II. Provided always, and be it enacted, That nothing herein contained shall apply or extend to an Act of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and improving the Road from* Dublin, *by* Ashbourne, *to* Slane *and* Drogheda, or to an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road leading from* Lisburn *in the County of* Antrim *to the Town of* Monaghan, or to an Act of the First and Second Years of the Reign of King *George* the Fourth, intituled *An Act for repairing the Road from the Town of* Athy *in the County of* Kildare, *through the Town of* Castlecomer *in the County of* Kilkenny, *to the City of* Kilkenny, *and from the Town of* Castlecomer *to the Town of* Leighlin Bridge *in the County of* Carlow, *and from the Town of* Carlow *to the said Town of* Castlecomer. Nothing in this Act to extend to Acts 7 & 8 G. 4. c. lxvi.; 9 G. 4. c. lxxx.; or 1 & 2 G. 4. c. xxxviii.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. XXXV.

An Act to diminish the Delay and Expense of Proceedings in the High Court of Chancery in *England*. [15th *July* 1850.]

'WHEREAS Proceedings in the High Court of Chancery in *England* are attended with great Delay and Expense, which it is expedient to diminish:' Be it therefore enacted by the Queen'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 be lawful for Persons interested or claiming to be interested in any Question cognizable in the said Court as to the Construction of any Act of Parliament, Will, Deed, or other Instrument in Writing, or any Article, Clause, Matter, or Thing therein contained, or as to the Title or Evidence of Title to any Real or Personal Estate contracted to be sold or otherwise dealt with, or as to the Parties to or the Form of any Deed or Instrument for carrying any such Contract into effect, or as to any other Matter falling within the original Jurisdiction of the said Court as a Court of Equity, or made subject to the Jurisdiction or Authority of the said Court by any Statute not being One of the Statutes relating to Bankrupts, and including among such Persons all Lunatics, married Women, and Infants, in the Manner and under the Restrictions herein-after contained, to concur in stating such Question in the Form of a Special Case for the Opinion of the said Court, and it shall also be lawful for all Executors, Administrators, and Trustees to concur in such Case. Power to Persons interested in Questions cognizable in Court of Chancery to state Special Cases for the Opinion of the Court.

II. And be it enacted, That the Committee of the Estate of any Lunatic interested or claiming to be interested in any such Question as aforesaid may, after having been authorized in that Behalf by the Lord Chancellor, concur in such Case in his own Name and in the Name and on the Behalf of the Lunatic. How Lunatic may concur.

III. And be it enacted, That a Husband interested or claiming to be interested in right of his Wife in any such Question as aforesaid may concur in such Case in his own Name and in the Name of his Wife where the Wife has no Claim to any Interest distinct from her Husband, and that a married Woman having or claiming any Interest in any such Question as aforesaid distinct from her Husband may in her own Right concur in such Case, provided that her Husband also concurs therein. How married Women may concur.

IV. And be it enacted, That the Guardian of any Infant interested or claiming to be interested in any such Question as aforesaid may concur in such Case in the Name and on the Behalf of the Infant, unless such Guardian has an Interest in such Question adverse to the Interest of the Infant therein. How Infant may concur.

V. And be it enacted, That it shall be lawful for the said Court, by Order to be made in the Matter of any Lunatic not found such by Inquisition, or, in the Matter of any Infant, How special Guardian to be appointed for a

Lunatic not found such by Commission, and for Infant.

Infant, upon the Application of any Person on the Behalf of such Lunatic, or upon the Application of such Infant, by Motion or Petition, to appoint any Person shown by Affidavit to be a fit Person, and to have no Interest adverse to the Interest of the Lunatic or Infant, to be the special Guardian of such Lunatic or Infant for the Purpose of concurring in such Case in the Name and on behalf of the Lunatic or Infant, and any such Person so appointed may lawfully so concur: Provided always, that it shall be lawful for the said Court to require Notice of such Application to be given to such Person, if any, as the Court shall think fit.

Order to appoint special Guardian of an Infant may be discharged by Court if made without Notice.

VI. And be it enacted, That in any Case in which any such Order as aforesaid shall have been made by the said Court in the Matter of any Infant without Notice to the Guardian of the Infant, it shall be lawful for the said Court, if it shall think fit so to do, to discharge such Order, upon the Application of such Guardian, by Motion or Petition; and the said Court, if it shall think fit, may thereupon appoint some other fit Person to be the special Guardian of such Infant for the Purpose of such Special Case, and may also give such Directions as may be necessary for substituting in such Special Case either the Name of the Guardian so applying, or of the special Guardian so appointed in lieu of the Name of the special Guardian so displaced: Provided always, that the Discharge of any Order appointing a special Guardian shall not invalidate anything which shall in the meantime have been done by such special Guardian, unless the Court shall, upon Notice to all Parties, specially so direct.

How such Special Cases to be entitled.

VII. And be it enacted, That every such Special Case shall be entitled as a Cause between some or one of the Parties interested or claiming to be interested as Plaintiffs or Plaintiff, and the others or other of them as Defendants or Defendant; and that in the Title to such Cases Lunatics and Infants shall be described as such, and their Committees, Guardians, or special Guardians named; and that where in any such Case a married Woman is named as a Plaintiff and her Husband as a Defendant thereto, a next Friend of such married Woman shall be named in the Title to such Case.

Form of Special Case.

VIII. And be it enacted, That every such Special Case shall concisely state such Facts and Documents as may be necessary to enable the Court to decide the Question raised thereby; and that upon the Hearing of such Case the Court and the Parties shall be at liberty to refer to the whole Contents of such Documents; and the Court shall be at liberty to draw from the Facts and Documents stated in any such Special Case any Inference which the Court might have drawn therefrom if proved in a Cause.

Special Case to state how Guardian constituted, and the Concurrence of married Women.

IX. And be it enacted, That every such Special Case to which an Infant or Lunatic is a Party by his Guardian or special Guardian shall also state how such Guardian or special Guardian was constituted; and that where any married Woman having or claiming any Interest distinct from her Husband is a Party to such Case, it shall be stated therein that she concurs in such Case in her own Right.

Special Cases to be signed by Counsel, and filed, and Appearances to be entered by Defendants.

X. And be it enacted, That every such Special Case shall be signed by Counsel for all Parties, and shall be filed in the same Manner as Bills are filed, and that the Defendants may appear thereto in the same Manner as Defendants appear to Bills; and that no Defendant shall be required to take an Office Copy of a Special Case, but an Office Copy thereof shall be taken by the Plaintiff.

After a Special Case filed, Parties to be bound by Statements after Defendants have appeared, except married Women, Infants, and Lunatics, who are not to be bound

XI. And be it enacted, That after a Special Case shall have been filed, and the Defendants shall have appeared thereto, all the Parties to such Special Case shall be subject to the Jurisdiction of the Court in the same Manner as if the Plaintiff in the Special Case had filed a Bill against the Parties named as Defendants thereto, and such Defendants had appeared to such Bill; and upon the Special Case being filed, and Appearances entered thereto as aforesaid, all Parties to such Special Case, other than married Women, Infants, and Lunatics, shall, for the Purposes of such Special Case, be bound by the Statements therein; and that married Women, Infants, and Lunatics made Parties to a Special Case shall, for the Purposes of such Special Case, be bound by the Statements therein, when, and not before, Leave shall

shall have been given by the Court to set down such Special Case in manner herein-after provided. till Leave given by Court to set it down.

XII. And be it enacted, That so soon as all the Defendants shall have appeared to the Special Case the same may, subject to the Provisions herein-after contained, be set down for Hearing, and Subpœnas to hear Judgment issued and served according to the Practice of the said Court. How Case to be set down for Hearing.

XIII. And be it enacted, That when any married Woman, Infant, or Lunatic is Party to a Special Case, Application may be made to the Court by Motion for Leave to set down the same, of which Motion Notice shall be given to every Party to such Case in whom, as Executor, Administrator, or Trustee, any Property in question therein is or is alleged to be vested in trust for or for the Benefit of such married Woman, Infant, or Lunatic, and also if such Application be not made by or on behalf of such married Woman, Infant, or Lunatic, to such married Woman and her Husband, or to such Infant, or to such Lunatic and his Committee, if any, as the Case may be; and that upon the Hearing of such Motion the said Court may give Leave to set down such Case, if it shall be of opinion that it is proper that the Question raised therein shall be determined thereon, and shall be satisfied by Affidavit or other sufficient Evidence that the Statements contained therein, so far as the same affect the Interest of such married Woman, Infant, or Lunatic, are true, but otherwise may refuse such Application: Provided always, that in case the said Court, upon the Hearing of such Application, shall be of opinion that it is proper that the Question raised in such Case shall be determined thereon, but shall not be satisfied that the Statements contained therein, so far as they affect the Interest of such married Woman, Infant, or Lunatic, are true, it shall be lawful for the said Court to refer it to One of the Masters thereof to make such Inquiries as to the Court shall seem proper, and upon further Application being made, by Motion as aforesaid, upon the said Master's Report, to give or refuse Leave to set down such Case as to the said Court shall seem fit. When a married Woman, Infant, or Lunatic is a Party, Application to be made to the Court for Leave to set the Case down.

XIV. And be it enacted, That it shall be lawful for the said Court, upon the Hearing of any such Special Case as aforesaid, to determine the Questions raised therein or any of them, and by Decree to declare its Opinion thereon, and, so far as the Case shall admit of the same, upon the Right involved therein, without proceeding to administer any Relief consequent upon such Declaration; and that every such Declaration of the said Court contained in any such Decree shall have the same Force and Effect as such Declaration would have had, and shall be binding to the same Extent as such Declaration would have been, if contained in a Decree made in a Suit between the same Parties instituted by Bill: Provided always, that it shall be lawful for the said Court, if it shall see fit so to do, before proceeding to make such Decree as aforesaid, to send any Case or Cases for the Opinion of any of Her Majesty's Courts of Common Law, reserving the Consideration of all further Directions and of the Costs, and to make such Decree as aforesaid upon such further Directions; provided also, that if upon the Hearing of such Special Case as aforesaid the Court shall be of opinion that the Questions raised thereby or any of them cannot properly be decided upon such Case, the said Court may refuse to decide the same. Upon Hearing, Court to determine Question, and make Declaration. Proviso that a Case may be sent to Common Law Court. Proviso that Court may refuse to decide.

XV. And be it enacted, That every Executor, Administrator, Trustee, or other Person making any Payment or doing any Act in conformity with the Declaration contained in any Decree made upon a Special Case shall in all respects be as fully and effectually protected and indemnified by such Declaration as if such Payment had been made or Act done under or in pursuance of the express Order of the said Court made in a Suit between the same Parties instituted by Bill, save only as to any Rights or Claims of any Person in respect of Matters not determined by such Declaration. Protection to be afforded to Trustees by Declaration.

XVI. And be it enacted, That where any Person shall be desirous to have a Special Case re-heard, or to appeal from the Decision thereon, it shall be lawful for the said Court, upon Application for that Purpose, either at the Time of the Decree upon such Special Case being made or at any Time afterwards, and upon such Conditions, if any, as the Court shall think fit, to order that the Declaration contained in such Decree shall not be acted upon for such Time as the said Court shall think just. The Court may suspend the acting upon Declaration.

XVII. And

Special Case to be a Lis pendens, and may be registered. 2 & 3 Vict. c. 11.

XVII. And be it enacted, That the filing of a Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, shall be taken to be a Lis pendens, and may be registered under the Provisions of an Act made and passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy*, in like Manner as any other Lis pendens in a Court of Equity may now be so registered, and, unless and until so registered, shall not bind a Purchaser or Mortgagee without express Notice thereof.

Mode of identifying Documents, and Court may order Production.

XVIII. And be it enacted, That any Documents referred to in a Special Case, and any Copies thereof or Extracts therefrom, identified by the Signature of the Solicitors for all Parties or of the *London* Agents of such Solicitors, may be produced and read at the Hearing of such Case, without further Proof; and that it shall be lawful for the said Court, at any Time after the filing of the Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, to order any Document which may be admitted thereby to be in the Possession of any Party to such Case to be deposited and produced in such Manner and for such Purposes as the Court shall think fit.

Court, on Application of Executors or Administrators, may by Order of course direct it to be referred to a Master to take an Account of Debts and Liabilities.

XIX. 'And whereas it is expedient to provide Means for enabling Executors or Administrators of deceased Persons to ascertain whether there are any outstanding Debts or Liabilities affecting the Personal Estates of such Persons, without the Delay and Expense of Suits to administer such Estates:' Be it therefore enacted, That it shall be lawful for the said Court, upon the Application of the Executors or Administrators of any deceased Person, by Order to be made upon Motion or Petition of course, and to be in the Form or to the Effect set forth in the Schedule hereto, with such Variations as Circumstances may require, to refer it to One of the Masters of the said Court to take an Account of the Debts and Liabilities affecting the Personal Estate of such deceased Person, and to report thereon: Provided always, that no such Order shall be made until the Expiration of One Year next after the Death of such deceased Person, or pending any Proceedings to administer the Estate of such Person, and that in case at any Time after the making of such Order any Decree or Order for administering the Estate of such deceased Person shall be made, it shall be lawful for the said Court by such Decree or Order to stay or suspend the Proceedings under such Order of course on such Terms and Conditions, if any, as to the said Court shall seem just.

Master's Report may be objected to by Motion to the Court, of which Notice shall be given.

XX. And be it enacted, That it shall be lawful for any Person who may have come in before the Master under any such Order, and claimed to be a Creditor upon the Estate of the deceased Person, or to have any Demand upon such Estate by reason of any Liability, and whose Debt or Claim may not have been wholly allowed by the said Master, to apply to the said Court by Motion, of which Notice shall be given within Fourteen Days after the filing of the Master's Report, to have such Claim allowed by the Court, either wholly or partially; and it shall be lawful for the said Executors or Administrators, and for any Creditor of the deceased Person who may be authorized by special Leave of the said Court so to do, to apply to the said Court by Motion, of which Notice shall be given within the Time aforesaid, to have any Debt or Claim allowed by the said Master disallowed by the Court, either wholly or partially; and at the Expiration of Fourteen Days after the filing of the said Report the same shall, except as to any Debt or Claim as to which any such Notice as aforesaid may have been given, be absolute, as if the same had been confirmed by Order of the Court.

Proceeding of the Court on such Motion.

XXI. And be it enacted, That upon the Hearing of any such Motion as aforesaid the said Court may either dismiss such Motion, or may order the Debt or Claim to which such Motion relates to be allowed or disallowed, as the Case may be, and either wholly or partially, or may direct further Inquiry or further Proceedings, by way of Action or otherwise, touching such Debt or Claim, and after such Inquiry or Proceedings may, upon further Motion, deal with such Debt or Claim as to the said Court shall seem just: Provided always, that no new Evidence shall be received by the said Court upon the Hearing of any such Motion without special Leave of the said Court.

If Debts or certain Liabilities allowed, and not

XXII. And be it enacted, That in case any Debt or any certain Liability shall have been allowed as aforesaid, and shall not within Fourteen Days after the Report has become absolute

lute as to such Debt or Liability, or after the same shall have been allowed by the said Court, be paid or provided for by Appropriation to the Satisfaction of the Person who has established such Liability, it shall be lawful for the said Court, by Order to be made, in case of any Debt remaining due, upon the Application by Motion or Petition of the Person to whom the Debt remains due, and on Notice to the Executors or Administrators, and in case of any certain Liability remaining unprovided for by Appropriation, upon the Application by Motion or Petition of the Person by whom such Liability has been established, or of the Executors or Administrators, and on Notice by the Party applying to the other of them, to order Payment of the Debts which may have been allowed and remain unpaid, and to provide for the certain Liabilities which may have been allowed and remain unprovided for, in like Manner as the same could or might have been paid or provided for in a Suit for that Purpose instituted by Bill, or to refer it to the Master to take an Account of the Debts and certain Liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual Accounts of the Personal Estate of the deceased Person, with all usual and proper Directions; and every such Order shall have the same Force and Effect and shall be prosecuted and carried on in like Manner as a Decree in a Creditor's Suit instituted by Bill.

paid or provided for, Order may be made for Payment or Accounts.

XXIII. And be it enacted, That in case any contingent Liability shall be allowed by the said Report or by the said Court, it shall be lawful for the said Court, by Order, to be made upon the Application of the Executors or Administrators, by Motion or Petition, on Notice to the Person who may have established such contingent Liability, to order such Sum of Money, Part of the Estate of the deceased Person, as to the said Court shall seem just, to be set apart and appropriated for answering such contingent Liability, and to give such Directions as the said Court shall think fit touching the Payment of such Sum of Money into Court, and the Investment thereof, and the Payment, Application, or Accumulation of the Interest or Dividends thereof in the meantime and until the same shall be required to answer such Liability, and when such Liability shall be ascertained or determined to give such Directions as to the Payment of such Sum out of Court as the said Court shall deem right: Provided always, that no Order to be made as aforesaid shall in any Manner bind the Assets so appropriated as against the Persons entitled to the Estate of the Deceased subject to the contingent Liability; and any Person interested in such appropriated Assets may apply to the Court touching the same as he may be advised.

Court on Application of Executors or Administrators, may direct Appropriation of Money to answer contingent Liability.

XXIV. And be it enacted, That after the filing of such Report as aforesaid it shall be lawful for the said Court, upon the Application of the Executors or Administrators of the Deceased, by Order, to be made on Motion, to restrain by Injunction any Proceedings at Law against them by any Person having or claiming to have any Demand upon the Estate of the Deceased by reason of any Debt or Liability other than the Persons who may have established contingent Liabilities under the said Order for which no Appropriation may have been made.

Court may restrain Proceedings against Executors and Administrators.

XXV. And be it enacted, That in case no Debt or Liability, or no Debt or Liability other than a contingent Liability, shall have been allowed as aforesaid, or in case any Debt or Liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by Appropriation as aforesaid, all Payments made by the Executors or Administrators, or any of them, on account of the Estate of the deceased Person, and all Dispositions of such Assets made by them or any of them on account of such Estate, shall, as against all Persons having or claiming to have any Demand upon such Estate by reason of any Debt or Liability, other than Persons who may have established under the said Order any contingent Liability for which no such Appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a Decree of the said Court: Provided always, that nothing herein contained shall in any Manner affect or prejudice the Rights of any Creditor or other Person having any Demand or Claim upon the Estate of the Deceased against any Assets so paid or disposed of, or against the Persons to whom such Payment or Disposition may have been made, or against any Assets appropriated under the Provisions of this Act, and the Appropriation of which, if made under a Decree of the said Court in a Suit to which he was not a Party, would not have been binding upon him.

Protection to be afforded to Executors and Administrators.

XXVI. 'And

Notwithstanding Provisions of 3 & 4 W. 4. c. 94., Judges of the Court may hear and determine Applications mentioned in Act, if they think fit.

XXVI. 'And whereas by an Act passed in the Third and Fourth Years of the Reign of 'His late Majesty King *William* the Fourth, intituled *An Act for the Regulation of the* 'Proceedings and Practice of certain Offices of the High Court of Chancery in England, it is 'enacted, "that the Masters in Ordinary of the High Court of Chancery shall hear and '"determine all Applications for Time to plead, answer, or demur, and for Leave to amend '"Bills, and for enlarging Publication, and all such other Matters relating to the Conduct '"of Suits in the said Court as the Lord Chancellor, with the Advice and Assistance of '"the Master of the Rolls and Vice Chancellor, or One of them, shall by any General '"Order or Orders direct, in such Manner and under such Rules and Regulations as by '"any General Order or Orders, to be also issued by the Lord Chancellor, with the Advice '"and Assistance aforesaid, shall be directed, and that it shall be lawful for either Party to '"appeal by Motion from the Order made on such Application to the Lord Chancellor, '"Master of the Rolls, or Vice Chancellor, and that the Order made on such Appeal shall '"be final and conclusive;" and it is enacted, "that no such Application as above men-'"tioned shall in future be heard by any of the Judges of the said Court of Chancery, '"except on Appeal as herein-before provided:" And whereas the last-mentioned Enact-'ment has been found to be inconvenient:' Be it therefore enacted, That, notwithstanding the Provisions of the said Act, it shall be lawful for any of the Judges of the said Court to hear and determine any such Application as mentioned in the said Act in the first instance, if under special Circumstances he shall think fit so to do.

Exceptions for Scandal, Impertinence, and Insufficiency to be heard by the Court.

XXVII. And be it enacted, That all Exceptions for Scandal, Impertinence, and Insufficiency, which according to the existing Practice of the said Court are referred to the Masters of the said Court, shall not any longer be so referred, but shall be heard and determined by the said Court in the first instance.

Power for Court, notwithstanding any Rule, &c. to the contrary, to receive Proof by Affidavit.

XXVIII. And be it enacted, That, notwithstanding any Rule or Practice of the said Court to the contrary, it shall be lawful for the said Court, at the Hearing of any Cause or of any further Directions therein, to receive Proof by Affidavit of all proper Parties being before the Court, and of all such Matters as are necessary to be proved for enabling the said Court to order Payment of any Monies belonging to any married Woman, and of all such other Matters not directly in issue in the Cause as in the Opinion of the said Court may safely and properly be so proved.

Certain Provisions of 53 G. 3. c. 24. and 5 Vict. c. 5. repealed in part.

XXIX. And be it enacted, That so much of an Act made and passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice*, as provides that the Vice Chancellor appointed under that Act shall have no Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by any Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, unless authorized by the Lord Chancellor, Lord Keeper or Lords Commissioners for the Time being so to do, nor any Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by the Master of the Rolls, and so much of an Act made and passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to make further Provisions for the Administration of Justice*, as provides that no Vice Chancellor appointed under the Authority of that Act shall have Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by any other Vice Chancellor to be appointed under that Act, not being a Predecessor in Office of such Vice Chancellor, nor any Decree, Order, Act, Matter, or Thing made or done by any Lord Chancellor, unless authorized by the Lord Chancellor so to do, nor any Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by the Master of the Rolls or the Vice Chancellor for the Time being appointed in pursuance of an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice*, shall be and the same are respectively hereby repealed so far as the same respectively apply to Orders on Motion or Petition of course made by the Lord Chancellor, Master of the Rolls, or any of the Vice Chancellors; and that it shall be lawful for the Master of the Rolls and the Vice Chancellors respectively to discharge, reverse, or alter any Order made on Motion or Petition of course by any other of them, or by the Lord Chancellor.

XXX. And

Power to Lord Chancellor, &c. to make General Rules and Orders from Time to Time.

XXX. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and any One or more of the Vice Chancellors, from Time to Time to make, rescind, and alter General Rules and Orders for better enabling the Opinion of the said Court to be obtained on Special Cases, and for effectuating the Purposes of this Act as to the Debts and Liabilities of deceased Persons, and for making any Provisions which may be or be deemed necessary or proper as to Amendment, Revivor, and supplemental Matter or Relief, and as to Costs of any Proceedings under or in pursuance of this Act, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and every of them, and so far as may be found expedient for altering the Course of proceeding herein-before prescribed in respect to such Matters or any of them.

Rules and Orders to be laid before Parliament, and to be binding from the Time appointed, or from the making, unless objected to by Vote of either House of Parliament.

XXXI. And be it enacted, That all such General Rules and Orders shall be laid before both Houses of Parliament, if Parliament shall be then sitting, immediately upon the making and issuing the same, or, if Parliament shall not be then sitting, then within Five Days after the next Meeting thereof; and that every such Rule or Order shall from and after the Time in that Behalf to be appointed by the Lord Chancellor, with such Advice and Consent as aforesaid, and if no Time shall be so appointed, then from and after the making thereof, be binding and obligatory on the said Court, and be of like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed at any Time before such House of Parliament shall have actually sat Thirty-six Days after such Rules, Orders, and Regulations shall have been laid before such House of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution shall from and after such Resolution cease to be binding and obligatory on the said Court; provided also, that no such Rule or Order as aforesaid shall by virtue of this Act be of the like Force and Effect as if the Provisions therein contained had been expressly enacted by Parliament, unless the same shall be expressed to be made in pursuance of this Act; and that every such Rule or Order so expressed to be made in pursuance of this Act which shall not be laid before both Houses of Parliament within the Time by this Act limited for that Purpose shall from and after the Expiration of such Time be absolutely void and of no Effect.

Rules and Orders not laid before Parliament within Time limited to be void.

Until Rules or Orders are made, and if not applicable when made, Practice to be according to this Act and Practice of the Court.

XXXII. And be it enacted, That in the meantime and until any such General Rules or Orders shall be made, and in so far as the same, when made, shall not be applicable, the Proceedings under this Act shall be governed and regulated by the Provisions herein contained so far as the same extend, and in so far as the same do not extend shall, as well with respect to the Persons who ought to be made Parties to Special Cases as in every other respect, be governed and regulated by the Rules, Orders, and Practice of the said Court in Suits instituted by Bill, so far as the same can be applied thereto; and, subject to such General Rules and Orders as aforesaid, the Costs of all Proceedings under this Act shall be in the Discretion of the said Court.

Decrees and Orders to be subject to Appeal, &c.

XXXIII. And be it enacted, That all Decrees and Orders made under the Provisions of this Act shall be subject to Re-hearing, Appeal, and Review, and may be discharged and varied, in the same and the like Manner as Decrees and Orders of the said Court made in Suits instituted by Bill.

Interpretation of Terms.

XXXIV. And be it enacted, That the following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or in the Context repugnant to such Construction:

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Expression "Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper and Lords Commissioners of the Great Seal of the United Kingdom for the Time being:

The Word "Master" shall mean Master in Ordinary of the High Court of Chancery in *England:*

The Word "Lunatic" shall include Idiots and Persons of unsound Mind, and whether found such by Inquisition or not:

The Word "Guardian" shall mean Father or testamentary Guardian, or Guardian appointed by the Court of Chancery (not being a special Guardian appointed under the Provisions of this Act).

Commencement of Act.

XXXV. And be it enacted, That this Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and fifty.

Act may be amended, &c.

XXXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE referred to by the foregoing Act.

[*Date.*]

In the Matter of *A.B.* late of in the County of Banker [*or as the Case may be*], deceased.

Upon Motion this Day made unto this Court by Mr. of Counsel for *C.D.* of the Executor [*or* Administrator] of the above-named *A.B.* [*or* upon the humble Petition of *C.D.* of the Executor (*or* Administrator) of the said *A.B.*, this Day preferred unto the Right Honourable the Master of the Rolls for the Reasons therein contained], it is ordered, That it be referred to the Master of this Court in rotation to take an Account of the Debts and Liabilities affecting the Personal Estate of the said *A.B.*, and to compute Interest on such of the said Debts and Liabilities as carry Interest after the Rate of Interest the same respectively carry; and the said Master is to cause an Advertisement to be published in the London Gazette and such other public Papers as he shall think fit for the Persons claiming in respect of any such Debts or Liabilities to come in before the said Master, and prove their Debts and Claims, and he is to fix a peremptory Day for that Purpose; and such of the said Creditors as shall not come in and prove their Debts and Claims by the Time so to be limited are to be excluded the Benefit of this Order: And it is ordered, that the said Master do distinguish Debts from Liabilities, and Liabilities certain from Liabilities contingent: And it is ordered, that the Personal Estate of the said *A.B.* be applied in Payment and Satisfaction of such Debts and Liabilities of the said *A.B.* in a due Course of Administration; and for the better taking the said Accounts and Discovery of the Matters aforesaid the Parties are to produce before the said Master, upon Oath, all Deeds, Books, Papers, and Writings in their Custody or Power relating thereto, and are to be examined upon Interrogatories as the said Master shall direct; and any of the Parties are to be at liberty to apply to the Court as there shall be Occasion.

CAP. XXXVI.

An Act to facilitate Procedure in the Court of Session in *Scotland.*

[29th *July* 1850.]

'WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His Majesty
55 G. 3. c. 42. ' King *George* the Third, intituled *An Act to facilitate the Administration of Justice in* ' *that Part of the United Kingdom called* Scotland, *by the extending Trial by Jury to Civil* ' *Causes;* and another Act was passed in the Fifty-ninth Year of the Reign of His said
59 G. 3. c. 35. ' Majesty, intituled *An Act to amend an Act passed in the Fifty-fifth Year of the Reign of* ' *His present Majesty, intituled "An Act to facilitate the Administration of Justice in that*

' " *Part*