

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LXXV.

An Act to authorize the Sale or Mortgage of the Eſtates of Perſons found lunatick by Inquiſition, in *England* or *Ireland* reſpectively; and the granting of Leaſes of the ſame, [4th *July* 1803.]

WHEREAS great Injury frequently happens to Perſons found lunatick or of unſound Mind, and incapable of managing their Affairs, by Inquiſitions taken in *England* and *Ireland* reſpectively; and the Creditors of ſuch Perſons are delayed in obtaining Payment of their Demands for Want of ſufficient Power to apply the Property of ſuch Perſons in Diſcharge of their Debts and Engagements: And whereas the Care and Commitment of the Cuſtody of the Perſons and Eſtates of Perſons ſo found lunatick or of unſound Mind, have been uſually entruſted, by virtue of the King's Sign Manual, to the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal of the United Kingdom and of *Ireland* reſpectively, and it would be beneficial to ſuch Perſons and their Creditors, if Power were given to diſpoſe of their Property, for Payment of their Debts, and Performance of their Engagements, under the Controul of ſuch Chancellor, Keeper, and Commiſſioners in *England* and *Ireland* reſpectively; 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, That it ſhall and may be lawful for the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal of the United Kingdom and of *Ireland* reſpectively, being entruſted by virtue of the King's

The Lord Chancellor of the United Kingdom, and of *Ireland*

being entrusted with the Persons and Estates of Lunaticks, may order the Freehold and Leasehold Estates of such Persons to be sold or charged by Mortgage, for raising Money for the Payment of Debts, *etc.*

King's Sign Manual, with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatick or of unsound Mind, and incapable of managing their Affairs, by Inquisition taken in *England* and *Ireland* respectively, to order the Freehold and Leasehold Estates of such Persons respectively, to be sold, or charged and incumbered by way of Mortgage or otherwise, as shall be deemed most expedient, for the Purpose of raising such Sum or Sums of Money as shall be necessary for Payment of the Debts, and for performing the Contracts or Engagements of any such Persons respectively, and the Costs and Charges attending the same, and attending such Sale, Mortgage, or Incumbrance respectively, and to direct the Committee or Committees of the Estate of such Persons respectively, to execute in the Name and on Behalf of such Persons respectively Conveyances of the Estates so to be sold, mortgaged, or incumbered, and to procure such Admittance to and make such Surrenders of the Copyhold Estates of such Persons found lunatick or of unsound Mind, and to do all such Acts as shall be necessary to effectuate the same, in such Manner as such Chancellor, Keeper, or Commissioners of the Great Seal of the United Kingdom and of *Ireland* respectively shall direct; which Conveyances so to be made in pursuance of any such Order as aforesaid, shall be as good and effectual in Law as if the same had been executed by every such Person so found lunatick or of unsound Mind respectively, when in his or her sound Mind.

Surplus Money so raised, shall be applied in the same Manner as the Estate.

II. And be it further enacted, That in case there shall be any Surplus of Money to be raised by any such Sale as aforesaid, after answering the Purposes aforesaid, the same shall be applied and disposed of in the same Manner as the Estate sold would have been applied if this Act had not been made.

The Power of leasing Lands, *etc.* of Lunaticks, having only a limited Estate therein, may be executed by the Committee of the Estate of such Person, under the Direction of the Lord Chancellor.

III. And whereas many Persons so found lunatick, or of unsound Mind, may be seised and possessed of Freehold and Copyhold Lands, Tenements, and Hereditaments, either for the Term of their natural Lives 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 Terms of Years absolutely; be it enacted, That in every such Case all and every Power of leasing such Lands, Tenements, and Hereditaments, which is or shall be vested in such Person so found lunatick or of unsound Mind, having a limited Estate only, shall and may be executed by the Committee or Committees of the Estate of such Person, under the Direction and Order of the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of the United Kingdom and of *Ireland* respectively, being duly entrusted by virtue of the King's Sign Manual, with the Care and Commitment of the Custody of the Persons and Estates of such Persons; and such Lease or Leases so to be executed by the said Committee and Committees, under and by virtue of such Order, shall be as good and effectual in Law as if the same were executed by the said Person so found lunatick or of unsound Mind, in his or her sound Mind.

Where Lunaticks are seised of Freehold or Copyhold Estates in Fee or

IV. And whereas Persons so found lunatick or of unsound Mind, may be seised or possessed of and entitled to Freehold or Copyhold Estates in Fee or in Tail, and an absolute Interest in Leasehold Estates, and it may be

be for the Benefit of such Persons, that Leases or Under Leases should be made of such Estates for Terms of Years, and especially to encourage the Erection of Buildings thereon, or repairing Buildings actually being thereon, or otherwise improving the same; be it enacted, That it shall and may be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of the United Kingdom and of *Ireland* respectively, intrusted by virtue of the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of such Persons respectively, to order and direct a Committee or Committees of the Estate of such Lunatick, to make such Leases of the Freehold, Copyhold, or Leasehold Estates of such Persons respectively, according to his or her Interest therein respectively, and to the Nature of the Tenures of such Estates respectively, for such Term or Terms of Years, and subject to such Rents and Covenants, as the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of the United Kingdom and of *Ireland* respectively, intrusted as aforesaid, shall direct; and that all and every such Lease or Leases made by such Committee or Committees, under and by virtue of the said Order, as such Lord Chancellor, Lord Keeper, or Lords Commissioners respectively shall make thereupon, shall be as good and valid in the Law, as if the same had been executed by the Persons so found lunatick or of unsound Mind respectively, in his or her sound Mind.

in Tail, and an absolute Interest in Leasehold Estates, the Lord Chancellor may direct the Committee of the Estate of such Lunatick to make Leases thereof.

V. And be it further enacted, That all and every Act to be done by such Committee or Committees of the Estate of such Lunatick, under and by virtue of this Act, and the Order of the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal of the United Kingdom and of *Ireland* respectively, intrusted as aforesaid, shall be as valid and binding against the said Persons so found lunatick and of unsound Mind respectively, and all Persons claiming by, through, or under him or her respectively, as if the Persons so found lunatick or of unsound Mind respectively, had been in his or her found Mind, and had personally done such Act or Acts respectively.

Acts of Committees by virtue hereof, and the Order of the Lord Chancellor, shall be binding.

VI. Provided nevertheless, and be it enacted, That nothing in this Act contained, shall extend or be construed to extend, to subject any Part of the Freehold, Copyhold, or Leasehold Estates of any Person found lunatick or of unsound Mind, to the Debts or Demands of his Creditors, otherwise than as the same are now subject or liable, by due Course of Law, but only to authorize the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of the United Kingdom and of *Ireland* respectively, 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 so found lunatick or of unsound Mind, to make Order in such Cases as are herein before mentioned, when the same shall be deemed for the Benefit and Advantage of such Person so found lunatick or of unsound Mind, and incapable of managing his or her Affairs.

Act not to subject the Estate of any Lunatick to the Debts of his Creditors, any otherwise than it is now subject by Law, but only to authorize the Lord Chancellor to make Order in Cases when deemed of Benefit to the Lunatick.

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