her Effects.