



Lunacy Regulation (Ireland) Act 1871

1871 CHAPTER 22

Visiting

56 Duties of visitors.

It shall be the duty of the medical and legal visitors to visit persons of unsound mind within the meaning of this Act at such times and in such rotation and manner, and to make such inquiries and investigations as to their care and treatment and mental and bodily health, and the arrangements for their maintenance and comfort, and otherwise respecting them, as the Lord Chancellor shall by general orders, or as the Lord Chancellor intrusted as aforesaid shall by special order in any particular case, from time to time direct.

57 All lunatics to be visited four times a year.

Provided always, that from and after the first day of August next, every lunatic shall be personally visited and seen by one of the medical or legal visitors four times at least in every year, and such visits shall be so regulated as that the interval between successive visits to any such lunatic shall in no case exceed four months ; provided always, that lunatics who are resident in licensed houses, asylums, or registered hospitals shall not necessarily be visited by any of the said visitors more than once in the year, unless the Lord Chancellor intrusted as aforesaid shall otherwise direct.

58 Visitors to report to Lord Chancellor.

The medical 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, and the legal visitors shall report upon such matters as they shall be directed to inquire into, which reports shall, annually or oftener, as the Lord Chancellor intrusted as aforesaid may direct, 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 may think expedient, and in particular shall report to him, without

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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.

59 Visitors reports to be kept secret, and destroyed on death, &c.

The reports of the visitors shall be filed and kept secret in the office of the registrar, and shall be open to the inspection of no person save 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.

60 Committee may surrender lease, and accept renewal.

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.

61 Charges of renewal to be charged on estates.

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.

62 New leases to be to the same uses.

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.

63 Lunatic's property may be sold, mortgaged, &c., for debts, maintenance, &c.

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:

1. The payment of the lunatic's debts or engagements ;
2. The discharge of any incumbrance on his estates ;

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3. The payment of any debt or expenditure incurred or made after inquisition, or authorised 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 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 authorised 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.

64 Power to charge lunatic's property for his maintenance, debts, and costs.

Where it appears to the Lord Chancellor intrusted as aforesaid to be for the lunatic's benefit, he may by order direct any estate or interest of the lunatic in land or stock, either in possession, reversion, remainder, contingency, or expectancy, and either existing or which may exist at any future time, to stand and be charged with any moneys advanced or to be advanced, or due or to become due, to any person for or in respect of any of the purposes or matters mentioned in the 69th section of this Act, and either with or without interest on such moneys; and he may also by order direct any such estate and interest to be dealt with and disposed of in such manner as he shall consider expedient for any of the purposes aforesaid, or for securing any moneys advanced or to be advanced for such purposes or any of them, and with or without interest for the same; and every charge and disposition directed or made by or in pursuance of any such order shall be valid and effectual to all intents and purposes and shall take effect accordingly, subject only to any prior charge to which the estate or interest affected thereby may at the date of such order be subject.

65 Modes in which future maintenance may be charged when interest not in possession.

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.

66 Expenses of improvements may be charged on estate.

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 moneys 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

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charge upon and be raiseable 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.

67 Surplus of moneys to be of the same nature as the estate.

On any moneys 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 moneys remaining after the purposes for which the moneys 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 moneys 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 moneys.

68 Power to Lord Chancellor, where property of lunatic does not exceed £2,000 in value, or £100 per annum, to apply it for his benefit in a summary manner, without inquisition.

Where it is established to the satisfaction of the Lord Chancellor intrusted as aforesaid that any person is of unsound mind and incapable of managing his affairs, and that his property does not exceed two thousand pounds in value, or that the income thereof does not exceed one hundred pounds per annum, the Lord Chancellor intrusted as aforesaid may, without directing any inquiry under a commission of lunacy, make such order as he may consider expedient for the purpose of rendering the property of such person, or the income thereof, available for his maintenance or benefit, or for carrying on his trade or business; provided nevertheless, that the alleged insane person shall have such personal notice of the application for such order as aforesaid as the Lord Chancellor shall by general order to be made as after mentioned direct.

69 Power to sell land or other property of lunatic for his benefit.

For the purpose of giving effect to any such order as is mentioned in the last preceding section, the Lord Chancellor intrusted as aforesaid may order any land, stock, or other property of such person as aforesaid to be sold, charged by way of mortgage, or otherwise disposed of, and a conveyance, transfer, charge, or other disposition thereof to be executed or made by any person on his behalf, and may order the proceeds of any such sale, charge, or other disposition, or the dividends or income of such land, stock, or property, to be paid to any relative of such insane person, or to such other person as it may be considered proper to trust with the application thereof, to be by him applied in the maintenance or for the benefit of the insane person, or of him and his family,

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either at the discretion of such relative or person, or in such manner, and subject to such control, and with or without such security for the application thereof, as the Lord Chancellor intrusted as aforesaid may direct; and for the purpose above mentioned the Lord Chancellor intrusted as aforesaid shall have all the same powers with respect to the transfer, sale, and disposition of, and otherwise respecting the real and personal property of such person as aforesaid as if he had been found lunatic by inquisition.

70 Power to apply property of persons acquitted on the ground of insanity for their benefit.

Where any person has, on the trial of any indictment, been acquitted on the ground of insanity, or found to be insane, it shall be lawful for the Lord Chancellor intrusted as aforesaid, on being satisfied by affidavit or otherwise of the continued insanity of such person and of his being still in confinement, to make any such order with respect to the property of such person, and the application thereof for his maintenance or benefit, or that of his family, or for carrying on his trade or business, as is mentioned in the two last preceding sections of this Act.

71 Where lunacy temporary, Lord Chancellor may apply cash arising from income for temporary maintenance, without grant, &c.

Where it appears to the Lord Chancellor intrusted as aforesaid 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 appoint a committee of his estate or receiver, 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 moneys payable to him by virtue thereof shall effectually discharge the banker, agent, or other person paying the same from the moneys 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 moneys by virtue of this present provision shall pass an account thereof before the master, when required.

72 Committee may convey land in performance of contracts.

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

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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.

73 Lord Chancellor may dissolve partnership, and committee may convey partnership property.

Where a person, being a member of a co-partnership 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 moneys payable to the lunatic in respect of his share and interest in the co-partnership, in such manner as the Lord Chancellor intrusted as aforesaid shall order.

74 Committee may make sale, partition, or exchange.

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, 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 moneys payable on the sale, and give or receive such moneys for equality of partition or exchange, or otherwise in relation thereto, as the order may direct; and all moneys 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 eighty-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.

75 Committee may sell land for building purposes.

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

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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 moneys arising thereby shall be applied and disposed of in manner directed in section eighty-five of this Act respecting the surplus moneys 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.

76 Committee may assign business premises.

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 moneys arising thereby in such manner, as the Lord Chancellor intrusted as aforesaid shall order.

77 Committee may dispose of undesirable lease.

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 moneys (if any) arising thereby in such manner, as the Lord Chancellor intrusted as aforesaid shall order.

78 Committee may make building and other leases, subject to such covenants as Lord Chancellor shall order.

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.

79 Committee may make leases of mines already opened.

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

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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.

80 Committee may, where necessary for maintenance of lunatic, or expedient, make leases of mines unopened.

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.

81 Lord Chancellor, in matters of lunacy, enabled to empower committees of estates to grant leases binding on issue or remaindermen.

Where a lunatic is seised of or entitled to land in tail, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit, 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 any such leases of the land or any part thereof as in the last three preceding sections of this Act are mentioned, and every such lease shall be good and effectual in law against the lunatic and his heirs, and all persons claiming the lands entailed by force of any estate tail which shall be vested in such lunatic, and also against all persons, including the Queen's most Excellent Majesty, her heirs and successors, whose estates are to take effect after the determination of or in remainder or reversion expectant upon such estate tail, according to such estate as is comprised and specified in every such lease, in like manner as the same would have been good and effectual in law if the lunatic at the time of the making of such leases had been lawfully seised of the same lands comprised in such lease of a pure estate in fee simple to his own use, and had been of sound mind, and not the subject of a commission of lunacy, and had himself granted such lease; and every person to whom from time to time the reversion expectant upon the lease shall belong after the death of the lunatic shall and may have such and the like remedies and advantages, to all intents and purposes, against the lessee, his executors, administrators, and assigns, as the lunatic or his committee would or might have had against him or them.

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82 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.

Where the Lord Chancellor intrusted as aforesaid makes any such order as in and by the eightieth section is authorised 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 moneys 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 moneys so arising, shall be carried to a separate account, and may be applied for or towards all or any of the purposes for which moneys are hereinbefore authorised 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 moneys 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.

83 Committee may execute leasing powers of lunatic having limited estate.

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 eighty-five of this Act, respecting the fines, premiums, and sums of money therein mentioned.

84 Committee may accept surrender, and make new lease.

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 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.

85 Fines, how to be paid. On death of lunatic, quality of money arising by fines.

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

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shall order; but upon the lunatic's death all such moneys 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.

86 Committee may exercise power vested in lunatic for his own benefit or give consent.

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.

87 Committee may exercise power vested in lunatic in character of trustee or guardian, &c.

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.

88 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.

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.

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89 Deeds, &c. executed under this Act to be as valid as if lunatic had been of sound mind.

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.

90 Stock belonging to lunatic may be ordered to be transferred.

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.

91 Stock in name of lunatic residing out of Ireland may be ordered to be transferred.

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 Ireland in the name of and beneficially vested in a person residing out of Ireland, 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.

92 Who shall be appointed to make transfer.

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 Ireland, 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 or company.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

93 All deeds, transfers, payments, &c. made in pursuance of this Act to be valid and binding.

Every conveyance, transfer, charge, or other disposition made or executed by virtue of this Act, and every payment made in pursuance of this Act, shall be valid to all intents, and binding upon all persons whomsoever; and this Act shall be a full indemnity and discharge to the Governor and Company of the Bank of Ireland, their officers and servants, and all other persons respectively, for all acts and things done or permitted to be done in pursuance thereof, or of any order of the Lord Chancellor intrusted as aforesaid made or purporting to be made under this Act; and such acts and things respectively shall not be questioned or impeached in any court of law or equity to their detriment.

94 Costs may be paid out of estate.

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.

95 Act not to subject lunatic's property to debts.

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.

96 Powers to extend to colonies, &c.

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 England, Wales, and Scotland).