Naval Department which may be due to the Deceased shall not exceed the Sum of Fifty Pounds, it shall be lawful for the Inspector of Seamen's Wills in the Admiralty Office, after having satisfied himself by due Investigation of the Right of any Claimant to Probate of the Will (if the Deceased shall have left a Will), or in case of Intestacy to Letters of Administration, to issue a Certificate in Admission of the Claim, which Certificate shall be in such Form as by the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral shall be deemed expedient, and shall, so far as regards any Monies payable in the Naval Department, and not exceeding Fifty Pounds, have the same Force and Effect as a Probate of the Deceased's Will or a Grant of Administration of the Deceased's Effects; and Payment under the Authority of such Certificate of any Monies, not exceeding in the whole the said Sum of Fifty Pounds, due to the Deceased on account of any Naval Pay or Wages, or Pay or Wages of the ordinary or any Marine Pay, or of any Half Pay, Pension, or Prize, or Bounty, Grant, or other Money in the Nature of Prize, or of any Allowance from the Compassionate Fund, or Monies due on account of the Deceased's Services, or Superannuation Allowances granted on Retirement from any Services in any of Her Majesty's Dockyards, Naval, Victualling, or Medical Establishments, or in any of the Civil Departments of the Navy, or any Department under the Direction of the said Lord High Admiral or Commissioners, shall be valid and conclusive against all Parties as effectually as if the same had been paid under Probate or Letters of Administration.

CAP. LXX.

An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates. [15th *August* 1853.]

FOR removing or diminishing the Delays and Expenses now attending on the Execution of Commissions in the Nature of Writs De lunatico inquirendo, and the Proceedings consequent on Inquisitions taken thereon, and for regulating and amending the Practice and Course of Procedure in Matters of Lunacy, and for consolidating and amending the several Acts of Parliament respecting the Care and Management of the Persons and Estates of Lunatics so found by Inquisition, and the Appointments, Duties, and Salaries of Officers in Lunacy, be it 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:

Act and Parts of Acts named in First Schedule repealed, but Validity of Proceedings, &c. not to be affected.

I. The several Acts of Parliament mentioned in the First Schedule hereunder written shall be and the same are hereby repealed, to the Extent specified concerning the same Acts respectively in the Third Column of the same Schedule, but so that the Validity of any Proceeding taken or pending under the said Acts or any of them, before or at the Commencement of this Act, or any Appointments, Salaries, Annuities, Compensations, or Allowances made or given by or under the said Acts or any of them, before the Commencement of this Act, shall not be taken away, diminished, or in anywise injuriously affected by the Repeal aforesaid; and no new or further Order, Minute, or Direction whatsoever shall be deemed to be necessary by reason or in consequence of the Repeal aforesaid, respecting any such Appointment, Salary, Annuity, Compensation, or Allowance as aforesaid, except where by this Act any Salary or other Payment is made payable out of a Fund not heretofore chargeable therewith; and all Proceedings respecting the Person or Estate of every Person before the Commencement of this Act, found by Inquisition idiot, lunatic, or of unsound Mind, and incapable of managing himself or his Affairs, or any Proceedings for the Purpose of procuring such a Finding, shall be carried on, as far as may be practicable, according to the Provisions of this Act, and, subject thereto, according to the Provisions of the said Acts or any of them, which shall for that Purpose be deemed to continue in force notwithstanding the Repeal aforesaid, or in case of Doubt as to the Mode of Procedure in such of the Modes aforesaid as the Masters in Lunacy shall direct.

Mode of Proceeding in existing Cases.

II. In

Interpretation of Terms.

II. In this Act, unless there be something in the Subject Matter or Context repugnant to the Construction,—

The Expression "the Lord Chancellor" shall be construed to mean the Lord High Chancellor of *Great Britain* for the Time being, and to include or be applicable to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being;

And the Expression "the Lord Chancellor intrusted as aforesaid" shall be construed to mean the Lord High Chancellor of *Great Britain* 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, or of unsound Mind; and when and so long as the Lords Justices of the Court of Appeal in Chancery for the Time being shall be intrusted as aforesaid concurrently with the Lord Chancellor, then and so long the last-mentioned Expression shall be construed to include or be applicable to the Lords Justices aforesaid, so that all the Powers, Authorities, and Duties to be had, exercised, and performed under this Act by the Lord Chancellor intrusted as aforesaid shall and may be had, exercised, and performed as well by the Lord Chancellor acting either alone or jointly with both or either of the Lords Justices aforesaid, as by both of the Lords Justices aforesaid acting jointly apart from the Lord Chancellor;

And the Expression "the Lords Justices" shall be construed to mean the Lords Justices aforesaid for the Time being, or One of them;

And the Expression "the Lord Chancellor of *Ireland*" shall be construed to comprehend the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being;

And the Expression "the Masters" shall be construed to mean the Masters in Lunacy for the Time being, jointly or severally;

And the Expression "the Registrar" shall be construed to mean the Registrar in Lunacy for the Time being;

And the Word "Commission" shall be construed to mean a Commission in the Nature of a Writ De lunatico inquirendo, and to comprehend the General Commission by this Act authorized to be issued;

And the Word "Land" shall be construed to comprehend any Manor, Messuage, Tenement, Hereditament, or Real Property of whatsoever Tenure, and also Property of every Description transferable otherwise than in Books kept by any Company or Society, or any Share thereof or Charge thereon, or Estate or Interest therein;

And the Word "Stock" shall be construed to comprehend any Fund, Annuity, or Security transferable in Books kept by any Company or Society, or any Money payable for the Discharge or Redemption thereof, or any Share or Interest therein;

And the Word "Dividends" shall be construed to comprehend Interest or other annual Produce;

And the Provisions relating to "the Bank of *England*" shall be construed to extend and be applicable to the *East India* Company, the *South Sea* Company, and every other Company or Society established or to be established;

And the Word "Conveyance" shall be construed to comprehend any Release, Surrender, Assignment, or other Assurance, including all Acts, Deeds, and Things necessary for making and perfecting the same;

And the Word "Transfer" shall be construed to comprehend any Assignment, Payment, or other Disposition;

And the Word "Lunatic" shall be construed to mean any Person found by Inquisition idiot, lunatic, or of unsound Mind, and incapable of managing himself or his Affairs;

And the Expression "next of Kin" shall be construed to refer to the next of Kin of a Lunatic, and to comprehend his Heir or Heirs-at-Law, and also the Person or Persons who would be entitled to his Estate, or to Shares thereof, under the Statutes for the Distribution of the Effects of Intestates, in case he were dead intestate;

And the Word "Person" or "Party" shall be construed to comprehend a Body Corporate.

III. The

Schedules Parts of Act.

III. The Schedules hereunder written shall be deemed to be Parts of this Act.

Extent of Act.

IV. This Act shall extend to *England* and *Wales*, and to *Ireland* where the same is specifically mentioned.

Commencement and Short Title of Act.

V. This Act shall take effect from the 28th Day of *October* 1853, and may be cited as "The Lunacy Regulation Act, 1853."

Officers.

And with respect to the several Officers in Lunacy, be it further enacted as follows:

Power to Lord Chancellor to appoint Two Masters in Lunacy, who before acting shall take Oath in the Second Schedule.

VI. There shall be Two Masters in Lunacy, who shall hold their Offices during good Behaviour, and the present Masters in Lunacy shall be continued and be the Masters in Lunacy during good Behaviour, and the Lord Chancellor shall, from Time to Time as any Vacancy shall occur in the Office of Master in Lunacy, appoint a fit Person, being a Serjeant or Barrister-at-Law of not less than Ten Years standing at the Bar, to fill the Vacancy, and the Person to be so appointed shall, before being capable of acting as Master in Lunacy, take before the Lord Chancellor, in the Manner now used, the Oath set forth in the Second Schedule hereunder written, and the Masters in Lunacy for the Time being shall have the same Rank and Precedence as the present Masters now take.

Masters to have Powers of Commissioners.

VII. The Masters in Lunacy shall have, perform, and execute all the Powers, Duties, and Authorities which were at the Time of the passing of the Act of the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her Majesty, Chapter Eighty-four, had, performed, and executed by Commissioners named in Commissions in the Nature of Writs De lunatico inquirendo.

All References connected with Lunatics to be made to Masters.

VIII. All the Inquiries and Matters connected with the Persons and Estates of Lunatics which were at the Time of the passing of the last-mentioned Act of Parliament usually referred to the Masters in Ordinary of the High Court of Chancery (except Inquiries and Matters which may be or might have been referred under the Trustee Act, 1850, or any Act thereby repealed,) shall henceforth, where References shall be made, be referred to the Masters in Lunacy, who shall have, perform, and execute all the Powers, Duties, and Authorities relating to the Inquiries and Matters so to be referred to them as aforesaid which were at the Time last aforesaid had, performed, and executed by the Masters in Ordinary of the High Court of Chancery, and shall perform such other Duties for the Security and Advantage of Lunatics and their Estates as the Lord Chancellor intrusted as aforesaid shall from Time to Time direct.

Masters to perform Duties under Regulations of the Lord Chancellor.

IX. All the Powers and Authorities by or under this Act vested or to be vested in the Masters shall be joint and several, and they shall execute Commissions and conduct Inquiries connected with Lunatics or their Estates, and perform all other Duties committed or to be committed to them by or by virtue of any Act hereby repealed or this Act, either separately or together, and at such Places, within such Times, and in such Manner as any General Order in Lunacy, and, subject thereto, as any Special Order of the Lord Chancellor intrusted as aforesaid shall from Time to Time direct.

Registrar to perform Duties under Regulations of Lord Chancellor.

X. The Lord Chancellor shall have, as at present, an Officer called "The Registrar in Lunacy," who shall perform the Duties committed to him by or by virtue of this Act, and such other Duties connected with Lunatics and their Estates, at such Places, within such Times, and in such Manner, as the Lord Chancellor shall from Time to Time direct.

Duties of Clerk of the Custodies to be performed by Masters and Registrar.

XI. The Masters and the Registrar respectively shall continue to discharge all Duties which formerly belonged to the Office of Clerk of the Custodies of Idiots and Lunatics, and which were, under the Provisions of the Act of the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her Majesty, Chapter Eighty-four, on the Abolition of that Office, transferred to them respectively, so far as the same may be necessary to be discharged, according to the Practice for the Time being subsisting in Lunacy.

As to the Masters Salaries and retiring Annuities.

XII. The Masters shall receive Salaries of Two thousand Pounds *per Annum* each; and the Lord Chancellor may, on a Petition presented to him for that Purpose, order (if he shall so think fit) Annuities, not exceeding the Sum of One thousand two hundred Pounds each,

to

to be paid to the Persons continued and to be appointed Masters respectively, if and when they respectively shall be afflicted with some permanent Infirmity disabling them respectively from the due Execution of their respective Offices, and shall be desirous of resigning the same.

Power to Lord Chancellor to remove, and grant Annuities to future Masters, if afflicted with Infirmity.

XIII. The Lord Chancellor may by Order remove any One of the Masters in Lunacy to be appointed after the Commencement of this Act, who shall be afflicted with any permanent Infirmity disabling him from the due Execution of his Office, and who shall refuse to resign or be incapable of resigning the same, and may, upon such Removal, order to be paid to him an Annuity or retiring Allowance not exceeding in Amount Two equal Third Parts of his yearly Salary.

Salary of Registrar.

XIV. The Registrar shall receive such Salary as the Lord Chancellor, with the Approbation of the Commissioners of Her Majesty's Treasury, has directed or shall from Time to Time direct.

Number and Salaries of the Clerks of the Masters and the Registrar.

XV. Such Officers, Clerks, and Messengers shall and may be from Time to Time appointed by the Masters and the Registrar respectively in their respective Offices as the Lord Chancellor, with the Approbation of the Lords Commissioners of Her Majesty's Treasury, has directed or shall from Time to Time direct, but the Appointment of the Chief Clerk of the Masters shall be made with the Approbation of the Lord Chancellor; and the present Officers, Clerks, and Messengers shall be continued as if this Act had not been passed, and without Prejudice to any Right or Claim of them or any of them in respect of Length of Service or otherwise; and the Officers, Clerks, and Messengers for the Time being shall respectively receive such Salaries as the Lord Chancellor, with the Approbation of the said Commissioners of the Treasury, has directed or shall from Time to Time direct.

Power to Lord Chancellor to appoint Visitors.

XVI. There shall be Two Medical Visitors and One Legal Visitor of Lunatics, who shall hold their Offices during Pleasure; and the present Visitors shall be continued and be the Visitors during Pleasure; and the Lord Chancellor shall, from Time to Time as any Vacancy shall occur in the Office of Medical Visitor or Legal Visitor, appoint, by Writing under his Hand, a fit Person, being a Physician in actual Practice, to succeed a Medical Visitor, and a fit Person, being a Barrister of not less than Five Years standing, to succeed a Legal Visitor.

Masters to be ex-officio Visitors.

XVII. The Masters for the Time being shall, by virtue of their Appointments to be Masters, become and be Visitors of Lunatics jointly with the Visitors for the Time being.

Visitors not to be interested in Houses for Reception of Insane Persons.

XVIII. No Person shall be appointed to be a Visitor who shall be or shall have been within the Two Years then next preceding directly or indirectly interested in the keeping of any House licensed for the Reception of Insane Persons; and if any Person shall after his Appointment become so interested, his Appointment as Visitor shall *ipso facto* become null and void, and thereupon his Salary shall cease.

Salaries of Visitors.

XIX. The Medical Visitors shall receive such Salaries, not exceeding the Sum of Five hundred Pounds *per Annum* each, and the Legal Visitor to be appointed after the Commencement of this Act shall receive such Salary, not exceeding the like Sum, as the Lord Chancellor, with the Approbation of the said Commissioners of the Treasury, shall from Time to Time order; and the Salary of the present Legal Visitor shall remain at its present Amount.

The Visitors and Masters to form a Board.

XX. The Medical and Legal Visitors and the Masters, or so many of them, not being less than Three in Number, as may from Time to Time be able, consistently with the Discharge of their other Duties, to attend, shall from Time to Time form themselves into a Board for their mutual Guidance and Direction on Matters connected with the visiting of Lunatics; and the Board shall be at liberty to report to the Lord Chancellor intrusted as aforesaid upon any Matter connected with the Duties of the Visitors or of the Board, as they think proper.

Medical or Legal Visitor may appoint a Substitute during his Illness, &c.

XXI. Where a Medical or a Legal Visitor is temporarily prevented from discharging his Duty by Illness or unavoidable Absence, but not otherwise, he may, with the Approbation of the Lord Chancellor intrusted as aforesaid, appoint a Physician in actual Practice, or a Barrister of not less than Five Years standing, (as the Case may require,) to act in his Stead during his Illness or unavoidable Absence; and the Physician or the Barrister so appointed shall,

shall, while his Appointment remains in force, have, perform, and execute all the Powers, Duties, and Authorities belonging to the Office of Medical Visitor or of Legal Visitor (as the Case may be) with full Validity and Effect to all Intents and Purposes.

Lord Chancellor to appoint a Secretary to Visitors.

XXII. There shall be a Secretary to the Visitors, who shall hold his Office during Pleasure; and the present Secretary shall be continued and be the Secretary during Pleasure; and the Lord Chancellor shall, from Time to Time as a Vacancy shall occur in the Office of Secretary, appoint, by Writing under his Hand, a fit Person to fill the Vacancy.

The Salary of the Secretary and his Clerk.

XXIII. The Secretary shall receive such Salary, not exceeding the Sum of Three hundred Pounds *per Annum*, as the Lord Chancellor has ordered or shall from Time to Time order; and a Clerk to the Secretary may be appointed by him, with the Approbation of the Lord Chancellor, who shall receive such Salary, not exceeding the Sum of One hundred and fifty Pounds *per Annum*, as the Lord Chancellor shall from Time to Time order.

Masters, Visitors, &c. to be allowed travelling and other Expenses.

XXIV. Such Allowances as the Lord Chancellor, with the Approbation of the said Commissioners of the Treasury, shall from Time to Time order, shall be made to the Masters and the Visitors for their respective travelling and other Expenses, and to the Masters and the Registrar, and the Secretary to the Visitors, (but in the latter Case under the Direction of the Visitors,) for providing and maintaining suitable Offices, and for the other Expenses incident to the Discharge of the Duties of their respective Offices.

Salaries, &c. to be paid quarterly out of Suitors Fee Fund.

XXV. All Salaries and Annuities continued or given by or under this Act (inclusive of the Salaries of the Visitors and their Secretary, as from the Day on which the Account entitled "The Account of the Board of Visitors for the better Care and Treatment of Lunatics" shall be closed as herein-after mentioned,) shall grow due from Day to Day, and the same, with all Allowances continued or given by or under this Act, (inclusive of the Allowances to the Visitors and their Secretary as from the same Day,) shall be payable and paid under Order of the Lord Chancellor to the several Persons entitled thereto, or to their respective Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the Court of Chancery to the Account entitled "The Suitors Fee Fund Account," on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time direct, free from Deduction; and all such Salaries, Annuities, and Allowances as aforesaid which are continued by or under this Act shall be payable out of the aforesaid Fund in such Priority as they respectively would have had if the several Acts hereby repealed had not been repealed; and all such Salaries, Annuities, and Allowances as aforesaid which are or shall be originally by or under this Act charged upon the aforesaid Fund shall be payable and paid out of the same Fund, subject and without Prejudice to the Payment of all other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

Per-centage and Fees.

'And whereas it would greatly facilitate the Simplification and Improvement of the 'Practice in Lunacy, and would be attended with Convenience, and with a Saving of 'Expense to the Estates of Lunatics, that the Charges incident to the Administration of the 'Estates of Lunatics under the Authority of the Lord Chancellor should be defrayed in part 'by means of a Per-centage, graduated in an equitable Manner as between the richer and 'poorer Estates, and in part by means of Fees on Proceedings:' Be it therefore enacted as follows:

Per-centage on clear Incomes to be paid according to the Scale herein specified.

XXVI. A Per-centage on the respective clear annual Incomes of all Lunatics shall be paid according to the several Rates following; that is to say,

The Rate of Four *per Centum* for each clear annual Income amounting to One hundred Pounds and not amounting to One thousand Pounds, but so that no larger Sum be payable in any such Case in any One Year than Thirty Pounds;

The Rate of Three *per Centum* for each clear annual Income amounting to One thousand Pounds and not amounting to Five thousand Pounds, but so that no larger Sum be payable in any such Case in any One Year than One hundred Pounds; and

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The Rate of Two *per Centum* for each clear annual Income amounting to Five thousand Pounds or upwards, but so that no larger Sum be payable in any such Case in any One Year than Two hundred Pounds:

And in every Case the fractional Parts less than One Moiety of the Pound Sterling shall be disregarded in the Calculation of the Amount payable for Per-centage, and shall not be levied or paid.

Masters to certify Amount, &c., which shall be paid out of Income of the Lunatic.

XXVII. The Masters shall from Time to Time certify what is the Amount of each such clear annual Income as aforesaid, and of the Per-centage payable thereon, and who is the Committee or other Person who is to pay the same, and there upon such Committee or other Person as aforesaid shall pay the same out of the first Monies coming to his Hands in respect of the Income of the Lunatic.

Per-centage to be paid notwithstanding Death, &c. before Payment.

XXVIII. The Per-centage aforesaid, or a proper proportionate Part thereof, (as the Case may require,) shall be chargeable and charged upon the Estate of a Lunatic, and be payable thereout, although before Payment thereof he die, or the Inquisition in his Case be superseded, or be vacated and discharged on a Traverse; but in either of the Two Cases last aforesaid the Lord Chancellor intrusted as aforesaid may, if he see fit, remit or reduce the Amount of the Sum to be paid; and the Payment of the Amount in every Case shall be enforced in such Manner and under such Regulations as the Lord Chancellor, with the Advice and Assistance of the Lords Justices, being intrusted as aforesaid, shall from Time to Time direct.

Present Fees abolished, and new Fees substituted.

XXIX. All Fees now payable in relation to Proceedings in Lunacy shall be and the same are hereby abolished, and in lieu thereof there shall be paid the following Fees only; that is to say,

	£	s.	d.
For each Order or Fiat of the Lord Chancellor intrusted as aforesaid -	2	0	0
For each Report or Certificate of the Masters and Taxing Masters respectively (other than a Certificate of the Masters respecting Income and Per-centage only) - - - - - - - - -	1	0	0
For attending any Court by the Clerk, *per Diem* - - - -	1	0	0

And for all Engrossments, Transcripts, and Copies of Documents and Papers, the actual Amount of the Stationer's Charges paid by the Masters and Registrar respectively for the same.

Power to Lord Chancellor to alter Per-centage and Fees.

XXX. The Lord Chancellor may, with the Advice and Assistance aforesaid, by Order, from Time to Time reduce the several Rates of Per-centage aforesaid or any of them, and again, if it shall seem to him expedient, from Time to Time raise the same several Rates or any of them, but not to Rates higher than those respectively herein-before prescribed, and also may, with the like Advice and Assistance, by Order, from Time to Time vary or abolish the Fees aforesaid, or any of them, or other the Fees for the Time being payable in relation to Proceedings in Lunacy, or any of them, and, if and when it shall seem to him necessary or expedient, fix and impose other Fees, or Fees of altered Amount.

Per-centage and Fees to be collected by Stamps, and Provisions of 15 & 16 Vict. c. 87. respecting Stamps, &c. extended to this Act.

XXXI. The Per-centage and the Fees for the Time being payable under this Act shall be collected by means of Stamps, which shall be under the Management of the Commissioners of Inland Revenue; and the Provisions of the Act of the last Session of Parliament for "the Relief of the Suitors of the High Court of Chancery," respecting Stamps, and the Monies arising from the Sale thereof, shall be and are and every of them is hereby extended so as to be applicable and applied, *mutatis mutandis*, to Stamps to be used under this Act, and the Monies arising from the Sale thereof.

Power to exempt small Properties.

XXXII. Where it is made to appear to the Lord Chancellor intrusted as aforesaid that the net Amount or net estimated Value of the Property of a Lunatic does not exceed the Sum of Seven hundred Pounds Sterling in respect of the Corpus thereof, or the Sum of Fifty Pounds Sterling *per Annum* in respect of the Income thereof, he may order (if he shall think fit) that no Fee shall be taken or paid, or Per-centage be levied or paid, in relation to the Proceedings in the Matter or the Property, as from the Date of the Order or such other Time as he shall direct, during the Continuance of the Lunacy or until further Order.

Provisions respecting Per-centage and Fees to apply to Cases under 8 & 9 Vict. c. 100., and to certain Cases where Lunatic is out of Jurisdiction.

XXXIII. All the foregoing Provisions respecting Fees and Per-centage shall be applicable to the Proceedings in the Matter of and to the Property of a Lunatic under the Protection of the Lord Chancellor intrusted as aforesaid by virtue of Proceedings taken under the Provisions of the Act of the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred, Section Ninety-five, and also to the Proceedings in the Matter of and to the Property of a Lunatic under the Protection of the Lord Chancellor intrusted as aforesaid by virtue of the Transmission of the Record of an Inquisition from *Ireland*, and its Entry of Record in the Chancery of *England*, and also to the Proceedings in the Matter of and to the Property of a Person residing out of *England* and *Wales*, and declared idiot, lunatic, or of unsound Mind according to the Laws of the Place where he is residing, where the Lord Chancellor intrusted as aforesaid makes an Order affecting the Stock or any Portion of the Capital Stock or Shares of such Person as last aforesaid, or the Dividends thereof; and the aforesaid Provisions shall be applied to the several Classes of Cases mentioned in this present Section in such Manner and under such Regulations as the Lord Chancellor shall, with the Advice and Assistance aforesaid, from Time to Time order, but so that no Per-centage be levied or paid in either of the Two last-mentioned Cases except in respect of Income arising from Property being within the Jurisdiction of the Lord Chancellor intrusted as aforesaid, and being adminstered by him or under his Authority and Direction.

Recital of 3 & 4 W. 4. c. 36. imposing a Per-centage for Visitors of Lunatics.

'And whereas the Per-centage which is now, under the Provisions of the Act passed in the 'Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* 'the Fourth, Chapter Thirty-six, imposed upon the Estates of Lunatics, and paid into the 'Bank of England, in the Name and with the Privity of the Accountant General of the 'Court of Chancery, to an Account entitled "The Account of the Board of Visitors for 'the better Care and Treatment of Lunatics," will be discontinued under this Act:' Be it therefore further enacted as follows:

Sums due for this Per-centage to be paid.

XXXIV. Every Committee, Receiver, or other Person who is or shall be liable to pay any Money in respect of the Per-centage last aforesaid shall, notwithstanding this Act, pay the same into the Bank, in the Manner now used, either to the Account last aforesaid, or, after it has been closed as herein-after provided, to the said "Suitors Fee Fund Account," and be allowed the same on passing his Accounts before the Masters.

Salaries, &c. charged on this Per-centage to be payable thereout for a limited Time.

XXXV. All Salaries and other Sums of Money payable out of the Monies standing to the Credit of the "Account of the Board of Visitors for the better Care and Treatment of Lunatics" shall continue to be payable thereout, until the Account shall be closed as herein-after is provided, and shall be paid thereout accordingly in the Manner now used.

Account to be closed and Balance carried to Suitors Fee Fund.

XXXVI. The last-mentioned Account shall be closed on the Third Day of *December* next after the passing of this Act, or on such other Day as the Lord Chancellor, with the Advice and Assistance aforesaid, shall order, and the Balance which shall then be remaining on the same Account shall be carried over to the said "Suitors Fee Fund Account," under Order of the Lord Chancellor.

Account to be audited.

XXXVII. The Account of Monies received and paid on the "Account of the Board of Visitors for the better Care and Treatment of Lunatics," not previously audited, shall, as soon as may be after the closing of the Account, be made out by the Secretary to the Visitors, and be audited and signed by the Master in Ordinary of the High Court of Chancery, or other Officer to whom the Matter of the Account shall then stand referred, and shall be afterwards filed with the Registrar in Lunacy, and no Fee shall be charged or taken upon, for, or in respect of the auditing or filing thereof.

Inquisition.

And with respect to the Inquisition, be it further enacted as follows:

Commissions may be directed to fewer than Three Persons, and shall be directed to Masters.

XXXVIII. Any Commission in the Nature of a Writ De lunatico inquirendo directed to One Person or to Two Persons, and the Inquisition returned thereon, shall be as valid and effectual to all Intents and Purposes as if directed to and returned by more than Two Persons; and every Commission shall (subject to the Provision herein-after contained) be directed to the Masters, or One of them, and may be varied in Form from that now in use in such Manner as to the Lord Chancellor may seem necessary or expedient.

XXXIX. In

XXXIX. In lieu of the Commission now issued specially in each Case of alleged Lunacy, a General Commission to the like Effect, with such Variations as may be necessary or expedient, may from Time to Time be issued in Duplicate under the Great Seal, directed to the Masters by Name, jointly and severally, who shall by virtue thereof proceed, in each Case of alleged Lunacy concerning which the Lord Chancellor intrusted as aforesaid shall order them to inquire, in like Manner and with all the like Powers and Authorities (subject to the Provisions herein-after contained) as if a Commission had issued specially in such Case, and every Inquisition found and returned thereon shall be as valid and effectual to all Intents and Purposes as if the same had been found and returned on a separate Commission.

General Commission may be issued directed to Masters.

XL. Where the alleged Lunatic is within the Jurisdiction, he shall have Notice of the Presentation of the Petition for Inquiry, and may, by a Notice, signed by him, and attested by his Solicitor, and filed with the Registrar, either before the Presentation of the Petition or within Seven Days after such Notice had by him as aforesaid, or at or within such other Time as the Lord Chancellor intrusted as aforesaid shall order in the particular Case, demand an Inquiry before a Jury.

Alleged Lunatic, within Jurisdiction, to have Notice, and may demand an Inquiry before a Jury.

XLI. Where the alleged Lunatic demands an Inquiry before a Jury, the Lord Chancellor intrusted as aforesaid shall in his Order for Inquiry direct the Return of a Jury, unless he be satisfied, by personal Examination of the alleged Lunatic, that he is not mentally competent to form and express a Wish for an Inquiry before a Jury; and the Lord Chancellor intrusted as aforesaid may, where he shall deem it necessary, after Presentation of the Petition for Inquiry, and for the Purpose of personal Examination, require the alleged Lunatic to attend him at such convenient Time and Place as he may appoint.

Where alleged Lunatic demands a Jury, Lord Chancellor may examine him as to Competency, and order a Jury.

XLII. Where the alleged Lunatic does not demand an Inquiry before a Jury, or the Lord Chancellor intrusted as aforesaid is satisfied by personal Examination of him that he is not mentally competent to form and express a Wish in that Behalf, and it appears to the Lord Chancellor intrusted as aforesaid, upon Consideration of the Evidence adduced before him on the Petition for Inquiry, and of the Circumstances of the Case, so far as they are before him, to be unnecessary or inexpedient that the Inquiry should be before a Jury, and he accordingly does not in his Order for Inquiry direct the Return of a Jury, then the Masters shall, by virtue of their General Commission, and under such Order for Inquiry, but without a Jury, personally examine the alleged Lunatic, and take such Evidence, upon Oath or otherwise, and call for such Information, as they may think fit or the Lord Chancellor intrusted as aforesaid may direct, in order to ascertain whether or not the alleged Lunatic is of unsound Mind, and shall certify their Finding thereon.

Cases where a Jury may be dispensed with.

XLIII. Where the Lord Chancellor intrusted as aforesaid, under such Circumstances as herein-before mentioned, does not in his Order for Inquiry direct the Return of a Jury, but the Masters acting under the Commission, upon Consideration of the Evidence before them, certify to him that in their Opinion an Inquiry before a Jury is expedient, they shall, without further Order, issue their Precept to the Sheriff, and shall proceed in like Manner in all respects, and their Proceedings shall be as valid and effectual, to all Intents and Purposes, as if the Lord Chancellor intrusted as aforesaid had directed the Return of a Jury in the first instance.

Jury to be had, if Masters certify that it is expedient.

XLIV. Where the Masters certify that the alleged Lunatic is of unsound Mind, and incapable of managing himself or his Affairs, or that he is of unsound Mind, and incapable of managing himself or his Affairs, and has been so from a Time past, or, on the contrary, certify that the alleged Lunatic is of sound Mind, and capable of managing himself and his Affairs, the Certificate shall be and be deemed to be an Inquisition, and be of the same Force and Effect, to all Intents and Purposes, and be returned, filed, and proceeded on in the same Manner in all respects as an Inquisition taken upon the Oath of a Jury.

Certificate of Masters without a Jury to be deemed an Inquisition.

XLV. Where the alleged Lunatic is not within the Jurisdiction the Inquiry shall be before a Jury, and no further or other Notice shall be necessary to be given to him than he would have been entitled to receive if this Act had not been passed.

Jury to be had if Lunatic out of Jurisdiction.

Lord Chancellor may regulate Number of Jury.

XLVI. The Lord Chancellor may from Time to Time, by Order, regulate the Number of Jurors to be sworn, but so that every Inquisition upon the Oath of a Jury be found by the Oaths of Twelve Men, at the least.

Inquiry not to be carried back, except under Special Order.

XLVII. The Inquiry, whether with or without a Jury, shall, as far as relates to the State of Mind of the alleged Lunatic, be confined to the Question whether or not the alleged Lunatic is of unsound Mind, and incapable of managing himself or his Affairs, at the Time of the Inquiry, except where the Lord Chancellor intrusted as aforesaid, under special Circumstances, shall direct that there be also an Inquiry from what Time the alleged Lunatic has been of unsound Mind, and incapable of managing himself or his Affairs, or shall direct that there be also an Inquiry whether or not the alleged Lunatic was of unsound Mind, and incapable of managing himself and his Affairs, at a previous Time specified, and thenceforth down to the Time of the Inquiry.

Commissioner, with Jury, to have certain Powers.

XLVIII. The Person executing an Inquiry with a Jury shall, while so employed, have all the like Powers, Authorities, and Discretion as a Judge of a Court of Record.

The foregoing Provisions prospective only.

XLIX. The foregoing Provisions "with respect to the Inquisition" shall apply only where the Petition for Inquiry is presented after the Commencement of this Act; and every Petition for Inquiry theretofore presented, and on which an Order has not then been made, shall, with respect to the Inquisition, be proceeded on as if this Act had not been passed.

Nothing to preclude the Lord Chancellor from issuing a Special Commission.

L. Nothing in this Act contained shall be taken to preclude the Lord Chancellor from issuing a Commission specially in any Case of alleged Lunacy, or from issuing a Commission directed to any fit Person or Persons, in addition to the Masters, or One of them, if he shall upon any Occasion deem it proper to do so; and the foregoing Provisions shall be deemed to extend to every Commission so issued specially, or so directed as aforesaid, so far as they may be applicable.

Reference in other Acts shall apply to General Commission hereby authorized to be issued.

LI. Where in any Act of Parliament, Order or Rule of Court, or Instrument whatsoever, Reference is made to a Commission in the Nature of a Writ De lunatico inquirendo, or the Inquisition thereon, the General Commission hereby authorized to be issued, and such Inquisition, or Certificate operating as an Inquisition, as is hereby authorized to be made and returned, shall be deemed to be intended by or comprehended in the Reference.

Inquisition and Supersedeas may be transmitted from and to Ireland and England, and be acted upon there respectively.

LII. Where it is desired that an Inquisition taken on a Commission issued under, or a Writ of Supersedeas thereof issued under, the Great Seal of the United Kingdom or under the Great Seal of *Ireland* respectively, should be acted upon in *Ireland* or in *England* respectively, the proper Officer may, under Order of the Lord Chancellor of *Great Britain*, or the Lord Chancellor of *Ireland*, as the Case may be, transmit a Transcript of the Record of the Inquisition, or of the Writ, to the Chancery of *Ireland* or of *England*, as the Case may be, which Transcript shall thereupon be entered and be of Record there respectively, and shall, when so entered of Record, and if and so long only as the Lord Chancellor of *Ireland* intrusted as aforesaid, and the Lord Chancellor of *Great Britain* intrusted as aforesaid, as the Case may be, shall see fit, be acted upon by them respectively, and be of the same Validity and Effect, to all Intents and Purposes, as if the Inquisition had been taken on a Commission issued under, or the Writ of Supersedeas had been issued under, the Great Seal of *Ireland* or of the United Kingdom respectively.

'And whereas Proceedings under Commission confer larger and more effectual Powers 'for the due Protection, Care, and Management of the Persons and Estates of Persons of 'unsound Mind than Proceedings under the Act of the Session of Parliament holden in the 'Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred, Sections 'Ninety-four to Ninety-eight (both inclusive), and the Expenses of Proceedings under 'Commission will be much diminished by this Act:' Be it therefore further enacted as follows:

Proceedings under 8 & 9 Vict. c. 100. to be discontinued.

LIII. It shall not be lawful for the Lord Chancellor intrusted as aforesaid to direct that One of the Masters shall make such Examination as by the Ninety-fifth Section of the last-mentioned Act is authorized in any Case in which a Petition or a Report upon which such Direction

Direction of the Lord Chancellor intrusted as aforesaid might be founded shall not have been presented or made before the Commencement of this Act.

Inquiry may be ordered on Report of Commissioners.

LIV. Where the Commissioners in Lunacy for the Time being shall after the Commencement of this Act, by virtue of any Authority for the Time being enabling them in that Behalf, report to the Lord Chancellor intrusted as aforesaid that they are of opinion that the Property of any Person alleged to be a Lunatic, or detained or taken charge of as a Lunatic, but not so found by Inquisition, is not duly protected, or that the Income thereof is not duly applied for his Benefit, or to the same Effect, the Report shall be filed with the Registrar, and shall be deemed and taken to be tantamount to an ordinary Petition for Inquiry supported by Evidence, and the alleged Lunatic shall have Notice of the Report from such Person as the Lord Chancellor intrusted as aforesaid shall from Time to Time direct, and the Case shall proceed and be conducted as nearly as may be in all respects as is herein-before directed upon the Presentation of a Petition for Inquiry.

Proceedings after Inquisition.

And with respect to certain of the Proceedings after Inquisition, be it further enacted as follows:

Evidence may be oral, &c.

LV. The Masters may direct that the Evidence in the Matter of a Lunatic or on any particular Proceeding in the Matter be taken orally, or partly orally and partly by Affidavit, and it shall be so taken accordingly.

Masters may administer Oaths and take Recognizances.

LVI. The Masters may, in the Matter of a Lunatic or alleged Lunatic, administer an Oath to any Witness, whether his Deposition or Affidavit is to be used before themselves or not, and Recognizances may be taken and acknowledged before them.

Swearing of Affidavits in the Colonies, &c.

LVII. The Provisions of the Act of the last Session of Parliament, Chapter Eighty-six, Sections Twenty-two, Twenty-three, and Twenty-four, respecting Affidavits made in Causes or Matters depending in the High Court of Chancery, shall be and the same are hereby extended so as to be applicable, *mutatis mutandis*, to Affidavits made in Matters in Lunacy.

Form of Affidavits.

LVIII. Every Affidavit to be used in a Matter in Lunacy shall be taken and expressed in the First Person of the Deponent, and shall be divided into Paragraphs numbered consecutively, and respectively confined, as nearly as may be, to distinct Portions of the Subject Matter.

Short Form of Affidavit for Verification of Documents, as in Schedule III.

LIX. Where an Affidavit is required for verifying all or some of the Statements contained in a Petition, State of Facts, Proposal, or other Document, the Affidavit may be annexed or under written thereto, and may be in the Form set forth in the Third Schedule hereunder written, with such Variations as the Circumstances may require; and where the aforesaid Form is, in the Opinion of the Taxing Master, applicable, no further or greater Costs of any Affidavit shall be allowed on Taxation than would be allowed for an Affidavit in the aforesaid Form.

Witnesses may be cross-examined orally.

LX. Every Person giving Evidence by Affidavit shall be liable to oral Cross-examination by or before the Masters, in the same Manner as if the Evidence given by him in his Affidavit had been given by him orally before the Masters, and after Cross-examination may be re-examined orally by or on behalf of the Person filing the Affidavit; and every Person giving Evidence by Affidavit shall be bound to attend before the Masters, to be so cross-examined and re-examined, upon receiving due and proper Notice, and Payment or Tender of his reasonable Expenses, in like Manner as if he had been duly served with a Writ of Subpœna ad testificandum before an Examiner of the High Court of Chancery; and the Expenses attending on such Cross-examination and Re-examination shall be paid in the first instance by the Parties respectively, in like Manner as if the Witness cross-examined were the Witness of the Party cross-examining, and shall on Taxation be ultimately borne and paid by the Estate, or the Parties respectively, or One of them, as the Lord Chancellor intrusted as aforesaid shall direct.

How Expenses to be paid.

Masters may issue Advertisements.

LXI. The Masters shall be at liberty to cause to be issued from Time to Time such Advertisements as may to them seem expedient with reference to the Subject Matter of a Proposal or Inquiry.

LXII. The

Masters to approve of Security to be given by Committee of Estate.

LXII. The Masters shall, instead of Her Majesty's Attorney General, approve, on behalf of Her Majesty, of the Security to be from Time to Time given by the Committee of the Estate, under Order of the Lord Chancellor intrusted as aforesaid; and the Acts of the Masters with respect to the Security and to the Grant of the Custody shall have the same Force and Effect to all Intents and Purposes as the Acts of Her Majesty's Attorney General with respect to the same Matters now have.

If Her Majesty do not by Her Warrant direct Grant of Custody to be under Great Seal, Order of Lord Chancellor shall have the same Effect.

LXIII. In case Her Majesty shall think fit to authorize the Lord Chancellor intrusted as aforesaid to make Orders from Time to Time for the Custody of Persons already found or who may hereafter be found Idiots or Lunatics as aforesaid, and of their Estates, without requiring that any Grant or Commitment of such Custody should be passed under the Great Seal, then any Order to be made by the Lord Chancellor intrusted as aforesaid in pursuance of such Authority shall (as to the Custody of the Person immediately, and as to the Custody of the Estate upon the Masters Certificate of Completion of the Committee's Security) have the same Force and Validity as a Grant and Commitment of the Custody of such Idiots or Lunatics and their Estates would have had in case the same had been made under the Great Seal, by virtue of any Authority for that Purpose given by Her Majesty to the Lord Chancellor intrusted as aforesaid, and the Provisions of this Act respecting the Grant shall be deemed to extend to any Order to be made as aforesaid.

Masters may authorize Payment or Transfer into Court of Money or Stock as Security for Committee.

LXIV. Where it is desired and the Masters [illegible]hat the approved Committee of the Estate should, in lieu of giving Security in the M[illegible]er now usual by Bond or Recognizance with Sureties, give Security, in the whole or in [illegible]art, by bringing into Court an adequate Sum of Money or Stock, the Masters may by Certificate direct or give Liberty for the Payment into the Bank of *England*, with the Privity of the Accountant General of the Court of Chancery, to the Credit of the Matter of the Lunatic, of any Sum of Money, or the Transfer into the Name and with the Privity of the said Accountant General, in trust in the Matter of the Lunatic, of any Sum of Stock, and may specify the Account to which the Sum of Money or Stock is to be placed, and may direct how any Money is to be invested, or how any Dividends are to be applied, and such Payment, Transfer, Investment, and Application, as the Case may require, shall be made by virtue of such Certificate, and the said Accountant General shall declare the Trust of the Sum of Money or Stock when so paid or transferred accordingly, subject to the Order of the Lord Chancellor intrusted as aforesaid.

Masters may receive and deliver out Deeds, &c. of Lunatic, and authorize Payment or Transfer into Court of Money or Stock belonging to Lunatic.

LXV. Where it appears expedient, either with a view to the Reduction of the Amount of the Security of the Committee of the Estate, or for any other Reason, the Masters may without Order receive or deliver out any Deed or Security belonging to the Lunatic, and may by Certificate direct or give Liberty for the Payment into the Bank of *England*, with the Privity of the Accountant General of the Court of Chancery, to the Credit of the Matter of the Lunatic, of any Sum of Money belonging to the Lunatic, or the Transfer into the Name and with the Privity of the said Accountant General, in trust in the Matter of the Lunatic, of any Sum of Stock belonging to the Lunatic, and such Payment or Transfer, as the Case may require, shall be made by virtue of such Certificate, and the said Accountant General shall declare the Trust of the Sum of Money or Stock when so paid or transferred accordingly, subject to the Order of the Lord Chancellor intrusted as aforesaid.

Grant of Custody may be extended to surviving or continuing Committees in certain Cases.

LXVI. Where the Masters find and report that several Persons are the most fit Persons to be appointed the Committees of the Estate or of the Person, and they are of opinion that it is expedient that One or more of the same several Persons should continue to be the Committee or Committees after the Death or Discharge of the others or other of them, and such Persons are willing so to continue, the Masters may report accordingly; and where the Report is confirmed the approved Committees of the Estate may perfect their Securities in such Form as to extend to the Acts and Defaults of One or more of them, in accordance with the Report, and thereupon the Grant of the Custody of the Estate or of the Person (as the Case may be) shall be made conformably with the Order of Custody; and the continuing or surviving Committee or Committees to whom separately the Grant extends shall and may continue until further Order to act after the Death or Discharge of the others or other of them, with all the like Powers, Authorities, and Discretions, and subject to all the like Liabilities, as the original Committees.

LXVII. The

LXVII. The Masters Allowance of the Account of a Committee for Receiver shall be signified under their Hands and be written under the Account, but no Certificate shall be made, except where it may be specially required with a view to Payment of Money into Court or for some other Purpose. Form of Allowance of Accounts.

LXVIII. Where the Masters are of opinion that any small Expenses included in the Committee's or Receiver's Account have been properly and reasonably incurred for the Benefit or Enjoyment of the Lunatic, or the Improvement, Security, or Advantage of his Estate, and there is no Opposition to the Allowance thereof, but it may not be competent to them to allow the same to the Committee or Receiver without the Sanction of the Lord Chancellor intrusted as aforesaid, they shall distinguish the Items by some Mark in their Allowance of the Account, which shall be made subject to the Approval of the Lord Chancellor intrusted as aforesaid, and the Account as passed by the Masters shall be submitted by them to the Lord Chancellor, without Petition, for his Allowance or Disallowance in respect of the Items so distinguished by them. Masters to distinguish Items in Account which they cannot allow, and the Account to be submitted to Lord Chancellor.

LXIX. The Masters shall be at liberty, without an Order of Reference, to receive any Proposal and conduct any Inquiry respecting the managing, repairing, setting, or letting of the Estate, and to report thereon. Masters to receive Proposals in certain Cases.

LXX. The Masters shall also be at liberty, without an Order of Reference, to receive any Proposal and conduct any Inquiry relating to the Estate, not respecting the managing, repairing, setting, or letting hereof, and any Proposal or Inquiry whatsoever relating to the Person, and to report thereon respectively, if and when they shall be of opinion that if Application were made to the Lord Chancellor intrusted as aforesaid concerning the Matter of any such Proposal or Inquiry a Reference thereon would be made to the Masters. Masters may receive Proposals in other Cases.

LXXI. Where the Masters, without an Order of Reference, receive any Proposal or proceed in any Inquiry relating to the Estate, not respecting the managing, repairing, setting, or letting thereof, or any Proposal or Inquiry whatsoever respecting the Person, any Person attending before them shall be at liberty to apply by Petition to the Lord Chancellor intrusted as aforesaid, as he may be advised; and thereupon the Masters shall, pending the Application, cease from proceeding on the Proposal or in the Inquiry, unless the Lord Chancellor intrusted as aforesaid otherwise direct. Persons objecting to Masters receiving Proposal may apply to Lord Chancellor.

LXXII. Where the Masters, without an Order of Reference, receive and proceed on a Proposal or conduct an Inquiry, but arrive at the Opinion that the Proposal ought not to be adopted and carried into effect, or that the Inquiry was unnecessary, they shall be at liberty to certify whether or not, regard being had to the Circumstances, the Proposal or Inquiry was proper to be made; and if they certify in the affirmative, usual and proper Costs of the Proposal or Inquiry and Proceedings thereon shall be allowed on Taxation by virtue of their Certificate, but if they certify in the negative the Lord Chancellor intrusted as aforesaid shall direct by whom and in what Manner the Costs shall be paid and borne. Masters may certify as to Propriety of Proposal with regard to Costs.

LXXIII. Where any Person requires that the Masters should report on a Proposal which they have received and proceeded on without an Order of Reference, notwithstanding their Opinion that it should not be adopted and carried into effect, the Masters shall report on the Proposal, and the Report shall be brought before the Lord Chancellor intrusted as aforesaid by Petition, who shall make such Order upon the Report and respecting the Costs as to him shall under the Circumstances seem just. Person insisting on Report liable to Costs.

LXXIV. Where an Application is made by Petition to the Lord Chancellor intrusted as aforesaid, either concerning a Matter which might have been brought before the Masters in the first instance, or in consequence of the Masters receiving any Proposal or proceeding in any Inquiry relating to the Estate or the Person, the Lord Chancellor intrusted as aforesaid may make such Order respecting the Costs of the Application and of the consequent Proceedings as to him shall, under the Circumstances, seem just. On Application not being made to Masters, Costs may be ordered to be paid.

LXXV. Subject to the Provisions herein-after contained, the Masters shall, as soon as may be after the Return of the Inquisition, and may afterwards from Time to Time as they may think it expedient, inquire and certify who are the next of Kin, and subject to the Provisions Masters to inquire as to next of Kin, and they are to have

Notice of Proceedings.

visions herein-after contained, due Notice of attending on the Proceedings in the Matter shall be given to the Persons for the Time being found to be the next of Kin.

No Inquiry as to next of Kin where Property exempted from Fees.

LXXVI. Where the Lord Chancellor intrusted as aforesaid, by virtue of the Power herein-before given, exempts the Property of a Lunatic from Payment of Fees and Per-centage, the Masters shall not during the Continuance of the Exemption inquire respecting his next of Kin, without Special Order

Lord Chancellor may dispense with or limit Inquiry as to next of Kin.

LXXVII. The Lord Chancellor intrusted as aforesaid may in any Case by Order defer an Inquiry respecting next of Kin, or direct that the Inquiry shall be carried on to such limited Extent only, and under such Restrictions and Provisions, and in such Manner, as he may under the Circumstances of the Case think expedient, and may, where he deems it just and expedient, order that Persons alleging themselves to be next of Kin be left to make out their Claim at their own Expense, and may in any Case, if from the Smallness of the Property of the Lunatic, (although it be not such as to entitle it to Exemption from Payment of Fees and Per-centage,) he think it safe and just, by Order wholly dispense with the Inquiry.

Masters to report where Inquiry as to next of Kin inexpedient.

LXXVIII. Where the Masters are of opinion that by reason of the Smallness of the Property of a Lunatic or for any other Reason an Inquiry or a subsequent Inquiry (as the Case may be) respecting next of Kin should be dispensed with or deferred, or be carried on to a limited Extent only, they shall report accordingly.

Masters may dispense with strict Proof of Pedigree in certain Cases.

LXXIX. Where the Masters, in conducting an Inquiry respecting next of Kin, without any special Direction of the Lord Chancellor intrusted as aforesaid concerning the Mode of conducting the same, are of opinion that the Circumstances of the Case render it expedient and safe that strict Proof of Pedigree should not be gone into, they may dispense with the same to such Extent and in such Manner as may to them seem expedient, and may require and receive such Evidence as may appear to them sufficient and satisfactory respecting the Family and the next of Kin, and shall certify the Mode in which they have conducted the Inquiry.

Lord Chancellor may dispense with Attendance of next of Kin.

LXXX. The Lord Chancellor intrusted as aforesaid may, by Order, dispense with and disallow the Attendance on the Proceedings in the Matter of all or some of the next of Kin either wholly, or except at their own Expense, or except upon special Leave first obtained, as he shall under the Circumstances think expedient; and such Notice only of attending on the Proceedings shall be given as shall be conformable with the Order of the Lord Chancellor intrusted as aforesaid.

Masters to determine which of next of Kin to attend before them, and to certify, and the same only to attend before Lord Chancellor.

LXXXI. Subject to the Provisions herein-before contained, the Masters shall once in the Matter of each Lunatic, and may afterwards from Time to Time as they think it expedient, determine whether any One or more, and if any, how many and which, of the next of Kin is or are to attend on the Proceedings or on any particular Proceeding before them in the Matter (but exclusively, as at present, of the Heir-at-Law, with respect to Notice of or Attendance on the Account of the Committee of the Estate), and the Person or Persons alone (if any) to whom the Masters have given Liberty to attend shall be entitled to Notice of or shall be allowed to attend, at the Cost of the Estate, on any Proceeding, or on such particular Proceeding as aforesaid, (as the Case may be,) before the Masters, except upon their special Leave first obtained; and the same Person or Persons alone (if any) to whom the Masters have given Liberty to attend on the Proceedings before them in the Matter generally shall be entitled to Notice of or shall be allowed to attend, at the Cost of the Estate, on any Proceeding before the Lord Chancellor intrusted as aforesaid, except upon his special Leave first obtained, and for that Purpose the Masters shall, from Time to Time as Occasion may require, certify who is or are the Person or Persons (if any) to whom they have given Liberty to attend on the Proceedings before them in the Matter generally.

Masters may appoint Guardian for Lunacy.

LXXXII. Where an Infant, being One of the next of Kin, and being at liberty to attend on the Proceedings, has no Guardian, the Masters may from Time to Time, by Certificate, appoint a fit Person to be his Guardian for the Purposes of the Lunacy, who shall thereupon, for the Purposes of the Lunacy only, and not further or otherwise, have all the same Powers, Authorities, and Discretion as if he had been duly constituted Guardian by the Court of Chancery;

Chancery; and the Masters may, from Time to Time, by Certificate, revoke any such Appointment, and appoint another fit Person to be the Guardian, *toties quoties*.

In Cases of Members of same Family, Proceedings may be consolidated, and Evidence interchanged.

LXXXIII. The Masters may, where it seems expedient, consolidate or carry on together similar Proceedings before them in the Matters of several Persons being Members of the same Family, and may in that Case, and also where it does not seem expedient that the Proceedings should be consolidated or carried on together, use in the Matter of One Member of a Family Evidence filed or taken in the Matter of another Member or other Members of the same Family, when and so far as it may be applicable.

Masters may open and deliver out Will.

LXXXIV. The Masters may, on being satisfied of a Lunatic's Death, without Order, open and read any Paper Writing deposited with them, and purporting or alleged to be his Will, for the Purpose of ascertaining who is therein nominated Executor thereof, and also whether or not there is any and what Direction therein contained concerning his Funeral or Place of Interment, and then deliver the same to the Registrar or other proper Officer of the Prerogative or other proper Ecclesiastical Court, to the Intent that the same may be exhibited in the usual Course, and dealt with according to Law, and shall certify the Death, and the opening and delivering out of the Paper Writing accordingly.

Masters may inquire respecting Interest in Stock of Lunatic residing out of Jurisdiction.

LXXXV. The Masters shall be at liberty, without Order of Reference, to inquire and report whether or not any Person residing out of *England* and *Wales*, and where, has been declared idiot, lunatic, or of unsound Mind, and whether or not his Personal Estate, or some and what Part thereof, has been vested in a Curator or other and what Person appointed for the Management thereof, according to the Laws of the Place where the Person is residing, and whether or not any and what Stock, Portion of the Capital Stock, or Share of any and what Company or Society, is standing in the Name of or is vested in that Person, and what is his Interest therein.

Masters may direct Times, &c. of proceeding before them.

LXXXVI. Subject to the Provisions of this Act, and to the General Orders in Lunacy for the Time being in force, and to any Order of the Lord Chancellor intrusted as aforesaid, the Masters may, if they think fit, dispense with any Summons ordinarily taken out in the Course of the Proceedings before them, and direct and require any Party attending before them to take out a Summons for a particular Purpose or within a particular Time, and fix the Time at which any particular Summons shall be returnable before them, or at or within which any Proceeding necessary or proper to be taken before them shall be taken, and may proceed *de die in diem* or adjourn the Proceedings before them, as they may see fit.

Masters to inquire into Delays.

LXXXVII. The Masters shall from Time to Time inquire into the Circumstances of any Delay in the Conduct of Proceedings before them, or in proceeding upon their Reports, Certificates, or Decisions, and for that Purpose may call before them all Parties concerned, and may report accordingly, where it seems expedient.

Masters may disallow Costs.

LXXXVIII. The Masters may, by Certificate, disallow, wholly or in part, the Costs of any Proceeding or Document taken or used or proposed to be taken or used before them; and the Costs of the Attendance of Counsel before them shall not be allowed on Taxation, unless they certify that such Attendance was proper, and for the Security or Advantage of the Lunatic or his Estate.

Documents not to be of unnecessary Length.

LXXXIX. The Affidavits, Petitions, and other Documents brought in to the Offices of the Masters or Registrar shall not contain unnecessary Recitals or Statements of Proceedings or Documents previously taken or used in the Matter; and the Taxing Masters shall look into all such Affidavits, Petitions, and other Documents as aforesaid, and deal in such Manner as to them seems just with the Costs of any Affidavit, Petition, or other Document appearing to them to be unnecessary or improper, in the whole or in part, or of unnecessary Length.

Masters may report Decision pending Inquiry.

XC. The Masters shall be at liberty to report specially to the Lord Chancellor intrusted as aforesaid any Decision at which they may arrive, or any other Matter relating to any Inquiry or Proposal pending before or under Consideration by them, in order to obtain a Decision or Direction by or from him for their Guidance in the further Prosecution of the Inquiry or Consideration of the Proposal.

Form of Reports.

XCI. The Masters Reports shall be divided into Paragraphs numbered consecutively, and respectively confined, as nearly as may be, to distinct Portions of the Subject Matter, and with such appropriate Headings prefixed to all or any of the Paragraphs as may be convenient.

Reports to be filed with Registrar in Lunacy only.

XCII. The Reports of the Masters, whether confirmed by Fiat or not, under the Provisions herein-after contained, and their Certificates, and all other Reports and Certificates made in Matters in Lunacy, (except the Reports of the Visitors herein-after provided for,) shall be left by the Masters, Taxing Masters, and other Officers making the same respectively, with the Registrar in Lunacy, by whom the same shall be filed, and it shall not be necessary that they or any of them should be filed elsewhere; and the Accountant General of the Court of Chancery, and all other Persons, and the Governor and Company of the Bank of *England*, shall, as Occasion may require, act upon or in relation to any Report, and the Fiat thereon (if any), or any Certificate so filed, in like Manner as if the Report or Certificate had been filed also in the Report Office of the Court of Chancery, according to the Practice formerly used.

Objections to Report may be brought in.

XCIII. Any Person objecting to a Draft Report of the Masters, and desiring to prosecute the Objection, shall bring in before the Masters a Statement of Objections in Writing, and thereupon the Masters shall be at liberty to review the Draft objected to; and after Review, or the Refusal of the Masters to review, the Person objecting may bring in before the Masters a Notice in Writing, stating that he insists on the Objections or any One or more of them; and all the Objections not so insisted on shall be considered as abandoned.

No Petition against Confirmation, but Objections to be brought forward on Petition for Confirmation.

XCIV. No Person shall, except upon special Leave of the Lord Chancellor intrusted as aforesaid first obtained, present a Petition against the Confirmation of a Report, but in every Case, on the Hearing of the Petition for Confirmation of the Report, any Objections insisted on as aforesaid may be brought forward in opposition to the Confirmation of the Report, without any Exceptions or Cross Petition.

Reports not objected to may be confirmed without Petition.

XCV. Where no Statement of Objections is brought in, or all the Objections contained in a Statement brought in are abandoned, the Report shall be submitted to the Lord Chancellor intrusted as aforesaid, for Confirmation, without Petition, and without the Attendance of Parties, except where from the special Nature or Circumstances of the Case the Masters are of opinion that the Report ought to be brought before the Lord Chancellor intrusted as aforesaid by Petition, and by Endorsement on the Report under their Hands shall so direct accordingly.

Such Reports to contain consequential Directions, and Fiat of Lord Chancellor to give them Operation of Orders.

XCVI. Where a Report is to be submitted for Confirmation without Petition it shall contain the Directions consequential on the Confirmation thereof, and the Fiat of the Lord Chancellor intrusted as aforesaid on the Report shall give it the Operation of an Order of the Lord Chancellor intrusted as aforesaid, made upon Petition, subject to such other Directions and Provisions (if any) as the Lord Chancellor intrusted as aforesaid may think fit.

Cases in which Reports shall not be confirmed without Petition.

XCVII. The Reports of the Masters shall be brought before the Lord Chancellor intrusted as aforesaid, for Confirmation, by Petition, in each of the Cases following:—

1. Where the Lord Chancellor intrusted as aforesaid, on referring a Matter to the Masters to inquire and report, so directs;
2. Where a Statement of Objections is brought in, and all the Objections are not abandoned;
3. Where the Masters, having regard to the special Nature or Circumstances of the Case, as herein-before provided, so direct;
4. Where no Order is made on the Report being submitted for Confirmation without Petition;

And in such other Cases as are herein mentioned, and as the Lord Chancellor, with the Advice and Assistance aforesaid, shall from Time to Time by General Order direct.

Orders.

And with respect to Orders in Lunacy, be it further enacted as follows:

Form of Orders.

XCVIII. Every Petition shall be filed before an Order thereon shall be passed, and the Order shall not recite any Part of the Statements contained in the Petition, and only such Part

Part (if any) of the Prayer as may be necessary, and an Order shall not state any Part of a Report, except the Masters Conclusion or Opinion, or so much thereof as may be necessary; and the Lord Chancellor, with the Advice and Assistance aforesaid, may and shall from Time to Time make such General Orders as to him shall seem meet for embodying (as far as may be) such Provisions and Directions as are now commonly or frequently inserted in Orders, and are not provided for by this Act, and for dispensing (as far as may be) with the formal Parts of Orders as now drawn up.

Orders to be communicated to Masters.

XCIX. Every Order of the Lord Chancellor intrusted as aforesaid in a Matter in Lunacy shall be communicated by the Registrar to the Masters, whether any Matter is thereby referred to them or not.

Orders to be entered by the Registrar, and Office Copies to be furnished and signed by him.

C. Every Order made in a Matter in Lunacy by the Lord Chancellor intrusted as aforesaid, when drawn up by the Registrar in Lunacy, and signed by the Lord Chancellor intrusted as aforesaid, shall be entered by the Registrar in Lunacy in a proper Book to be provided by him for that Purpose, and he shall furnish Office Copies of any Order or of any Report, confirmed by Fiat, or of any Part thereof respectively, signed by him, and sealed or stamped with the Seal of his Office, to every Party in the Matter or other Person entitled thereto who shall require the same; and every Office Copy of the whole of an Order or Report confirmed as aforesaid, purporting to be so signed and sealed or stamped with such Seal, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted as Evidence of the Order or Report confirmed as aforesaid of which it purports to be a Copy, without any further Proof thereof.

Money Orders to be acted upon by Accountant General as if drawn up by the Registrar of the Court of Chancery.

CI. Where an Order or a Report confirmed by Fiat relates to the Payment, Transfer, carrying over, or depositing of any Cash, Stocks, Funds, Annuities, Securities, or other Effects to or into the Name of or in the Custody of the Accountant General of the Court of Chancery to the Credit of the Matter of a Lunatic, or to the Payment, Transfer, or carrying over or other Disposal by the said Accountant General of any Cash, Stocks, Funds, Annuities, Securities, or other Effects standing in his Name or deposited in his Custody to the Credit of the Matter of a Lunatic, or of any Cash, Stocks, Funds, Annuities, Securities, or other Effects to or in which a Lunatic is entitled or beneficially interested, and which are not standing in trust in a Cause or Matter depending in the Court of Chancery, the said Accountant General, and all other Persons, and the Governor and Company of the Bank of *England*, shall act upon the Order signed by the Lord Chancellor intrusted as aforesaid, after the same has been entered as herein-before provided, or upon an Office Copy of the Report confirmed by Fiat, and thence receiving the Operation of an Order after the same has been filed as herein-before provided, in the same Manner as if an Order had been drawn up by the Registrar of the Court of Chancery, and passed and entered in the Court of Chancery according to the Practice formerly used; and the Registrar in Lunacy in case of an Order, and the Masters in case of a Report confirmed by Fiat, shall certify under their Hands respectively to the said Accountant General what Stocks, Funds, Annuities, Securities, or other Effects are by virtue of any such Order or Report confirmed as aforesaid (as the Case may be) to be sold, transferred, or delivered out, in the same Manner as the Registrars of the Court of Chancery were formerly accustomed to do.

Registrar to certify to Accountant General.

Persons forging the Signature or Seal of the Registrar guilty of Felony.

CII. If any Person shall forge the Signature of the Registrar in Lunacy, or shall forge or counterfeit the Seal of his Office, or knowingly concur in using any such forged or counterfeited Signature or Seal, or shall tender in Evidence any Document with a false or counterfeit Signature of such Registrar, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act of the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and thirteen.

These Provisions to apply to Cases under 8 & 9 Vict. c. 100. s. 95.

CIII. The foregoing Provisions "with respect to certain of the Proceedings after Inquisition," and "with respect to Orders," shall be applicable and applied, as far as may be, to the Proceedings in the Matters of Lunatics under the Protection of the Lord Chancellor intrusted as aforesaid, by virtue of Proceedings taken under the Act of the Session of Parliament

liament holden in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred, Section Ninety-five.

Visiting.

And with respect to the visiting of Lunatics, be it further enacted as follows:

Lunatics to be visited at least once a Year.

CIV. Each Lunatic shall be personally visited and seen by One at the least of the Visitors, according to the Provisions of the next following Section, once at the least in each Year, or oftener, and at such Times as the Lord Chancellor intrusted as aforesaid may direct, or, in the Absence of his Directions, as the Board of Visitors may think expedient.

Medical Visitors and future Legal Visitors to visit either together or in succession.

CV. The Medical Visitors shall continue to visit Lunatics as at present, and the Legal Visitors to be appointed after the Commencement of this Act shall also respectively visit Lunatics; and the Visits of the several Visitors shall be from Time to Time regulated as the Lord Chancellor intrusted as aforesaid may direct, or, in the Absence of his Directions, as the Board of Visitors may deem necessary or advisable, in such Manner that, as far as Circumstances will admit, every Lunatic may from Time to Time and in due Succession be visited by the Legal Visitor either alone or in Company with One of the Medical Visitors.

Visitors to report to Lord Chancellor.

CVI. The Visitors shall respectively, within a convenient Time after each Visit, make a Report in Writing to the Lord Chancellor intrusted as aforesaid of the State of Mind and bodily Health and of the general Condition and also of the Care and Treatment of each Person visited and seen by them respectively, which Reports shall, annually or oftener, as the Lord Chancellor intrusted as aforesaid may direct or the Board of Visitors may think expedient, be submitted to the Lord Chancellor intrusted as aforesaid; and the Visitors respectively shall make separate or special Reports on any Case to the Lord Chancellor intrusted as aforesaid as and when they or the Board of Visitors may think expedient, and in particular shall report to him, without Delay, any Instance in which they respectively, on proceeding to visit, have been unable to discover the then Residence of or have been by any other Circumstance prevented from actually seeing on that Occasion the Lunatic whom they intended to visit.

Visitors Reports to be kept secret and destroyed on Death, &c.

CVII. The Reports of the Visitors shall be filed and kept secret in their Office, and shall be open to the Inspection of no Person save the Members of the Board of Visitors, their Secretary and his Clerk, and the Lord Chancellor intrusted as aforesaid, and such Persons as he may specially appoint; and all the Reports relating to any particular Patient shall be destroyed on the Death of the Patient, and shall also be destroyed on the Inquisition in his Case being superseded, or being vacated and discharged on a Traverse, unless the Lord Chancellor intrusted as aforesaid, within Fourteen Days after the Supersedeas, or the vacating and Discharge on a Traverse, specially order that the same be not destroyed until the Death.

Management and Administration of Estate.

And with respect to the Management and Administration of the Estates of Lunatics, be it further enacted as follows:

Committee to appear and take Admittance to Copyholds.

In default, Lord may appoint Attorney to take Admittance.

CVIII. Where a Lunatic is entitled to be admitted Tenant of Copyhold Land, the Committee of his Estate may appear at One of the Three next Courts holden for the Manor (for the holding whereof the usual Notice shall be given), and there offer himself to be admitted Tenant in the Name and on behalf of the Lunatic; and in default of his Appearance, or of his Acceptance of Admittance, the Lord or his Steward may, after Three Courts duly holden, and Proclamations thereat regularly made, at any subsequent Court appoint any fit Person to be Attorney for the Lunatic for that Purpose only, and by that Attorney admit the Lunatic Tenant of the Land, according to such Estate as the Lunatic shall be legally entitled to therein.

Fine upon Admittance may be imposed and demanded.

CIX. The Lord or his Steward may upon the Admittance impose such Fine as might have been legally imposed if the Lunatic had been of sound Mind, which Fine may be demanded by the Lord's Bailiff or Agent, by a Note in Writing signed by the Lord or his Steward, to be left with the Committee of the Estate, or with the Tenant or Occupier of the Land.

If not paid, &c., Lord may enter, and receive Profits of the

CX. If the Fine be not paid or tendered to the Lord or his Steward within Three Months after Demand, then the Lord may enter upon and hold the Land, and receive the Rents and Profits thereof, (but without Liberty to fell any Timber standing thereon,) until he be thereby fully

fully paid the Fine, with his reasonable Costs and Charges of raising the same, and of obtaining the Possession of the Land, although the Lunatic die before the Fine and Costs and Charges have been raised; of which Rents and Profits received by the Lord, his Steward, Bailiff, or Servant, the Lord shall yearly, on Demand by the Person entitled to the Surplus thereof, after Payment of the Fine and Costs and Charges, or by the Person then entitled to the Land, render a just and true Account, and shall pay the same Surplus, if any, to the Person entitled thereto; and as soon as the Fine and Costs and Charges have been fully paid, or if, after the Lord's Entry, the Fine and Costs and Charges be lawfully tendered to him, then the Lunatic, by the Committee of his Estate or other the Person entitled, may enter upon and hold the Land, according to his Estate or Interest therein; and the Lord shall deliver Possession thereof accordingly, and if he refuse so to do he shall make Satisfaction to the Person kept out of Possession for all the Damages which he shall thereby sustain, and all his Costs and Charges of recovering Possession.

Copyhold till he is satisfied, &c.

Lord to account yearly.

and to deliver up Possession, on Satisfaction.

CXI. If the Committee pay the Fine and Costs and Charges, then he, his Executors and Administrators, may enter upon and hold the Land, and receive the Rents and Profits thereof to his and their own Use, until he and they be thereby fully paid the Amount disbursed upon that Account, although the Lunatic die before his and their Reimbursement.

Committee paying Fine may reimburse himself out of Rents.

CXII. If the Fine imposed be not warranted by the Custom of the Manor, or be unlawful, the Lunatic may controvert its Legality, as if this Act had not been made; and no Lunatic shall forfeit any Land for his Neglect or Refusal to appear at any Court, or to be admitted thereto, or to pay the Fine imposed upon his Admittance.

Unlawful Fines may be controverted.

No Forfeiture for not appearing or not paying Fine.

CXIII. Where a Lunatic is entitled to a Lease for a Life or Lives or for a Term of Years, either absolute or determinable on a Death, or otherwise, the Committee of his Estate may, in his Name and on his Behalf, under an Order of the Lord Chancellor intrusted as aforesaid, by Deed surrender the Lease, and in the Name and on behalf and for the Benefit of the Lunatic accept a new Lease of the Premises comprised in the Lease surrendered, for such Number of Lives, or for such Term of Years, either absolute or determinable as aforesaid, as was mentioned or contained in the Lease surrendered at the making thereof, or otherwise as the Lord Chancellor intrusted as aforesaid shall order.

Committee may surrender Lease, and accept Renewal.

CXIV. Every Sum of Money and other Consideration paid by a Committee or other Person, in the Nature of or as a Fine, Premium, or Income upon Renewal, and all reasonable Charges incident thereto, may be paid out of the Lunatic's Estate, or may, with Interest, be a Charge upon the Leasehold Premises, as the Lord Chancellor intrusted as aforesaid shall order.

Charges of Renewal to be charged on Estates.

CXV. Every Lease renewed shall operate and be to the same Uses, and be liable to the same Trusts, Charges, Incumbrances, Dispositions, Devises, and Conditions, as the Lease surrendered was subject to, or would have been subject to if the Surrender had not been made.

New Leases to be to the same Uses.

CXVI. Where it appears to the Lord Chancellor intrusted as aforesaid to be just and reasonable, or for the Lunatic's Benefit, he may order that any Estate or Interest of the Lunatic in Land or Stock, either in possession, reversion, remainder, contingency, or expectancy, be sold, or charged by way of Mortgage, or otherwise disposed of, as may to him seem most expedient, for the Purpose of raising Money to be applied, and may accordingly order that the Money when raised be applied, for or towards all or any of the Purposes following:

Lunatic's Property may be sold, mortgaged, &c. for Debts, Maintenance, &c.

1. The Payment of the Lunatic's Debts or Engagements;
2. The Discharge of any Incumbrance on his Estates;
3. The Payment of any Debt or Expenditure incurred or made after Inquisition, or authorized by the Lord Chancellor intrusted as aforesaid to be incurred or made, for the Lunatic's Maintenance or otherwise for his Benefit;
4. The Payment of or Provision for the Expenses of his future Maintenance;
5. The Payment of the Costs of applying for, obtaining, and executing the Inquiry, and of opposing the same;

6. The

6. The Payment of the Costs of any Proceeding under or consequent on the Inquisition, or incurred under Order of the Lord Chancellor intrusted as aforesaid; and,
7. The Payment of the Costs of any such Sale, Mortgage, Charge, or other Disposition as is hereby authorized to be made:

And the Committee of the Estate may and shall, in the Name and on behalf of the Lunatic, execute, make, and do all such Conveyances, Deeds, Transfers, and Things relative to any such Sale, Mortgage, Charge, or other Disposition as aforesaid, and for effectuating this present Provision, as the Lord Chancellor intrusted as aforesaid shall order.

Modes in which future Maintenance may be charged when Interest not in possession.

CXVII. In case of a Charge or Mortgage being made under this Act upon an Interest in contingency, or in reversion, remainder, or expectancy, for the Expenses of future Maintenance, the Lord Chancellor intrusted as aforesaid 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 he shall deem 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.

Expenses of Improvements may be charged on Estate.

CXVIII. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's Benefit, he may order that the whole or any Part of any Monies expended or to be expended under his Order for the permanent Improvement, Security, or Advantage of the Land of the Lunatic or of any particular Part thereof, shall, with Interest, be a Charge upon and be raisable out of the Lunatic's Estate and Interest in the Land or such particular Part thereof as aforesaid, but so that no Right of Sale or Foreclosure during the Lifetime of the Lunatic be given or acquired under or by virtue of the Charge; and the Interest shall be kept down during the Lunatic's Lifetime, out of the Income of his general Estate, as far as the same shall be sufficient to bear it; and the Committee of the Estate may and shall, in the Name and on behalf of the Lunatic, execute and do all such Conveyances and Things for effectuating this present Provision as the Lord Chancellor intrusted as aforesaid shall order; and such Charge may be made either to some Person advancing the Money, or if the Money is paid out of the Lunatic's general Property, to some Person as a Trustee for him, as Part of his Personal Estate.

Surplus of Monies to be of the same Nature as the Estate.

CXIX. On any Monies being raised by Sale, Mortgage, Charge, or other Disposition of Land made in pursuance of any of the foregoing Provisions, the Person whose Estate is sold, mortgaged, charged, or otherwise disposed of, and his Heirs, next of Kin, Devisees, Legatees, Executors, Administrators, and Assigns, shall have such and the like Interest in the surplus Monies remaining after the Purposes for which the Monies have been raised shall have been answered as he or they would have had in the Estate if no Sale, Mortgage, Charge, or other Disposition thereof had been made, and the surplus Monies shall be of the same Nature and Character as the Estate sold, mortgaged, charged, or otherwise disposed of; and the Lord Chancellor intrusted as aforesaid may make such Orders, and direct such Conveyances, Deeds, and Things to be executed and done (which may and shall accordingly be executed and done), as may be necessary for the effectuating this present Provision, and for the due Application of the surplus Monies.

Where Property very small, Lord Chancellor may apply same directly for Lunatic's Maintenance, without Grant, &c.

CXX. Where it is made to appear to the Lord Chancellor intrusted as aforesaid that the net Amount or net estimated Value of the Property of a Lunatic does not exceed the Sum of Five hundred Pounds Sterling, and it appears to him, having regard to the Situation and Condition in Life of the Lunatic and his Family, and the other Circumstances of the Case, to be expedient that the Amount or Value of his Property should be made available for his Maintenance in a direct and inexpensive Manner, and that the same can be safely and properly done, he may, instead of proceeding to order a Grant of the Custody of the Estate, order or allow that the Amount of the Property, if in Money or Stock, or if of any other Description the Produce thereof when realized, be paid or transferred to such Relative of the Lunatic, or such other Person as he may think proper to intrust with the Application thereof, to be by him applied in or towards the Maintenance of the Lunatic, either at his Discretion or in such Manner

Manner and subject to such Control as the Lord Chancellor intrusted as aforesaid may direct; and for the Purpose of giving effect to any such Order, the Lord Chancellor intrusted as aforesaid may order any small Real Estate or other Property of the Lunatic to be sold, and a valid Conveyance or Transfer thereof to be executed or made by such Person as he shall direct.

Where Lunacy temporary, Lord Chancellor may apply Cash arising from Income for temporary Maintenance, without Grant, &c.

CXXI. Where it appears to he Lord Chancellor intrusted as aforesaid, upon a Report of the Masters, that there is Reason to believe that the Unsoundness of Mind of any Lunatic so found by Inquisition is in its Nature temporary, and will probably be soon removed, and that it is expedient that temporary Provision should be made for the Maintenance of the Lunatic, or of the Lunatic and the Members of his immediate Family who are dependent upon him for Maintenance, and that any Sum of Money arising from or being in the Nature of Income or of ready Money belonging to the Lunatic, and standing to his Account with a Banker or Agent, or being in the Hands of any Person for his Use, is readily available and may be safely and properly applied in that Behalf, the Lord Chancellor intrusted as aforesaid may allow thereout such Amount as he may think proper for the temporary Maintenance of the Lunatic, or of the Lunatic and the Members of his immediate Family who are dependent upon him for Maintenance, and may, instead of proceeding to order a Grant of the Custody of the Estate, order or give Liberty for the Payment of any such Sum of Money as aforesaid, or any Part thereof, to such Person as he may, under the Circumstances of the Case, think proper to intrust with the Application thereof, and may direct the same to be paid to such Person accordingly, and when received to be applied, and the same shall accordingly be applied, in or towards such temporary Maintenance as aforesaid; and the Receipts in Writing of the Person named in the Order to whom Payment is to be made for any Monies payable to him by virtue thereof shall effectually discharge the Banker, Agent, or other Person paying the same from the Monies therein respectively expressed to be received, and they respectively are hereby directed to act upon and obey every such Order; and the Person so receiving any Monies by virtue of this present Provision shall pass an Account thereof before the Masters, when required.

Committee may convey Land in Performance of Contracts.

CXXII. Where a Person having contracted to sell, mortgage, let, divide, exchange, or otherwise dispose of any Land afterwards becomes Lunatic, and the Contract is not disputed, and is such as the Lord Chancellor intrusted as aforesaid thinks ought to be performed, or a specific Performance of the Contract, either wholly or so far as the same remains to be performed, has been decreed or ordered by the Court of Chancery, either before or after the Lunacy, the Committee of the Estate may, in the Name and on behalf of the Lunatic, under an Order of the Lord Chancellor intrusted as aforesaid, on the Application of the Party claiming the Benefit of the Contract with the Lunatic, or any Plaintiff in the Suit, receive and give an effectual Discharge for the Money payable to the Lunatic, or so much thereof as remains unpaid, and make such Conveyance of the Land to such Person and in such Manner as the Lord Chancellor intrusted as aforesaid may order.

Lord Chancellor may dissolve Partnership, and Committee may convey Partnership Property.

CXXIII. Where a Person, being a Member of a Copartnership Firm, becomes Lunatic, the Lord Chancellor intrusted as aforesaid may, by Order made on the Application of the Partner or Partners of the Lunatic, or of such other Person or Persons as the Lord Chancellor intrusted as aforesaid shall think entitled to require the same, dissolve the Partnership; and thereupon, or upon a Dissolution of the Partnership by Decree of the Court of Chancery, or otherwise by due Course of Law, the Committee of the Estate, in the Name and on behalf of the Lunatic, may join and concur with such other Person or Persons in disposing of the Partnership Property, as well real as personal, to such Persons, upon such Terms, and in such Manner, and may and shall execute and do such Conveyances and Things for effectuating this present Provision, and apply the Monies payable to the Lunatic in respect of his Share and Interest in the Copartnership, in such Manner as the Lord Chancellor intrusted as aforesaid shall order.

Committee may make Sale, Partition, or Exchange.

CXXIV. Where a Lunatic is seised of or entitled to an undivided Share of Land, and it appears to the Lord Chancellor intrusted as aforesaid to be for his Benefit and to be expedient that a Sale of the Land, or Part thereof, or a Partition of the Land, should be made,

made, and where a Lunatic is seised of or entitled to Land, and it appears to the Lord Chancellor intrusted as aforesaid to be for his Benefit and to be expedient that an Exchange thereof or of Part thereof, for other Land, should be made, the Committee of the Estate, in the Name and on behalf of the Lunatic, under an Order of the Lord Chancellor intrusted as aforesaid, may concur with such other Person in making such Sale or Partition, or may make such Exchange, and receive such Monies payable on the Sale, and give or receive such Monies for Equality of Partition or Exchange, or otherwise in relation thereto, as the Order may direct; and all Monies received by the Committee of the Estate upon any such Sale, Partition, or Exchange as aforesaid shall be applied and disposed of in manner directed in Section One hundred and thirty-five of this Act respecting the Fines, Premiums, and Sums of Money therein mentioned; and the Land taken in Exchange shall be held and assured (as nearly as may be) to the same Uses, and upon the same Trusts, and subject to the same Powers and Provisions (if any), to, upon, and subject to which the Land given in Exchange was held; and the Committee of the Estate may and shall, in the Name and on behalf of the Lunatic, execute and do all such Conveyances and Things for effectuating this present Provision as the Lord Chancellor intrusted as aforesaid shall order.

Committee may sell Land for Building Purposes.

CXXV. Where a Lunatic is seised of or entitled to Land in Fee Simple, and it appears to the Lord Chancellor intrusted as aforesaid to be for his Benefit that the same or any Part thereof should be made available for Building Purposes, and that to that end the same should, in lieu of being demised for long Terms of Years, be absolutely sold, he may order the same to be sold accordingly, to such Persons, in such Quantities, upon such Terms, and in such Manner as to him may seem expedient, and the Monies arising thereby shall be applied and disposed of in manner directed in Section One hundred and thirty-two of this Act respecting the surplus Monies therein mentioned; and the Committee of the Estate may and shall, in the Name and on behalf of the Lunatic, execute and do all such Conveyances and Things for effectuating this present Provision as the Lord Chancellor intrusted as aforesaid shall order.

Committee may assign Business Premises.

CXXVI. Where a Lunatic has been engaged in a Trade or Business, and it appears to the Lord Chancellor intrusted as aforesaid to be for the Benefit of the Lunatic or his Estate that the Business Premises should be disposed of, the Committee of the Estate may, in the Name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, make such Conveyance of the Messuages, Buildings, or Hereditaments of or belonging to the Trade or Business, or used in connexion therewith, according to the Lunatic's Estate and Interest in the same, to such Person, and shall apply the Monies arising thereby in such Manner, as the Lord Chancellor intrusted as aforesaid shall order.

Committee may dispose of undesirable Lease.

CXXVII. Where a Lunatic is entitled to a Lease for a Life or Lives or for a Term of Years, either absolute or determinable on a Death or otherwise, or to an Under-lease, of whatsoever Nature, and it appears to the Lord Chancellor intrusted as aforesaid to be desirable and for the Benefit of the Lunatic or his Estate that the Lease or Under-lease should be disposed of, the Committee of the Estate may, in the Name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, surrender, assign, or otherwise dispose of the Lease or Under-lease, to such Person, for such valuable or nominal or other Consideration, upon such Terms, by such Conveyances, and in such Manner, and shall apply the Monies (if any) arising thereby in such Manner, as the Lord Chancellor intrusted as aforesaid shall order.

Committee may make Agreements under 1 G. 1. c. 10.

CXXVIII. The Committee of the Estate of a Lunatic may, with the Approbation of the Lord Chancellor intrusted as aforesaid, signified by Order on the Application of the Committee, enter into any Agreement for or on behalf of the Lunatic which the Guardian of an Infant might have entered into for or on behalf of the Infant by virtue of the Act passed in the Session of Parliament holden in the First Year of the Reign of King *George* the First, Chapter Ten, if so much of that Act as related to Agreements of Guardians for or on behalf of Infants or Idiots under their Guardianship had not been repealed by the Act passed in the Session of Parliament holden in the First Year of the Reign of King *William* the Fourth, Chapter Sixty-five, Section Twenty-five.

CXXIX. Where

CXXIX. Where a Lunatic is seised or possessed of or entitled to Land in Fee or in Tail, or to Leasehold Land for an absolute Interest, and it appears to the Lord Chancellor intrusted as aforesaid to be for his Benefit that a Lease or Under-lease should be made thereof for Terms of Years, for encouraging the Erection of Buildings thereon, or for repairing Buildings actually being thereon, or otherwise improving the same, or for farming or other Purposes, the Committee of the Estate may, in the Name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, make such Lease of the Land or any Part thereof, according to the Lunatic's Estate and Interest therein, and to the Nature of the Tenure thereof, for such Term or Terms of Years and subject to such Rents and Covenants as the Lord Chancellor intrusted as aforesaid shall order.

Committee may make Building and other Leases, subject to such Covenants as Lord Chancellor shall order.

CXXX. Where a Lunatic is seised or possessed of or entitled to Land in Fee or in Tail, and it appears to the Lord Chancellor intrusted as aforesaid to be for his Benefit that any Mine or Quarry already opened in, upon, or under the Land should be worked, the Committee of the Estate may, in the Name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, make such Lease of the Mines, Quarries, Minerals, Stones, and Substances, in, upon, or under the Land, either with or without any Land convenient to be held therewith, and with or without the Surface, to such Person, for such Term or Terms of Years, and subject to such Rents, Royalties, Reservations, Covenants, and Agreements, and in such Manner and Form, as the Lord Chancellor intrusted as aforesaid shall order.

Committee may make Leases of Mines already opened.

CXXXI. Where a Lunatic is seised or possessed of or entitled to Land in Fee or in Tail, and it appears to the Lord Chancellor intrusted as aforesaid either to be necessary for the Maintenance of the Lunatic and the Members of his immediate Family for whom Provision is directed to be made, or to be expedient in a due Course of Management, that any Mine or Quarry, being in, upon, or under the Land, should be opened and worked, the Committee of the Estate may, in the Name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, make such Lease of the Mines, Quarries, Minerals, Stones, and Substances in, upon, or under the Land, although not already opened or worked, and either with or without any Land convenient to be held therewith, and with or without the Surface, to such Person, for such Term or Terms of Years, and subject to such Rents, Royalties, Reservations, Covenants, and Agreements, and in such Manner and Form, as the Lord Chancellor intrusted as aforesaid shall order.

Committee may, where necessary for Maintenance of Lunatic, or expedient, make Leases of Mines unopened.

CXXXII. Where the Lord Chancellor intrusted as aforesaid makes any such Order as in and by the last preceding Section is authorized to be made, by reason of its appearing to him to be necessary for the Maintenance of the Lunatic and such Members of his immediate Family as aforesaid, that the Mine or Quarry should be opened and worked, then the Monies arising thereby shall be applied in or towards such Maintenance as aforesaid, in such Manner as the Lord Chancellor intrusted as aforesaid shall direct; but in such Case the Surplus thereof, and in every other Case all the Monies so arising, shall be carried to a separate Account, and may be applied for or towards all or any of the Purposes for which Monies are herein-before authorized to be raised by Sale of the Lunatic's Estate, or in such other Manner for the Lunatic's Benefit as the Lord Chancellor intrusted as aforesaid shall direct; and upon the Lunatic's Death the Monies remaining on the Credit of such separate Account shall, as between the Representatives of his Real and of his Personal Estate, be considered as Real Estate.

Produce of newly-opened Mines, where necessary for Lunatic's Maintenance, to be so applied; otherwise to be carried to separate Account, and be considered Real Estate.

CXXXIII. Where a Lunatic has a limited Estate only in Land, and any Power whatsoever of leasing the same is vested in him, the Committee of his Estate may and shall from Time to Time, in the Name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, execute the Power, to such Extent and in such Manner as the Order shall direct; and all Fines, Premiums, and Sums of Money (if any) received for or upon the granting of any Lease under this present Provision shall be applied and disposed of in manner directed in Section One hundred and thirty-five of this Act respecting the Fines, Premiums, and Sums of Money therein mentioned.

Committee may execute leasing Powers of Lunatic having limited Estate.

Committee may accept Surrender, and make new Lease.

CXXXIV. Where a Lunatic is entitled or has a Right to renew, and either it would be for his Benefit to renew, or he might, in pursuance of any Covenant or Agreement, if not under Disability, be compelled to renew, a Lease made for a Life or Lives, or for a Term of Years, either absolute or determinable on a Death or otherwise, the Committee of his Estate may, in his Name, under an Order of the Lord Chancellor intrusted as aforesaid, upon the Application of the Committee, or of any Person entitled to the Renewal, accept a Surrender of the Lease, and make and execute a new Lease, of the Premises comprised in the Lease surrendered, for such Number of Lives, or for such Term or Terms of Years determinable upon such Number of Lives, or for such Term or Terms of Years absolute, as was or were mentioned or contained in the Lease surrendered at the making thereof, or otherwise as the Lord Chancellor intrusted as aforesaid shall order, but so that no renewed Lease be executed by virtue of this Act, in pursuance of any Covenant or Agreement, unless the Fine (if any) or such other Sum of Money (if any) as ought to be paid on Renewal, and such Things (if any) as ought to be performed in pursuance of the Covenant or Agreement by the Lessee or Tenant, be first paid and performed, and a Counterpart be duly executed by the Lessee.

Fines, how to be paid.

On Death of Lunatic, Quality of Money arising by Fines.

CXXXV. All Fines, Premiums, and Sums of Money received upon Renewal shall, after Deduction of all necessary incidental Charges and Expenses, be paid to the Committee of the Estate, and be applied for the Lunatic's Benefit as the Lord Chancellor intrusted as aforesaid shall order; but upon the Lunatic's Death all such Monies as have arisen by such Fines, Premiums, or Sums of Money, or so much thereof as then remains unapplied for his Benefit, shall, as between the Representatives of his Real and of his Personal Estate, be considered as Real Estate, unless the Lunatic be Tenant for Life only, and then the same shall be considered as Personal Estate.

Committee may exercise Power vested in Lunatic for his own Benefit, or give Consent.

CXXXVI. Where a Power is vested in a Lunatic for his own Benefit, or the Consent of a Lunatic is necessary to the Exercise of a Power, and such Power of Consent is in the Nature of a beneficial Interest in the Lunatic, and it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's Benefit, and also to be expedient, that the Power should be exercised or the Consent given (as the Case may be), the Committee of the Estate may, in the Name and on Behalf of the Lunatic, under an Order of the Lord Chancellor intrusted as aforesaid, made upon the Application of the Committee of the Estate, exercise the Power or give the Consent, as the Case may be, in such Manner as the Order shall direct.

Committee may exercise Power vested in Lunatic in Character of Trustee or Guardian, &c.

CXXXVII. Where a Power is vested in a Lunatic in the Character of Trustee or Guardian, or the Consent of a Lunatic to the Exercise of a Power is necessary in the like Character, or as a Check upon the undue Exercise of the Power, and it appears to the Lord Chancellor intrusted as aforesaid to be fit and expedient that the Power should be exercised or the Consent given (as the Case may be), the Committee of the Estate, in the Name and on behalf of the Lunatic, under an Order of the Lord Chancellor intrusted as aforesaid, made upon the Application of any Person interested in the Exercise of the Power, may exercise the Power or give the Consent, as the Case may be, in such Manner as the Order shall direct.

Appointment of new Trustees under Power to have Effect of Appointments by Court of Chancery, and like Orders may be made as under Trustee Act, 1850.

CXXXVIII. Where under this Act the Committee of the Estate, under Order of the Lord Chancellor intrusted as aforesaid, exercises, in the Name and on behalf of the Lunatic, a Power of appointing new Trustees vested in the Lunatic, the Person or Persons who shall, after and in consequence of the Exercise of the Power, be the Trustee or Trustees, shall have all the same Rights and Powers as he or they would have had if the Order had also been made by the Court of Chancery, under the Trustee Act, 1850, or any Act amending the same, or if he or they had been appointed by Decree of that Court in a Suit duly instituted; and the Lord Chancellor intrusted as aforesaid may in any such Case, where it seems to him to be for the Lunatic's Benefit, and also expedient, make any and every such Order respecting the Land or Stock or Choses in Action subject to the Trust as might have been made in the same Case under the Provisions of the Trustee Act, 1850, or any Act amending the same, on the Appointment thereunder of a new Trustee or new Trustees.

Deeds, &c. executed under this Act to be as valid as if Lu-

CXXXIX. Every Surrender, Lease, Agreement, Deed, Conveyance, Mortgage, or other Disposition granted, accepted, made, or executed by virtue of this Act shall be as valid and legal to all Intents and Purposes as if the Person in whose Name or Place or on whose Behalf

the same was granted, accepted, made, or executed had been of sound Mind, and had granted, accepted, made, or executed the same. natic had been of sound Mind.

CXL. Where any Stock is standing in the Name of or is vested in a Lunatic beneficially entitled thereto, or is standing in the Name of or vested in a Committee of the Estate of a Lunatic, in trust for the Lunatic, or as Part of his Property, and the Committee dies intestate, or himself becomes lunatic, or is out of the Jurisdiction of or not amenable to the Process of the Court of Chancery, or it is uncertain whether the Committee be living or dead, or he neglects or refuses to transfer the Stock, and to receive and pay over the Dividends thereof, to a new Committee, or as he directs, for the Space of Fourteen Days next after a Request in Writing for that Purpose made by a new Committee, then the Lord Chancellor intrusted as aforesaid may order some fit Person to transfer the Stock to or into the Name of a new Committee, or into the Name of the Accountant General of the Court of Chancery, or otherwise, and also to receive and pay over the Dividends thereof, or such Sum or Sums of Money and in such Manner as the Lord Chancellor intrusted as aforesaid may order. Stock belonging to Lunatic may be ordered to be transferred.

CXLI. Where any Stock, or any Portion of the Capital Stock, or any Share of any Company or Society, whether transferable in Books or otherwise, is standing in the Name of or vested in a Person residing out of *England* and *Wales*, the Lord Chancellor intrusted as aforesaid, upon Proof to his Satisfaction that the Person has been declared idiot, lunatic, or of unsound Mind, and that his Personal Estate has been vested in a Curator or other Person appointed for the Management thereof, according to the Laws of the Place where he is residing, may order some fit Person to make such Transfer of the Stock, or such Portion of the Capital Stock or Share as aforesaid, or any Part or Parts thereof respectively, to or into the Name of the Curator or other Person appointed as aforesaid, or otherwise, and also to receive and pay over the Dividends thereof, as the Lord Chancellor intrusted as aforesaid may think fit. Stock in Name of Lunatic residing out of England and Wales may be ordered to be transferred.

CXLII. Where an Order is made under this Act for the Transfer of Stock, the Person to be named in the Order for making the Transfer shall be some proper Officer of the Company or Society in whose Books the Transfer is to be made; and where the Transfer is to be made in Books kept by the Governor and Company of the Bank of *England*, the Officer to be named shall be the Secretary or Deputy Secretary, or Accountant General or Deputy Accountant General for the Time being, of the said Governor and Company. Who shall be appointed to make Transfer.

CXLIII. All Transfers and Payments made in pursuance of this Act shall be valid and binding to all Intents and upon all Persons whomsoever. Transfers, &c. to be binding.

CXLIV. This Act shall be a full Indemnity and Discharge to the Governor and Company of the Bank of *England*, their Officers and Servants, and all other Persons respectively, for all Acts and Things done or permitted to be done pursuant thereto, which Acts and Things respectively shall not be questioned or impeached in any Court of Law or Equity to their Detriment. Indemnity to Bank of England, &c.

CXLV. The Lord Chancellor intrusted as aforesaid may order the Costs and Expenses of and relating to the Petitions, Applications, Orders, Directions, Conveyances, and Transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the Land or Stock, or the Rents or Dividends in respect of which the same respectively shall be made, in such Manner as he may think proper. Costs may be paid out of Estate.

CXLVI. Nothing in this Act contained shall extend to subject any Part of a Lunatic's Property to the Debts or Demands of his Creditors, further or otherwise than as the same is now subject thereto by due Course of Law. Act not to subject Lunatic's Property to Debts.

CXLVII. The Powers and Authorities given by this Act to the Lord Chancellor intrusted as aforesaid shall extend to all Land and Stock within any of the Dominions, Plantations, and Colonies of Her Majesty (except *Scotland* and *Ireland*). Powers to extend to Colonies, &c.

And with respect to the Traverse of an Inquisition, be it further enacted as follows:— *Traverse.*

CXLVIII. Any Person desiring to traverse may, within the Three Months next after the Day of the Return of the Inquisition, present a Petition for that Purpose to the Lord Petitions for Traverse to be presented,

within a limited Time.

Chancellor intrusted as aforesaid, who is hereby required to hear and determine the Petition, and shall, in his Order upon it for a Traverse, limit a Time, not exceeding Six Months from the Date of the Order, within which the Person desiring to traverse and all other proper Parties are to proceed to Trial of the Traverse, and who may by the same or any other Order direct that the Person desiring to traverse, not being the Person the Object of the Inquisition, shall, within the Three Weeks next after the Date of the Order, give sufficient Security to and to the Satisfaction of the Masters for all proper Parties proceeding to Trial within the Time to be limited as aforesaid.

Persons not petitioning, or not proceeding to Trial within limited Time, barred.

CXLIX. Every Person having Right to traverse who shall not within the Time herein-before limited present his Petition for that Purpose, or who shall refuse or neglect to give such Security as aforesaid, or who shall not proceed to Trial within the Time to be limited as aforesaid, and his Heirs, Executors, and Administrators, and all others claiming by, through, or under him, shall be absolutely barred of his and their Right of Traverse, unless the Lord Chancellor intrusted as aforesaid shall, under the special Circumstances of any particular Case, think fit, upon Petition for that Purpose, to allow the Traverse to be had or tried after the Time by this Act limited, in all which special Cases the Lord Chancellor intrusted as aforesaid may make such Orders as to him shall seem just.

Lord Chancellor may direct new Trials.

No Person shall traverse oftener than once.

CL. If the Lord Chancellor intrusted as aforesaid be dissatisfied with the Verdict returned upon a Traverse, he may order One or more new Trial or Trials thereon, as to him shall seem meet, and as is usual in Cases of Issues directed by the Court of Chancery; but no Person shall be admitted to traverse oftener than once.

Lord Chancellor may, notwithstanding Traverse, make Orders for Management of Person and Estate.

CLI. The Lord Chancellor intrusted as aforesaid and the Masters may from Time to Time, after the Return of the Inquisition, and notwithstanding a Petition or Order depending relative to a Traverse thereof, make such Orders and do such Acts relative to the Custody and Commitment of the Person, and the Commitment, Management and Application of the Estates and Effects of the Person the Object of the Inquisition, as he or they shall think necessary or proper (inclusive of the Imposition and levying of Fees and Per-centage as herein-before provided); and all Things done by any Person appointed Committee of the Person or Estate, or by any other Person, shall be as valid and effectual, and all Committees and other Persons respectively, and their respective Heirs, Executors, and Administrators, are hereby indemnified in respect of all such Things as aforesaid from and against all Actions, Suits, and Proceedings, Damages, Costs, Charges, and Expenses, to be brought, commenced, had, or recovered by the Person the Object of the Inquisition, his Heirs, Executors, or Administrators, or any other Person whomsoever, as fully and effectually as if the Inquisition had not been traversable, but not further or otherwise.

Supersedeas.

And with respect to the Supersedeas of an Inquisition, be it further enacted as follows:

Inquisition may be superseded upon Terms.

CLII. Where any Person has been found of unsound Mind by Inquisition, but the Question of Unsoundness of Mind is disputed, and Liberty to traverse has been applied for, and whether granted or not, and it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's Benefit and also to be expedient that the Inquisition should be superseded on Terms and Conditions, and subject to an Arrangement respecting the Lunatic's Estate, he may, upon the Consent of the Lunatic and of the Person entitled or claiming to traverse, and of such other Persons, if any, whose Consent he may deem necessary, order the Inquisition to be superseded on such Terms and Conditions to be fulfilled by the Lunatic or such other Person, and subject to such Arrangement respecting the Lunatic's Estate, as he may under the Circumstances of the Case think proper, and may by the same or any other Order direct the Lunatic and any other Persons, being consenting Parties to the Arrangement, to execute, make, and do, before or after the issuing of the Writ of Supersedeas, and he and they shall accordingly execute, make, and do, all such Conveyances, Transfers, and Things as may to the Lord Chancellor intrusted as aforesaid seem necessary or proper for or for securing the Fulfilment of such Terms and Conditions and the Completion of such Arrangement as aforesaid, and generally may make such Orders as to him may seem proper for effectuating this present Provision; and all Conveyances, Transfers, and Things executed, made, and done under any such Order of the Lord Chancellor intrusted as aforesaid, either before or after the issuing of the Writ of Supersedeas, shall be

as valid and binding to all Intents and upon all Persons whomsoever as if the Lunatic had not been found or had not been of unsound Mind, but not further or otherwise.

General Orders.

And be it declared and further enacted as follows:

Power to Lord Chancellor to make General Orders.

CLIII. The Lord Chancellor, with the Advice and Assistance aforesaid, may from Time to Time make such Orders as to him shall seem meet for carrying into effect the Purposes of this Act, and for regulating the Form and Mode of Proceeding before and by the Masters and the Practice in Matters in Lunacy, and for regulating the Duties of the several Officers in Lunacy, and, so far as to him may seem expedient, for altering the Course of Proceeding herein-before prescribed in respect of the Matters to which this Act relates, or any of them; and any such Order as aforesaid may be from Time to Time rescinded or varied by the like Authority; and every such Order as aforesaid which shall alter the Course of Proceeding herein-before prescribed in respect of the Matters to which this Act relates, or any of them, shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament be then assembled, and if not then within Fourteen Days after the Meeting of Parliament then next following; and if either House of Parliament shall, by Resolution, passed within Thirty-six Days next after any such Order as aforesaid has been laid before it, resolve that the whole or any Part thereof ought not to continue in force, in that Case the whole Order or the Part of the Order specified in the Resolution (as the Case may be) shall from and after the passing of the Resolution cease to be binding.

The SCHEDULES above referred to.

SCHEDULE I.—(Section I.)

The ACTS REPEALED by this Act, wholly or in part.

Date of Act.	Title of Act.	Extent of Repeal.
6 Geo. 4. c. 53. [22d June 1825.]	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.	The whole Act, except so far as it relates to Ireland.
1 Wm. 4. c. 65. [23d July 1830.]	An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind.	So much of the Act as relates to or affects Idiots, Lunatics, and Persons of unsound Mind, or their Property, except so far as it relates to Ireland, but excluding from this Exception Section 41. which is in Substance re-enacted by this Act.
3 & 4 W. 4. c. 36. [24th July 1833.]	An Act for diminishing the Inconvenience and Expense of Commissions in the Nature of Writs De lunatico inquirendo, and to provide for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind, found such by Inquisition.	The whole Act.
3 & 4 W. 4. c. 84. [28th Aug. 1833.]	An Act to provide for the Performance of the Duties of certain Offices connected with the Court of Chancery which have been abolished.	So much of the Act as relates to the Office or Place of "The Secretary of Lunatics."

Date of Act.	Title of Act.	Extent of Repeal.
5 & 6 Vict. c. 84. - [5th August 1842.]	An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs De lunatico inquirendo.	The whole Act, except Sections 10, 12, and 16, which relate to the Abolition of an Office, and to the Suitors Fee Fund, and to certain Compensations.
15 & 16 Vict. c. 48. - [30th June 1852.]	An Act for the Amendment of the Law respecting the Property of Lunatics.	Sections 1, 2, and 3, except so far as the same relate to Ireland.
15 & 16 Vict. c. 87. - [1st July 1852.]	An Act for the Relief of the Suitors of the High Court of Chancery.	Sections 14, 30, 31, 32, and 33, all which are in Substance re-enacted by this Act.

SCHEDULE II.—(Section VI.)

The OATH of the MASTERS.

I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts given to and reposed in me as One of the Masters in Lunacy, and that without Favour or Affection, Prejudice or Malice. So help me GOD.

SCHEDULE III.—(Section LIX.)

SHORT FORM of AFFIDAVIT.

In the Matter of *A.B.*, a Person of unsound Mind.

I, *C.D.*, the Petitioner named in the above-written [*or* annexed, *as the Case may be,*] Petition, [*or* the Person bringing in the above-written (*or* annexed) State of Facts, *&c.*] make Oath and say, That so much of the above-written Petition, *&c.* [*as before*] as relates to my own Acts and Deeds is true, and so much thereof as relates to the Acts and Deeds of any and every other Person I believe to be true.

Sworn, *&c.*

CAP. LXXI.

An Act to amend the Law relating to the Stamp Duties upon Newspapers.

[15th *August* 1853.]

6 & 7 W. 4. c. 76.

'WHEREAS an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter Seventy-six, and by the Schedule to the said Act annexed it is declared that the following Papers (amongst others) shall be deemed and taken to be Newspapers chargeable with the Duties by the said Act granted on Newspapers; that is to say, any Paper containing any Public News, Intelligence, or Occurrences, or any Remarks or Observations thereon, printed in any Part of the United Kingdom for Sale, and published periodically, or in Parts or Numbers at Intervals not exceeding Twenty-six Days between the Publication of any Two such Papers, Parts, or Numbers, where any of the said Papers, Parts, or Numbers respectively shall not exceed Two Sheets of the Dimensions herein-after specified (exclusive of any Cover or Blank Leaf or any other Leaf upon which any Advertisement or other Notice shall be printed),

' or