

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXVIII.

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 authorize such Sale and Mortgage for some Purposes; and for rendering Inquisitions on Commissions of Lunacy taken in *England* available in *Ireland*, and like Inquisitions taken in *Ireland* available in *England*.

[25th *July* 1828.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, to authorize the Sale, Mortgage, Charge, or Incumbrance of the Estates of Persons found lunatic by Inquisition in *England* or *Ireland* respectively; and the said Act was extended by an Act passed in the Fifty-ninth Year of the same Reign: And whereas it is desirable that the Powers of Sale, Mortgage, Charge, and Incumbrance of the Estates of Persons found lunatic or of unsound Mind, and incapable of managing their Affairs, which were given by the

said Acts, should not be confined to the Objects expressed in the first of the said Acts; but that, for the Purpose of providing a Fund by means of which better Provision may be made for such Persons, or their Estates may be improved, or other beneficial Objects may be effected, more extended Powers of Sale and Mortgage of such Estates should be given: 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,

So much of recited Acts as authorize the Sale, Mortgage, or other Disposition of Estates of Lunatics in certain Cases, extended to authorize Sales, &c. for any Purpose which the Lord Chancellor, &c. shall direct.

That such of the Powers and Provisions contained in the said recited Acts as authorize the Sale, Mortgage, Charge, Incumbrance, or other Disposition of Estates belonging to Persons found and to be found lunatic or of unsound Mind, and incapable of managing their Affairs, and the doing and executing all such Acts, Deeds, Surrenders, and Assurances for effectuating any such Sale, Mortgage, Charge, Incumbrance, or other Disposition, may extend to the Sale, Mortgage, Charge, Incumbrance, or other Disposition of such Estates, for the Purposes of raising Money for Payment of the Debts and Engagements of such Lunatics, the Discharge of any Incumbrances on their 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 by any Person or Persons under the Order of such Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain* 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 found lunatic or of unsound Mind, and incapable of managing their Affairs, and the Costs of such Sales, Mortgages, Charges, and Incumbrances, and other Dispositions, or for any of such Purposes as such Lord Chancellor, Lord Keeper, or Lords Commissioners shall respectively direct; and that the Monies 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 Lunatics, the Discharge of any Incumbrances on their 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 by any Person or Persons under the Order of such Lord Chancellor, Lord Keeper, or Lord Commissioners, and the Costs of such Sales, Mortgages, Charges, and Incumbrances, and other Dispositions, in such Manner as the said Lord Chancellor, Lord Keeper, or Lords Commissioners, intrusted as aforesaid, shall direct.

The Person whose Estate is so sold shall have the like Interest in the Money raised by such Sale as he would have had in the Estate sold.

II. Provided always, and be it 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 so sold, mortgaged, charged, incumbered, or otherwise disposed of, and his or her Heirs, next of Kin, Devisees, Legatees, Executors, Administrators, or Assigns, shall have such and the like Interest in the Money raised by such Sale, Mortgage, Charge, Incumbrance, or other Disposition, and which shall not be wholly applied and exhausted for the Purposes aforesaid, or otherwise, in pursuance of this Act, as he, she, or they would have had in the Estate by the Sale, Mortgage,

Mortgage, Charge, Incumbrance, or other Disposition of which such Money shall be raised, if no such Sale, Mortgage, Charge, Incumbrance, or other Disposition had been made, and such Money 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, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of the United Kingdom and of *Ireland* respectively, being 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 Monies.

Lord Chancellor, &c. to make the necessary Orders.

III. 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 should be placed on Record in *Ireland*; and that Inquisitions on a like Commission executed in *Ireland*, and Writs of Supersedeas of any such Commission, should be acted on in *England*, and for that Purpose should 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, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal 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, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal 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, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal 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;

Inquisitions on Commissions under the Great Seal of Great Britain, and Writs of Supersedeas thereon, to be transmitted and entered of Record in Ireland, and acted on there; and vice versâ.

Manner; and such Entry of Record of any such Inquisition or Supersedeas shall, if the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, 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 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*.

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