Western Australia

Infants' Property Act 1830 (Imp)

This Act was repealed by the *Statutes (Repeals and Minor Amendments) Act 2025* s. 4(1)(g) (No. 14 of 2025) on 26 Sep 2025 (see s. 2(b)).

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Western Australia

Infants' Property Act 1830 (Imp)

An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of Unsound Mind. [4]

Preamble

Whereas an Act was passed in the ninth year of the reign of King George the First, intituled *An Act to enable Lords of Manors more easily to recover their Fines, and to exempt Infants and Femes Covert from Forfeitures of their Copyhold Estates in Particular Cases*: [5]

And whereas an Act was passed in the twenty-ninth year of the reign of King George the Second, intituled *An Act to enable Infants, Lunatics, and Femes Covert to surrender Leases, in order to renew the same*: [6]

And whereas an Act was passed in the eleventh year of the reign of King George the Third, intituled *An Act to enable Lunatics entitled to renew Leases, their Guardians and Committees, to accept of Surrenders of Old Leases, and grant new ones*: [7]

And whereas an Act was passed in the Parliament of Ireland in the eleventh year of the reign of Queen Anne, intituled *An Act to enable Guardians and others to renew Leases for Lives*: [8]

And whereas an Act was passed in the forty-third year of the reign of King George the Third, intituled *An Act to authorise the Sale or Mortgage of the Estates of Persons found Lunatic by Inquisition in England or Ireland respectively, and the granting of Leases of the same*: [9]

And whereas an Act was passed in the forty-seventh year of the reign of King George the Third, intituled, *An Act concerning Common Recoveries suffered in Copyhold or Customary Courts by Attorney*: [10]

And whereas an Act was passed in the fifty-ninth year of the reign of King George the Third, intituled *An Act concerning Common Recoveries to be suffered by Attorney in Courts of Ancient Demesne, and to explain*

an Act of His present Majesty relative to the Sale or Mortgaging of Estates of Lunatics: [11]

And whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and Funds vested in Trustees who are Infants, Idiots, Lunatics, or Trustees of Unsound Mind, or who cannot be compelled or refuse to act; and also the Laws relating, to Stocks and Securities belonging to Infants, Idiots, Lunatics, and Persons of Unsound Mind*: [12]

And whereas an Act was passed in the ninth year of the reign of his said late Majesty, intituled *An Act for extending the Acts passed in the Forty-third and Fifty-ninth Years of the Reign of His late Majesty King George the Third, for the Sale and Mortgage of Estates of Persons found Lunatics by Inquisition taken in England and Ireland, so as to authorise such Sale and Mortgage for other Purposes; and for rendering Inquisitions or Commissions of Lunacy taken in England available in Ireland, and like Inquisitions taken in Ireland available in England*: [13]

And whereas it is expedient the provisions of the said Acts should be consolidated and amended;

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same,

[1.] Recited Acts but only so much of 6 Geo. IV as relates to funds belonging to infants, etc., repealed

[T]hat the said recited Acts of the eleventh year of the reign of Queen Anne, the ninth year of the reign of King George the First; the twenty-ninth year of the reign of King George the Second, the eleventh, forty-third, forty-seventh, and fifty-ninth years of the reign of King George the Third, and the ninth year of the reign of his late Majesty King George the Fourth, and also the said recited Act of the sixth year of the reign of his

present Majesty, so far as the said last-mentioned Act relates to stocks, funds, annuities, and securities belonging beneficially to persons being infants, idiots, lunatics, or of unsound mind, shall be and the same are hereby repealed (except as to such proceedings under the same as shall have been commenced before the passing of this Act, and which may be proceeded in according to the provisions of the said recited Acts respectively, or according to the provisions of this Act, as shall be thought expedient), provided always that the several Acts repealed by the said last-recited Act shall not be revived.

2. Rules for the interpretation of this Act

And inasmuch as, in order to avoid unnecessary repetition, certain words are used in this Act as describing subjects some of which, according to their usual sense, such words would not embrace; for the understanding of the sense attached to them in this Act, be it further enacted, that the provisions of this Act shall extend and be understood to extend to and include the several other estates, persons, matters, and things hereinafter mentioned; (that is to say)

those relating to land, to any manor, messuage, tenement, hereditament, or real property of whatsoever tenure, and to property of every description transferable otherwise than in books kept by any company or society, or any share thereof or charge thereon, or estate or interest therein;

those relating to stock, to any fund, annuity, or security transferable in books kept by any company or society, or to any money payable for the discharge or redemption thereof, or any share or interest therein; those relating to dividends, to interest or other annual produce; those relating to the Bank of England, to the East India Company, South Sea Company, or any other company or society established or to be established;

those relating to a conveyance, to any release, surrender, assignment, or other assurance, including all Acts, deeds, and things necessary for making and perfecting the same;

those relating to a transfer, to any assignment, payment, or other disposition; and those relating to a lunatic, to any idiot or person of unsound mind or incapable of managing his affairs;

unless there be something in the subject or context repugnant to such construction;

and whenever this Act, in describing or referring to any person, or any land, stock, conveyance, lease, recovery, matter, or thing, uses the word importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several lands, stocks, conveyances, leases, recoveries, matters, or things, as well as one land, stock, conveyance, lease, recovery, matter, or thing respectively, unless there be something in the subject or context repugnant to such construction.

3. Infants, femes covert, and lunatics may be admitted to copyhold estates by their guardian, committee, or attorney

And be it further enacted, that from and after the passing of this Act, where any person being under the age of twenty-one years, or being a feme covert or lunatic, is or shall be entitled by descent, or surrender to the use of a last will, or otherwise, to be admitted tenant of any copyhold lands, such person, in his or her own proper person, or being a feme covert by her attorney, or being an infant by his guardian or attorney, as the case may require, or being a lunatic by the committee of his estate, shall come to and appear at one of the three next courts which shall be kept (for the keeping whereof the usual notice shall be given) for the manor whereof such land shall be parcel, and shall there offer himself or herself to the lord or his steward to be admitted tenant to the said land; to make which appearance and to take which admittance in behalf of such infant or lunatic or feme covert, such guardian, committee, or attorney shall be and is hereby respectively authorised and required.

4. Femes covert, infants, etc., may appoint attornies for that purpose

And be it further enacted, that it shall be lawful for any feme covert, and for any infant who shall have no guardian, and she and he is hereby empowered, by writing under her or his hand and seal respectively, to appoint an attorney or attornies on her or his behalf, for the purpose of appearing and taking such admittance as aforesaid.

5. In default of appearance the lord may appoint an attorney

And be it further enacted, that in default of such appearance of any infant, feme covert, or lunatic, in his or her own person, or by his or her guardian, committee, or attorney in that behalf, and of acceptance of such admittance as aforesaid, it shall be lawful for the lord of every such manor, or his steward, after such three several courts have been duly holden for such manor, and proclamations in such several courts been regularly made, to appoint, at any subsequent court to be holden for such manor, any fit person to be attorney for every such infant, feme covert, or lunatic for that purpose only, and by such attorney to admit every such infant, feme covert, or lunatic to the said land, according to such estate as such infant, feme covert, or lunatic shall be legally entitled to therein, and upon every such admittance to impose and set such fine as might have been legally imposed and set if such infant had been of full age, or if such feme covert had been sole and unmarried, and if such lunatic had been of sane mind.

6. Fines, in what manner demandable, consequences if not paid

And be it further enacted, that upon every such admittance of any infant, feme covert, or lunatic as aforesaid, the fine imposed and set thereupon shall and may be demanded by the bailiff or agent of the lord of such manor, by a note in writing, signed by the lord of such manor or by his steward, to be left with the guardian of such infant, or such infant if he have no guardian, or with such feme covert or her husband, or with the committee of

the estate of such lunatic, or with the tenant or occupier of the land to which such infant, feme, covert, or lunatic shall have been admitted as aforesaid;

and if the fine so imposed and set be not paid or tendered to such lord or his steward within three months after such demand made, then it shall be lawful for the lord of such manor to enter into and upon the copyhold land to which any such infant, feme covert, or lunatic shall be so admitted, and to hold and enjoy the same, and to receive the rents, issues, and profits thereof, but without liberty to fell any timber standing thereon, for so long time only and until by such rents, issues, and profits such lord shall be fully paid and satisfied such fine, together with all reasonable costs and charges which such lord shall have been put unto in levying and raising the same, and in obtaining the possession of such copyhold land, although such infant, feme covert, or lunatic shall happen to die before such fine and fines, and the costs and charges aforesaid, shall be raised and collected;

of all which rents, issues, and profits so to be received by such lord of such manor, or his steward, bailiff, or servant, upon the occasion aforesaid, such lord shall yearly, and every year, upon demand to be made by the person who shall be entitled to the surplus of the said rents and profits, over and above what will pay and satisfy such fine and costs and charges, or by the person who shall be then entitled to such copyhold land, give and render a just and true account, and shall pay the same surplus, if any, to such person as shall be entitled to the same.

7. The lord to deliver up possession on satisfaction of the fines

And be it further enacted, that as soon as such fine, and the costs, charges, and expenses aforesaid, shall be fully paid and satisfied, or if, after such seizure and entry of and upon such copyhold land for the purposes aforesaid, such fine, and the costs and charges aforesaid, shall be lawfully tendered and offered to be paid and satisfied to the lord of such manor, then and in any of the said cases it shall be lawful for such infant,

feme covert, lunatic, or other person entitled thereto, or the guardian of such infant, the husband of such feme covert, or the committee of such lunatic, to enter upon and take possession of and hold the said copyhold land according to the estate or interest such infant, feme covert, or lunatic shall be lawfully entitled to therein, and the lord of such manor shall and is hereby required in any of the said cases to deliver possession thereof accordingly;

and if such lord, after such fine, and the costs and charges aforesaid, shall be fully paid and satisfied, or after the same shall have been tendered or offered to be paid as aforesaid, shall refuse to deliver the possession of the said copyhold land as aforesaid, he or they shall be liable to and shall make satisfaction to the person or persons so kept out of possession, for all the damages that he or she shall thereby sustain, and all the costs and charges that he or she shall be put unto for the recovery thereof.

8. Guardians or husbands, or committees paying fines, may reimburse themselves out of the rents of the copyhold

And be it further enacted, that where any infant, feme covert, or lunatic shall be admitted to any copyhold land, if the guardian of such infant, or husband of such feme covert, or committee of such lunatic, shall pay to the lord of any manor the fine legally imposed and set upon such admittance, and the costs and charges which such lord of such manor shall have been put unto as aforesaid, then it shall be lawful for every guardian of such infant, or husband of such feme covert, or committee of such lunatic, his executors and administrators, to enter into and to hold and enjoy the said land to which such infant, feme covert, or lunatic shall have been so admitted, and receive and take the rents, issues, and profits thereof to his and their own use, until thereby such guardian of such infant, or husband of such feme covert, or committee of such lunatic, his executors and administrators, shall be fully satisfied and paid all and every such sum and sums of money as he shall respectively pay and

disburse upon the account aforesaid, notwithstanding the death of such infants, femes covert, or lunatic shall happen before such sum or sums of money so expended shall or may be so raised and reimbursed.

9. No forfeiture to be incurred by infant, etc., for not appearing, or refusing to pay fines

Provided always, and be it further enacted, that from and after the passing of this Act no infant, feme covert, or lunatic shall forfeit any copyhold land for his or her neglect or refusal to come to any court to be kept for any manor whereof such land is parcel, and to be admitted thereto, nor for the omission, denial, or refusal of any such infant, feme covert, or lunatic to pay any fine imposed or set upon his or her admittance to any such land.

10. Fines not warranted by custom, etc., may be controverted

Provided nevertheless, and be it further enacted, that if the fine imposed in any of the cases hereinbefore mentioned shall not be warranted by the custom of the manor, or shall be unlawful, then such infant, feme covert, or lunatic shall be at liberty to controvert the legality of such fine, in such manner as he or she might have done if this Act had not been made.

11. Persons may appoint attorneys, etc., for surrendering lands of which common recoveries are intended to be suffered, etc.

And be it further enacted, that it shall be lawful for any person not being under coverture, and for every feme covert (such feme covert being solely and secretly examined by the lord of the manor whereof the land of which a common recovery is proposed to be suffered shall be holden by copy of court roll, or in ancient demesne, or otherwise, or by his steward, or by the deputy of such steward), to appoint any person to be his or her attorney, for the purpose of surrendering the land of which a common recovery shall be proposed to be suffered, to the use of any person, to make him tenant to the plaint, and also to appoint any other person to appear for the person so appointing as

vouchee, and to enter into the usual warranty, and to do all other lawful and necessary acts for the suffering and perfecting of such common recovery respectively, and to direct the demandant in such common recovery respectively to surrender the tenements so recovered, when or after such recovery shall be suffered and perfected, to such uses as shall be declared in the instrument by which such attorney shall be respectively appointed; and that the surrender and common recovery which shall be had, acknowledged, and suffered as aforesaid shall have the like effect, but no other, as such surrender and common recovery would have had if the party who shall acknowledge such surrender and suffer such common recovery by attorney, and give such directions as aforesaid, had appeared in court in his or her person, and acknowledged the said surrender, and suffered the same recovery, and had joined in the surrender to be made by such defendant.

12. Guardians, of minors, etc., in order to the surrender and renewal of leases, may apply to the Court of Chancery, etc., and by order may surrender such leases, and renew the same, etc.

And be it further enacted, that in all cases where any person, being under the age of twenty-one years, or a feme covert, is or shall become entitled to any lease or leases made or granted or to be made or granted for the life or lives of one or more person or persons, or for any term of years, either absolute or determinable upon the death of one or more person or persons, or otherwise, it shall be lawful for such person under the age of twenty-one years, or for his or her guardian or other person on his behalf, and for such feme covert, or any person on her behalf, to apply to the Court of Chancery in England, the Courts of Equity of the Counties Palatine of Chester, Lancaster, and Durham, or the Courts of Great Session of the Principality of Wales respectively, as to land within their respective jurisdiction, by petition or motion in a summary way; and by the order and direction of the said courts respectively such infant or feme covert, or his guardian, or any person appointed in the

place of such infant or feme covert by the said courts respectively, shall and may be enabled from time to time, by deed or deeds, to surrender such lease or leases, and accept and take, in the place and for the benefit of such person under the age of twenty-one years, or feme covert, one or more new lease or leases of the premises comprised in such lease surrendered by virtue of this Act, for and during such number of lives, or for such term or terms of years determinable upon such number of lives, or for such term or terms of years absolute, as was or were mentioned or contained in the lease or leases so surrendered at the making thereof respectively, or otherwise as the said courts shall respectively direct.

13. Committees of lunatics may in like manner surrender leases, and renew the same, etc.

And be it further enacted, that in all cases where any person, being lunatic, shall become entitled to any lease or leases made or granted or to be made or granted for the life or lives of one or more person or persons, or for any term of years, either absolute or determinable upon the death of one or more person or persons, or otherwise, it shall be lawful for the committee of the estate of such person to apply to the Lord Chancellor of Great Britain, being intrusted by virtue of the King's sign manual with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, by petition or motion in a summary way; and by the order and direction of the said Lord Chancellor, intrusted as aforesaid, such committee shall and may be enabled from time to time, by deed or deeds, in the place of such lunatic, to surrender such lease or leases, and accept and take, in the name and for the benefit of such lunatic, one or more new lease or leases of the premises comprised in such lease or leases surrendered by virtue of this Act, for and during such number of lives, or for such term or terms of years, absolute or determinable as aforesaid, as was or were mentioned or contained in the lease or leases so surrendered at the making thereof respectively, or otherwise, as the said Lord Chancellor, intrusted as aforesaid, shall direct.

14. Charges attending renewal to be charged on the estates as the court shall direct

And be it further enacted, that every sum of money and other consideration paid by any guardian, trustee, committee, or other person as a fine, premium, or income, or in the nature of a fine, premium, or income, for the renewal of any such lease, and all reasonable charges incident thereto, shall be paid out of the estate or effects of the infant or lunatic for whose benefit the lease shall be renewed, or shall be a charge upon the leasehold premises, together with interest for the same, as the said courts and Lord Chancellor, intrusted as aforesaid, respectively shall direct and determine; and as to leases to be made upon surrenders by femes covert, unless the fine or consideration of such lease and the reasonable charges shall be otherwise paid or secured, the same, together with interest, shall be a charge upon such leasehold premises, for the benefit of the person who shall advance the same.

15. New leases shall be to the same uses

And be it further enacted, that, every lease to be renewed as aforesaid shall operate and be to the same uses, and be liable to the same trusts, charges, incumbrances, dispositions, devices, and conditions, as the lease to be from time to time surrendered as aforesaid was or would have been subject to in case such surrender had not been made.

16. Infants empowered to grant renewals of leases

And be it further enacted, that where any person, being under the age of twenty-one years, or a feme covert, might, in pursuance of any covenant or agreement, if not under disability, be compelled to renew any lease made or to be made for the life or lives of one or more person or persons, or for any term or number of years absolute or determinable on the death of one or more person or persons, it shall be lawful to and for such infant, or his guardian in the name of such infant, or such feme covert, by the direction of the Court of Chancery, to be signified by an

order to be made in a summary way upon the petition of such infant or his guardian, or of such feme covert, or of any person entitled to such renewal, from time to time to accept of a surrender of such lease, and to make and execute a new lease of the premises comprised in such lease, for and during such number of lives, or for such term or terms determinable upon such number of lives, or for such term or terms of years absolute, as was or were mentioned in the lease so surrendered at the making thereof, or otherwise, as the court by such order shall direct.

17. Court of Chancery may authorise leases to be made of lands belonging to infants when it is to the benefit of the estate

And be it further enacted, that where any person, being an infant under the age of twenty-one years, is or shall be seised or possessed of or entitled to any land in fee or in tail, or to any leasehold land for an absolute interest, and it shall appear to the Court of Chancery to be for the benefit of such person that a lease or underlease should be made of such estates for terms of years, for encouraging the erection of buildings thereon, or for repairing buildings actually being thereon, or the working of mines, or otherwise improving the same, or for farming or other purposes, it shall be lawful for such infant, or his guardian in the name of such infant, by the direction of the Court of Chancery, to be signified by an order to be made in a summary way upon the petition of such infant or his guardian, to make such lease of the land of such persons respectively, or any part thereof, according to his or her interest therein respectively, and to the nature of the tenure of such estates respectively, for such term or terms of years, and subject to such rents and covenants as the said Court of Chancery shall direct; but in no such case shall any fine or premium be taken, and in every such case the best rent that can be obtained, regard being had to the nature of the lease, shall be reserved upon such lease; and the leases, and covenants and provisions therein, shall be settled and approved of by a master of the said court, and a counterpart of every such lease shall be executed by the lessee or lessees therein to be

named, and such counterparts shall be deposited for safe custody in the master's office until such infant shall attain twenty-one, but with liberty to proper parties to have the use thereof, if required, in the meantime, for the purpose of enforcing any of the covenants therein contained; provided that no lease be made of the capital mansion house and the park and grounds respectively held therewith for any period exceeding the minority of any such infant.

18. If persons bound to renew are out of the jurisdiction of the court, the renewals may be made by a person appointed by the Court of Chancery, in the name of the person who ought to have renewed

And be it enacted, that where any person who, in pursuance of any covenant or agreement in writing, might, if within the jurisdiction and amenable to the process of the Court of Chancery, be compelled to execute any lease by way of renewal, shall not be within the jurisdiction or not amenable to the process of the said court, it shall be lawful to and for the said Court of Chancery, by an order to be made upon the petition of any person or any of the persons entitled to such renewal (whether such person be or be not under any disability), to direct such person as the said court shall think proper to appoint for that purpose, to accept a surrender of the subsisting lease, and make and execute a new lease in the name of the person who ought to have renewed the same; and such deed, executed by the person to be appointed as aforesaid, shall be as valid as if the person in whose name the same shall be made had executed the same, and had been alive and not under any disability; but in every such case it shall be in the discretion of the said Court of Chancery, if under the circumstances it shall seem requisite, to direct a bill to be filed to establish the right of the party seeking the renewal, and not to make the order for such new lease unless by the decree to be made in such cause, or until after such decree shall have been made.

19. Committees of lunatics, by the direction of the Lord Chancellor, may accept of surrenders, and make new leases

And be it further enacted, that where any person, being lunatic is or shall be entitled or has a right, or in pursuance of any covenant or agreement might, if not under disability, be compelled to renew any lease made or to be made for the life or lives of one or more person or persons, or for any term or number of years absolute or determinable on the death of one or more person or persons, or otherwise, it shall be lawful to and for the committee of the estate of such lunatic, in the name of such lunatic, by the direction of the Lord Chancellor, intrusted as aforesaid, to be signified by an order to be made in a summary way upon the petition of such committee, or of any person entitled to such renewal, from time to time to accept of a surrender of such lease, and to make and execute to any person a new lease of the premises comprised in such lease to be surrendered by virtue of this Act, for and during such number of lives, or for such term or terms of years determinable upon such number of lives, or for such term or terms of years absolute, as were mentioned or contained in such lease so surrendered at the making thereof, or otherwise, as the Lord Chancellor, intrusted as aforesaid, by such order shall direct; and this provision shall extend as well to cases where the lunatic shall not be compellable to renew, but it shall be for his benefit to do so, as to cases where a renewal might be effectually enforced against the lunatic if of sound mind.

20. Fines to be paid before renewals, and counterparts are executed

Provided always, and be it further enacted, that no renewed lease shall be executed by virtue of this Act, in pursuance of any covenant or agreement, unless the fine (if any), or such other sum or sums of money (if any), as ought to be paid on such renewal, and such things (if any) as ought to be performed in pursuance of such covenant or agreement by the lessee or tenant, be first paid and performed; and counterparts of every

renewed lease to be executed by virtue of this Act shall be duly executed by the lessee.

21. Fines, how to be paid; effect of death of lunatic

And be it further enacted, that all fines, premiums, and sums of money, which shall be had, received, or paid for or on account of the renewal of any lease, after a deduction of all necessary incidental charges and expenses, shall be paid, if such renewal shall be made by or in the name of an infant, to his guardian, and be applied and disposed of for the benefit of such infant, in such manner as the said court shall direct; if such renewal shall be made by a feme covert, to such person or in such manner as the court shall direct for her benefit; if such renewal shall be made in the name of any person out of jurisdiction or not amenable as aforesaid, to such person or in such manner, or into the Court of Chancery to such account, and to be applied and disposed of as the said court shall direct; and if such renewal should be made in the name of a lunatic, to the committee of the estate of such lunatic, and be applied and disposed of for the benefit of such lunatic, in such manner as the Lord Chancellor, intrusted as aforesaid, shall direct;

but upon the death of such lunatic, all such sum and sums of money as shall arise by such fines or premiums, or so much thereof as shall remain unapplied for the benefit of such lunatic at his death, shall, as between the representatives of the real and personal estates of such lunatic, be considered as real estate, unless such lunatic shall be tenant for life only, and then the same shall be considered as personal estate.

22. The Irish Act, 11 Anne c. 3, continued unaltered

And whereas by the said Act passed in the Parliament of Ireland in the eleventh year of the reign of Queen Anne, after reciting that several persons had theretofore made and thereafter might make leases for one or more life or lives, of several lands, tenements, and hereditaments in the said then kingdom of Ireland, with covenants and agreements in such leases for

renewing the same from time to time on the tender and payment of some fine, certain on the death of any life or lives in such lease or leases mentioned, by adding such one or more life or lives, on failure of the life or lives in being within the respective times in such agreements and covenants mentioned, as the several lessee or lessees in such lease or leases should nominate; and also reciting, that through one pretence or other, on the fall or failure of any life or lives in being, the lessee or lessees were greatly delayed before he or they could obtain any renewal according to the covenants and agreements in their leases, to their very great discouragement; for remedy whereof it was enacted, that if it should so happen that any person or persons who, in pursuance of such agreements for renewal in such leases contained or to be contained, ought to make such new lease or leases as had been or should be agreed to be made, should be under any disability so to do, by reason of infancy, coverture, or *non compos mentis*, that then and in every such case, (that is to say) in case of disability by reason of infancy or being under age, by the direction of the High Court of Chancery or the Court of Exchequer, signified by an order made upon hearing all parties concerned on the petition of such lessee or lessees, it should and might be lawful to and for the guardian or guardians of such infant or person under age, upon such lessee or lessees tendering the fine or fines agreed on in such lease, and performing all such matters and things as by the said covenants and agreements ought to be performed on his or their part and behalf previous to such renewal, in such manner as should by such order be directed, to renew such lease or leases by adding such new life or lives as should be named by the said lessee or lessees according to the said covenants and agreements, and such guardian or guardians were thereby required to renew such lease or leases by putting in such new life or lives as should be so named unto them as aforesaid, while the infant or minor of such guardian or guardians should be under such disability of infancy or under age; and it was further enacted, that in all cases where the person or persons who by covenant or agreement were obliged to make such renewals were or should be disabled

to renew by reason of being under coverture, beyond the seas, or *non compos mentis*, it should and might be lawful to and for the Lord Chancellor or Commissioner or Commissioners of the Great Seal of the said then kingdom of Ireland for the time being, upon petition or complaint made to him or them in the High Court of Chancery, upon payment of the fine and such other sum or sums of money as ought to be paid upon such renewal for the use of the person or persons entitled to the same, and upon the lessee or lessees doing and performing all and every such matters and things as by the said covenants or agreements in the said lease or leases ought to be done or performed by him or them previous to such renewal, to order or appoint such renewal or renewals to be made by one of the masters of the said Court of Chancery, to be nominated and appointed by the said Lord Chancellor or Commissioner or Commissioners of the Great Seal for the time being; and such master so nominated and appointed and also such guardian and guardians as aforesaid, should make and execute such deed of renewal in the name of the person or persons who ought to have renewed the same; which deed or deeds of renewal so made and executed by the said guardian or guardians, master or masters, counterparts thereof being duly perfected by the lessee or lessees for the use and benefit of the person or persons having the reversion and inheritance of such lands, tenements, or hereditaments comprised in such deed or deeds, should be as good and effectual in law and equity to all intents and purposes, as if the person or persons under age had been of full age and had executed the same, or as if the other person or persons under such disability had not been so disabled and had executed the same; provided such person or persons under age or under such disabillity as aforesaid were at the time of the renewal of such lease compellable in law or equity to make such renewal: and whereas it is expedient that the provisions of the said recited Act, which have been so long in force in Ireland, should remain unaltered; be it therefore further enacted, that the clauses and provisions contained in the said Act shall be and continue in force in the same manner to all intents and purpose as if the said

clauses and provisions, and every part thereof, had been repeated and re-enacted in this Act; and none of the other provisions in this Act contained for authorising any surrenders to be accepted, or any new lease to be made or executed, for or on the behalf of any person who, in pursuance of any covenant or agreement for renewal in any lease contained or to be contained, ought to make such new lease or leases, shall extend or be construed to land in Ireland.

23. The power of leasing lands, etc., of lunatics having a limited estate may be executed by the committee

And be it further enacted, that where any person, being lunatic, is or shall be seised or possessed of any land, either for life or for some other estate, with power of granting leases and taking fines, reserving small rents on such leases, for one, two, or three lives in possession or reversion, or for some number of years determinable upon lives, or for any term of years absolutely, such power of leasing which is or shall be vested in such person, being lunatic and having a limited estate only, shall and may be executed by the committee of the estate of such person, under the direction and order of the Lord Chancellor, intrusted as aforesaid.

24. Where lunatics are seised of estates in fee or in tail, or an absolute interest in leasehold estates, the Chancellor may direct leases to be made

And be it further enacted, that where any person, being lunatic, is or shall be seised or possessed of or entitled to any land in fee or in tail, or to any leasehold land for an absolute interest, and it shall appear to the Lord Chancellor, intrusted as aforesaid, to be for the benefit of such person that a lease or under-lease should be made of such estates for terms of years, for encouraging the erection of buildings therein, or for repairing buildings actually being thereon, or otherwise improving the same, or for farming or other purposes, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to order and direct the committee of the

estate of such lunatic to make such lease of the land of such persons respectively, or any part thereof, according to his or her interest therein respectively, and to the nature of the tenure of such estates respectively, for such term or terms of years, and subject to such rents and covenants, as the Lord Chancellor, intrusted as aforesaid, shall direct.

25. So much of 1 Geo. I c. 10, s. 9, as enacts that agreements of guardians shall bind infants, repealed

And whereas by an Act passed in the first year of the reign of King George the First, intituled *An Act for making more effectual Her late Majesty's gracious Intentions for augmenting the Maintenance of the Poor Clergy*, [14] it was enacted that the agreements of guardians for and on behalf of infants or idiots under their guardianship should be as good and effectual to all intents and purposes as if the said infants or idiots had been of full age and of sound mind, and had themselves entered into such agreements: and whereas it is desirable that the said powers should be exercised under proper control, and that the same should be extended to all persons against whom a commission of lunacy shall have issued; be it further enacted, that so much of the said Act of the first year of the reign of King George the First, as is hereinbefore recited, shall be and the same is hereby repealed.

26. Such agreements may be made by guardians, with the approbation of the court, and by committees with the approbation of the Lord Chancellor

And be it further enacted, that the guardian of any infant, with the approbation of the Court of Chancery, to be signified by an order to be made on the petition of such guardian in a summary way, may enter into any agreement for or on behalf of such infant which such guardian might have entered into by virtue of the said last-recited Act, if the same had not been repealed; and the committee of the estate of any lunatic, with the approbation of the Lord Chancellor, intrusted as aforesaid, to he signified by

an order to he made in the petition of such committee in a summary way, may enter into any agreement for or on the behalf of such lunatic which the guardian of an infant might have entered into for or on the behalf of such infant by virtue of the said last-recited Act, it the same had not been repealed.

27. Committee of lunatics, by direction of the Lord Chancellor, may convey land in performance of contracts

And be it further enacted, that when any person who shall have contracted to sell, mortgage, let, divide, exchange, or otherwise dispose of any land, shall afterwards become lunatic, and a specific performance of such contract, either wholly or so far as the same shall remain to be performed, shall have been decreed by the Court of Chancery, either before or after such lunacy, it shall be lawful for the committee of the estate of such lunatic, in the place of such lunatic, by the direction of the Lord Chancellor, intrusted as aforesaid, to be signified by an order to be made on the petition of the plaintiff or any of the plaintiffs in such suit, to convey such land, in pursuance of such decree, to such person and in such manner as the said Lord Chancellor, intrusted as aforesaid, shall direct; and the purchase money, or so much thereof as remains unpaid, shall be paid to the committee of such lunatic.

28. The Lord Chancellor may order the estates of lunatics to be sold or charged by mortgage for raising money for the payment of debts, etc.

And be it further enacted, that it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to order any land, of or to which any person being lunatic shall be seised or possessed or entitled, to be sold, or charged and incumbered by way of mortgage, or otherwise disposed of, as shall be deemed most expedient for the purpose of raising money for payment of the debts or engagements of such lunatic, the discharge of any incumbrances on his estates, the costs of applying for and obtaining the commission of lunacy and in opposition thereto,

and all proceedings under the said commission, and the costs of such sales, mortgages, charges, and incumbrances, and other dispositions, or for any of such purposes as aforesaid, as such Lord Chancellor, intrusted as aforesaid, shall respectively direct; and that the moneys arising from any such sale, mortgage, charge, incumbrance, or other disposition, may be paid, laid out, and applied in payment of the debts and engagements of such lunatic, the discharge of any incumbrances on his estates, the costs of applying for and obtaining the commission of lunacy and in opposition thereto, and all proceedings under the same commission, or incurred under the order of such Lord Chancellor, intrusted as aforesaid, and the costs of such sales, mortgages, charges, and incumbrances, and other dispositions, in such manner as the said Lord Chancellor, intrusted as aforesaid, shall direct; and to direct the committtee of the estate of such person to execute, in the place of such person respectively, conveyances of the estates so to be sold, mortgaged, incumbered, or disposed of, and to do all such acts as shall be necessary to effectuate the same, in such manner as such Lord Chancellor, intrusted as aforesaid, shall direct.

29. Surplus of moneys to be of the same nature as the estate

Provided always, and be it further enacted, that on any sale, mortgage, charge, incumbrance, or other disposition which shall be made in pursuance of this Act, the person whose estate shall be sold, mortgaged, charged, incumbered, or otherwise disposed of, and his or her heirs, next of kin, devisees, legatees, executors, administrators, and assigns, shall have such and the like interest in the surplus which shall remain, after answering the purposes aforesaid, of the money raised by such sale, mortgage, charge, incumbrance, or other disposition, as he, she, or they would have had in the estate by the sale, mortgage, charge, incumbrance, or other disposition of which such moneys shall be raised, if no such sale, mortgage, charge, incumbrance, or other disposition had been made; and such moneys shall be of the same nature and character as the estate so sold, mortgaged, charged, incumbered, or disposed of; and it shall be lawful for

the said Lord Chancellor, intrusted as aforesaid, to make such orders, and to direct such acts and deeds to be done and executed, as shall be necessary for carrying the aforesaid objects into effect, and for the due application of such surplus moneys.

30. Act shall not subject estates of lunatics to debts otherwise than they are now subject

Provided nevertheless, and be it enacted, that nothing in this Act contained shall extend to subject any part of the estates of any person, being lunatic, to the debts or demands of his creditors, otherwise than as the same are now subject and liable by due course of law, but only to authorise the Lord Chancellor, intrusted as aforesaid, to make order in such cases as are hereinbefore mentioned, when the same shall be deemed just and reasonable, or for the benefit or advantage of such lunatic.

31. Surrender and leases deemed valid

And be it further enacted, that every surrender and lease, agreement, conveyance, mortgage, or other disposition respectively, granted and accepted, executed and made, by virtue of this Act, shall be and be deemed as valid and legal to all intents and purposes as if the person by whom, or in whose place, or on whose behalf the same respectively shall be granted or accepted, executed and made, had been of full age, unmarried, or of sane mind, and had granted, accepted, made, and executed the same; and every such surrender and lease respectively made and accepted by or on the behalf of a feme covert shall be valid, without any fine being levied by her.

32. Court of Chancery or Exchequer may order dividends of stock belonging to infants to be applied for maintenance

And be it further enacted, that it shall be lawful for the Court of Chancery, by an order to be made on the petition of the guardian of any infant in whose name any stock shall be standing, or any sum of money, by virtue of any Act for paying off any stock, and who shall be beneficially entitled thereto, or if there shall be

no guardian, by an order to be made in any cause depending in the said court, to direct all or any part of the dividends due or to becoine due in respect of such stocks, or any such sum of money, to be paid to any guardian of such infant, or to any other person, according to the discretion of such court, for the maintenance and education or otherwise for the benefit of such infant, such guardian or other person to whom such payment shall be directed to be made being named in the order directing such payment; and the receipt of such guardian or other person for such dividends or sum of money, or any part thereof, shall be as effectual as if such infant had attained the age of twenty-one years, and had signed and given the same.

33. Stock belonging to lunatics may be ordered by the Lord Chancellor to be transferred

And be it further enacted, that where any stock shall be standing in the name of or shall be vested in any person being lunatic who shall be beneficially entitled thereto, or shall be standing in the name of or vested in any person being committee of the estate of a person found lunatic, in trust for or as part of his property, and such committee shall have died intestate or shall himself become lunatic, or shall be out of the jurisdiction of or not amenable to the process of the Court of Chancery, or it shall be uncertain whether such committee be living or dead, or such committee shall neglect or refuse to transfer such stock, and to receive and pay over the dividends thereof to a new committee, or as he shall direct, for the space of fourteen days next after a request in writing for that purpose shall have been made by any new committee, then and in every or any such case it shall be lawful for the Lord Chancellor, intrusted as aforesaid, upon the petition of the committee of the estates of the person being lunatic, or of the person reported by the master to whom the matter is referred as a proper person to be such committee, although such report shall not have been confirmed, to direct such person as such Lord Chancellor shall think proper to appoint for that purpose to transfer such stock to or into the name of any new committee or in the name of the accountant

general of the said court or otherwise, and also to receive and pay over the dividends thereof, or such sum or sums of money, in such manner as such Lord Chancellor shall think proper; and such transfers and payments shall be valid and effectual to all intents and purposes whatsoever.

34. Where stock shall be standing in the names of lunatics residing out of England, the Lord Chancellor may direct the transfer

And be it further enacted, that where any stock shall be standing in the name of or vested in any person residing out of England, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, upon petition, and proof being made to his or their satisfaction that such person has been declared lunatic, and that his personal estate has been vested in a curator or other person appointed for the management thereof, according to the laws of the place where such person shall reside, to direct any person whom such Lord Chancellor shall think proper to appoint for that purpose to transfer such stock, or any part or parts thereof, into the name of any such curator or other such person as aforesaid, or otherwise, and also to receive and pay over the dividends thereof, as such Lord Chancellor shall think fit; and that such transfers and payments shall be valid and effectual to all intents and purposes whatsoever.

35. Costs may be directed to be paid

And be it further enacted, that the Court of Chancery or Lord Chancellor, intrusted as aforesaid, may order the costs and expenses of and relating to the petitions, orders, directions, conveyances, 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 stock or the rents or dividends in respect of which the same respectively shall be made, in such manner as the said court or Lord Chancellor shall think proper.

36. Powers given to the Court of Chancery in England

And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery in England shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to His Majesty, except Scotland.

37. Which may be exercised by the Court of the Exchequer

And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery shall and may be exercised in like manner by, and are hereby given to, the Court of Exchequer.

38. Powers given to courts may be exercised in England and Ireland

And be it further enacted, that the powers and authorities given by this Act to the Courts of Chancery and Exchequer in England shall and may be exercised in like manner, and are hereby given to the Courts of Chancery and Exchequer in Ireland, with respect to land and stock in Ireland.

39. Powers given to the Lord Chancellor of Great Britain

And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall extend to all land and stock wheresoever, within any of the dominions, plantations, and colonies belonging to His Majesty (except Scotland and Ireland).

40. Which may be exercised by Lord Chancellor of Ireland

And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall and may be exercised in like manner by, and are hereby given to, the Lord Chancellor of Ireland, intrusted as aforesaid, with respect to all land and stock in Ireland, but not further or otherwise.

41. Inquisitions on commissions under the Great Seal of Great Britain to be transmitted and entered of record in Ireland, and acted on there, and *vice versâ*

And whereas it is desirable that in some cases inquisitions taken in England on a commission in the nature of a writ *de lunatico inquirendo* and writs of *supersedeas* of any such commission, should be acted upon in Ireland in the same manner as the same may be acted upon in England, and for that purpose shall be placed on record in Ireland; and that inquisitions on a like commission executed in Ireland, and writs of *supersedeas* of any such commission, shall be acted on in England, and for that purpose shall be placed on record there; be it therefore enacted, that in all cases where any person has been or shall be found lunatic or of unsound mind, and incapable of managing his or her affairs, by any inquisition on a commission in the nature of a writ *de lunatico inquirendo* under the Great Seal of Great Britain, it shall be lawful for the proper officer, by order of the Lord Chancellor of Great Britain, intrusted as aforesaid, to transmit a transcript of the record of such inquisition to the Chancery of Ireland, and such transcript shall thereupon be entered of record and be as of record there; and in case a writ of *supersedeas* of any such commission shall issue, the issue of such writ shall be certified and transmitted and recorded in like manner, and the copies of the record of any such inquisition or *supersedeas* so transmitted and entered as of record in the Chancery of Ireland shall, if the Lord Chancellor of Ireland, intrusted as aforesaid, shall see fit, and so long only as he or they shall so see fit, be acted upon by him or them respectively, and be of the same force and validity and have the same effect to all intents and purposes in Ireland, as if such inquisition had been taken on a commission under the Great Seal of Ireland, and such writ of *supersedeas* had been issued under the Great Seal of Ireland; and that in all cases where any person has been or shall be found lunatic or of unsound mind and incapable of managing his or her affairs, by any inquisition on a commission in the nature of a writ *de lunatico inquirendo* under the Great Seal of Ireland, it shall be lawful for the proper officer, by order

of the Lord Chancellor of Ireland, intrusted as aforesaid, to transmit a transcript thereof in like manner to the Chancery of England, and such transcript shall thereupon be entered as of record there; and in case a writ of *supersedeas* of any such commission shall issue, a transcript thereof shall be certified and transmitted to the Chancery of England, and recorded in like manner; and such entry of record of any such inquisition or *supersedeas* shall, if the Lord Chancellor of Great Britain, intrusted as aforesaid, shall see fit, and so long as he or they shall so see fit, be acted upon by him or them respectively, and be of the same force and validity, and have the same force and effect, as if such inquisition had been taken on a commission under the Great Seal of Great Britain, and such writ of *supersedeas* had been issued under the Great Seal of Great Britain.

42. Powers given to the Lord Chancellor to extend to the Lord Keeper and commissioners

And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall and may be exercised in like manner by, and are hereby given to, the Lord Keeper or Commissioners of the Great Seal of Great Britain for the time being, intrusted as aforesaid; and the powers and authorities given by this Act to the Lord Chancellor of Ireland, intrusted as aforesaid, shall and may be exercised in like manner by, and are hereby given to, the Lord Keeper or Commissioners of the Great Seal of Ireland for the time being, intrusted as aforesaid.

43. Who shall be named in the orders of the court for making transfers

Provided always, and be it further enacted, that in all cases in which orders shall be made in pursuance of this Act for the transfer of stock, the person to be named in such order for making such transfer shall be some officer of such company or society in whose books such transfer shall be made; and where

such transfer shall be directed to be made in books kept by the Governor and Company of the Bank of England, such officer shall be the secretary or deputy secretary, or accountant general or deputy accountant general, for the time being of the said governor and company.

44. Act to be an indemnity to the bank and other companies

And be it further enacted, that this Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of England, and all other companies and societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto; and that such acts and things shall not be questioned or impeached in any court of law or equity to their prejudice or detriment.

Notes

[1] This is a compilation of the *Infants' Property Act 1830 (Imp)*. The following table contains information about that Act and any previous reprints.

Compilation table

Short title	Number and year	Assent	Commencement
Infants' Property Act 1830 (Imp) [2, 3]	1830 (11 Geo. IV and 1 Will. IV c. 65)	23 Jul 1830	11 Apr 1836 (adopted by *Imperial Acts Adopting Act 1836*)
Reprinted as at 26 Oct 1999			
This Act was repealed by the *Statutes (Repeals and Minor Amendments) Act 2025* s. 4(1)(g) (No. 14 of 2025) on 26 Sep 2025 (see s. 2(b))			

[2] Adopted in WA by *Imperial Acts Adopting Act 1836* (preamble, item 4). (6 Will. IV No. 4) [Assent 11 April 1836]
This adopted Act is affected in WA by the *Guardianship and Administration Act 1990.*

[3] Sometimes cited as 1 Will. IV c. 65.

[4] The short title *Infants' Property Act 1830* was given to this Imperial Act by the *Short Titles Act 1896* (UK).

[5] I.e. 9 Geo. I c. 29 (1722).

[6] I.e. 29 Geo. II c. 31 (1756).

[7] I.e. 11 Geo. III c. 20 (1771).

[8] I.e. 11 Anne (Ir.) c. 3 (1711-12).

[9] I.e. 43 Geo. III c. 75 (1803).

[10] I.e. 47 Geo. III sess. 2 c. 8 (1807).

[11] I.e. 59 Geo. III c. 80 (1819).

[12] I.e. 6 Geo. IV c. 74 (1825).

[13] I.e. 9 Geo. IV c. 78 (1828).

[14] I.e. 1 Geo. I c. 10, s 9 (1714).

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