ANNO SEXTO

# GEORGII IV. REGIS.

## C A P. LIII.

**An Act for limiting the Time within which Inquisitions of Lunacy, Idiotcy, and Non Compos Mentis, may be traversed, and for making other Regulations in the Proceedings pending a Traverse. [22d *June* 1825.]**

WHEREAS by an Act passed in the Second and Third Years of the Reign of King *Edward* the Sixth, it was enacted, that if any Person should be untruly founden Lunatic, Idiot, or Dead, every Person and Persons grieved by any such Office or Inquisition, should and might have his or their Traverse to the same immediately, or after, at his or their Pleasure, and proceed to Trial therein, and have like Remedy and Advantage as in other Cases of Traverse upon untrue Inquisitions or Offices founden: And whereas great Inconvenience hath arisen from there being no Time limited within which Inquisitions or Offices finding Persons Lunatic, Idiot, or of unsound Mind, must be traversed; and it is expedient that some Time should be limited for that Purpose: And whereas the Care and Commitment of the Custody of the Persons and Estates of Persons found Lunatic, Idiot, 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; 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,

Petitions to traverse Inquisitions to be presented within a limited Time.

That where any Inquisition has, before the passing of this Act, been returned into the High Court of Chancery, by which any Person hath been found Lunatic, Idiot, or of unsound Mind, it shall be lawful for any Person or Persons desiring to traverse such Inquisition, or for any Person or Persons desiring to oppose such Traverse, to present a Petition to the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal of the United Kingdom and of *Ireland* respectively, or other Person or Persons entrusted as aforesaid, by virtue of the King's Sign Manual, before the End of *Michaelmas* Term next after the passing of this Act, praying that such Traverse may be proceeded in and brought to Trial; and where any Person or Persons shall be desirous of traversing any such Inquisition as aforesaid, which shall be returned into the said Court of Chancery after the passing of this Act, a Petition for that Purpose shall be presented to the Lord Chancellor, Lord Keeper, or Lords Commissioners, or other the Person or Persons entrusted as aforesaid, within Three Calendar Months, to be computed from the Day of the Return of such Inquisition; and the said Lord Chancellor, Lord Keeper or Lords Commissioners, or other the Person or Persons entrusted as aforesaid, is or are hereby directed and required to hear and determine such Petition; and the said Lord Chancellor, Lord Keeper, or Lords Commissioners, or other the Person or Persons entrusted as aforesaid respectively, shall, in every Order to be made upon any such Petition as aforesaid, limit a Time, not exceeding Six Calendar Months from the Date of such Order, within which the Person or Persons desiring to traverse as aforesaid, and all other proper Parties, are to proceed to Trial of the Traverse to which such Petition shall relate; and it shall also be lawful for the said Lord Chancellor, Lord Keeper, or Lords Commissioners, entrusted as aforesaid, in the Case of every such Traverse as aforesaid, upon the Petition of any such Person or Persons as aforesaid, to make an Order that the Person or Persons desiring to traverse as aforesaid, not being the Party who has upon such Inquisition been found Lunatic, Idiot, or of unsound Mind, shall, within Three Weeks after the Date of such Order, give sufficient Security to One of the Masters in Ordinary of the said Court of Chancery, and to the Satisfaction of the same Master, for all proper Parties proceeding to the Trial of such Traverse as aforesaid, within the Time to be for that Purpose limited as aforesaid.

Persons not petitioning within limited Time, barred.

II. And be it further enacted, That every Person having or who shall hereafter have Right to traverse any such Inquisition as aforesaid, who shall not present his or her Petition for that Purpose to the Lord Chancellor, Lord Keeper, or Lords Commissioners, or other the Person or Persons entrusted as aforesaid, within the Time herein-before limited, and applicable to his or her Case, or who shall refuse or neglect to give such Security as aforesaid, or who shall not proceed to the Trial of such Traverse within such Time as shall be in that Behalf limited or directed as aforesaid, and the Heirs, Executors,

cutors, and Administrators of every such Person, and all others claiming or to claim by, through, or under him or her, shall be and are hereby absolutely barred of such Right of Traverse, unless the Lord Chancellor, Lord Keeper, or Lords Commissioners, or other the Person or Persons entrusted as aforesaid, shall under the special Circumstances of any particular Case think fit, upon a Petition being presented to him or them for that Purpose, to allow such Traverse to be had or tried after the Time by this Act limited; in all which special Cases it shall be lawful for the said Lord Chancellor, Lord Keeper, or Lords Commissioners, or other the Person or Persons entrusted as aforesaid, to make such Orders as to him or them shall seem just.

Lord Chancellor may direct new Trials.

III. Provided always, and be it further enacted, That it shall be lawful for the said Lord Chancellor, Lord Keeper, and Lords Commissioners, or other the Person or Persons entrusted as aforesaid, if he or they shall be dissatisfied with any Verdict to be returned upon any such Traverse as aforesaid, to order One or more new Trial or Trials thereon, as to him or them shall seem meet, and as is usual in Cases of Issues directed by the Court of Chancery; any thing herein-before contained to the contrary in anywise notwithstanding.

Chancellor may make Orders for Management of Person and Estate of Lunatics.

IV. Provided also, and be it further enacted, That it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners, or other the Person or Persons entrusted as aforesaid, from Time to Time after the Return of any such Inquisition as aforesaid, and notwithstanding any Petition or Order which may be depending relating to a Traverse of such Inquisition, to make such Orders relative to the Custody and Commitment of the Person or Persons, and the Commitment, Management and Application of the Estates and Effects of any Person or Persons who shall or may have been found Lunatic, Idiot, or of unsound Mind, by any such Inquisition or Inquisitions as he or they shall think necessary or proper; and all Acts, Matters, and Things which shall have been done by any Person or Persons appointed Committee or Committees of the Persons or Estates of such Persons found or to be found Lunatic, Idiot, or of unsound Mind as aforesaid, or by any other Person or Persons, shall be and are hereby declared to be as valid and effectual; and such Committees and other Persons respectively, their Heirs, Executors, and Administrators, are hereby indemnified in respect of such Acts, Matters and Things, from and against all Actions, Suits, and Proceedings, Damages, Costs, Charges and Expences, to be brought, commenced, had or recovered by the Person or Persons so found Lunatic, Idiot, or of unsound Mind, his, her, or their Heirs, Executors, or Administrators, or any other Person or Persons whomsoever, as fully and effectually as if such Inquisition had not been traversable, but no further or otherwise.

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