

## SCHEDULES.

### SIXTH SCHEDULE

Section 206.

#### EPITOMES OF ABSTRACTS OF TITLE.

#### **SPECIMEN No. 1**

#### OF THE TITLE OF JOHN WILLIAMS TO BLACKACRE.

WHERE THE TITLE COMMENCES BEFORE THE COMMENCEMENT OF THIS ACT.

The italics show how the abstract is to be framed and what documents are to be abstracted. After the commencement of this Act, the parts not in italics may be ignored.

*10th June 1897.*

*Will of H. Jones, appointing Maria Jones and W. Jones executors and Settled Land Act trustees.*

*Devises, Blackacre.*

*To the use that Maria Jones may receive a yearly rentcharge of five hundred pounds for her life, and, subject thereto,*

*To the use of W. Jones for life with remainder,*

To the use of X. and Y., for a term of one thousand years, and subject thereto,

To the use of the first and other sons of W. Jones in tail with remainders over.

Trusts of term of one thousand years declared for raising ten thousand pounds for portions for younger children of W. Jones, as he shall appoint, and in default equally.

Hotchpot Clause. Power to appoint new trustees.

*4th June 1898.*

*Death of H. Jones*

*1st August 1898.*

*Will of H. Jones proved.*

[*Note.*—After the execution of the Vesting Deed the will only takes effect in equity and can be withdrawn from the abstract when not required as a root of title.]

*20th August 1899.*

*Conveyance by the executors to the, uses of the Will.*

*2nd September 1915.*

*Appointment of R. and S. to be Settled Land Act trustees of the will in place of Maria, Jones and W. Jones who retire.*

*1st January 1926.*

The Settled Land and Law of Property Acts, 1925, come into operation.

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*Status: This is the original version (as it was originally enacted).*

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[NOTE.—The legal estate in fee simple will vest in W. Jones in fee simple, but he cannot deal with it till the vesting deed is executed.]

*20th January 1926.*

*Deed by the Settled Land Act trustees declaring the fee simple is vested in W. Jones on the trusts of the Will and stating that they are the trustees of the settlement.*

*2nd February 1926.*

Appointment by W. Jones of five thousand pounds, part of the ten thousand pounds, to his daughter, Ann Jones.

*3rd February 1926.*

Assignment by Ann Jones of her five thousand pounds, part of the ten thousand pounds raisable for portions, to trustees *F.* and *G.* on her marriage to J. Robinson.

*4th February 1926.*

Will of W. Jones, appointing T. Brooks his executor.

*6th March 1926.*

Death of W. Jones leaving three children, Frederick Jones, his eldest son, and E. Jones and Ann Robinson.

*2nd April 1926.*

Disentail by Frederick Jones in trust for himself in fee simple.

*3rd May 1926.*

*Will of W. Jones proved by R. and S. in regard to the settled land.*

*6th June 1926.*

Mortgage by E. Jones of his one-half of the ten thousand pounds to *K.*

*1st December 1926.*

Death of Maria Jones, jointress.

*2nd January 1927.*

Release by *F.* and *G.* on payment to them of the five thousand pounds of Ann Robinson.

*Same date.*

Release by E. Jones and *K.*, his mortgagee, of the five thousand pounds raisable for E. Jones.

*3rd January 1927.*

*Assent by R. and S., as personal representatives to Frederick Jones in fee, without nominating Settled Land Act trustees.*

[NOTE.—If the Assent had been made before the family charges had been cleared, the personal representatives would have nominated themselves as being the trustees of the settlement, and a discharge from them would have been required when the charges were cleared.]

*6th February 1927.*

*Mortgage either by charge by way of legal mortgage or for a term of one thousand years by Frederick Jones to the Estate Trustees of the C. Assurance Society to secure five thousand pounds and interest.*

*20th March 1927.*

Second mortgage either by charge by way of legal mortgage or for a term of two thousand years by Frederick Jones to *D.*, to secure three thousand pounds and interest.

*1st June 1927.*

Third mortgage either by charge by way of legal mortgage or for a term of three thousand years by Frederick Jones to *E.*, to secure two thousand pounds and interest.

*8th August 1927.*

Conveyance by Frederick Jones on his marriage (subject to above mortgages) to *M.* and *N.* upon trust for sale, the proceeds of sale being settled by a deed of even date.

*12th November 1927.*

Death of *M.*

*20th December 1927.*

Appointment of *F.* as trustee of the conveyance on trust for sale in the place of *M.*, and jointly with *N.*

*10th June 1928.*

*Conveyance by the then Estate Trustees of the C. Assurance Society, under their power of sale as first mortgagees, to John Williams in fee.*

[NOTE.—The title being made under the power of sale of the Estate Trustees, the fee simple passes and not merely the mortgage term. They can if desired convey the fee in the names of *M.* and *N.* It is unnecessary to disclose the second and third mortgages or the conveyance on trust for sale. It would have been necessary to disclose them if title had been made by the trustees for sale, as the mortgages and the conveyance all dealt with legal estates. The right to vest the debt and mortgaged property in Estate Trustees by memorial enrolled under a Private Act is preserved.]

No evidence of deaths, births, &c, is required. Probate of the will of *H. Jones* is conveyancing evidence of his death.]

*12th January 1929.*

*John Williams* leaves Great Britain and Northern Ireland is believed to be alive but cannot be found.

*10th August 1929.*

*Private Act passed authorising the X. Company to acquire Blackacre under compulsory powers.*

*15th June 1930.*

*Statutory declaration as to facts known with reference to John Williams.*

*16th June 1930.*

*Deed Poll by X. Company (who by their agent also execute in the name of John Williams) under section seventy-seven of the Lands Clauses Consolidation Act, 1845, vesting the land in themselves.*

[NOTE.—This is an example of an exercise of a power over a legal estate the operation of which is expressly preserved.]

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*Status: This is the original version (as it was originally enacted).*

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## SPECIMEN No. 2

OF THE TITLE OF THE TRUSTEES OF FRANK SMITHERS TO GREENACRE.

RELATING TO UNDIVIDED SHARES.

*2nd January 1910.*

*Mortgage by James Smith of Greenacre to M. Coy., Ltd. in fee to secure 1.000l. and interest.  
4th February 1910.*

*Will of James Smith devising Greenacre to his ten children named therein in equal shares and  
appointing E. to be his executor.  
1st March 1910.*

*Death of James Smith, leaving the ten children surviving.  
3rd April 1910.*

*Probate by E.  
4th December 1910.*

*Assent by E. to the devise to the ten children.  
5th January 1911.*

*Mortgage by one of the sons of his tenth share.  
15th April 1911.*

*Conveyance by one of the daughters on her marriage of a tenth share to trustees on trust for sale,  
the net proceeds to be held on the trusts of her settlement of even date.  
20th May 1911.*

*Settlement by another of the sons of his tenth share and appointing Settled Land Act trustees.  
8th June 1913.*

*Will of another daughter devising her tenth to her husband and appointing him executor.  
20th June 1913.*

*Death of the testatrix.  
4th August 1913.*

*Probate by her husband.  
2nd May 1918.*

*Death of another son intestate.  
30th July 1918.*

*Letters of administration granted to two of his brothers.  
1st January 1926.*

*The Law of Property Act, 1925, comes into operation and vests Greenacre, subject only to the  
mortgage of 1910 affecting the entirety (which is converted into a mortgage for a term of three  
thousand years), in the Public Trustee, pending the appointment of new trustees, on trust for sale.  
4th June 1926.*

*Order of the court (Chancery Division) made on the application of persons entitled to six tenths,  
appointing M. and N. to be trustees of the trust affecting Greenacre in place of the Public Trustee.*

*7th May 1927.*

*Conveyance on sale to Walter Robinson by M. and N., the M. Company, Limited, being paid off out of part of the purchase money, and joining to surrender the three thousand years term.*

[NOTE.—The balance of the purchase money is available in the hands of the trustees to answer the claims of the mortgagee and other persons interested in undivided shares.]

*4th June 1927.*

Will of Walter Robinson devising and bequeathing Greenacre and his residuary real and personal estate to *X.* and *Y.* upon trust for his son John Robinson for life with remainder upon trust for his first and other sons successively according to seniority in tail male with remainder upon trust for the same sons in tail general with remainder upon trust for all the daughters of John Robinson as tenants in common in tail with cross remainders in tail between them in equal shares. Appointment of *X.* and *Y.* to be executors and Settled Land Act trustees.

*1st December 1927.*

Death of testator.

*20th April 1928.*

*Probate by X. and Y.*

*3rd May 1928.*

*Assent by X. and Y. vesting the settled land in John Robinson upon the trusts of the will of Walter Robinson, and stating that they are the trustees of the settlement.*

*14th July 1928.*

Will of John Robinson appointing his daughters Mary Robinson and Jane Robinson his executors.

*16th March 1930.*

Death of John Robinson without having had a son and leaving five daughters.

*12th June 1930.*

*Probate by X. and Y. in regard to the settled land.*

*25th July 1930.*

*Assent by X. and Y. to the vesting of the settled land in themselves on trust for sale, the net proceeds to be held on the trusts of the will of Walter Robinson.*

*7th January 1931.*

*Conveyance on sale by X. and Y. of Greenacre to Frank Smithers in fee.*

*8th January 1931.*

Equitable charge by Frank Smithers to James Montagu by way of indemnity and agreement to vest Greenacre in a trust corporation on trust for sale to raise the money when the amount is ascertained and for other purposes.

[NOTE.—A mere equitable charge not secured by deposit of documents can be overridden when the land is made subject to a trust for sale without joining the chargee.]

*9th January 1932.*

*Lease by Frank Smithers of part of Greenacre to his wife for life at a rent.*

[NOTE.—A lease for life is made to take effect as a demise for a term of ninety years determinable by notice after the death of the lessee by his representatives or by the lessor.]

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23rd June 1933.

Conveyance by Frank Smithers, of Greenacre, to a trust corporation on trust for sale subject to the lease. The net proceeds to be held on the trusts of a deed of even date, under which effect is given to the Agreement of 1931.

### SPECIMEN No. 3

#### OF THE TITLE OF R. HORNE TO WHITEACRE.

WHERE THE TITLE COMMENCES AFTER THE COMIENCEMENT OF THIS ACT.  
4th July 1926.

*Settlement by John Wilson, being a deed declaring that Whiteacre is vested in himself in fee upon the trusts of a deed of even date.*

*Appointment of R. and S. to be trustees for the purposes of the Settled Land Act, 1925.*

*Provisions extending the powers conferred by the Settled Land Act, so far as they relate to dealings with land, and giving power for John Wilson during his life to appoint new trustees. Same date.*

Trust Instrument.

Trusts declared for John Wilson for life, with remainder.

Upon trust that Elizabeth Wilson, if she survives him shall have a rentcharge of 200l. during the residue of her life, and subject thereto.

Upon trust for R. and S. for a term of five hundred years to raise five thousand pounds portions for younger children of John Wilson, with remainder.

Upon trust for Henry Wilson for life, with remainder.

Upon trust for H. and K. for a term of one thousand years to raise five thousand pounds portions for younger children of Henry Wilson, with remainder.

Upon trust for the first and other sons of Henry Wilson successively in tail, with further remainders over. Appointment of R. and S. to be Settled Land Act trustees. Extension of Settled Land Act powers by reference to the Vesting Deed of even date or otherwise. Power for tenant for life of full age to appoint new trustees.

*4th September 1926.*

Appointment of new trustee of the Trust Instrument and of the five hundred years' term.

Recites that S. is incapable of acting. Appointment by John Wilson of P. to be trustee of the term of five hundred years and for the purposes of the Trust Deed in the place of S. and jointly with R. Declaration (express or implied) vesting the equitable term of five hundred years in R. and P. Same date.

*Deed stating that R. and P. are the trustees of the settlement. Memorandum of the deed endorsed on the Vesting Deed.*

*7th January 1927.*

Will of John Wilson appointing Isaac James and Joseph James executors.

*3rd September 1927.*

Death of John Wilson, leaving younger children and his widow.

*4th April 1928.*

*Will of John Wilson proved by R. and P. in regard to the settled land.*

*1st October 1928.*

Assignment by R. and P. to B. of term of five hundred years by way of mortgage for securing five thousand pounds and interest.

[NOTE.—As money has been raised on the term the mortgagee could call on the executors to create a legal term for securing it in priority to the settlement.]

*2nd December 1928.*

*Assent by R. and P., as personal representatives, to the vesting of the settled land in Henry Wilson in fee upon the trusts of the Trust Deed.*

*Statement that R. and P. are the trustees of the settlement. Power for Henry Wilson during his life to appoint new trustees.*

*The same provisions for extending powers conferred by the Settled Land Act as are contained in the Vesting Deed.*

[NOTE.—These may be inserted either expressly, if short, or by reference to the former Vesting Deed, if long.]

*2nd June 1929.*

Appointment of James Cook and Harry Cook to be trustees of the Trust Deed.

*2nd June 1929.*

*Deed stating that they are the trustees of the settlement. Endorsement of notice on the Vesting Deed.*

*4th November 1929.*

Transfer of the mortgage for five thousand pounds by B. to C.

*10th July 1930.*

Death of Henry Wilson, leaving Thomas Wilson, his eldest son, and two younger children.

*1st October 1930.*

*Letters of Administration to the settled land of Henry Wilson granted to James Cook and Harry Cook.*

*3rd November 1930.*

Disentail by Thomas Wilson.

*4th November 1930.*

Release by C. on payment off of his mortgage debt of five thousand pounds and surrender of the equitable term of five hundred years.

*10th November 1930.*

Death of Elizabeth Wilson.

[NOTE.—Though her jointure took effect in equity only she has power to create a term of years absolute for raising arrears of the jointure, and the estate owner would be bound to give legal effect to a mortgage of the term.]

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*20th November 1930.*

Release by two younger children of Henry Wilson of their portions.  
*Same date.*

Demise by Thomas Wilson to *L.* and *M.* for an equitable term of eight hundred years, subject to cesser on payment of five thousand pounds and interest.  
*Same date.*

*Demise by James Cook and Harry Cook to L. and M. for the term of eight hundred years, subject to cesser on redemption or charge by way of legal mortgage.*  
*Same date. 20th November 1930.*

*Assent by them to the vesting of the settled land, subject to the term or legal charge, in Thomas Wilson in fee, without nominating Settled Land Act trustees.*  
*10th June 1931.*

*Conveyance by Thomas Wilson and L. and M. to R. Home in fee.*

#### **SPECIMEN No. 4**

#### **OF THE TITLE OF THE ADMINISTRATORS OF M. CURTIS TO RICH AND MIDDLE FARMS.**

#### **RELATING TO INFANTS.**

*2nd January 1922.*

Will of James Wilcox devising Rich Farm and Middle Farm to the use of his elder son John Wilcox (an infant) for his life with remainders over for the issue of John Wilcox which failed with remainder to the use of his younger son Gilbert Wilcox (an infant) for his life with remainders over. Appointment of *X.* and *Y.* to be executors and Settled Land Act trustees.  
*4th February 1922.*

Death of testator, leaving his two sons, giving dates of their births.  
*12th May 1922.*

*Probate by X. and Y.*  
*15th December 1922.*

Assent to the devise, John Wilcox being still an infant.  
*1st January 1926.*

The Settled Land Act, 1925, and The Law of Property Act, 1925, come into force and vest the settled land in *X.* and *Y.* as Settled Land Act trustees by reason of John Wilcox being an infant.  
*4th January 1926.*

*Instrument declaring that the settled land is vested in X and Y.*  
*3rd June 1926.*

Death of John Wilcox a bachelor and an infant.  
*29th September 1926.*

*Conveyance on sale of Rich Farm by X. and Y. to M. Curtis.*



*12th October 1927.*

*Conveyance by X. and Y. vesting Middle Farm in Gilbert Wilcox (who had attained full age) on the trusts of the will of James Wilcox with a statement that they are the trustees of the settlement. 10th November 1927.*

*Conveyance on sale of Middle Farm by Gilbert Wilcox to M. Curtis, X. and Y. joining to receive the purchase money. 1st February 1928.*

*Will of M. Curtis purporting to appoint his infant son John Curtis executor. 3rd April 1928.*

*Death of M. Curtis. 5th September 1928.*

*Letters of administration with the will annexed granted to M. and N.*

[NOTE.—Administration will either be granted to a trust Corporation or to not less than two individuals, if there are Settled Land Act trustees, it will, as respects the settled land, be granted to them.]

## **SPECIMEN No. 5**

**OF THE TITLE OF GEORGE SMITH TO HOUSES IN JOHN STREET.**

**RELATING TO LEASEHOLD PROPERTY.**

*25th March 1921.*

*Lease by Charles Robinson to Henry Chubb, of 10 to 16 (even numbers) John Street, in the city of X., for 99 years from date at a yearly rent of 5l. for each house. 26th March 1921.*

*First Mortgage (by subdemise) by Henry Chubb to A. for the residue of the term less 3 days for securing 3,000l. and interest. Declaration by Henry Chubb that he holds the head term in trust for A. subject to redemption. Same date.*

*Second Mortgage (by subdemise) to B. for the residue of the term less 2 days for securing 1,000l. and interest. Declaration by Henry Chubb that (subject to the First Mortgage) he holds the head term in trust for B. subject to redemption. Same date.*

*Third Mortgage (by subdemise) to C. for residue of term less 1 day for securing 500l. and interest. 24th December 1924.*

*Transfer of First Mortgage by A. to T. in trust for Henry Chubb, who pays off the First Mortgage debt. 1st January 1926.*

The Law of Property Act, 1925, comes into operation.

[NOTE.—It extinguishes the first mortgage term, because Henry Chubb was not entitled to keep it alive to the prejudice of his mesne incumbrancers.]

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*Status: This is the original version (as it was originally enacted).*

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*1st July 1926.*

Order of Court directing Henry Chubb to hand over the Lease, First Mortgage, and Transfer of that Mortgage to *B.*

*20th July 1926.*

*Assignment on sale by B., under his power, to George Smith.*

[NOTE.—This conveys the head term created by the Lease and extinguishes all the mortgage terms. The head term may, if desired, be conveyed in the name of Henry Chubb.]