CAP. XLVII.

An Act to enable Her Majesty to abolish otherwise than by Treaty, on Condition of Reciprocity, Differential Duties on Foreign Ships.

[30th *June* 1852.]

59 G. 3. c. 54.

8 & 9 Vict. c. 90.

'WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to carry into effect a Convention of Commerce concluded between His Majesty and the United States of* America, *and a Treaty with the Prince Regent of* Portugal, Provisions were made respecting the Rates or Duties payable on Ships or Vessels of the *United States* and *Portuguese* Ships or Vessels entering and touching at the Ports of the United Kingdom or of His Majesty's Territories in *Europe*, and respecting the Repayment to Corporations and Persons of the Amount of the Sums of Money of which they would be deprived by means of the said Act: And whereas by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for granting Duties of Customs*, it was enacted and declared, that from and after the Ratification of any Treaty theretofore made by Her Majesty or any of Her Royal Predecessors subsequently to the Enactment of the said first-recited Act, or of any Treaty which might thereafter be made by Her Majesty, Her Heirs and Successors, with any Foreign Power, in which Treaty had been or should be contained Provisions similar to those recited in the said first-recited Act, all and every the Provisions, Clauses, Matters, and Things in the said first-recited Act contained should apply and extend to the Trade and Shipping of such Foreign Powers respectively, as fully and effectually to all Intents and Purposes as to the Trade and Shipping of the said *United States* and of the said Kingdom of *Portugal*, and also should apply and extend to differential Duties or Charges on Goods imported or exported in the Ships of such Foreign Powers, as well as to differential Duties on the Ships of such Foreign Powers: And whereas it is expedient that the Provisions of the said first-recited Act should extend to the Trade and Shipping of any Foreign Power which, without any Treaty for that Purpose having been made and ratified between Her Majesty and such Foreign Power, shall place the Trade and Shipping of *Great Britain* in the Ports of such Foreign Power on the same Footing in respect of Duties and Charges as the Trade and Shipping of such Foreign Power:' 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, as follows:

Where the Trade and Shipping of Great Britain have been placed in the Ports of any Foreign Power on a Footing of Reciprocity, Her Majesty may issue an Order in Council, declaring the Trade, &c. of such Foreign Power to have the Benefit of the Provisions of this Act, and thereupon the Provisions of 59 G. 3. c. 54. shall be applicable.

I. Where it shall appear to Her Majesty that by the Laws or Regulations of any Foreign Power the Trade and Shipping of *Great Britain* in the Ports of such Foreign Power have been placed upon the same Footing as the Trade and Shipping of such Foreign Power, either absolutely or on Condition of equal or like Benefits being conceded to the Vessels of such Foreign Power in the Ports of Her Majesty, it shall be lawful for Her Majesty, by Order to be by Her made with the Advice of Her Privy Council, and to be published in the *London Gazette*, to order and declare that the Trade and Shipping of such Foreign Power shall have the Benefit of the Provisions of this Act; and thereupon all the Provisions, Clauses, Matters, and Things in the said first-recited Act contained shall, so long as such Order in Council shall remain in force, but no longer, apply and extend to the Trade and Shipping of such Foreign Power, as fully and effectually, to all Intents and Purposes, as they apply to the Trade and Shipping of the said *United States* and *Portugal*, or would apply to such Trade and Shipping if the Convention and Treaty intended to be carried into effect by the said first-recited Act were in force, and shall also apply and extend to differential Duties or Charges on Goods imported or exported in the Ships or Vessels of such Foreign Power, as well as to differential Duties on the Ships or Vessels of such Foreign Power; and every such Order in Council shall have the same Effect, with reference to such Duties and Charges and to the Exemption from the Payment thereof contained in

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any Local Act, as if a Treaty of Reciprocity had been concluded and was then in force between Her Majesty and such Foreign Power.

II. It shall be lawful for Her Majesty, by Order in Council, from Time to Time to revoke any Order in Council previously made under the Authority of this Act. Order in Council may be revoked.

CAP. XLVIII.

An Act for the Amendment of the Law respecting the Property of Lunatics. [30th *June* 1852.]

'WHEREAS by an Act of Parliament passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind*, a Power is given of ordering any Land of any Lunatic to be sold, or charged and incumbered by way of Mortgage, or otherwise disposed of, for the Purpose of raising Money for the Payment of Debts, and other Purposes therein mentioned, and Provision is thereby made as to the surplus Monies; and it is expedient that such Powers should be enlarged, and that the several Provisions of the said Act relative thereto, and to the Application of the Money raised, and the Quality of the surplus Monies, should be extended accordingly:' 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, as follows:— 11 G. 4. & 1 W. 4. c. 65. s. 28.

I. The aforesaid Power of selling, or charging and incumbering by way of Mortgage, or otherwise disposing of the Land of any Lunatic, and the aforesaid Provisions relating thereto, or to the Application and Quality of the Monies to be raised, and every of them, is and are hereby extended so as to be applicable to and to include any Estate or Interest of any Lunatic in Land or Stock, in reversion, remainder, or expectancy, and so as to authorize the Payment out of the Monies to be raised of any Expenditure made or Debt incurred after Inquisition found, for the Maintenance or otherwise for the Benefit of the Lunatic, and the Payment of or Provision for the Expenses of his future Maintenance, and the Costs of such Sales, Charges, and Incumbrances, and other Dispositions as are hereby or by the said recited Act authorized. Powers and Provisions of the recited Act extended to other Cases and Purposes.

II. In case of a Charge or Mortgage being made by Order upon an Interest in contingency, or in reversion, remainder, or expectancy, for the Expenses of future Maintenance, the Order may direct the same to be payable and paid, either contingently, if the Interest charged be a contingent one, or upon the happening of the Event if the Interest be depending on an Event which must happen, and either in a gross Sum or in annual or other periodical Sums, and at such Times, in such Manner, and either with or without Interest, as shall be deemed expedient, and any Charge already made which would have been valid if made after this Act shall be and is hereby declared to be valid. Modes in which future Maintenance may be charged.

III. The Powers so given by the said Act as aforesaid, and the Powers herein-before given, may be exercised by and are hereby given to the Person or Persons for the Time being intrusted by virtue of the Queen's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, and of unsound Mind; and the foregoing Provisions shall, as to Jurisdiction, and also as to the Interpretation of Expressions, and in all other respects, so far as may be consistent with the Meaning of this Act, be deemed to be incorporated with the said Act. By whom Jurisdiction to be exercised. The foregoing Provisions to be incorporated with the recited Act.

IV. 'And whereas by an Act of Parliament passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the Regulation of the Care and Treatment of Lunatics*, it was enacted, that when any Person should have been received or taken charge of as a Lunatic upon an Order and Certificates, or an Order and Certificate, in pursuance of the Provisions of the said Act, or of any Act thereby repealed, and should either have been detained as a Lunatic for the Twelve Months then last past, or should have been 8 & 9 Vict. c. 100. s. 95.

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