

**Lunacy practice / by N. Arthur Heywood and Arnold S. Massey.**

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# LUNACY PRACTICE.

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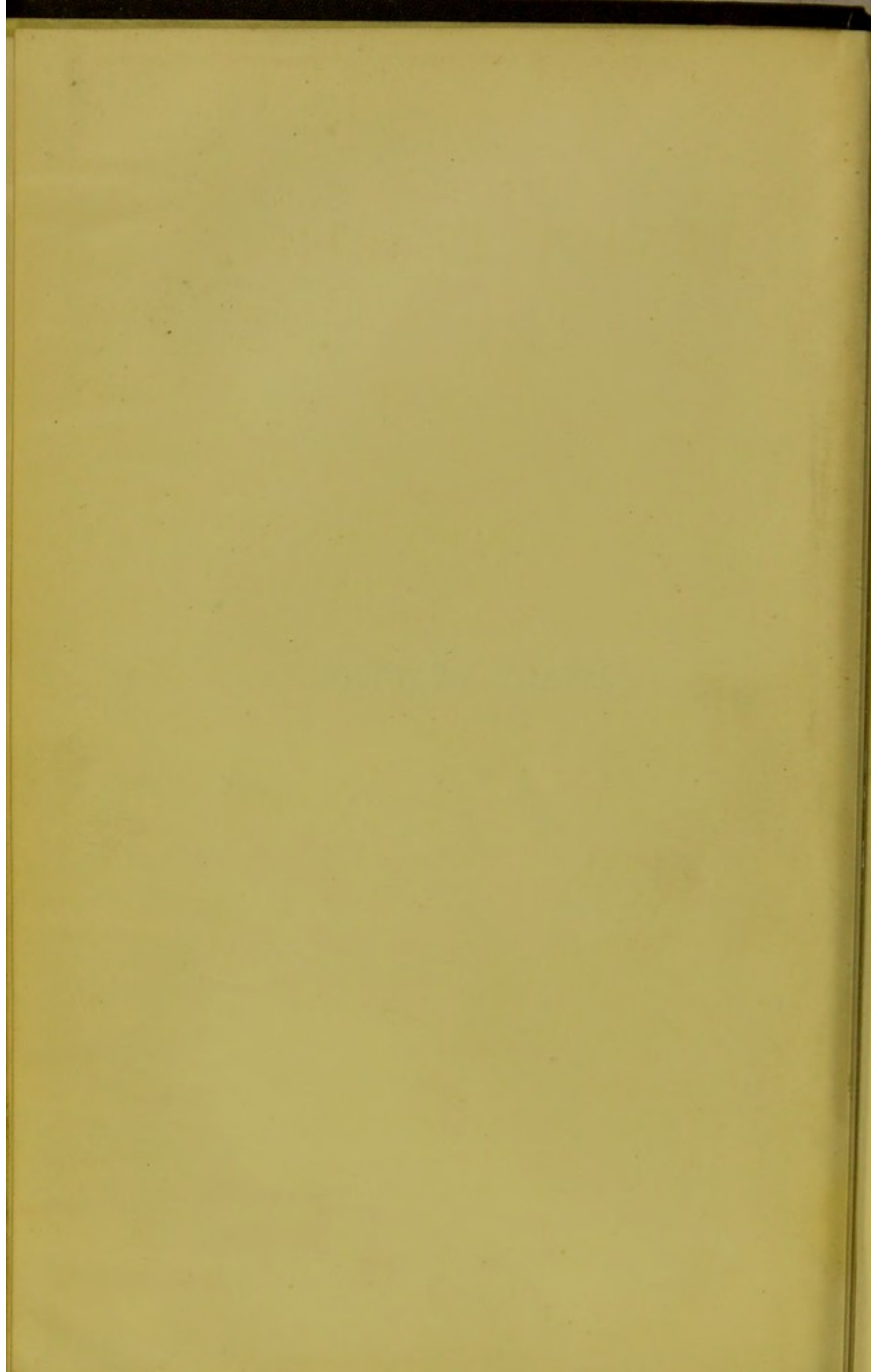
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LUNACY PRACTICE.





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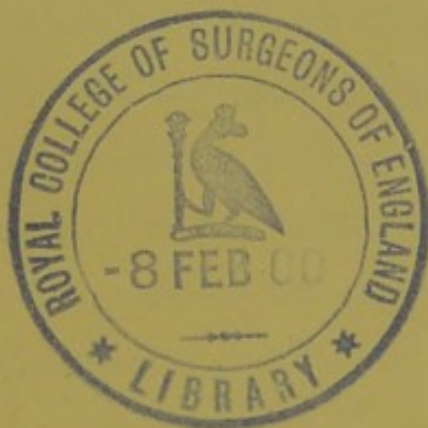
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## PREFACE.

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THE fact, evidenced by statistics as well as by the vast asylums erected throughout the country, that the number of persons mentally afflicted is increasing leads to the inevitable conclusion that a knowledge of the Practice in Lunacy must be of increasing importance to Solicitors. They must frequently be consulted by relatives and friends of Patients as to what steps ought to be taken for the safety of the Patient's person and for the protection and administration of his estate. In some instances all that may be required is to provide for some temporary mental derangement, while in others (incurable cases) permanent provision must be made for the Patient and his family.

The compilers of this Handbook have arranged Precedents, with such notes on the Practice as seemed to them useful, with the object of enabling a Solicitor to advise without much difficulty what relief it is most desirable should be asked for in each individual case likely to come before him in



the course of his practice, and to see quickly what evidence is required in order to procure that relief.

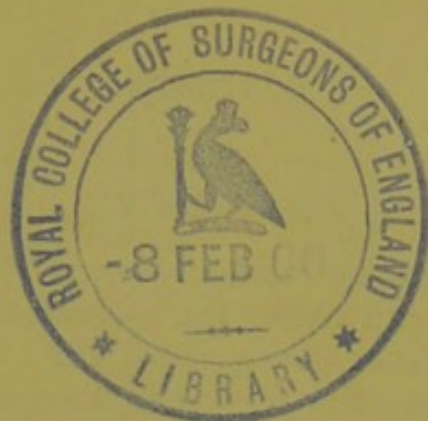
Nearly all the Precedents have been used in actual practice and have been found accurate in form and sufficient for the purpose in view, and their arrangement enables the Practitioner to see the proceedings that have to be taken in order to protect the person and property of a Lunacy Patient.

This Handbook is not intended to take the place of the larger works on the subject, but nevertheless it is hoped that it may be found useful to Solicitors and their managing clerks in the conduct of their profession.

The compilers are much indebted to Messrs. BRIDGES, SAWTELL & Co., for the loan of many valuable Precedents, and to Mr. CHARLES GARNETT, of the Chancery Bar, for some assistance and advice.

N. ARTHUR HEYWOOD,  
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*10, Norfolk Street, Strand, W.C.*



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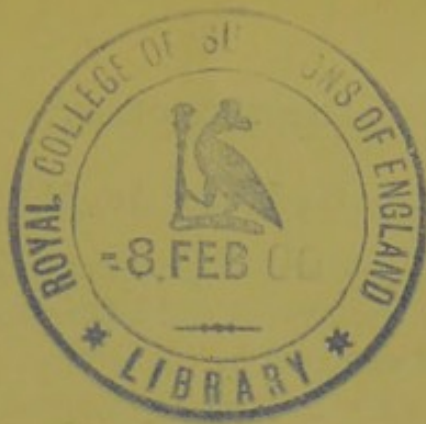
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# LUNACY PRACTICE.

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## CHAPTER I.

### PETITION OR SUMMONS—THE COMPARATIVE ADVANTAGES OF ONE OVER THE OTHER.

PROCEEDINGS for the maintenance of a person of unsound mind, or for the management of his estate, should be originated either by petition or by summons; and the object of this chapter is to explain how the selection of the right course should be made, and the advantages which one method of procedure may have over the other.

Previous to the passing of the Lunacy Act, 1890 (53 & 54 Vict. c. 5), it was necessary in every case in which an order was sought with reference to a person of unsound mind or his estate to present a petition for an inquisition, and the delay and expense in the case of small estates were out of all proportion to the advantages gained. The old practice, moreover, absolutely compelled the branding of a person of weak intellect as a lunatic before any relation or friend could be officially appointed to protect and manage the patient and his estate. These defects were to a considerable extent remedied or removed by the Act of 1890, under the provisions of which it is now possible in certain specified cases to appoint a receiver of the patient's estate, with but little delay and expense, and without holding out the unfortunate patient for all time as a lunatic.



The 116th section of the Lunacy Act, 1890, is as follows:—

“ 116.—(1.) The powers and provisions of this part of this Act relating to management and administration apply:—

“ (a) To lunatics so found by inquisition.

“ (b) To lunatics not so found by inquisition, for the protection or administration of whose property an order has been made before the commencement of this Act.

“ (c) To every person lawfully detained as a lunatic though not so found by inquisition.

“ (d) To every person not so detained and not found a lunatic by inquisition with regard to whom it is proved to the satisfaction of the judge in lunacy that such person is through mental infirmity arising from disease or age incapable of managing his affairs.

“ (e) To every person with regard to whom it is proved to the satisfaction of the judge in lunacy by the certificate of a Master, or by the report of the Commissioners, or by affidavit or otherwise, that such 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.

“ (f) To every person with regard to whom the judge is satisfied, by affidavit or otherwise, that such person is or has been a criminal lunatic and continues to be insane and in confinement.

“ (2.) In the case of any of the above-mentioned persons not being lunatics so found by inquisition, such of the powers of this Act as are made exercisable by the committee of the estate under order of the judge, shall be exercised by such person in such manner, and with or without security as the judge may direct, and any such order may confer upon the person therein named authority to do any specified act, or exercise any specified power, or may confer a general authority to exercise on behalf of the lunatic, until further



“ order, all or any of such powers without further application to the judge.”

The results of the above enactment have been most revolutionary, although extremely beneficial, and the legislature has thereby brought into existence a new being termed the “ Receiver.”

The material provisions of this section, so far as we are at present concerned, are those contained in sub-sections (c), (d), (e), and (f), and any case which can reasonably be brought within the terms of one of these four sub-sections should be originated by summons. In all other cases a petition is still necessary.

Sub-section (c) applies to cases in which a patient is detained, generally at an asylum, under a reception order legally made by a competent authority (a). Sub-section (d) is meant to govern illnesses arising from the decay or loss of part of the brain structure, unattended by violence or danger to others, and caused by old age, overwork, excesses or other similar causes. Sub-section (e) requires no explanation. Sub-section (f) is applicable in cases where a prisoner has been indicted for some crime, and being found by a petty jury to be of unsound mind, has been ordered to be detained during Her Majesty's pleasure.

The advantages of originating proceedings by summons are:—

- (1) *Expedition*.—Probably the carrying through of a matter, if it is an unopposed petition, will take at least two months longer than the carrying through of a similar matter by summons.
- (2) *Expense* (b).—The expense of carrying through a matter by unopposed petition is generally more than 60%, whilst 30% will often represent the cost of proceedings originated by summons.

---

(a) See Rule 56 of L. R., 1892, in Appendix A.

(b) As to improper expense, see Rule 21 of L. R., 1892, in Appendix A.



- (3) *Publicity*.—In cases commenced by petition, the patient is officially found and certified to be “a person of unsound mind,” whilst on a summons he is not so found, and in proceedings under sub-section (d) the words “lunacy” or “lunatic” do not occur in the documents or papers.

A receiver appointed under the 116th section can do any act as regards the management of an estate or property that the Masters in Lunacy can, and are willing to authorise; and as the Masters have a very wide discretion, ample powers can usually be obtained from them. The authors know of one case in which a receiver appointed under sub-section (d) managed for some time a freehold and leasehold estate producing nearly 30,000*l.* per annum.

It is then suggested that proceedings should be originated by petition if, and only if, a particular case cannot reasonably be brought within the scope of either of the four above-mentioned sub-sections.

The necessary evidence in support of a summons is—

- (1) A medical affidavit.
- (2) A second ditto.
- (3) An affidavit of kindred and fortune.
- (4) An undertaking by the proposed receiver.
- (5) An affidavit of fitness of the proposed receiver.

These documents, duly sworn and completed, must be lodged at the Lunacy Office (Room 213) at the time when the summons is issued.

- (6) An affidavit of service of the summons on the patient, which should be sworn and lodged at the Lunacy Office at least one day before the return day of the summons.

The necessary evidence in support of a petition is—

- (1) A medical affidavit.
- (2) A second ditto.

- (3) An affidavit of kindred and fortune.

These affidavits should be lodged at the Lunacy Office at the same time as the petition is presented.

Then the patient will have to be served, and an—

- (4) Affidavit of service will be required.
- (5) Consent of committee of estate to act.
- (6) The like committee of person.
- (7) Affidavit of fitness of committee of estate.
- (8) The like of committee of person.

The four latter documents are usually sworn and completed after the inquiry has been held and when the patient has been found to be of unsound mind.

It is proposed in the following chapters to give specimens of the various forms above referred to and also of some others in general use. Before doing this, however, it may be well to state that as a result of Rules 16, 17 and 19 of the 1892 Lunacy Rules (*a*), applications for (a) an inquisition, (b) a traverse, (c) a supersedeas, and (d) under that portion of the Lunacy Act, 1890, which relates to vesting orders, are to be made by petition. All other applications under the Lunacy Acts, 1890 and 1891, shall, unless the judge or Master otherwise direct, be made by summons.

---

(*a*) See Appendix A. for these Rules.





*due on the property of the said John Smith, or which may accrue due from time to time, and to take such steps as may be necessary to get such property paid and transferred into Court to the credit of this matter, and to exercise the powers of a committee under section 116, sub-section 1 (d), of the Lunacy Act, 1890, and that such income, so far as it will extend, may be applied for the past and future maintenance of the said John Smith.*

- (2) *That the sum of 150l. per annum may be allowed for the maintenance of the said John Smith and his three children as and from the 1st day of January, 1900.*
- (3) *That the said applicant (with the approval of the Masters in Lunacy) may be at liberty to detain the said John Smith in his own house.*
- (4) *That the said applicant may be at liberty to carry on the business of the said John Smith until the same can be realised, and be at liberty to sell such personal property of the said patient as he may deem necessary or expedient, to compound with debtors, to sue or give receipts, to pay debts now owing out of the available capital, to employ solicitors or agents, and to take all necessary and usual steps for the above purposes or any of them.*
- (5) *That the reasonable costs, charges, and expenses of the applicant of and relating to this summons and incidental thereto may be provided for.*
- (6) *That such further or other order may be made as the Master may think fit.*

*Dated this 1st day of December, 1899.*

---

*This summons was taken out by Messrs. Deeds & Parchment, of 415, Bedford Row, in the county of London, agents for Messrs. Pens & Paper, of Manchester, in the county of Lancaster, solicitors for the applicant.*

*To the above-named John Smith.*



**Another Form of Summons.**

*In Lunacy.*

*In the matter of John Smith, a person  
alleged to be of unsound mind.*

*Let all parties concerned attend the Master in chambers at the Royal Courts of Justice, Strand, in the county of London, on Monday, the 8th day of January, 1900, at 11 o'clock in the forenoon, on the hearing of an application on the part of Thomas Smith, of 213, Whiteacre Street, in the city of London, Esq., that—*

- (1) The applicant may be appointed to exercise certain of the powers of a committee of the estate of the above-named John Smith, and may be authorised to receive and give a legal discharge for all sums of money now payable belonging or due to the said John Smith.*
- (2) The secretaries or other proper officers of the undertakings mentioned in the schedule to the affidavit of the applicant sworn in this matter on the 6th day of December, 1899, may be ordered to lodge such securities in Court to the credit of this matter.*
- (3) The whole of the income arising from such securities, when lodged in Court, may be paid to the applicant and expended by him to or for the maintenance of the said John Smith.*
- (4) The reasonable and proper costs, charges, and expenses of the applicant and of any other necessary parties of and consequent upon this application may be taxed as between solicitor and client and paid out of the funds to be lodged in Court.*

*Dated this 7th day of December, 1899.*

---

*This summons was taken out by Messrs. Deeds & Parchment, of 415, Bedford Row, in the county of London, solicitors for the applicant.*

*To the above-named John Smith.*



## Form of First Medical Affidavit under Sub-section (c).

*In Lunacy.*

*In the matter of Mary Smith (spinster), a  
person alleged to be of unsound mind.*

*I, Richard Doe,\* the medical superintendent of the asylum  
in the town of Littlemoor, in the county of Middlesex, M.D.,  
M.R.C.S., L.R.C.P., make oath and say as follows:—*

- (1) *The above-named Mary Smith has, since the 1st day  
of September, 1899, been lawfully detained as a  
person of unsound mind at the asylum at Littlemoor  
aforesaid.*
- (2) *Copies of the two medical certificates under which the  
said Mary Smith is confined are now produced and  
shown to me marked respectively "R. D." and  
"R. D.<sup>1</sup>," and I say that I have carefully  
examined the said two copies of the medical certifi-  
cates with the originals, and that the said two copies  
are true and accurate in every particular.*
- (3) *The reception order† made by John Roe, a Justice  
of the Peace for the said county of Middlesex, is now  
produced and shown to me marked "R. D.<sup>II</sup>"*
- (4) *From the 1st day of September, 1899 (the date of  
her admission to the said asylum), until the present  
time, the said Mary Smith has been suffering from*
- (5) *I saw the said Mary Smith on the 4th day of De-  
cember, 1899, when she was still of the same unsound  
state of mind as above described, and I am of opinion  
that there is no improvement in her mental condition,*

---

\* NOTE.—In every case in which a draft affidavit is sent to a doctor for approval, he should be asked to fill in the blanks left in such affidavit by describing fully the symptoms from which the patient is suffering. The doctor will do this far more fully and effectually, and will use much more appropriate terms than the draughtsman of the affidavit.

† A copy of the reception order (in lieu of the original) can be exhibited if the deponent swears that it is a true and accurate copy.



*and that she is of unsound mind and understanding,  
and unfit for the management of herself or her  
affairs.*

*Sworn at Littlemoor, in the county  
of Middlesex, this 10th day of* } **RICHARD DOE.**  
*December, 1899.*

*Before me,*

*A Commissioner for Oaths.*

---

NOTE.—Under section 10 of the Lunacy Act, 1890, a certain number of the justices of the peace for each district are appointed annually by resolution at Quarter Sessions to exercise jurisdiction in lunacy for the current year; and under these circumstances a certificate of the clerk of the peace for the particular district is required that the justice of the peace who signed the reception order was duly authorised so to do.

---

**Form of First Medical Affidavit under Sub-section (d).**

*In the matter of Mary Smith (widow).  
And in the matter of the Acts 53 Vict. c. 5,  
and 54 & 55 Vict. c. 65.*

*I, Richard Doe, of 5001, High Street, in the county  
of London, M.D., M.R.C.S., L.R.C.P., make oath and  
say as follows:—*

- (1) *For the last thirteen years I have known and been  
professionally concerned as the medical attendant of  
the above-named Mary Smith, and in the month of  
November, 1899, in company with John Roe, doctor  
of medicine, I visited the said Mary Smith, and  
found she was suffering from  
and was then through mental infirmity, arising*

*from\* disease or age,\* incapable of managing her affairs.*

- (2) *I again visited the said Mary Smith on the 1st December, 1899, at 2003, North Street, in the said county of London, and examined her as to the then state of her mind, and in my judgment and belief she is now in a state of unsoundness of mind and incapable of managing herself or her affairs.*
- (3) *The unsoundness of mind of the said Mary Smith is rendered manifest by*

*Sworn at No. 203, Bedford Row,  
in the county of London, this* } **RICHARD DOE.**  
*10th day of December, 1899.*

*Before me,*

*A Commissioner for Oaths.*

#### **Form of First Medical Affidavit under Sub-section (e).**

*In Lunacy.*

*In the matter of John Smith, a person  
alleged to be of unsound mind.*

*I, Richard Doe, of 5001, High Street, in the county of London, M.D., M.R.C.S., L.R.C.P., make oath and say as follows :—*

- (1) *I have for            years and upwards practised as physician in the county of London and I have had great experience in the treatment of mental diseases.*
- (2) *On the            day of           , 1899, I visited the above-named John Smith at            in the county of            where he is now confined, for the purpose of ascertaining his state of mind.*

\* *Either the words "disease or" or else the words "or age" should be struck out, according to the circumstances of the case.*



(3) *I took great pains to examine into the intellectual capacity of the said John Smith, and from such examination I am firmly convinced that he is a person of unsound mind and totally incapable of governing himself or of managing his own affairs.*

(4) *During my interview with the said John Smith*

*In my opinion he is suffering from chronic brain disease, and there is no probability of his recovery.*

Sworn at No. 203, Bedford Row,  
in the county of London, this } RICHARD DOE.  
10th day of December, 1899.

*Before me,*

*A Commissioner for Oaths.*

#### Form of First Medical Affidavit under Sub-section (f).

*In Lunacy.*

*In the matter of John Smith, a person alleged to be of unsound mind.*

*I, \_\_\_\_\_, the medical superintendent of the Broadmoor Criminal Lunatic Asylum, situate at Crowthorne in the county of Berks, M.D., M.R.C.S., L.R.C.P., make oath and say as follows:—*

(1) *The above-named John Smith was on the \_\_\_\_\_, 1899, brought up at the Bristol Assizes on the charge of murdering his father. Medical evidence was called, whereupon the jury found that he was incapable of pleading. Since the said \_\_\_\_\_, 1899, the said John Smith has been lawfully detained as a person of unsound mind at the said Broadmoor Criminal Lunatic Asylum.*

- (2) *A copy of the warrant, signed by the Home Secretary for England, under which the said John Smith is confined, is now produced and shown to me, marked "A," and I say that I have carefully examined the said copy of the warrant with the original and that the said copy is true and accurate in every particular.*
- (3) *From the \_\_\_\_\_, 1899 (the date of his admittance to the said asylum), until the present time, the said John Smith has been suffering from \_\_\_\_\_.*
- (4) *I saw the said John Smith on the \_\_\_\_\_, 1899, when he was still of the same unsound state of mind as above described, and I am of opinion that there is no improvement in his mental condition, and that he is of unsound mind and understanding and unfit for the management of himself or his affairs.*

Sworn at \_\_\_\_\_ in the county }  
 of \_\_\_\_\_ this \_\_\_\_\_ day }  
 of 1899.

*Before me,*

*A Commissioner for Oaths.*

### Form of Second Medical Affidavit.

After adopting the proper formal heading (see page 6) this affidavit will be applicable under whatever sub-section proceedings are taken.

*In Lunacy.*

*In the matter of John Smith, a person  
 alleged to be of unsound mind.*

*I, Richard Doe, of 599, Harley Street, in the county of London, M.D., &c., make oath and say as follows:—*

- (1) *On the \_\_\_\_\_ day of \_\_\_\_\_, 1899, at the request of [the doctor who makes the first medical affidavit] I visited the said John Smith at \_\_\_\_\_, in the county of \_\_\_\_\_, for the purpose of ascertaining the state of his mind.*



(2) *From my examination of the said John Smith I am of opinion that he is of unsound mind and is incapable of the management of himself or his affairs, and I formed such opinion from the following facts .*

(3) *I last saw the said John Smith on the            day of           , 1899, when he was still of the same unsound state of mind as above described.*

Sworn at           , in the county            }  
           of           , this            day of           , } RICHARD DOE.  
 1899.

*Before me,*

*A Commissioner for Oaths.*

NOTE.—In proceedings under sub-sections (c), (d), and (f), the evidence that the case comes within one of such sub-sections is furnished by the first medical affidavit. In proceedings under sub-section (e) the doctors prove unsoundness of mind, and the case is then brought within the sub-section by the affidavit of kindred and fortune.

Except the special words in the doctors' affidavits proving lawful detention, mental infirmity arising from disease or age, or detention as a criminal lunatic (as the case may be), there is no *absolutely* stereotyped form of medical evidence, and the precedents given in this chapter or in the following one can be adapted or altered if necessary.

#### **Form of Notice to be endorsed on the Summons.**

Every summons served on the patient must have a notice (a) endorsed thereon in the following form, viz. :—

*To John Smith, Esq.*

(Address.)

*Take notice that a summons, of which a copy is within written, was on the 1st day of December, 1899, issued by*

---

(a) See Forms 8 and 10 in Schedule to Appendix A., and Rule 48 of L. R., 1892.

*Messrs. Deeds & Parchment, of 415, Bedford Row, in the county of London, and that in pursuance thereof orders may be made on the ground that—*

[If under sub-section (c)] *you are lawfully detained as a lunatic ;*

[If under sub-section (d)] *you are a person, through mental infirmity arising from disease\* or age\*, incapable of managing your affairs ;*

[If under sub-section (e)] *you are a person of unsound mind and incapable of managing your affairs, and that your property does not exceed 2,000l. in value, or the income thereof 100l. per annum ;*

[If under sub-section (f)] *you are or have been a criminal lunatic and continue to be insane and in confinement ;*

*for the purpose of rendering your property or the income thereof available for the maintenance or benefit of yourself [or† “of yourself and family,” or “for carrying on your trade or business”†], and that if you intend to object to such orders being made, notice of such objection must be signed by you and attested by a solicitor and filed at the office of the Masters in Lunacy, the Royal Courts of Justice, London, within seven clear days after your receipt of this notice.*

*Dated the 2nd day of December, 1899.*

*HENRY DEEDS,*

*A member of the firm of Deeds & Parchment,  
415, Bedford Row, W.C.,*

*Solicitors for the Applicant.*

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\* *Either the words “disease or” or else the words “or age” should be struck out, according to the circumstances of the case.*

† *According to the circumstances of the case.*



**Form of Affidavit of Service (a).***In Lunacy.**In the matter of John Smith, a person alleged to be of unsound mind.**I, John Snooks, of 415, Bedford Row, in the county of London, clerk to Messrs. Deeds & Parchment, of the same place, solicitors, make oath and say as follows:—*

- (1) *I did, on the 2nd day of December, 1899, at o'clock in the                  noon, personally serve the above-named John Smith with a summons in this matter, dated the 1st day of December, 1899, issued from and under the seal of the Masters in Lunacy, by delivering to and leaving with the said John Smith, personally, at                  , in the county of                  , a true copy of the said summons.*
- (2) *I say that on such summons, so served as aforesaid, was indorsed a notice in the words and figures following, that is to say; (copy notice endorsed on summons, including the signature thereto, &c.).*
- (3) *And I further say that [such notice was signed by the said Henry Deeds in my presence] or [I am well acquainted with the handwriting of the said Henry Deeds, and that the signature at the foot of the notice is in his proper handwriting].*

*Sworn, &c.***Form of Undertaking by Proposed Receiver (b).***(Insert formal heading.)**I                  , of                  , hereby undertake to apply all such moneys as I may receive belonging to the above-named John Smith or his estate, and all moneys which I may receive on his account, in such manner as the Masters in Lunacy shall direct, and to account for such moneys when required. And further, to give such security for the due application and*

---

*(a) See Rule 49 of L. R., 1892, in Appendix A.**(b) See Rule 4, L. R., 1893, in Appendix A.*

*accounting for such moneys as may be required by any order of the Masters; and to obtain and send every six months to the Masters a report from a duly qualified medical man as to the bodily and mental condition of the said John Smith. And further, every six months to give notice in writing to the Masters of the then place of abode of the said John Smith. And further, to use my best endeavours to produce the said John Smith, and to allow him to be visited by any Chancery visitor or other person authorised by the Masters to visit him, and to give such directions as the Masters may require to facilitate such visits.*

*Dated this 10th day of December, 1899.*

*Witness \* to the signature of the* }  
*above-named .* }

#### **Form of Affidavit of Fitness.**

##### *In Lunacy.*

*In the matter of John Smith, a person  
 alleged to be of unsound mind.*

*I, , of , in the county of , make oath  
 and say as follows :—*

- (1) I have for years last past known and been intimately acquainted with , of , in the county of , the person proposed to be appointed a receiver in this matter.*
- (2) The said is a highly respectable and responsible person, of good credit, and greatly esteemed in the neighbourhood in which he resides as aforesaid, and of good business habits. The said is also of a kind and humane disposition.*

---

*\* The witness must be a solicitor.*



- (3) *To the best of my knowledge and belief the said is well qualified in every respect to be appointed to exercise all or any of the powers of the Committee of the estate or person of the above-named John Smith.*

*Sworn, &c.*

#### AFFIDAVIT OF KINDRED AND FORTUNE.

Apart from the heading there is no special form of affidavit of kindred and fortune. Such affidavit should enable a person who is unacquainted with the facts of the case to understand—

- (1) Of whom the patient's family consists, who his relations are, and more especially who his heir-at-law and next of kin may be.
- (2) What property the patient has, either in possession or reversion, what is the annual income thereof, the amount required for his maintenance, and any general suggestions which the applicant can make as to the best method in the interest of the patient [and his family] of dealing with the same.
- (3) It is desirable to explain shortly the patient's past life, and how and under what circumstances he became of unsound mind.

It is not necessary (at any rate in the first instance) to prove births, deaths and marriages strictly by certificate, nor, as a general rule, is it imperative to exhibit deeds and other documents.

When a patient is entitled to real estate under a complicated title, or there are numerous deeds or wills to be recited, it is not unusual for the applicant to swear one affidavit as to kindred and his solicitor another as to fortune.

It is obvious, therefore, that no special form of affidavit of kindred and fortune generally applicable can be given, but that such affidavit must vary more or less completely according to the circumstances of the particular case. A few forms of



affidavit which have actually been used are, however, given in the hope that they may afford some kind of precedent, and may indicate the points to be observed by the draftsman.

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**Form of Affidavit of Kindred and Fortune.**

*In Lunacy.*

*In the matter of Mary Johnson, a person  
alleged to be of unsound mind.*

*I, Edward Johnson, of 500, Market Street, in the city  
of Manchester, Tobacconist, make oath and say as follows:—*

- (1) I am the husband of the above-named Mary Johnson.  
We were married to each other on the 9th day of  
March, 1897, and there has been issue of such mar-  
riage one child and no more, namely, Stephen Johnson,  
who died on the 13th day of March, 1898.*
- (2) William Frere, the uncle (by marriage) of the said  
Mary Johnson, died on the 1st day of December,  
1884, having previously made his last will and testa-  
ment, dated the 17th day of May, 1883, whereby he  
appointed John Brown, Frederick Smith, and James  
Robinson his executors and trustees thereof, and after  
giving his wife a life interest in his property and  
directing payment of certain legacies as therein men-  
tioned he gave and devised one-thirteenth part of the  
residue of his estate to the said Mary Johnson.*
- (3) The said William Frere died without having altered  
or revoked his said will and the same was duly proved  
on the 10th day of February, 1885.*
- (4) Elizabeth Frere, the aunt of the said Mary Johnson,  
died on the 20th day of April, 1894, a widow, and I  
have been informed by Messrs. Deeds & Co., the soli-  
citors for the trustees and executors of the will, and  
believe, that the whole of the testator's estate has been  
realised, and that the one-thirteenth share in such*



*estate to which the said Mary Johnson is entitled amounted to the sum of £268 13s. 6d. and no more.*

- (5) *The said Elizabeth Frere, by her last will and testament, dated the 19th day of January, 1893, appointed the said John Brown and Frederick Smith executors thereof and gave to the residuary legatees of her late husband's estate the sum of £100, and afterwards directed that the duties and expenses thereon should be paid out of her estate.*
- (6) *The said Elizabeth Frere died without having altered or revoked her said will and the same was duly proved by both the executors on the 6th day of June, 1894.*
- (7) *I have been informed by Messrs. Deeds & Co., the solicitors for the executors of the said will, and believe that the said legacy of £100 has been divided and that the one-thirteenth share in such legacy to which the said Mary Johnson is entitled amounts to the sum of £7 13s. 10d. and no more.*
- (8) *The said Mary Johnson is not, to the best of my knowledge and belief, entitled to any other property than that hereinbefore mentioned and I am now desirous of having the same made available for her maintenance.*
- (9) *The said Mary Johnson was on the 7th day of July, 1898, on the certificate of John Roe, a surgeon, and the order of two Justices of the Peace, conveyed to the Prestwich Asylum as a person of unsound mind and incapable of managing her affairs, and she is still residing there.*
- (10) *I have from the said 7th day of July, 1898, up to the 26th day of June last, paid for the maintenance of the said Mary Johnson, but in consequence of depression in business and other circumstances I have been and still am quite unable to continue such payment.*



- (11) *I have been informed by the said Messrs. Deeds & Co., and believe that the Guardians of the Poor for Manchester have claimed against the trustees of the said will of the said William Frere the sum of seven guineas for the past maintenance of the said Mary Johnson from the 26th June, 1899, to the 1st October, 1899, being at the rate of 10s. 6d. per week.*
- (12) *I have also been informed by the said Messrs. Deeds & Co., and believe that the Guardians of the Poor will accept £25 per year for the maintenance of the said Mary Johnson, payable half yearly, and that £5 per annum will be sufficient to cover my costs of visiting my wife and other incidental expenses, and I am now desirous of obtaining an order whereby the above-mentioned fund may be made available for my wife's past and future maintenance.*
- (13) *I depose to the above facts from my own knowledge, except where otherwise stated.*

*Sworn, &c.*

#### Another Form of Affidavit of Kindred and Fortune.

*In Lunacy.*

*In the matter of Mary Jones (spinster), a person alleged to be of unsound mind.*

*I, Mary Smith, the wife of John Smith, of Blackacre, in the county of York, make oath and say as follows :—*

- (1) *I am a niece, ex parte materna, of the above-named Mary Jones, and am enabled to depose to the following facts from my own knowledge.*
- (2) *My grandfather, John Jones, and my grandmother, Eliza Jones (formerly Eliza Roe, spinster), were respectively only once married, namely, to each other in the year 1830.*



(3) *There was issue of the marriage of my said grandfather and grandmother six children only, viz. :—*

- (a) *John Jones, the younger, born in the year 1831*
- (b) *Thomas Jones . . . ditto 1832*
- (c) *The above-named Mary Jones . ditto 1833*
- (d) *Eliza Jones, the younger . ditto 1835*
- (e) *Harry Jones . . . ditto 1836*
- and*
- (f) *Emma Jones . . . ditto 1839*

(4) *My said grandfather and grandmother died many years since.*

(5) *The said John Jones, the younger, died in the year 1868; the said Thomas Jones died in the year 1871; and the said Eliza Jones, the younger, died on the 27th February, 1896.*

(6) *The said Harry Jones, many years ago, emigrated to Australia, and has not been heard of since. It is not known whether he is alive or dead.*

(7) *I am unable to say of my own knowledge which of my uncles above mentioned had issue, but I am informed and verily believe that some of them died leaving issue.*

(8) *My mother, the said Emma Jones, was only once married, namely, in the month of January, 1860, to John Roe. There was issue of the marriage of my said father and mother two children only, namely—*

- (a) *Myself, this deponent, who was born in the month of February, 1861, and*
- (b) *Richard Roe, born in April, 1862, and who is still living.*

(9) *My said mother died in the month of January, 1897, but my father is still living.*

(10) *I, this deponent, was married on the 1st June, 1885, to John Smith, and there has been issue of our marriage.*



- (11) *My aunt, the said Mary Jones, resided for many years with her sister, the said Eliza Jones, the younger, in a house at Blackacre, which belonged to them jointly. The said Mary Jones continued to reside at Blackacre after the death of the said Eliza Jones on the 27th February, 1896, but grief at the loss of her sister seems to have caused her to lose her reason and ultimately necessitated her removal to the Borough Lunatic Asylum.*
- (12) *The said Eliza Jones, the younger, by her will dated the 20th January, 1896, appointed myself, this deponent, and my said husband executors and trustees, and after bequeathing her wearing apparel to the said Mary Jones and her furniture and effects to her trustees for the use of her said sister for life, the testatrix bequeathed the residue of her personal estate to her trustees upon trust for conversion and investment and to permit her said sister to receive the annual income thereof for her life. The testatrix also gave her half-share in the messuage at Blackacre to her said sister for her life.*
- (13) *The said will of the said Eliza Jones was duly proved by both the said executors in the Principal Probate Registry on the 1st day of May, 1896. The residue of the real and personal estate of the said Eliza Jones to the income of which the said Mary Jones is entitled for life is now represented by the stocks, funds, and other securities specified in the first schedule hereto.*
- (14) *The said Mary Jones is absolutely entitled to the real and personal estate the particulars of which, together with the annual value (or estimated value) thereof, as the case may be, are set out in the second schedule hereto.*
- (15) *Since the said Mary Jones was removed to the said Borough Asylum her estate and property has been managed by Mr. Deeds, of 506, Bedford Row, in the*



county of London, solicitor, and an account showing the amounts received and the payments made for or on behalf of the said Mary Jones is now produced and shown to me marked "A."

- (16) *The cost of the maintenance of the said Mary Jones at the Blackacre Borough Asylum is as follows:—*

|                                                              | £    | s. | d. |
|--------------------------------------------------------------|------|----|----|
| Maintenance . . . . .                                        | 150  | 0  | 0  |
| Clothing . . . . .                                           | 30   | 0  | 0  |
| Holiday at Seaside . . . . .                                 | 20   | 0  | 0  |
| Medical and sundry expenses,<br>including carriage exercise. | 27   | 0  | 0  |
| <hr/>                                                        |      |    |    |
| Making a total of . . . . .                                  | £227 | 0  | 0  |
| <hr/>                                                        |      |    |    |

*The FIRST SCHEDULE above referred to.*

*Particulars of the Real and Personal Estate to the income of which the said Mary Jones is entitled for her life.*

| <i>Description of Security, &amp;c.</i>                                                                                                                                                                                                                                                                                               | <i>Annual income, or estimated annual income, as the case may be.</i> |    |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----|----|
|                                                                                                                                                                                                                                                                                                                                       | £                                                                     | s. | d. |
| (1) <i>One moiety of the house and premises at Blackacre to which the said Eliza Jones, the younger, and the said Mary Jones were entitled as tenants in common, and which is of the estimated value of 2,500l. This house can probably be let so as to produce 150l. per annum, one moiety of which (less tax) will be . . . . .</i> | 72                                                                    | 10 | 0  |
| (2) <i>3,000l. New Consols, which produces per annum (less tax) . . . . .</i>                                                                                                                                                                                                                                                         | 70                                                                    | 1  | 8  |
| (3) <i>500l. secured on mortgage of "The Close" at Blackacre, aforesaid, at 4 per cent. interest (less tax) . . . . .</i>                                                                                                                                                                                                             | 19                                                                    | 6  | 8  |
| (4) <i>A life interest in one moiety of the furniture of very little value.</i>                                                                                                                                                                                                                                                       |                                                                       |    |    |
| <i>Estimated annual value of the property to which the said Mary Jones is entitled for her life . . . . .</i>                                                                                                                                                                                                                         | £161                                                                  | 18 | 4  |

*The SECOND SCHEDULE above referred to.*

*Particulars of the Real and Personal Estate of which the said Mary Jones is seised in fee simple, or to which she is absolutely entitled, as the case may be.*

| <i>Description of Security, &amp;c.</i>                                                                                                                                             | <i>Annual income, or estimated annual income, as the case may be.</i> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| (1) <i>One moiety of the said house situate at Blackacre, and described in the first schedule hereto .....</i>                                                                      | £ s. d.<br>72 10 0                                                    |
| (2) <i>4,000l. India 2l. 10s. per cent. stock .....</i>                                                                                                                             | 96 13 4                                                               |
| (3) <i>One moiety of the furniture referred to in the first schedule hereto, which is of very little value.</i>                                                                     |                                                                       |
| <i>Estimated annual value of the real and personal estate of which the said Mary Jones is seised in fee simple, or to which she is absolutely entitled, as the case may be.....</i> | £169 3 4                                                              |

*Sworn, &c.*

**Form of Notice of Objection by the Patient under Sub-sections (c), (e), and (f).**

*In Lunacy.*

*In the matter of John Smith, a person alleged to be of unsound mind.*

*I, John Smith, of 500, High Street, in the city of London, having been served with a notice of a summons for an order respecting my property, under the Lunacy Act, 1890, hereby give notice of my intention to object to such order being made.*

*Dated this                      day of                      , 1900.*

*Witness\* to the signature of the  
said John Smith*

JOHN SMITH.

*Solicitor for the said John Smith.*

\* *The witness to this notice must be a solicitor.*



## Form of Notice of Objection by the Patient under Sub-section (d).

*In the matter of John Smith.*

*And in the matter of the Acts 53 Vict.  
c. 5, and 54 & 55 Vict. c. 65.*

*I, John Smith, of 500, High Street, in the city of London, having been served with a notice of a summons for an order respecting my property under the Acts 53 Vict. c. 5 and 54 & 55 Vict. c. 65, hereby give notice of my intention to object to such order being made.*

*Dated this                      day of                      1900.*

*Witness\* to the signature of the  
said John Smith*

JOHN SMITH.

*Solicitor for the said John Smith.*

On the return of the summons before one of the Masters in Lunacy, provided that—

- (1) he is satisfied with the medical evidence;
- (2) he is satisfied that the applicant is a desirable person to be appointed receiver; and
- (3) the patient does not oppose,

an order will be made appointing the applicant receiver, and directions will be given as to the manner in which the patient's property is to be dealt with, the amount which is to be expended for maintenance, the securities which are to be transferred into Court, the debts which are to be satisfied, and other incidental matters. The amount of the receiver's security (which is usually double the value of the property passing through his hands in each year) will be fixed either by the Master or at a subsequent appointment to settle the order; and it is well to bear in mind the fact that the amount of security to be given is very materially diminished

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\* *The witness to this notice must be a solicitor.*



if securities are transferred into Court instead of being left in the hands or the power of the receiver.

After the hearing of the summons before the Master the applicant's solicitor must maintain an entirely passive attitude. In a week or two's time he will receive a notice that a copy of the draft order (drawn by the officials) is ready for him at the Lunacy Stationers. After buying his copy draft he will take an appointment before the official responsible for the order with a view to settling the same, and will utilise the intervening time in obtaining the information or evidence necessary to dispose of the queries on the draft. The order when settled will be sent by the officials (a) if money is to be paid or securities are to be transferred into Court, first for a blue and then for a white print; and (b) if no money is to be paid into Court, for an engrossment. The print or the engrossment (as the case may be) is examined by the solicitor with the officials, and the final document is stamped (a) with a 2*l*. impressed stamp and left at the Registration Department. In a few days' time office copies of the order may be obtained, and the applicant's solicitor can proceed to bespeak the receiver's bond, as hereafter explained, and to tax his costs; but the receiver is not in a position to act until his security has been completed.

It should be noted that so soon as the Master in Lunacy makes his order, and even before it is drawn up, all affidavits, &c. (other than those under sub-section (d) the title of which never alters) should be headed as follows, viz. :—

*In Lunacy.*

*In the matter of John Smith, a person of unsound mind, not so found by inquisition.*

Should the patient have signed a notice in the prescribed form, which is duly witnessed and lodged at the Lunacy Office,

---

(a) As to stamps on orders, &c., see Rule 129 of the Lunacy Rules, 1892, in Appendix A.



it is thought that one of two positions may have been created, viz. : (1) the notice may be meant merely to give the patient the right to be heard before the Master as to the disposal of his property ; or (2) it may mean that the patient objects *in toto* to proceedings under the 116th section of the Lunacy Act, 1890.

In the first case, on the return of the summons, the patient's solicitor will explain that he does not object to an order being made under the summons served on his client, and does not require an inquisition, but desires to explain how, in the view of the patient, his own property should be dealt with. The authors only know of their own knowledge of one such case, which came before Sir Francis William Maclean when a Master in Lunacy. The learned Master was at first doubtful whether he could or ought to hear the patient's solicitor argue on the lines suggested, but ultimately decided to do so ; and it is submitted that his decision was correct, as the greater would appear to include the less, and a patient who can wholly object would seem to be entitled to do so to only a partial extent if that be his desire.

Should the patient object altogether to the proceedings, the Master will act on his own discretion on the return of the summons before him. If it is obvious that the patient is not mentally competent to form and express a wish in the matter, and there is no satisfactory evidence filed on his behalf to the contrary, the Master *may* not improbably make an order on the summons. But if there is any doubt in the case the Master *may* simply make no order (*a*), leaving the applicant to present a petition or adopt such other course as he may be advised, or he may send one of the Visitors in Lunacy to see the patient and report to him. If the Visitor in Lunacy is clearly of opinion that the patient is of unsound mind, the Master may very probably make an order in accordance with his report ; on the other hand, if there is any reasonable doubt, no order will be made, and the applicant will be left (if he desires to do so) to present a petition for an inquiry.

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(*a*) See Rules 1 and 5, Lunacy Rules, 1893, in Appendix A.

It may be well here to mention that no affidavits filed at the Lunacy Office are ever stamped, and that office copies of affidavits are *not* allowed on taxation, as a matter of course. The following notice with reference thereto has recently been affixed to the notice board in the outer room of the Lunacy Office, viz. : "The costs of office copies of affidavits in contested cases, and of the principal affidavits in uncontested cases, will, 'in future, be allowed if applied for.'" Office copies of affidavits are not made by the solicitor who files the same, as in Chancery or Common Law, but by the Lunacy stationers, and the charge therefor is 2*d.* per folio and 1*d.* a sheet for the paper used.



## CHAPTER III.

PRECEDENTS OF AFFIDAVITS AND OTHER DOCUMENTS  
TO BE USED WHEN PROCEEDINGS ARE ORIGINATED  
BY PETITION.

## Form of Petition (a).

*In Lunacy.**In the matter of Emma Smith (spinster), a  
person alleged to be of unsound mind.**To the Right Honourable the Lord High Chancellor of  
Great Britain.**The humble petition of Thomas Jones, of Whiteacre,  
in the county of York, farmer, and Jane Smith, of  
Whiteacre aforesaid, spinster, sheweth—**That Emma Smith, now residing at Blackacre, in the  
county of Essex, is now and for the space of two years last  
past hath been of unsound mind and altogether unfit to  
govern herself or to manage her affairs, as by the affidavits  
hereto annexed appears.**That your petitioner, Thomas Jones, is the maternal  
nephew of the said Emma Smith, and your petitioner, Jane  
Smith, is the sister of the said Emma Smith.**Your petitioners therefore humbly pray your  
Lordship that the Masters in Lunacy,  
or one of them, may be directed to inquire  
and certify concerning the lunacy of the  
said Emma Smith.**And your petitioners will ever pray, &c.*

|                                            |   |               |
|--------------------------------------------|---|---------------|
| <i>Witness* to the signing by the said</i> | } | THOMAS JONES. |
| <i>Thomas Jones and Jane Smith.</i>        |   | JANE SMITH.   |

(a) See Form 4 in Schedule to Lunacy Rules, 1892, Appendix A.

\* The witness must be a solicitor.

**Another Form of Petition.***In Lunacy.**In the matter of John Smith, a person alleged to be of unsound mind.**To the Right Honourable the Lord High Chancellor of Great Britain.**The humble petition of Thomas Smith, of Littlemoor, in the county of Essex, sheweth as follows :—*

(1) *John Smith, now residing at Littlemoor aforesaid, is now and for one year last past has been of unsound mind and incapable of managing himself or his affairs.*

(2) *Your petitioner is the father of the said John Smith. Your petitioner therefore humbly prays that the Masters in Lunacy, or one of them, may be directed to inquire concerning the alleged lunacy of the said John Smith.*

*And your petitioner will ever pray, &c.*

*Witness\* to the signature of the* } **THOMAS SMITH.**  
*said Thomas Smith.*

**Form of Medical Affidavit in Support of Petition.***In Lunacy.**In the matter of John Smith, a person alleged to be of unsound mind.**I, John Roe, of 5002, High Street, in the county of London, M.D., M.R.C.S., L.R.C.P., make oath and say as follows :—*

(1) *For the last ten years I have known and been pro-*

\* *The witness must be a solicitor.*



*professionally concerned as the medical attendant of the above-named John Smith, and on the 10th December, 1899, in company with \* I visited the said John Smith at his residence at Blackacre, in the county of Middlesex, and found*

*I therefore consider he was then unfit for the management of himself or his affairs.*

(2) *I again visited the said John Smith on the 15th December, 1899, at his aforesaid residence and examined him as to the then state of his mind, and in my judgment and belief he was in a state of unsoundness of mind and incapable of managing himself or his property.*

(3) *The unsoundness of mind of the said John Smith is rendered manifest by*

*Sworn, &c.*

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NOTE.—In every case in which a draft affidavit is sent to a doctor for approval, he should be asked to fill in the blanks left in such affidavit by describing fully the symptoms from which the patient is suffering. The doctor will do this far more fully and effectually and will use more appropriate terms than the draftsman of the affidavit.

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#### Another Form of Medical Affidavit.

*In Lunacy.*

*In the matter of John Smith, a person alleged to be of unsound mind.*

*I, Richard Doe, of 599, Harley Street, in the county of London, M.D., M.R.C.S., L.R.C.P., make oath and say as follows:—*

(1) *By the desire of Messrs. Deeds & Parchment, of 415,*

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\* *The doctor who makes the second medical affidavit.*

*Bedford Row, in the said county, the solicitors for Thomas Smith, the petitioner in this matter, I examined the above-named John Smith at the Asylum, situate at                      in the county of                      , on the 10th December, 1899, for the purpose of investigating the state of his mind.*

(2) *From my examination of the said John Smith I am decidedly of opinion that he is of unsound mind and wholly incapable of the management of himself or his affairs or of the care of property, and I formed such opinion from constant observation of his case prior to my examination made on the said 10th December, 1899.*

(3) *The said John Smith is suffering from chronic mania with many delusions. He*

*He is constantly talking of and worrying himself about his delusions, and will not read or employ himself in any way.*

(4) *The said John Smith has been an inmate of the said Asylum since the 1st January, 1899, and I do not believe there is any probability of his recovering.*

*Sworn, &c.*

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#### **Another Form of Medical Affidavit.**

*In Lunacy.*

*In the matter of John Smith, a person alleged to be of unsound mind.*

*I, Richard Doe, of Littlemoor, in the county of Middlesex, M.D., M.R.C.S., L.R.C.P., make oath and say as follows:—*

(1) *I have for ten years and upwards last past been*



*the medical superintendent of the Asylum, situate at Littlemoor aforesaid, for the reception of persons of unsound mind, and which contains upwards of 200 patients, and on or about the 1st day of January, 1899, I received into my care and custody the above-named John Smith as a person of unsound mind.*

(2) *The said John Smith has ever since continued and now is under my care and custody, and the conduct and discourse of the said John Smith from the time of entering the establishment until the present period has been wild, incoherent, and irrational. He is*

(3) *I saw the said John Smith this morning, when he was decidedly of unsound mind and understanding, and altogether unfit for the management of himself or his affairs.*

*Sworn, &c.*

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**For another Form of Medical Affidavit, see Form of First Medical Affidavit under sub-section (e) of the 116th section of the Lunacy Act, 1890, pp. 11 and 12.**

**For Form of Second Medical Affidavit, if none of the above are suitable, see Form of Second Medical Affidavit in Proceedings originated by Summons, pp. 13 and 14.**

**For Form of Affidavit of Kindred and Fortune, see Forms given in Chapter II. in the case of Proceedings originated by Summons, pp. 19 to 25.**

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**Form of Notice to be endorsed on the Petition (a).**

*To John Smith, Esq.*

*Take notice that a petition, of which a copy is within written, has been presented to the Lord Chancellor by Thomas Jones, of Whiteacre, in the county of York, farmer, and Jane Smith, of Whiteacre aforesaid, spinster, and that by virtue of and under the same an inquiry may be ordered to take place before one of the Masters in Lunacy as to whether you are or are not of unsound mind and incapable of managing yourself and your affairs, and that you may, in case you think fit, demand that such inquiry may, if ordered, be had before a jury, in which case a notice of such your desire must be signed by you and attested by a solicitor and filed at the office of the Masters in Lunacy, the Royal Courts of Justice, London, within seven clear days after your receipt of this notice.*

*Dated the 30th day of December, 1899.*

**HENRY DEEDS,**

*A member of the firm of Deeds & Parchment,  
415, Bedford Row, W.C.,  
Solicitors for the Petitioner.*

**Form of Affidavit of Service (b).**

*In Lunacy.*

*In the matter of John Smith, a person alleged  
to be of unsound mind.*

*I, John Snooks, of 415, Bedford Row, in the county of London, clerk to Messrs. Deeds & Parchment, of the same place, solicitors, make oath and say as follows:—*

*(1) I did, on the 1st day of January, 1900, personally*

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(a) See Rule 26 of Lunacy Rules, 1892, in Appendix A., and Form 5 in Schedule thereto.

(b) See Rules 28 and 29 of the Lunacy Rules, 1892, in Appendix A., as to service.



*serve the above-named John Smith with a copy of the petition in this matter, presented on the 30th day of December, 1899, to the Lord Chancellor by Thomas Jones, of Whiteacre, in the county of York, farmer, and Jane Smith, of Whiteacre aforesaid, spinster, by delivering to and leaving with the said John Smith, at Asylum, at Littlemoor, in the county of Middlesex, a true copy of such petition.*

(2) *And I say that on the copy of the said petition was endorsed a notice in the words following, that is to say: [copy notice endorsed on petition "verbatim," including the signature thereto, &c.]*

(3) *And I further say that such notice was signed by the said Henry Deeds, a member of the firm of Deeds & Parchment, solicitors for the petitioners, in my presence.*

*Sworn, &c.*

#### **Form of Demand for a Jury by the alleged Lunatic (a).**

*In Lunacy.*

*In the matter of John Smith, a person alleged to be of unsound mind.*

*I, the above-named John Smith, having been, on the 1st day of January, 1900, served with a notice of a petition for an order for an inquiry [or\* with a notice of the filing of a report whereon an inquiry may be ordered\*] whether or not I am of unsound mind and incapable of managing myself and my affairs, do hereby demand that in the event of such an inquiry as aforesaid being ordered, the same be had before a jury.*

*Dated the 5th day of January, 1900.*

*Witness† to the signature of the* } **JOHN SMITH.**  
*said John Smith.*

(a) See Rule 30 of Lunacy Rules, 1892, in Appendix A., and Form 7 in Schedule thereto.

\* Strike out these words if they are inapplicable.

† The witness to this notice must be a solicitor.



Under and by virtue of the provisions contained in Part III. of the Lunacy Act, 1890 (sections 90 to 100), the Inquisition *must* take place before a jury in the following cases, viz. :—

- (a) Where the alleged lunatic demands a jury, unless the Judge in Lunacy is satisfied by personal examination that the alleged lunatic is not mentally competent to form and express a wish for an Inquisition before a jury;
- (b) Where the alleged lunatic is resident out of the jurisdiction; and
- (c) Where the Masters upon consideration of the evidence certify that in their opinion a jury is expedient or desirable.

And an Inquisition will take place before one of the Masters alone without a jury in all other cases; *i.e.*, where the alleged lunatic does not ask for one, *or* where he does ask for one, and the Judge is satisfied from a personal examination that he is not mentally competent to form and express a wish on the subject.

Under section 100 of the Lunacy Act, 1890 (*a*), where the Commissioners in Lunacy report to the Lord Chancellor that the property of a person detained or taken charge of as a lunatic, but not so found by Inquisition, is not duly protected, &c., the report is to be filed with the Masters, and is to be deemed to be an application for an Inquisition, supported by evidence, and to be conducted as therein mentioned.

Before, however, dealing with the practice on an Inquisition, it will be well to return to the moment when the petition has been signed and witnessed, and the two medical affidavits in support thereof, together with the affidavit of kindred and fortune, have been sworn. The petition will be presented by

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(a) See Rule 27 of Lunacy Rules, 1892, in Appendix A., and Form 6 in Schedule thereto.



being lodged, together with the other documents, at the Registration Department of the Lunacy Office (Room 225), and a fair copy of the petition for the use of the Lunacy Office must also be lodged there at the same time. After the original has been stamped with the official Lunacy seal, it will be handed back to the solicitors for the Petitioner in order that they may arrange for service on the alleged lunatic. As soon as this has been effected an affidavit of service should be made and lodged, together with the original petition, at the Registration Department; and seven clear days after the date of the service (the time limited for the alleged lunatic to object thereto), the various documents which have been so lodged as aforesaid will be forwarded by the Lunacy Officials to the Lords Justices. Should their Lordships deem an Inquiry necessary, notice thereof will be given to the Petitioner's solicitors, and the Lunacy Officials will proceed to draw up the order directing the Inquiry, which must be stamped by the Petitioner's solicitors with a 2*l.* stamp. A few days later the solicitors will obtain from the stationers to the Lunacy Office, at a cost of a few shillings, a precept directed to themselves, signed by one of the Masters in Lunacy and under their official seal, informing them of the day and time when, and the place where, it is proposed to hold the Inquiry. In the absence of a jury (with reference to which it will be necessary to make some special remarks later on), the Inquiry is nearly always held at the place where the lunatic is residing. As soon as matters have progressed to this stage, and assuming the case to be dealt with without a jury, the solicitor for the Petitioner will bespeak office copies of all the evidence already filed at the Lunacy Office, and will obtain and serve subpoenas on the doctors and on any other necessary witnesses.

The subpoenas are issued free of charge (except as to a few pence, the actual cost of the forms), and they "Will and require" the witness to attend on the day and at the time and place therein mentioned, "then and there upon your oath to testify the truth according to your knowledge touching



“the alleged lunacy of the said John Smith, and of all such matters as shall be demanded of you by virtue of the said commission and order. Hereof fail not at your peril.” The subpoena is signed by the Master who proposes to hold the Inquiry, and has the official seal attached thereto.

Any doctor served with a subpoena is entitled to be paid one guinea conduct money, and his first-class return railway fare; other witnesses (if any) are entitled to one guinea conduct money, and to first, second, or third-class return railway fares, according to their station in life. As a rule, however, in an uncontested case it is unnecessary to subpoena any person other than the doctors, although it may be desirable that some member or members of the family shall be present.

The solicitor to the Petitioner will travel down to the place where the Inquiry is to be held half an hour before the Master and his clerk arrive. He will arrange for a room with a fair-sized table and writing materials to be in readiness, and he will ask the two doctors to refresh their memories by reading through the drafts of the affidavits made by themselves.

On his arrival the Master will usually at once see the alleged lunatic in a separate room by himself, and will inform him (or her) of his (or her) right to be present whilst the Inquiry is held. On his return to the room selected for the Inquiry the Master will himself examine both the doctors, after they have been sworn, using their affidavits as proofs, and his clerk will take down a note of their evidence. If no member of the family is present, the solicitor for the Petitioner will be expected to be in a position to answer—but not on oath—any general question as to the family and fortune of the alleged lunatic, and the past and future arrangements for maintenance. When the Master has concluded the Inquiry he signs a document termed the “Inquisition,” certifying either that the alleged lunatic is of sound or of unsound mind. It should be mentioned that occasionally either the members of the family or the Master, or both, may



in special cases desire that the evidence be given *vivâ voce* at the Inquiry before the Master as to the lunatic's kindred and fortune, but usually the matter is carried through subsequently by affidavit evidence.

Should the Inquiry be directed to take place before a Master and a jury, the precept above referred to will be addressed to the Sheriff of the district in which the Inquiry is to take place instead of to the solicitor to the Petitioner, and such precept will have to be served by the solicitor on the Sheriff, who will proceed to empanel the jury. The Inquiry will usually be held in the town or village where the lunatic resides, and as near to his residence as possible, some suitable hall or large room being selected for the purpose. A jury must not *exceed* twenty-four in number, and although they need not be unanimous in their verdict, twelve at least must be agreed thereon.

In any case in which a jury is empanelled it is usual and proper to brief Counsel, by whose advice the Petitioner will be guided as to the witnesses to be called and the manner in which his case shall be presented to the Court: and here it is only necessary to mention that under sect. 99 of the Lunacy Act, 1890, "the person executing an "Inquisition with a jury" (*i.e.*, the Master) "shall while "so employed have all the powers, authorities, and discretion "of a Judge of the High Court," and that the case will be tried as nearly as possible in the same manner as a Common Law action, the Petitioner being in the position of a plaintiff and the alleged lunatic of a defendant.

Should the lunacy of the patient be established, all subsequent affidavits and summonses will be headed as follows:—

*In Lunacy.*

*In the matter of John Smith, a person  
of unsound mind.*

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## Form of Summons to be issued after Inquisition (a).

*In Lunacy.**In the matter of Emma Smith (spinster),  
a person of unsound mind.*

*Let all parties concerned attend the Master in Chambers, at the Royal Courts of Justice, London, on Thursday the 1st day of March, 1900, at 12.30 o'clock in the afternoon, on the hearing of an application on the part of John Smith, of Whiteacre, in the county of York, farmer, and Jane Smith, of the same place, spinster, that—*

- (1) *The said John Smith be appointed committee of the estate of the above-named Emma Smith.*
- (2) *The said Jane Smith may be appointed committee of the person of the said Emma Smith.*
- (3) *Mary Smith and Eliza Smith, two of the next of kin, and Thomas Smith, the heir-at-law of the said Emma Smith, may be at liberty to attend by one solicitor in this matter generally.*
- (4) *The whole net income of the said Emma Smith, not exceeding £500 per annum, may be allowed for her maintenance as from the 30th day of December, 1899, according to the following scheme, viz. :—*

|                                                                                                                                      | £           | s.       | d.       |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------|----------|----------|
| <i>Rent, rates and taxes . . .</i>                                                                                                   | 150         | 0        | 0        |
| <i>Housekeeping expenses . . .</i>                                                                                                   | 150         | 0        | 0        |
| <i>Servants' wages . . .</i>                                                                                                         | 60          | 0        | 0        |
| <i>Clothing . . .</i>                                                                                                                | 40          | 0        | 0        |
| <i>Change of air . . .</i>                                                                                                           | 50          | 0        | 0        |
| <i>Incidental expenses, including medical attendance and carriage exercise and expenses of committee of person in visiting . . .</i> | 50          | 0        | 0        |
|                                                                                                                                      | <u>£500</u> | <u>0</u> | <u>0</u> |

- (5) *The persons named in the schedule hereto may be directed to make the lodgments mentioned therein.*

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(a) See Rules 31—35 of Lunacy Rules, 1892, in Appendix A.



- (6) *The funds in Court may be dealt with as directed in the schedule hereto.*
- (7) *The necessary directions may be given and orders made to enable the said John Smith, as committee of the estate, to manage and let the real and leasehold estate belonging to the said Emma Smith and situate at Littlemoor in the county of Middlesex.*
- (8) *The reasonable and proper costs of the applicants of obtaining and prosecuting the order for the Inquiry in this matter, and their like costs and those of the said Mary Smith, Elizabeth Smith, and Thomas Smith, of, incident to and consequent upon this application, may be taxed.*

*Dated this 23rd day of February, 1900.*

*This summons was issued by Messrs. Deeds & Parchment, of No. 415, Bedford Row, in the county of London, solicitors for the applicants.*

*To*

*The SCHEDULE above referred to.*

**LODGMET AND PAYMENT SCHEDULE.**

*In the matter of Emma Smith (spinster), a person of unsound mind.*

**I.—LODGMET.**

| <i>Particulars of Funds to be Lodged.</i>                                                                                                                               | <i>Persons to make the Lodgment.</i>                             | <i>Amounts.</i> |           |           |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-----------------|-----------|-----------|--------------------|
|                                                                                                                                                                         |                                                                  | <i>Money.</i>   |           |           | <i>Securities.</i> |
|                                                                                                                                                                         |                                                                  | <i>£</i>        | <i>s.</i> | <i>d.</i> | <i>£   s.   d.</i> |
| <i>Cash to the credit of the said Emma Smith in the books of the Post Office Savings Bank to the account designated "      book number "      , " and any interest.</i> | <i>The proper officer of the said Post Office Savings Bank.</i>  | 100             | 0         | 0         |                    |
| <i>Great Western Railway £4 per cent. Debenture Stock.</i>                                                                                                              | <i>The Secretary or other the proper officer of the Company.</i> | ..              |           |           | 5,000 0 0          |

## II.—PAYMENT.

*Funds when lodged as above.*

| <i>Particulars of Payments,<br/>Transfers or other<br/>Operations ordered.</i>                      | <i>Payees and Transferees<br/>or Separate Accounts.</i> | <i>Amounts.</i> |                    |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------|-----------------|--------------------|
|                                                                                                     |                                                         | <i>Money.</i>   | <i>Securities.</i> |
|                                                                                                     |                                                         | £ s. d.         | £ s. d.            |
| <i>Out of cash and any<br/>interest:—</i>                                                           |                                                         |                 |                    |
| <i>Pay taxed costs ...</i>                                                                          | <i>Messrs. Deeds &amp;<br/>Parchment.</i>               |                 |                    |
| <i>Pay balance of<br/>cash and any<br/>interest.</i>                                                | <i>John Smith, the com-<br/>mittee of the estate.</i>   |                 |                    |
| <i>Pay interest on<br/>£5,000 Great<br/>Western Rail-<br/>way £4 per cent.<br/>Debenture Stock.</i> | <i>The said John Smith.</i>                             |                 |                    |

## Another Form of Summons.

*In Lunacy.**In the matter of John Smith, a person of  
unsound mind.*

*Let all parties concerned attend the Master in Chambers,  
at the Royal Courts of Justice, London, on Friday, the  
2nd day of March, 1900, at 11.30 o'clock in the forenoon,  
on the hearing of an application on the part of Thomas  
Smith, of Blackacre, in the county of Essex, Esquire, the  
father of the above-named John Smith, that—*

- (1) The applicant may be appointed committee of the  
person and estate of the said John Smith.*
- (2) 200l. per annum may be allowed for the maintenance  
of the said John Smith as from the 30th November,  
1899, in accordance with the scheme contained in the  
applicant's affidavit sworn in this matter on the  
28th December, 1899.*
- (3) Provision may be made for the payment of the debts  
due and owing by the said John Smith, referred to  
in the said affidavit of the applicant and amounting  
in the aggregate to £325.*



- (4) *The sum of £4,000 New Consols and £3,500 Midland Railway £4 per Cent. Preference Stock, belonging to the said John Smith, may be transferred into Court and the dividends thereon may from time to time be paid to the applicant as committee.*
- (5) *The reasonable costs, charges and expenses of the applicant, of, incident to and consequent upon the Inquisition and the order made hereon, may be taxed as between solicitor and client and paid by the applicant out of any moneys in his hands available for that purpose.*
- (6) *Any balance appearing due from the committee on his accounts may from time to time be paid into Court and invested in India £2 10s. per Cent. Stock, and the dividends thereon may from time to time be accumulated and invested in like stock.*

*Dated the 23rd day of February, 1900.*

*This summons was issued by Messrs. Deeds & Parchment, of No. 415, Bedford Row, in the county of London, solicitors for the applicant.*

*To*

**Consent of Committee of Estate to act.**

*In Lunacy.*

*In the matter of Mary Smith (spinster), a person of unsound mind.*

*I, Thomas Smith, of Blackacre, in the county of Essex, Esquire, hereby consent to be appointed and to act as the committee of the estate of the above-named Mary Smith, and I am willing and hereby undertake to give or provide the usual security, viz., my own bond with two sureties or such other security as may be required for duly accounting for such estate.*

*Dated this                      day of                      , 1900.*

**THOMAS SMITH.**

## Consent of Committee of Person to act.

*In Lunacy.*

*In the matter of Mary Smith (spinster), a  
person of unsound mind.*

*I, Jane Smith, of Blackacre, in the county of Essex,  
spinster, do hereby consent to be appointed and to act as  
committee of the person of the above-named Mary Smith,  
and I hereby undertake to visit her once at least in every  
three months, and at such other times as may be required,  
and see that she is duly attended to and has all necessary  
enjoyments and comforts.*

*Dated this                      day of                      , 1900.*

JANE SMITH.

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Consent of Committee of Person to act where the Lunatic resides  
with him (or her).*In Lunacy.*

*In the matter of Mary Smith (spinster), a  
person of unsound mind.*

*I, Jane Smith, of Blackacre, in the county of Essex,  
spinster, do hereby consent to be appointed and to act as the  
committee of the person of the above-named Mary Smith,  
and I hereby undertake, so long as she shall reside with me,  
that I will take due care of her and see that she has all  
necessary enjoyments and comforts, and in the event of her  
residing elsewhere, then I undertake to visit her once at least  
in every three months, and at such other times as may  
be required, and see that she is duly attended to and has all  
necessary enjoyments and comforts.*

*Dated this                      day of                      1900.*

JANE SMITH.

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**Form of Affidavit of Fitness of Committee of Estate.***In Lunacy.**In the matter of Mary Smith (spinster), a person of unsound mind.**I, John Johnson, of 5002, Elvira Road, in the county of London, merchant, make oath and say as follows :—*

- (1) I have for the last ten years known and been intimately acquainted with Thomas Smith, of Black-acre, in the county of Essex, chemist, who is the father of the above-named Mary Smith.*
- (2) The said Thomas Smith is a highly respectable and responsible person, of good credit, and greatly esteemed in the neighbourhood in which he so resides and carries on business as aforesaid, and of good business habits. The said Thomas Smith is also of a kind and humane disposition.*
- (3) To the best of my knowledge, information and belief, the said Thomas Smith is well qualified in every respect to be appointed committee of the estate of the above-named Mary Smith, and he is fully able to give the requisite security for the due protection of her estate.*

*Sworn, &c.***Form of Affidavit of Fitness of Committee of Person.***In Lunacy.**In the matter of Mary Smith (spinster), a person of unsound mind.**I, Helen Jones, of 763, High Street, in the city of London, wife of Thomas Jones, of the same place, Esquire, make oath and say as follows :—*

- (1) I have for fifteen years last past known and been intimately acquainted with Jane Smith, of Black-acre, in the county of Essex, spinster, who is a sister of the above-named Mary Smith.*



- (2) *The said Jane Smith is a highly respectable and responsible person, of good credit, and greatly esteemed in the neighbourhood in which she so resides as aforesaid. The said Jane Smith is also of a kind and humane disposition, and of careful and considerate habits.*
- (3) *To the best of my knowledge, information and belief, the said Jane Smith is well qualified in every respect to be appointed committee of the person of the said Mary Smith.*

*Sworn, &c.*

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Formerly, and under the old practice, the Masters in Lunacy drew up a lengthy document termed indifferently a Report or Certificate, which was very similar in many respects to a Master's certificate in Chancery. In it all the important facts relating to the particular case were recited, and recommendations were made as to the persons to be appointed committees, the amount to be allowed for maintenance, and other incidental and consequential matters. This Report or Certificate was approved and signed by one of the Lords Justices, and then an order was drawn up on the Report, and so as to carry out the proposals contained therein.

Section 27 of the Lunacy Act, 1891, has made this cumbrous and expensive procedure most unusual, and the general present practice is to at once draw up an order (made and signed by one of the Masters in Lunacy) after the return of the summons for directions before him. This order is drawn up in an exactly similar manner as an order made on summons under the 116th section of the Lunacy Act, 1890. See chap. II., p. 27.

It may be well before closing this chapter to refer to some of the 1892 Lunacy Rules, and also to the above-mentioned section of the Lunacy Act, 1891.

Rule 18 provides that every Petition for an order for



Inquisition for a Traverse, and for a Supersedeas, and the evidence in support thereof, shall be filed in the Master's office, and shall be brought before the Judge without previous consideration by the Masters.

Under Rule 23 all matters which require to be brought before the Judge shall be brought before him out of Court. The Judge may make an order upon any summons or petition without attendance of Counsel, Solicitors, or parties, or after such attendance, or may adjourn the summons or petition into Court, or refer the same to the Masters for inquiry. Any matter may be adjourned from Court for consideration by the Judge out of Court.

Rule 24 provides that the Judge and Masters respectively may direct any person to be served with notice of any application, and may dispense with service on any person.

Section 27 of the Lunacy Act, 1891, provides that, subject to Rules in Lunacy, the jurisdiction of the Judge in Lunacy as regards administration and management may be exercised by the Masters, and every order of a Master in that behalf shall take effect unless annulled or varied by the Judge in Lunacy.

## CHAPTER IV.

ON COMPLETING THE RECEIVER'S OR COMMITTEE'S  
SECURITY AND OTHER INCIDENTAL MATTERS, INCLUDING  
ACCOUNTS AND AFFIDAVITS IN LIEU OF ACCOUNTS.

A RECEIVER or committee is not in a position to act merely because an order appointing him has been drawn up and passed and entered. Before he can give valid receipts for the patient's money, or take any step whatever in the matter, he must complete his security (*a*). Such security usually consists of a bond with two sureties in a penal sum double the value of the whole of the patient's money which can possibly be in the hands of the committee or receiver in any one year. Thus, if the annual income amounted in a case to 200*l.*, and all the securities or capital moneys had been paid into Court, so that the receiver or committee could not deal with them, the security would usually be fixed at 400*l.* The amount of the security to be given will either be fixed by the Master on the return of the summons before him, or it will be settled later on by the official who draws up the order. The bond is drawn and engrossed at the Lunacy Office, and is in a regular stereotyped form, which need not therefore be given; but before such bond is prepared the solicitor, acting for the receiver or committee, will have to bespeak the same by filling up and lodging one of the following forms (according to the circumstances of the case), together with an office

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(*a*) As to accounts, security, &c., see Rules 70—81 of Lunacy Rules, 1892, in Appendix A.



copy of the order appointing the receiver or committee at Room 214 of the Lunacy Office, viz. :—

**Form of Instructions for Security by Receiver.\***

*In Lunacy.*

*In the matter of John Smith, a person of unsound mind, not so found by inquisition.*

**INSTRUCTIONS FOR SECURITY OF RECEIVER.**

*The Receiver is Thomas Smith, of Blackacre, in the county of Essex, Esquire. The sureties proposed are John Johnson of 1003, High Street, in the county of London, merchant, and Thomas Jones, of 1001, New Inn, in the same county, architect.*

*The present residence of the lunatic is at Littlemoor Asylum, in the county of Middlesex.*

*The date of the order (left herewith) appointing the receiver is the 18th December, 1899.*

*Dated this 8th day of January, 1900.*

**HENRY DEEDS,**

*A member of the firm of Deeds & Parchment,  
415, Bedford Row, W.C.,  
Solicitors for the Receiver.*

*Penalty, £400.*

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\* A lithographed form of these instructions ready for use can be obtained from the Lunacy Office.

In cases under sub-section (d) the instructions will be headed as follows:—

“In the matter of John Smith.

“And in the matter of the Acts 53 Vict. cap. 5, and 54 & 55 Vict. cap. 65.”

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Form of Instructions for Security by Committee.\*

*In Lunacy.*

*In the matter of John Smith, a person of  
unsound mind.*

INSTRUCTIONS FOR SECURITY AND GRANT.

*The order for inquiry describes the above-named John Smith as residing at Littlemoor Asylum, in the county of Middlesex.*

*The inquiry was held at Littlemoor Asylum aforesaid, on the 10th November, 1899.*

*The verdict was that the said John Smith was a person of unsound mind.*

*The committee of the person is Henry Smith, of Whiteacre, in the county of York, Esquire.*

*The committee of the estate is Thomas Smith, of Blackacre, in the county of Essex, Esquire.*

*The sureties proposed are John Johnson, of 1003, High Street, in the county of London, merchant, and Thomas Jones, of 1001, New Inn, in the same county, architect.*

*The present residence of the lunatic is Littlemoor Asylum, aforesaid.*

*The date of the order (left herewith), appointing committees, &c., is the 18th December, 1899.*

*Dated this 8th day of January, 1900.*

HENRY DEEDS,

*A member of the firm of Deeds & Parchment,  
415, Bedford Row, W.C.,  
Solicitors to the Committee.*

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\* A lithographed form of these instructions ready for use can be obtained from the Lunacy Office.



A few days after he has lodged his instructions for security the solicitor for the Receiver or Committee will obtain from the stationers to the Lunacy Office, on payment of some 13s. or 14s., the bond, together with forms of affidavits of due execution and solvency of sureties. The bond must be executed by the Receiver or Committee (as the case may be), and also by the sureties, in each case in the presence of two witnesses, and one of each of such sets of two witnesses will have to make an affidavit of due execution to which the bond is exhibited. It is also necessary that the sureties should both make an affidavit of solvency.

#### Form of Affidavit of due Execution.

*In Lunacy.*

*In the matter of John Smith, a person of unsound mind [not so found by inquisition.\*]*

*I, John Snooks, of 415, Bedford Row, in the county of London, clerk to Messrs. Deeds & Parchment, of the same place, solicitors, make oath and say that Henry Deeds, of No. 415, Bedford Row, aforesaid, and I, this deponent, were present, and did see the bond hereunto annexed marked with the letter "A," and bearing date the fifth day of April one thousand nine hundred, in the penalty of four hundred pounds, duly signed, sealed and delivered, by the therein-named Thomas Smith, John Johnson, and Thomas Jones, as their respective act and deed to the use of her present Majesty Queen Victoria, and that to the execution thereof by the said Thomas Smith, John Johnson, and Thomas Jones, respectively, the said Henry Deeds and I, this deponent, did subscribe our respective names as witnesses thereto.*

*Sworn, &c.*

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\* Strike out these words if proceedings were commenced by petition; and if the case is one under sub-section (d), alter the formal heading accordingly.



**Form of Affidavit of Sufficiency of Sureties.**

*In Lunacy.*

*In the matter of John Smith, a person of unsound mind [not so found by inquisition.\*]*

*We, John Johnson, of 1003, High Street, in the county of London, merchant, and Thomas Jones, of 1001, New Inn, in the same county, architect, each of us speaking for ourselves only, severally make oath and say:—*

- (1) And first I, this deponent, John Johnson, for myself, say that I am really and truly worth the sum of two hundred pounds of lawful money of Great Britain over and besides what is sufficient to pay and discharge all my just debts.*
- (2) And I, this deponent, Thomas Jones, for myself, say that I am really and truly worth the sum of two hundred pounds of lawful money over and besides what is sufficient to pay and discharge all my just debts.*

*Sworn, &c.*

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As soon as the bond has been duly executed and attested and affidavits of due execution and solvency have been sworn, the solicitor for the Committee or Receiver (as the case may be) will lodge the documents at Room 214 of the Lunacy Office. Assuming the papers to be in order, a certificate of completion of security will now be prepared by the Lunacy Officials, the engrossment of which is signed by the Master and stamped by the solicitor with a 1*l.* stamp. The solicitor when stamping and lodging the original bespeaks an office copy, which he can obtain a few days later.

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\* *Strike out these words if proceedings were commenced by petition; and if the case is one under sub-section (d), alter the formal heading accordingly.*



## Form of Certificate of Completion of Security.\*

*In Lunacy.*

*In the matter of John Smith, a person of unsound mind, not so found by inquisition.*

*Whereas, pursuant to an order in this matter dated the 11th day of January, 1900, Thomas Smith, of Blackacre, in the county of Essex, Esquire, was authorised upon completing such security as the Masters in Lunacy should approve of, to exercise such of the powers of a committee of the estate of the said John Smith as thereby directed, now it is hereby certified under the seal of the said Masters as follows :—*

- (1) *That the said Thomas Smith has, together with John Johnson, of 1003, High Street, in the county of London, merchant, and Thomas Jones, of 1001, New Inn, in the same county, architect, his sureties, entered into a bond, dated the       day of       , 1900, in the penal sum of £400 duly executed by them for answering the estate of the said John Smith, and accounting for the rents, profits, and produce thereof, and for the faithful discharge of his duties as authorised and directed by the said order.*
- (2) *That the said bond of the said Thomas Smith and his said sureties has been approved of by the said Masters and remains deposited in their office, and that the security of the said Thomas Smith is completed.*

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As soon as he obtains the office copy certificate of completion of security, the Committee or Receiver (as the case

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\* The heading and the body of this form will be drawn by the officials in a slightly different form where the security has been given by a Committee or by a person appointed Receiver under sub-section (d)

may be) is in a position to act, and is legally entitled to manage the lunatic's estate, and to carry out the order made by the Master. He is, however, in a position of trust, and must render an account of his stewardship by furnishing periodical accounts or affidavits in lieu of accounts, as may be directed. How often these accounts or affidavits are to be furnished, and over what periods they are to extend, are matters which the official drawing up the original order made by the Master will determine and direct.

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**Form of Affidavit\* to be sworn by a Committee of the Estate in lieu of an Account.**

*In Lunacy.*

*In the matter of John Smith, a person of unsound mind.*

*I, Thomas Smith, of Blackacre, in the county of Essex, Esquire, the committee of the estate of the said John Smith, make oath and say as follows:—*

- (1) *The fortune of the said John Smith consists of the following particulars, viz. :—†*
- (2) *The net income of the fortune of the said John Smith amounts to £            a year or thereabouts.*
- (3) *Under an order dated the       day of       , 1899, the whole net income of the said John Smith, not exceeding £       a year, is to be allowed for his maintenance from the       day of       1899.*
- (4) *‡ From the time of my appointment as such committee, I have received a total sum of £       only, and I*

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\* A printed form of this affidavit and the three following ones can be obtained at Room 210 of the Lunacy Office. But such forms must not be sworn and will not be accepted if sworn; they are only to be used as precedents.

† State briefly the fortune.

‡ The fourth paragraph is to be used in first affidavits only. Subsequent affidavits must show what income has been spent in maintenance and what for any other purpose directed by Order or otherwise.



*have thereout paid £                      for the maintenance of the said John Smith, and I have applied the balance in paying the debts and taxed costs pursuant to the said order.*

- (5) *John Johnson and Thomas Jones, my sureties, are living, and neither of them has been declared bankrupt nor compounded with his creditors. [If security has been given by a guarantee society, paragraph 5 will run as follows: "All premiums due to the                      Guarantee Society, under the bond dated                      1899, have been paid."]*

*Sworn, &c.*

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**Another Form of Affidavit in lieu of Account by the Committee of the Estate.**

*In Lunacy.*

*In the matter of John Smith, a person of unsound mind.*

*I, Thomas Smith, of Blackacre, in the county of Essex, Esquire, the committee of the estate of the said John Smith, make oath and say as follows:—*

- (1) *The fortune of the said John Smith produces a net income of £                      a year or thereabouts, made up as follows, viz.:—*
- (2) *Under an order dated                      1899, £                      a year is allowed for the maintenance of the said John Smith, from the                      day of                      1899 [or "Under an order dated                      1899, the whole net income not exceeding £                      a year is allowed for the maintenance of the said John Smith from the                      day of                      1899"].*
- (3) *I have in the schedule hereto set out a just and true account of the several sums of money which have been received, retained, and paid by me or by any other person or persons whomsoever, by my order or for*

my use as such committee, from the                      day  
of                      to the                      day of                      , and the several  
sums in the said schedule mentioned to have been  
retained, paid and allowed, have been really retained,  
paid and allowed for the several purposes in the said  
schedule mentioned, and to the best of my knowledge  
and belief all things therein stated are true and there  
is no error or omission in the said schedule.

- (4) *John Johnson and Thomas Jones, my sureties, are living, and neither of them has been declared bankrupt nor compounded with his creditors.*

[If security has been given by a guarantee society, paragraph 4 will run as follows:  
“*All premiums due to the                      Guarantee Society under the bond dated                      , 1899 have been paid.*”]

*The SCHEDULE above referred to.*

## RECEIPTS.

| <i>Premises.</i> | <i>Tenants' Names.</i> | <i>Annual Rents.</i> | <i>When Due.</i> | <i>Amount Received.</i> | <i>Remarks.</i> |
|------------------|------------------------|----------------------|------------------|-------------------------|-----------------|
|                  |                        |                      |                  | £                       |                 |



*SCHEDULE—continued.*

## GENERAL RECEIPTS.

*From funds in Court,\* viz. :—*

|       |                          |     |     |     |     | £ | s. | d. |
|-------|--------------------------|-----|-----|-----|-----|---|----|----|
| (a) £ | New Consols              | ... | ... | ... | ... |   |    |    |
| (b) £ | India £3 per cent. Stock | ... | ... | ... | ... |   |    |    |
| (c) £ |                          | ... | ... | ... | ... |   |    |    |

*From Other Sources :*

|                   |                        |            |                |     |     |   |  |  |
|-------------------|------------------------|------------|----------------|-----|-----|---|--|--|
| (d) Interest on £ | from                   | , 1899, to | 1899,          |     |     |   |  |  |
|                   | secured by mortgage of | ...        | ...            | ... | ... |   |  |  |
| (e) Dividend on £ | stock of the           | Company,   |                |     |     |   |  |  |
|                   | from the               | day of     | , 1899, to the |     |     |   |  |  |
|                   | day of                 | , 1899     | ...            | ... | ... | £ |  |  |

## PAYMENTS.

*Maintenance:*

|                                                       |   |    |    |
|-------------------------------------------------------|---|----|----|
| Paid † [or retained] for maintenance of the said John | £ | s. | d. |
| Smith from 189 , to , 1899 ...                        |   |    |    |

*Other Payments :*

|                                 |                       |              |     |  |  |   |  |  |
|---------------------------------|-----------------------|--------------|-----|--|--|---|--|--|
| Interest on £                   | due to                | from the     | day |  |  |   |  |  |
| of , 189 , to , 1899            | ...                   | ...          | ... |  |  |   |  |  |
| On account of debt of £         | due to                | for          |     |  |  |   |  |  |
| leaving a balance of £          | still due             | ...          | ... |  |  |   |  |  |
| Allowance to                    | from the              | 189 , to the | ,   |  |  |   |  |  |
| 1899, sanctioned by order dated | , 189                 | ...          |     |  |  |   |  |  |
| Paid pursuant to order dated    | , 189 , the following |              |     |  |  |   |  |  |
| sums :—                         |                       |              |     |  |  |   |  |  |
|                                 |                       |              |     |  |  | £ |  |  |

\* If there be a fund in Court, give the particulars ; and on leaving the affidavit there should also be left a certificate of the fund in Court and a transcript of the Paymaster-General's account made up to the date of swearing the affidavit.

† Vouchers for all payments, including payments for maintenance, should be left with the affidavit.

## SUMMARY OF RECEIPTS AND PAYMENTS.

*Receipts.*

|                                  | £ | s. | d. |
|----------------------------------|---|----|----|
| <i>Rents</i> ... .. £            |   |    |    |
| <i>General Receipts</i> ... .. £ |   |    |    |
| <i>Total receipts</i> ... .. £   |   |    |    |

*Payments.*

|                                                       |  |  |  |
|-------------------------------------------------------|--|--|--|
| <i>Maintenance</i> ... .. £                           |  |  |  |
| <i>General Payments</i> ... .. £                      |  |  |  |
| <i>Total payments</i> ... .. £                        |  |  |  |
| <i>Balance due [to or] from Thomas Smith</i> ... .. £ |  |  |  |
| <i>Sworn, &amp;c.</i>                                 |  |  |  |

**Form of Affidavit in lieu of an Account by a Receiver appointed  
under the 116th Section of the Lunacy Act, 1890.**

*In Lunacy.*

*In the matter of John Smith, a person of  
unsound mind, not so found by inquisition.\**

*I, Thomas Smith, of Blackacre, in the county of Essex,  
Esquire, the person appointed by an order in this matter  
dated the            day of           , 189   , to exercise such of  
the powers of a committee of the estate as therein mentioned,  
make oath and say as follows:—*

- (1) The fortune of the said John Smith consists of the  
following particulars, viz. :—*
- (2) The net income of the fortune of the said John Smith  
amounts to £            a year or thereabouts.*
- (3) Under the said order the whole net income of the said  
John Smith, not exceeding £            a year, is  
allowed for his maintenance from the            day  
of            189   .*

\* If the Receiver is appointed under sub-section (d), the title will be as follows:—

“In the matter of John Smith.

“And in the matter of the Acts 53 Vict. c. 5, and 54 & 55 Vict. c. 65.”



(4) *From\* the time of my appointment under the said order I have received a total sum of £ , and I have thereout paid £ for the maintenance of the said John Smith, and I have applied the balance in paying the debts and taxed costs pursuant to the said order.*

(5) *John Johnson and Thomas Jones, my sureties, are living, and neither of them has been declared bankrupt, nor compounded with his creditors.*

[If security has been given by a guarantee society, paragraph 5 will run as follows:  
*"All premiums due to the Guarantee Society, under the bond dated , 1899, have been paid."*]

*Sworn, &c.*

#### **Another Form of Affidavit in lieu of an Account by a Receiver.**

*In Lunacy.*

*In the matter of John Smith, a person of unsound mind, not so found by inquisition.†*

*I, Thomas Smith, of Blackacre, in the county of Essex, Esquire, the person appointed by order, dated the day of , 189 , to exercise such of the powers of a committee of the estate as therein mentioned, make oath and say as follows:—*

[This affidavit will be in exactly the same form as the one by a committee on pp. 56 to 59, except that the words "*such person appointed as aforesaid*" should be substituted for the words "*such committee*" in the 3rd paragraph of the affidavit.]

\* *The fourth paragraph is to be used in first affidavits only. Subsequent affidavits must show what income has been spent in maintenance and what for any other purpose directed by order or otherwise.*

† *If the Receiver is appointed under sub-section (d), the title should be altered as in the note to the last form.*

## Form of Account by Receiver or Committee.

In Lunacy.

In the matter of John Smith, a person of unsound mind [not so found by inquisition\*].

The third account of Thomas Smith, the committee [or the receiver] of the estate appointed under order dated the 5th June, 1895, of his Receipts and of his Payments [and Allowances as such committee [or receiver] from the 1st January, 1898, to the 31st December, 1899 (both days inclusive).

## REAL ESTATE RECEIPTS.

| No. of Item. | Date when Received.                                                    | Tenant's Name.                             | Description of Premises.                        | Annual Rent.                      | Arrears due at 1st Jan. 1898.    | Deductions for Income Tax.            | Amount Received.                                 | Arrears remaining Due.           | Observations.                                                                          |
|--------------|------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------|-----------------------------------|----------------------------------|---------------------------------------|--------------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------|
| 1            | Mar. 27, 1898.<br>Oct. 1, 1898.<br>Mar. 28, 1899.<br>Oct. 2, 1899.     | J. Saunders.<br>ditto.<br>ditto.<br>ditto. | House and Garden.<br>ditto.<br>ditto.<br>ditto. | £ s. d.<br>100 0 0<br>—<br>—<br>— | £ s. d.<br>12 0 0<br>—<br>—<br>— | £ s. d.<br>3 6 8<br>—<br>3 6 8<br>—   | £ s. d.<br>50 0 0<br>50 0 0<br>50 0 0<br>50 0 0  | £ s. d.<br>12 0 0<br>—<br>—<br>— |                                                                                        |
| 2            | Mar. 29, 1898.<br>Oct. 3, 1898.<br>Mar. 29, 1899.<br>Oct. 2, 1899.     | R. Roberts.<br>ditto.<br>ditto.<br>ditto.  | Stables.<br>ditto.<br>ditto.<br>ditto.          | £ s. d.<br>16 0 0<br>—<br>—<br>—  | £ s. d.<br>4 0 0<br>—<br>—<br>—  | £ s. d.<br>0 10 8<br>—<br>0 10 8<br>— | £ s. d.<br>8 0 0<br>8 0 0<br>8 0 0<br>8 0 0      | £ s. d.<br>4 0 0<br>—<br>—<br>—  |                                                                                        |
| 3            | April 10, 1898.<br>Oct. 5, 1898.<br>April 9, 1899.<br>Oct. 5, 1899.    | G. Cocks.<br>ditto.<br>ditto.<br>ditto.    | Cottage.<br>ditto.<br>ditto.<br>ditto.          | £ s. d.<br>40 0 0<br>—<br>—<br>—  | £ s. d.<br>—<br>—<br>—<br>—      | £ s. d.<br>1 6 8<br>—<br>1 6 8<br>—   | £ s. d.<br>20 0 0<br>20 0 0<br>20 0 0<br>20 0 0  | £ s. d.<br>—<br>—<br>—<br>—      |                                                                                        |
| 4            | Mar. 26, 1898.<br>Sept. 30, 1898.<br>Mar. 26, 1899.<br>Sept. 30, 1899. | A. Mann.<br>ditto.<br>ditto.<br>ditto.     | House and Barn.<br>ditto.<br>ditto.<br>ditto.   | £ s. d.<br>170 0 0<br>—<br>—<br>— | £ s. d.<br>15 0 0<br>—<br>—<br>— | £ s. d.<br>5 13 4<br>—<br>5 13 4<br>— | £ s. d.<br>100 0 0<br>85 0 0<br>85 0 0<br>85 0 0 | £ s. d.<br>—<br>—<br>—<br>—      | On 26th March, 1898,<br>Mr. Mann paid £15<br>arrears due on the<br>preceding rent day. |
|              |                                                                        |                                            |                                                 | £ s. d.<br>326 0 0                | £ s. d.<br>31 0 0                | £ s. d.<br>21 14 8                    | £ s. d.<br>667 0 0                               | £ s. d.<br>16 0 0                |                                                                                        |
|              |                                                                        |                                            |                                                 | Income Tax deducted..             |                                  | £ s. d.<br>21 14 8                    | £ s. d.<br>21 14 8                               |                                  |                                                                                        |
|              |                                                                        |                                            |                                                 | Net Receipts..                    |                                  | £ s. d.<br>645 5 4                    |                                                  |                                  |                                                                                        |

\* Strike out these words if inapplicable, and adapt the title to meet the circumstances of the case.



## GENERAL RECEIPTS.

|                                                      | £    | s. | d. |
|------------------------------------------------------|------|----|----|
| <i>By balance on second account</i> ... ..           | 18   | 7  | 6  |
| <i>„ dividends on £1,500 Great Western Railway</i>   |      |    |    |
| <i>£5 per cent. Preference Stock :</i>               | £    | s. | d. |
| <i>Due 1st January, 1898</i> ... ..                  | 37   | 10 | 0  |
| <i>„ 1st July, 1898</i> ... ..                       | 37   | 10 | 0  |
| <i>„ 1st January, 1899</i> ... ..                    | 37   | 10 | 0  |
| <i>„ 1st July, 1899</i> ... ..                       | 37   | 10 | 0  |
|                                                      | 150  | 0  | 0  |
| <i>By interest on John Jefferson's mortgage of</i>   |      |    |    |
| <i>£2,500 at £5 per cent. per annum :</i>            | £    | s. | d. |
| <i>To 1st March, 1898</i> ... ..                     | 62   | 10 | 0  |
| <i>„ 1st September, 1898</i> ... ..                  | 62   | 10 | 0  |
| <i>„ 1st March, 1899</i> ... ..                      | 62   | 10 | 0  |
| <i>„ 1st September, 1899</i> ... ..                  | 62   | 10 | 0  |
|                                                      | 250  | 0  | 0  |
| <i>By dividends on £1,869 13s. 2d. India £3½ per</i> |      |    |    |
| <i>cent. Stock :</i>                                 | £    | s. | d. |
| <i>Due 5th January, 1898</i> ... ..                  | 15   | 16 | 4  |
| <i>„ 5th April, 1898</i> ... ..                      | 15   | 16 | 4  |
| <i>„ 5th July, 1898</i> ... ..                       | 15   | 16 | 4  |
| <i>„ 5th October, 1898</i> ... ..                    | 15   | 16 | 4  |
| <i>„ 5th January, 1899</i> ... ..                    | 15   | 16 | 4  |
| <i>„ 5th April, 1899</i> ... ..                      | 15   | 16 | 4  |
| <i>„ 5th July, 1899</i> ... ..                       | 15   | 16 | 4  |
| <i>„ 5th October, 1899</i> ... ..                    | 15   | 16 | 4  |
|                                                      | 126  | 10 | 8  |
|                                                      | £544 | 18 | 2  |

## PAYMENTS AND ALLOWANCES.

|                                                                        |    |    |    |
|------------------------------------------------------------------------|----|----|----|
| (1) <i>Payments in respect of rents, taxes, and insurance, &amp;c.</i> |    |    |    |
| <i>Land tax on cottage occupied by G. Cox</i>                          | £  | s. | d. |
| <i>for year 1898</i> ... ..                                            | 0  | 2  | 4  |
| <i>Ditto ditto ditto 1899</i>                                          | 0  | 2  | 4  |
|                                                                        |    | 0  | 4  |
| 1898, <i>December 29, Phoenix Insurance</i>                            |    |    |    |
| <i>Company for premium on house and</i>                                | £  | s. | d. |
| <i>barn occupied by Mr. Mann</i> ... ..                                | 2  | 8  | 0  |
| 1899, <i>December 30, the like</i> ... ..                              | 2  | 8  | 0  |
|                                                                        |    | 4  | 16 |
| <i>Total for Taxes, Insurance, &amp;c.</i> ... ..                      | £5 | 0  | 8  |

(2) *Payments in respect of repairs.*

|                                                                                              | £  | s. | d. | £   | s. | d. |
|----------------------------------------------------------------------------------------------|----|----|----|-----|----|----|
| 1899, March 7, house in occupation of<br>J. Saunders, paid London Building<br>Company ... .. | 20 | 0  | 0  |     |    |    |
| 1899, May 6, cottage in occupation of<br>G. Cocks, paid carpenter ... ..                     | 5  | 0  | 0  |     |    |    |
| Total for repairs, &c. ... ..                                                                |    |    |    | £25 | 0  | 0  |

## MAINTENANCE.

| <i>Paid Doctor Sylum.</i> | £  | s. | d. |      |   |   |
|---------------------------|----|----|----|------|---|---|
| 1898, January 30 ... ..   | 25 | 0  | 0  |      |   |   |
| „ April 28 ... ..         | 25 | 0  | 0  |      |   |   |
| „ August 4 ... ..         | 25 | 0  | 0  |      |   |   |
| „ October 30 ... ..       | 25 | 0  | 0  |      |   |   |
| 1899, January 28 ... ..   | 25 | 0  | 0  |      |   |   |
| „ April 26 ... ..         | 25 | 0  | 0  |      |   |   |
| „ July 30 ... ..          | 25 | 0  | 0  |      |   |   |
| „ October 27 ... ..       | 25 | 0  | 0  |      |   |   |
|                           |    |    |    | £200 | 0 | 0 |

## MISCELLANEOUS.

|                                                                                                                               | £ | s. | d. | £    | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------|---|----|----|------|----|----|
| 1898, January 15, committee's railway expenses                                                                                | 0 | 17 | 6  |      |    |    |
| „ May 4, the like ... ..                                                                                                      | 0 | 17 | 6  |      |    |    |
| „ October 1, the like ... ..                                                                                                  | 0 | 17 | 6  |      |    |    |
| 1899, February 2, the like ... ..                                                                                             | 0 | 17 | 6  |      |    |    |
| „ May 9, the like ... ..                                                                                                      | 0 | 17 | 6  |      |    |    |
| „ October 10, the like ... ..                                                                                                 | 0 | 17 | 6  |      |    |    |
| <i>Paid Mr. Whiteley for sundry small articles of clothing ...</i>                                                            |   |    |    | 5    | 5  | 0  |
| 1898, October 28, lunacy percentage for the year                                                                              | 6 | 0  | 0  | 0    | 15 | 0  |
| 1899, October 28, ditto ditto                                                                                                 | 6 | 0  | 0  |      |    |    |
|                                                                                                                               |   |    |    | 12   | 0  | 0  |
| 1899, December 2, paid into Court to the Credit of this<br>matter in accordance with order dated 2nd February,<br>1896 ... .. |   |    |    | 800  | 0  | 0  |
| Allowed costs of passing committee's account ... ..                                                                           |   |    |    | 7    | 0  | 0  |
| The like, next of kin ... ..                                                                                                  |   |    |    | 1    | 10 | 0  |
|                                                                                                                               |   |    |    | £826 | 10 | 0  |



## SUMMARY.

| I. RECEIPTS.                            |     |     |     |     | £   | s.    | d. | £ | s.    | d.    |
|-----------------------------------------|-----|-----|-----|-----|-----|-------|----|---|-------|-------|
| <i>Rents</i> ...                        | ... | ... | ... | ... | ... | 645   | 5  | 4 |       |       |
| <i>General Receipts</i>                 | ... | ... | ... | ... | ... | 544   | 18 | 2 |       |       |
|                                         |     |     |     |     |     | <hr/> |    |   | 1,190 | 3 6   |
| II. PAYMENTS.                           |     |     |     |     |     |       |    |   |       |       |
| <i>Rents, Taxes, Insurance, &amp;c.</i> | ... | ... | ... | ... | ... | 5     | 0  | 8 |       |       |
| <i>Repairs</i>                          | ... | ... | ... | ... | ... | 25    | 0  | 0 |       |       |
| <i>Maintenance</i> ...                  | ... | ... | ... | ... | ... | 200   | 0  | 0 |       |       |
| <i>Miscellaneous</i>                    | ... | ... | ... | ... | ... | 826   | 10 | 0 |       |       |
|                                         |     |     |     |     |     | <hr/> |    |   | 1,056 | 10 8  |
| <i>Balance due from Committee</i>       |     |     |     |     | ... |       |    |   | £133  | 12 10 |
|                                         |     |     |     |     |     | <hr/> |    |   | <hr/> |       |

As soon as the affidavit in lieu of an account has been sworn, or the account has been prepared (as the case may be), such document should be lodged at the Lunacy Office together with—

- (a) All the vouchers.
- (b) A certificate of the fund in Court.
- (c) A transcript of the Paymaster-General's account, and
- (d) An office copy of the Order appointing the Receiver [or Committee], dealing with the property, or authorising any particular payment thereout.

When the account or affidavit has been lodged, an appointment will be given to vouch the same, and the solicitor for the Committee [or Receiver] will attend at such appointment and support the items contained therein.

When an account has been vouched, the official who deals with the matter will assess the costs of the solicitors attending before him, and will include the same in the account: he will also add a statement as to any balance to be paid into Court, &c., and up to what date the next account is to be made up, and when it is to be brought in. The account as finally approved by the officials will then be sent by them for an engrossment, and a few days later the solicitor for the

Committee [or Receiver] will obtain the engrossment from the Lunacy Stationers with the following affidavit on the last sheet thereof, viz.:—

*In the matter of John Smith, a person of unsound mind [\* not so found by Inquisition \*].*

*I, Thomas Smith, the Committee [or Receiver] of the estate of the above-named John Smith, make oath and say that the foregoing account doth to the best of my knowledge and belief contain a just and true account of the several sums of money which have been received, retained, and paid by me or by any other person or persons whomsoever by my order or for my use on account of the said John Smith or his estate, from the 1st day of January, 1898, to the 31st day of December, 1899. And that the several sums of money in the said account mentioned to have been retained, paid, and allowed have been really retained, paid, and allowed for the several purposes in the said account mentioned. And that all the matters and things therein stated are true, and that there is no error or omission in the said account to the best of my knowledge and belief. And I further say that my sureties, John Johnson and Thomas Jones, are both living, and that they have not been declared bankrupt or compounded with their creditors.*

*Sworn, &c.*

---

When this affidavit annexed to the account has been sworn, the document should be returned to the Lunacy Office, and an office copy thereof obtained.

---

\* The officials will adapt this title to meet the circumstances of the case.



## CHAPTER V.

SOME FORMS IN GENERAL USE, AND ALSO SOME REMARKS  
ON APPEALS, PETITIONS FOR VESTING ORDERS AND FOR  
TRAVERSES.

THE formal headings to the following precedents will be :—

- (a) In a case under sub-section (d) of the 116th section of the Lunacy Act, 1890 :

*In the matter of John Smith,  
And in the matter of the Acts 53 Vict. c. 5  
and 54 & 55 Vict. c. 65.*

- (b) In cases under sub-sections (c), (e), and (f) of the 116th section of the Lunacy Act, 1890, and in cases commenced by Petition, provided no order has been made at the time any of the precedents are used :

*In Lunacy.  
In the matter of John Smith, a person alleged  
to be of unsound mind.*

- (c) In cases under sub-sections (c), (e), and (f), where an order has been made :

*In Lunacy.  
In the matter of John Smith, a person of  
unsound mind, not so found by Inquisition.*

- (d) In cases commenced by Petition, where an Inquisition has been held and the lunatic has been certified to be of unsound mind :

*In Lunacy.  
In the matter of John Smith, a person of  
unsound mind.*

It is provided by Rule 45 of the Lunacy Rules, 1892 and 1893, that "any person, in whose custody or control any testamentary paper of the lunatic is, shall be at liberty to deposit the same in the office of the Masters upon oath as they may direct, there to remain for safe custody."

---

**Form of Affidavit by Solicitor on lodging Lunatic's Will in Court.**

(Formal heading.)

*I, Henry Deeds, of 415, Bedford Row, in the county of London, a member of the firm of Deeds & Parchment, of the same place, solicitors, make oath and say as follows :—*

- (1) Some years ago I acted as solicitor for the above-named John Smith, and on instructions from him, I, in the month of May, 1896, prepared his Will.*
- (2) The said John Smith called at my office and signed his Will in my presence and in the presence of one of my clerks, and I put the same into an envelope and sealed it up, endorsing such envelope with a memorandum that it contained the last Will and Testament of the said John Smith. I placed the said envelope so sealed up in one of the safes in my office.*
- (3) The document which is now produced and shewn to me, marked "H. D.," is the envelope so sealed up and endorsed by me as aforesaid, and it contains the said last Will and Testament of the said John Smith so prepared by me as aforesaid, and the said exhibited document has ever since it was so left with me remained in my custody and possession.*
- (4) The said envelope and its enclosure are now in the same state and condition in every respect as when so sealed up and left with me as aforesaid.*

*Sworn, &c.*

---



**Summons to confirm Conditional Contract for Sale.**

(Formal heading.)

*Let all parties concerned attend the Master in Chambers, at the Royal Courts of Justice, London, on       day, the       day of       , 1900, at       o'clock in the       noon, on the hearing of an application on the part of       of       , in the county of       , \*the committee of the estate of the above-named John Smith, appointed by order dated the       , 1900,\* that—*

- (1) *The conditional contract dated the       , and made between the applicant, by his agent, of the one part and       of       of the other part, for the sale of the "Spotted Cow" Inn to the said       , at the price or sum of £3,300, may be confirmed and ordered to be carried into effect subject to such modifications (if any) in the terms of the said contract as to the Masters in Lunacy shall seem just and expedient, and as the purchaser shall approve of.*
- (2) *Such consequential or other directions may be given as may be necessary or expedient for carrying out the sale of the said premises.*

*Dated this       day of       1900.*

*This summons was taken out by, &c.*

**Form of Affidavit in Support of Conditional Contract for Sale by a Valuer.**

(Formal heading, &amp;c.)

- (1) *I have carried on the business of an auctioneer and valuer at       aforesaid for       years and upwards last past, and have had during that period considerable experience in such business, and I believe myself well qualified to judge of the value of the property hereinafter mentioned and of like property in the vicinity thereof.*

\* Or as the case may be.

- (2) *I have examined and surveyed the hereditaments and premises described or referred to in the conditional contract for the sale thereof, dated the            day of           , 1900, and made between            of the one part and            of the other part, which is now produced and shewn to me marked "A."*
- (3) *The sum of £            in the said contract mentioned is in my judgment and opinion the full and fair value of the said hereditaments and premises, and fully as much as would probably be obtained for the same at a sale thereof by Public Auction.*
- (4) *It will be advantageous to all parties interested that the said contract should be confirmed and carried into effect.*

*Sworn, &c.*

---

**Form of Affidavit by the Solicitor for the Applicant making out a Case for a Sale.**

(Formal heading, &c.)

- (1) *My said firm have for many years acted as solicitors for the various members of the Smith family, and have been consulted as to the management of their property. I am well acquainted with the "Spotted Cow" Inn referred to in the affidavit of           , and am enabled to depose to the following facts from my own knowledge.*
- (2) *In my judgment and opinion the real value of the fee simple of the "Spotted Cow" Inn is about £2,000, but owing to the present enhanced value of public-house property, and to the fact that to my knowledge at the present moment there happen to be several persons and firms who are anxious to purchase the said premises, I believe that if the same were offered for sale, a less price than £3,000 would not be realised therefor.*
- (3) *In addition to the mortgage for £1,000 in favour of           , there are several heavy claims against the lunatic's estate which amount in the aggregate to over £450, and there is no*



available source, other than the said "Spotted Cow" Inn, from which the necessary funds can be raised for payment of the said claims.

- (4) *I do not consider that it will be practicable to raise between £450 and £500 by a further charge on the premises, or that the security could be conscientiously recommended to a client. And, having regard to the fact that the premises are in a bad state of repair, and that there is a possibility that the license might be lost, I consider the margin of security inadequate, and should certainly not care to advise any client of my own to advance any such further sum as £450 on a second mortgage of the said premises. Under the above-mentioned circumstances I respectfully suggest that it is very desirable that the said premises should be sold at the earliest possible date.*

*Sworn, &c.*

NOTE.—The Masters in Lunacy are, as a rule, in the absence of special circumstances, unwilling to sanction a sale of real estate on the ground that the property is thereby converted into personal estate and the devolution thereof altered.

**Summons for leave to sue and to compromise Claim, and also to confirm Conditional Contract for a Lease.**

(Formal heading.)

*Let all parties concerned attend the Master in Chambers, at the Royal Courts of Justice, London, on       day, the       day of       , 1900, at       o'clock in the noon, on the hearing of an application on the part of       , of       , in the county of       ,\* the Committee of the estate of the above-named John Smith, appointed by order dated the       , 1898,\* that—*

- (1) *The applicant may be at liberty to institute and prosecute an action for recovering the sum of £1,000*

---

\* Or as the case may be.

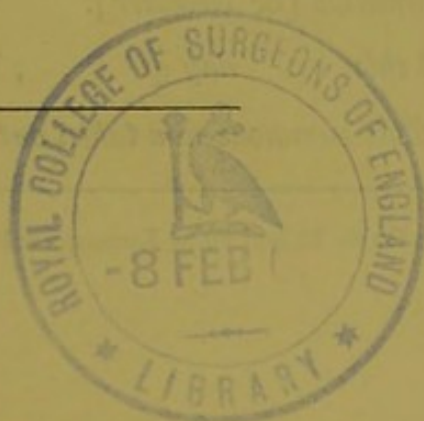
*due and owing from Thomas Jones to the said John Smith, and secured by a promissory note dated the 1st January, 1899 (or for the purpose of compelling a sale or foreclosure of the messuage and premises comprised in an indenture of mortgage dated the 1st January, 1897, and made between Thomas Jones of the one part and the said John Smith of the other part, being a security for £1,000).*

- (2) *The applicant may be at liberty to compromise the action of "Jones v. Smith, 1899, J. No. 675," being an action instituted against the said John Smith in the Chancery Division of the High Court of Justice for an injunction to restrain the said John Smith from obstructing the ancient lights of the said Thomas Jones, upon the following terms, viz. :—*

- (3) *The conditional contract dated the \_\_\_\_\_, and made between the applicant of the one part and \_\_\_\_\_ of the other part for the granting of a lease of "Elvira House," High Street, in the city of London, to the said \_\_\_\_\_, on the terms and conditions therein mentioned, may be ordered to be carried into effect subject to such modifications (if any) in the terms of the said contract as to the Masters in Lunacy shall seem just and expedient and as the lessee shall approve of.*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1900.*

*This summons was taken out by, &c.*





**Appointment of New Committee or Receiver (a).**

The Masters have the power to appoint a new Committee [or Receiver] where the original Committee [or Receiver]

- (1) Has failed to complete his security,
- (2) Is dead,
- (3) Has a receiving order in bankruptcy made against him, or
- (4) Absconds or goes to reside permanently abroad.

In all these cases before the original Committee [or Receiver] obtains his discharge, he will be required to account as mentioned in Rule 81 in Appendix A.

**Summons to appoint New Committee or Receiver on death of former one.**

(Formal heading and other parts.)

- (1) *The applicant may be appointed Committee of the estate of the above-named John Smith in the place of \_\_\_\_\_, deceased [or the applicant may be appointed Receiver of the estate of the above-named John Smith in the place of \_\_\_\_\_, deceased, and may be authorised to exercise such of the powers of a Committee of the estate as were formerly exercised by the said \_\_\_\_\_, deceased], and all necessary and consequential directions may be given to enable the applicant to receive and apply the income of the said John Smith for his maintenance and benefit, and to manage his estate as directed by the order dated the \_\_\_\_\_, 1897, appointing the said \_\_\_\_\_, deceased, Committee [or Receiver].*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1900.*

*This summons was taken out by, &c.*

(a) See Rules 79 and 80 of Lunacy Rules, 1892, in Appendix A.

Form of Affidavit in support of summons to confirm Agreement  
for a Lease.

(Formal parts of affidavit.)

- (1) *I have for            years last past carried on business as a house and estate agent at           , in the county of           , and I am well acquainted with the value, management, and letting of property in the neighbourhood of the house hereinafter mentioned.*
- (2) *I am well acquainted with "Elvira House," situate in High Street, in the City of London, and described in the conditional agreement now produced and shewn to me marked "A." And I am of opinion that the rent of £            mentioned in the said agreement is the best rent that can reasonably be obtained for the said house, and that the terms and conditions of the said agreement are in other respects fair and reasonable, and in my judgment and opinion it will be beneficial to the above-named John Smith and to his estate that the said agreement should be approved and carried into effect.*
- (3) *I have made careful inquiries as to the position and solvency of Mr.            (the proposed lessee of the said house), and as a result of such inquiries I am of opinion that he is well able to pay the rent and perform the covenants and agreements contained in the said lease, and that he is in all respects a most desirable tenant for the said premises.*

*Sworn, &c.*

---



**Form of Affidavit of Life to enable Committee or Receiver to receive Dividends on the Funds in Court.**

(Formal heading.)

*I, Henry Deeds, of No. 415, Bedford Row, in the county of London, a member of the firm of Deeds & Parchment, of the same place, solicitors, make oath and say as follows:—*

- (1) *, of , the Committee [or the Receiver] of the estate of the above-named John Smith, the person named in an order in this matter dated the , 1897, was alive on the , 1900, and is, as I verily believe, still living.*
- (2) *The said John Smith, also named in the said order, was alive on the , 1900, and is, as I verily believe, still living.*

*Sworn, &c.*

---

**Form to be signed by the Committee of the Person for the Reception of a Lunatic into a Private House or an Asylum.**

**ORDER OF RECEPTION.**

*I, the undersigned, hereby direct you to receive and take charge of , a lunatic, so found by Inquisition.*

*(Signed)* .

*(Address)* .

*, Committee of the person of the above-named Patient.*

*Dated this day of , 1900.*

*To \**

**N.B.**—This form complies with the provisions of the Act 53 Vict. c. 5, s. 12, but it is not statutory, and any order in any form signed by the committee for the reception of the Lunatic would be equally valid.

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\* *Insert the name and address of the person taking charge.*

Form of Notice of Admission, to be transmitted within one clear day from the day of the Patient's reception.

*I hereby give you notice that \_\_\_\_\_, a person found Lunatic by Inquisition, was admitted into this House on the \_\_\_\_\_ day of \_\_\_\_\_, 1900, and I transmit herewith a copy of the Order of Reception signed by the Committee of the person, together with an office copy of the order appointing such Committee.*

*(Signed) \_\_\_\_\_ .*

*(a) \_\_\_\_\_ .*

*(Address) \_\_\_\_\_ .*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1900.*

*To the Commissioners in Lunacy.*

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## APPEALS.

By Rule 11 of the Lunacy Rules, 1892 and 1893: Any person affected by any order, decision, or certificate of a Master may appeal therefrom to the Judge without a fresh summons, upon giving notice of appeal within eight days from the date of the order, decision, or certificate complained of, or such further time as may be allowed by the Judge or Master. The notice of appeal shall be given to the persons (if any) interested in supporting the order, decision, or certificate, and a copy thereof shall within the aforesaid period of eight days be left at the Master's office, and the Masters shall thereupon bring the matter before the Judge.

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*(a) Proprietor of asylum, if such be the case.*



**Form of Notice of Appeal from an Order of a Master.**

(Formal heading.)

*Take notice that , of , desires to appeal to the Judge from the order of the Master made in this matter dated the [if only part is appealed from, add: so far as it directs that ], and that he intends to ask that the said order may be discharged [or varied] and that it may be ordered that*

*Dated the day of , 1900.*

*(Signed) ,*

*To , Solicitors for .*  
*and to Messrs.*  
*(his solicitors).*

---

**Form of Notice of Appeal from a Certificate of a Master.**

(Formal heading.)

*Take notice that , of , intends to appeal from the certificate of the Master made in this matter, dated the , and that he intends to ask that the said certificate may be varied as follows :—*

*and that such consequential directions may be given or corrections and alterations made in the said certificate as may be necessary.*

*Dated the day of , 1900.*

*(Signed) ,*

*To , Solicitors for .*  
*and to Messrs.*  
*(his solicitors).*

---

It is not often that the right to appeal is utilised; but should it become necessary to appeal, the following directions may be useful:—

The appellant, having drawn his Notice of Appeal, must attend at the Lunacy Office (Room 225), and there leave a



copy of such notice, together with an office copy of the order appealed from.

No fee will be charged for setting down an Appeal.

The Lunacy Officials forward the Notice of Appeal to one of the Lords Justices, who thereupon appoints a day and hour when he can hear the appeal. This may be either in his Lordship's private room or in Court, as may suit his Lordship's convenience. In the former case, the appeal will probably be heard after 4 p.m. A date and hour having been thus fixed, notice thereof is given to the parties by the Lunacy Officials. It is safer, however, to make inquiries from time to time on the subject. From the decision of the Judge in Lunacy, an appeal lies to the Court of Appeal, who, however, sit as, and are invested with the powers of, Her Majesty in Council. From the Court of Appeal an ultimate appeal lies to the House of Lords.

It may be well to mention here that the jurisdiction of the Judge in Lunacy is exercisable by the Lord Chancellor alone, or jointly with one or more of the Lords Justices of Appeal, or by any one or more of the Lords Justices of Appeal (see section 108, sub-section 1 of the Lunacy Act, 1890).

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### APPLICATIONS FOR VESTING ORDERS.

A Vesting Order is obtainable on Petition.

Sections 133 to 139 of the Lunacy Act, 1890, deal with some special occasions when Vesting Orders are required, the following being the more important, viz.: (I.) to transfer stock of a Lunatic; (II.) to transfer stock of a Lunatic out of the Jurisdiction; (III.) to vest lands and release contingent right of Lunatic trustee or mortgagee; and (IV.) to vest right to transfer stock and sue for a chose in action.

Rule 57 of the Lunacy Rules, 1892, provides that applications under that portion of the Lunacy Act, 1890, which relates to Vesting Orders may be made—

- (a) Where the application is for the appointment of new trustees or relates to property subject to a trust by



any person beneficially interested in the property, whether under disability or not, or by any duly appointed trustee thereof.

- (b) Where the application relates to property subject to a mortgage by any person beneficially interested in the Equity of Redemption or in the mortgage money, whether under disability or not.

Rule 58 provides that the application shall be intituled in the matter of the trust or mortgage, and of the particular lunacy, and in the matter of the Lunacy Act, 1890.

It should be observed that an application for a Vesting Order is the only one commenced by petition in which such petition is in the first instance dealt with by the Masters in Lunacy. In the case of Petitions for an Inquisition, a Superseas, or a Traverse, the matter goes straight to the Judge in Lunacy, and the Masters do not usually even see the documents until the Judge has considered and referred them.

A petition for a Vesting Order is presented at the Registration Department of the Lunacy Office (Room 225), and with the original petition there should be lodged a copy for an office copy and the evidence filed in support thereof. A date and time when the petition is returnable before one of the Masters is endorsed on the original petition, which is then returned to the petitioner's solicitor in order that he may serve the necessary parties.

On the return day one of the Masters will hear the petition (the parties interested being very generally, but not necessarily, represented before him by counsel) and will suggest such an order as he thinks right. The Master's suggested order is then drawn up in draft in Room 225, and the draft, together with the Petition and the evidence, is submitted by the Lunacy officials to one of the Lords Justices, who usually considers the same in the absence of the parties or their advisers, and who either confirms or varies the Master's suggested order or otherwise deals with the same as he may



deem expedient. The order, as finally approved by the Judge in Lunacy, is drawn up and completed in Room 225.

As to the Judge's powers when considering and dealing with a petition, see Rules 18, 23 and 24 set out on pp. 47 and 48.

As regards the form of the petition and the evidence to be filed, it is quite impossible to furnish precedents, for the reason that the particular facts of each case and the title to the property will have to be stated and proved, and in each case these will vary. Speaking generally, however, it may be said that a petition for a Vesting Order is often rather a bulky document and is drawn on the same lines as a Chancery Petition. In other words, if the formal title be omitted, the petition and the evidence will, to all intents and purposes, be in the same form as in the case of an application by petition in the Chancery Division of the High Court of Justice.

The formal title is as follows:—

*In Lunacy.*

*In the matter of the Trusts of an Indenture  
dated the           , and made between           .*

*And in the matter of A. B., a person of  
unsound mind (or as the case may be).*

*And in the matter of the Lunacy Acts,  
1890 and 1891.*

It may be mentioned, that where it is necessary to prove on a petition for a Vesting Order the unsoundness of mind of a person (with reference to whom no previous proceedings in Lunacy have been taken), one medical affidavit is usually considered sufficient; and such medical affidavit, together with one echoing the petition and proving the title strictly, and an affidavit of service, is generally all that is required.

As regards the persons to be served, it is provided by Rule 59 that the applicant shall serve any such application upon the person or persons who according to the practice of the Chancery Division of the High Court would be required or entitled to be served in similar cases.



## Form of Consent to act as Trustee.

(Formal heading as above.)

*I                   , of                   , hereby consent to act as a trustee of  
the [describe the instrument].*

*Dated the                   day of                   , 1900.*

(Signed)

*I                   , of                   , solicitor, hereby certify that the  
above-written signature is the signature of                   , the  
person mentioned in the above-written consent.*

*Dated the                   day of                   , 1900.*

(Signed)

## A TRAVERSE.

A Traverse may perhaps be classified as a survival of the Middle Ages, and as an almost obsolete method of procedure which one can only hope may, after nearly 50 years' sleep, perchance be once again stirred into life and energy.

A Lunatic, so found by Inquisition, or his near relatives, have a right within three months after the return day of the Inquisition to petition the Lord Chancellor for a Traverse; and any person found a Lunatic by Inquisition has a right (of which he cannot be deprived) to a Traverse, provided—

- (1) The issue as to his sanity was not tried in the High Court of Justice; that is, it *was* tried before a Master with a jury, and
- (2) The Judge is satisfied that the petitioner is mentally competent to understand what a Traverse is and to express a wish on the subject.

The petition for a Traverse recites: (a) the order for an Inquisition, (b) the holding of the Inquisition and the finding, and (c) that the petitioner is advised the finding is contrary

to the evidence he adduced. The prayer of the petition is that the petitioner may be at liberty to traverse. The petition is supported by medical and other affidavits to the effect that the petitioner is of sound mind, and that the former finding of a jury sitting with a Master is a mistake or contrary to the evidence adduced.

If the prayer of the petition is granted, the Attorney-General is served, pleadings are delivered, and ultimately an issue is taken as to the question of the petitioner's sanity in the Queen's Bench Division before a Judge and Jury (usually a special jury) either in Middlesex or at the Assizes.

The petition (*a*) is presented in the usual way at the Registration Department of the Lunacy Office (Room 225); but as this procedure is so very rarely used, it seems hardly necessary in an elementary hand-book of this size to supply precedents, or give further information on the subject.

It is believed that the last reported case of a Traverse was one which occurred in 1852.

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(*a*) See Rules 17 and 18 of the Lunacy Rules, 1892, in Appendix A.



## CHAPTER VI.

FORMS OF SUMMONS TO WIND UP ESTATE ON DEATH OF PATIENT, AND OF PETITION FOR A SUPERSEDEAS OR SUMMONS TO DISCHARGE ORDER UNDER THE 116<sup>TH</sup> SECTION, AND THE EVIDENCE IN SUPPORT THEREOF RESPECTIVELY.

Form of Summons on death of Patient issued at instance of Committee [or Receiver] who is the legal personal representative (a).

(Formal heading, &c.)

- (1) *The passing of any further account by him as such committee [or Receiver] may be dispensed with, and the Bond dated the           , 1895, entered into by the applicant with John Johnson and Thomas Jones as his sureties may be vacated.*
- (2) *The costs of, incident to, and consequent upon this application, together with the general costs of management from the foot of the last taxation, may be taxed as between solicitor and client.*
- (3) *So much of the sum of £5,000 New Consols in Court to the credit of this matter as may be sufficient to raise the amount of the said costs when taxed may be sold; and that the said costs may be paid out of the said proceeds of sale.*

---

(a) See Rule 81 of Lunacy Rules, 1892, in Appendix A.

- (4) *The residue of the said sum of £5,000 New Consols (after such sale as aforesaid), and any cash and interest standing to the before-mentioned credit may be transferred and paid to the applicant as the Legal personal representative of the said John Smith.*

*Dated this            day of            , 1900.*

*This summons was issued by, &c.*

---

**Another form of Summons by a Legal Personal Representative who is not the Committee [or Receiver].**

(Formal heading, &c.)

- (1) *The bond dated the            , 1895, entered into by Thomas Smith with John Johnson and Thomas Jones as his sureties may be vacated after the passing of the account of the said Thomas Smith as the committee [or Receiver] of the estate of the above-named John Smith appointed by order dated the            day of            , 1895, and after payment by the said committee [or Receiver] to the above-named applicant of any balance in his hands that may be found due after passing his said account.*
- (2) *The costs, charges, and expenses of all parties of, incident to, and consequent upon this application, and also any general costs of the said Thomas Smith not already taxed or allowed may be taxed as between solicitor and client, and paid by the applicant out of the estate of the said John Smith, deceased, now in his hands.*
- (3) *The funds in Court may be dealt with as directed by the Schedule hereto.*

*Dated this            day of            , 1900.*

*This summons was issued by, &c.*



*The Schedule above referred to.*

*In Lunacy.*

*In the matter of John Smith, a person of unsound mind.  
[not so found by Inquisition].*

*Ledger Credit, as above.*

*Funds to be dealt with, £5,000 New Consols.*

£      *India £2½ per cent. Stock.*

£      *money on deposit.*

| <i>Particulars of payments, transfers, or other operations ordered.</i> | <i>Payees and Transferees or separate accounts.</i>                                       | <i>Amounts.</i> |                    |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-----------------|--------------------|
|                                                                         |                                                                                           | <i>Money.</i>   | <i>Securities.</i> |
| <i>Transfer (1) New Consols, and (2) India 2½ per cent. stock.</i>      | <i>G. H., of Esquire, as legal personal representative of the above-named John Smith.</i> | <i>..</i>       | <i>£5000 0 0</i>   |
| <i>Pay money on deposit cash and any interest.</i>                      | <i>The like.</i>                                                                          |                 |                    |

**Form of Affidavit by Committee [or Receiver] in support of his application.**

(Formal heading.)

*I, Thomas Smith, of                      , in the county of                      , Esquire, the committee [or Receiver] appointed by order dated                      , 1895, make oath and say as follows:—*

- (1) *By the said order I, this deponent, was, upon the certificate of the Masters in Lunacy that I had completed my security, appointed [to exercise certain of the powers of a] committee of the estate of the above-named John Smith, and the sum of £5,000 New Consols was directed to be paid into Court as therein mentioned.*

- (2) *By certificate dated the 9th July, 1896, it was certified that I, this deponent, together with my sureties, John Johnson and Thomas Jones, had entered into a bond dated the 1st July, 1896, in the penal sum of £500 duly executed for answering the estate of the said John Smith; that the said bond had been approved of by the said Masters, and that the security was completed.*
- (3) *The said John Smith died a bachelor and intestate on the            day of           , 1900, at           , in the county of           . He is the same person as "John Smith" named in the certificate of death now produced and shewn to me marked "T. S."*
- (4) *Letters of Administration of the personal estate and effects of the said John Smith were on the           , 1900, granted out of the Principal Probate Registry to myself, this deponent, as the natural and lawful brother of the said deceased. Such Letters of Administration are now produced and shewn to me marked "T. S."*

*Sworn, &c.*

# PETITION FOR A SUPERSEDEAS.

If the proceedings with reference to a person of unsound mind were commenced by petition (a), it will be necessary in the event of the patient recovering his (or her) sanity to apply by petition for a Supersedeas. The petition is presented at the Registration Department of the Lunacy Office (Room 225), and with it at the same time are lodged two medical affidavits in support.

The petition for a Supersedeas will recite—

- (a) The order for an Inquisition.
- (b) The holding of the Inquisition, and that the present petitioner was then certified to be of unsound mind.

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(a) See Rules 17 and 18 of the Lunacy Rules, 1892, in Appendix A.



- (c) The Master's certificate (if there was one).
- (d) The order made thereon.
- (e) The certificate of completion of security and any other matters of importance connected with the management of the petitioner's estate, and
- (f) That the petitioner is now of sound mind.

The prayer of the petition will ask that the petitioner may be at liberty to attend the Lord Chancellor to be examined as to his (or her) state of mind, and that the original proceedings may be superseded.

It may be mentioned that if the application for a Supersedeas is made by the patient, it is *not* necessary to serve the committee with the petition, but it *is* necessary to give him or his solicitors notice thereof. It should also be borne in mind that if the patient's solicitors make the application, such solicitors will probably find that they can obtain copies of the documents which have to be recited in the petition in the most expeditious manner possible by writing to the Chief Clerk of the Masters in Lunacy, informing him of the suggested application and requesting that he will authorise the solicitors for the committee to supply them with copies of the necessary documents. It is understood that considerable trouble has been caused in the past by persons who may be really insane becoming possessed of copies of documents relating to their own cases, and as a result thereof abusing in no measured terms the former deponents to affidavits. Most solicitors therefore will, if acting wisely, decline to furnish the copies without some kind of authority from the Lunacy Officials.

It is very necessary that, in addition to the copies of the orders, &c. to be recited in the petition for a Supersedeas, copies of the two medical affidavits on which the original application was based should be obtained, for then the two doctors making affidavits in support of the present petition can state that they have read this evidence, that they understand the disease from which the patient was formerly



suffering, that they have examined him as to his former illness and delusions, and that he has completely recovered.

### Form of Petition for a Supersedeas.

#### *In Lunacy.*

*In the matter of John Smith, late a person  
of unsound mind.*

*To the Right Honourable the Lord High Chancellor of  
Great Britain.*

*The Humble Petition of the above-named John Smith,  
now residing at                      , in the county of                      ,  
sheweth :—*

- (1) *Pursuant to your Lordship's order bearing date  
the                      day of                      , 1896, made upon the  
application of Thomas Smith, an inquiry was  
directed as to the Lunacy of your petitioner.*
- (2) *The said inquiry was duly executed on the                      day  
of                      , 1896, before                      , Q.C., one of the  
Masters in Lunacy, and it was found that your  
petitioner was a person of unsound mind so that he was  
not sufficient for the governing of himself, his manors,  
messuages, lands, tenements, goods, and chattels.*
- (3)\* *Mr.                      , Q.C., the said Master, by his report  
bearing date                      , 1897, certified that the said  
Thomas Smith was the heir-at-law, and the said  
Thomas Smith and                      were the next-of-kin of*

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\* In more recent cases there will probably not have been any Report (see p. 47), and therefore the third paragraph may sometimes be inapplicable. In such a case, when omitting the third paragraph, it is desirable, if possible, to shew in the recital of the order (para. 4 in this form) what the petitioner's property consisted of.



*your petitioner. And the said Master found that the property of your petitioner consisted of*

- (a) £5,000 *New Consols.*
- (b) £2,500 *India* £3 10s. *per cent. Stock.*
- (c)

*The said Master also found that the various stocks and funds above referred to yielded an income of £        per annum, and that the said Thomas Smith was the most fit and proper person to be appointed committee of both the person and estate of your petitioner.*

- (4) *By an Order bearing date the        day of        , 1897, the said Master's Report was confirmed, and the custody of the person, and the custody, regulation, occupation, disposition, and receipt of the estate of your petitioner were granted to the said Thomas Smith, and after a direction for payment of debts it was ordered that it should be referred to the Taxing Master to tax the reasonable costs, charges, and expenses of the said Thomas Smith of the order for the inquiry, and his reasonable and proper costs, charges, and expenses, and those of the next-of-kin of your petitioner, when taxed, should be paid out of any money coming to his hands as committee of the estate and available for that purpose.*
- (5) *In pursuance of such last-mentioned order, the said Master, Mr.        , Q.C., certified that the costs of the said Thomas Smith and of the said next-of-kin had been taxed at £        , but I am unable to say whether the said costs have or have not been paid.*
- (6) *By a certificate dated        , 1897, it was certified that the said Thomas Smith had, together with John Johnson and Thomas Jones, his sureties, entered into a bond for answering the estate of your petitioner, and accounting for the rents, profits, and*

*produce thereof, and for the careful discharge of his duties as committee of the estate of your petitioner, and that the said bond had been approved by the Master and remained deposited in the office of the Masters in Lunacy, and that the security of the said Thomas Smith and the grant to him of the custody of my estate was completed.*

- (7) *Your petitioner, having perfectly recovered his sound state of mind and understanding for twelve months and upwards, is desirous that the said commission in Lunacy should be superseded.*

*Your Petitioner therefore humbly prays your Lordship that he may be at liberty to attend your Lordship for the purpose of being examined as to his sanity of mind and competency of understanding for the management of himself and his estate, and that the said Inquisition and proceedings thereon may be superseded forthwith, and that a Supersedeas may issue for that purpose, or that your Lordship shall make such further or other order as to your Lordship shall seem meet.*

*And your Petitioner will ever pray, &c.*

*Signed by the petitioner, John }  
Smith, in the presence\* of }*

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\* *The witness must be a solicitor.*

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Form of Medical Affidavit in support of Petition for a  
Supersedeas.

*In Lunacy.*

*In the matter of John Smith, late a person  
of unsound mind.*

*I, Richard Doe, of 599, Harley Street, in the county of  
London, M.D., M.R.C.S., L.R.C.P., make oath and say  
as follows :—*

- (1) *I have perused copies of the affidavits of\*  
respectively sworn in this matter on the                      , 1896.*
- (2) *On the                      , 1899, the above-named John Smith  
came to stay at my house, 599, Harley Street, afore-  
said, as a paying patient. He was sent by Dr.  
of                      , with whom he had resided some time pre-  
viously, and I understood from the said Dr.  
that the said John Smith was a person who had  
formerly been of unsound mind, but that at the time  
he came to stay in my house as aforesaid he had  
almost if not entirely recovered.*
- (3) *The said John Smith has remained in my house from  
the said                      , 1899, down to the present time.  
During such aforesaid residence I have seen the said  
John Smith several times in each day, and have had  
long conversations with him. He has also had his  
meals with my family and myself, and I have had  
every opportunity of ascertaining the state of his mind.*
- (4) *From what I saw of the said John Smith, I judged  
it right to allow him complete freedom to go out and  
come in when he liked, and my family, my servants,  
and myself treated him then, and now treat him, as  
an ordinary visitor of sane mind and understanding.*
- (5) *In my judgment and opinion the said John Smith  
has now recovered from the disease from which he*

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\* The two medical affidavits on which an order for an Inquisition was made.



*formerly suffered, and he is of sound mind and understanding, and fit and competent to manage both himself and his affairs.*

- (6) *I last saw the said John Smith on the date of swearing this my affidavit.*

*Sworn, &c.*

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**Another form of Medical Affidavit.**

(Formal heading, &c.)

- (1) *I have for            years and upwards last past been the Medical Superintendent of the            Asylum, situate at            aforesaid, for the reception of persons of unsound mind, and on or about the            day of            , 1896, I received into my care and custody the above-named John Smith as a person of unsound mind.*
- (2) *The said John Smith has ever since continued and now is under my care and custody; but his conduct and discourse have gradually improved, and now are calm, coherent, and rational.*
- (3) *I have perused the affidavits of\*            , respectively sworn in this matter on the            , 1896, and I myself noticed the delusions and symptoms from which the said John Smith formerly suffered, and which were of an aggravated nature. Such delusions have gradually ceased, and such symptoms have steadily improved, until, in my judgment and opinion, the said John Smith has now become of sound mind and understanding, and fit and competent to manage both himself and his affairs.*
- (4) *I consider that the said John Smith is now perfectly cured, and that there is no likelihood of his being again attacked by the disease from which he formerly suffered.*
- (5) *I last saw the said John Smith on the date of swearing this my affidavit, when he was of the same sound state of mind as above described.*

*Sworn, &c.*

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\* The two medical affidavits on which an order for an Inquisition was made.



## Form of Second Medical Affidavit.

(Formal heading, &amp;c.)

- (1) *I have perused copies of the affidavits of\* , respectively sworn in this matter on the , 1896.*
- (2) *At the request of Dr. , I, on the day of , 1900, visited the above-named John Smith at for the purpose of ascertaining his state of mind. I conversed with him on ordinary topics, and also examined him with reference to the delusions and symptoms from which he formerly suffered.*
- (3) *I found the said John Smith calm, collected, and rational in his manner and conversation, and was unable to discover any trace or sign of unsoundness of mind.*
- (4) *In my judgment and opinion the said John Smith is now of sound mind and understanding, and perfectly competent for the government and management of himself and his property.*
- (5) *I last saw the said John Smith on the date of swearing this my affidavit, when he was of the same sound state of mind as above mentioned.*

Sworn, &amp;c.

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The petition and the affidavits in support are sent by the Lunacy Officials to one of the Lords Justices, who will either make or refuse the order as he may deem right (see Rules 18, 23 and 24 on p. 48). The Judge generally sees the patient in his private room after 4 o'clock, and if necessary he may also send a Commissioner in Lunacy to see the patient and report to him.

It is usual, in the event of the committee opposing the application, to brief Counsel on both sides to argue the matter before the Judge; and it may here be mentioned that occasionally the health of the patient, although not wholly

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\* The two medical affidavits on which an order for an Inquisition was made.



restored, may have improved to such an extent as to justify the Judge in making an order for a partial Supersedeas, *e.g.*, giving the patient the control of himself, but not of his property. (As to this see sections 105 and 106 of the Lunacy Act, 1890.)

The order for a Supersedeas is drawn up by the Officials in Room 225, and the engrossment thereof will have to be stamped by the petitioner's solicitor with a £2 stamp. When this has been done, the Officials in the same room prepare a document termed the Writ of Supersedeas, which is sent by them to the House of Lords, where a formal seal is attached thereto. As soon as the petitioner's solicitor has obtained from the Lunacy Office the Writ of Supersedeas, he may consider the matter closed, as such document will be an ample authority to third persons to pay the petitioner his rents, dividends and annual income in the future.

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#### Other Cases in which the Patient recovers his Sanity.

In cases where proceedings were originated by summons under sub-sections (c), (d), (e), or (f) of the 116th section of the Lunacy Act, 1890, it will be necessary, in the event of the patient recovering his (or her) sanity, to apply by summons to the Masters in Lunacy to discharge the order formerly made. There is no special form of summons, and any form which asks for what is required will probably meet the circumstances of the case. Perhaps one somewhat in the following form might be used, viz. :—

*In Lunacy.*

*In the matter of John Smith, late a person\*  
of unsound mind, not so found by  
Inquisition.*

*Let all parties concerned attend the Master in Chambers*

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\* If the application is to set aside an order made under sub-section (d), the title will of course be :—

“In the matter of John Smith.

“And in the matter of the Acts 53 Vict. c. 5, and 54 & 55 Vict. c. 65.”



at the Royal Courts of Justice, London, on      day,  
the      day of      , 1900, on the hearing of an appli-  
cation on the part of the above-named John Smith that—

- (1) The order dated the      day of      appointing  
Thomas Smith Receiver may be superseded, and the  
said Thomas Smith may be discharged from being  
such Receiver; and that all necessary and proper  
orders and directions may be given for vesting the  
property of the applicant in such applicant, and for  
enabling him to receive the rents, profits, dividends,  
and annual income of his real and personal estate.

[If necessary, add any one or more of the following  
clauses :—

- (2) For transfer of funds out of Court to applicant (see  
forms on pages 83 and 84).  
(3) For taxation and payment of costs (see forms on  
pages 82 and 83).  
(4) That Receiver may be ordered to furnish an account  
(see forms on page 83), and any other necessary  
clause.]

Dated this      day of      , 1900.

This summons was issued by, &c.

To the above named

Thomas Smith, and to

---

The above summons will be issued in Room 213, supported  
by two medical affidavits similar to the ones used on an  
application for a Supersedeas by Petition (see pp. 90 to 92).  
The order will be made by a Master, and will be drawn up  
as explained on p. 27.

## APPENDIX A.



## THE RULES IN LUNACY, 1892.

*Dated 6th February, 1892.*



## PRELIMINARY.

1. *Short Title.*]—These Rules may be cited as the Rules in Lunacy, 1892.

2. *Commencement of Rules.*]—These Rules shall come into operation on the 1st March, 1892, and as from that date the Rules in Lunacy, 1890, and the Orders in Lunacy of the 5th March, 1891, and of August, 1891, shall be annulled.

3. *Pending Proceedings.*]—Pending proceedings shall be carried on according to the provisions of these Rules, so far as possible, and subject thereto according to the practice heretofore subsisting, and in case of doubt as to the mode of procedure, in such of those modes as the Masters direct. The provisions of these Rules shall be subject to variation by special order in any case, and shall apply only where no express directions are given by any special order concerning any of the matters provided for in these Rules, or so far as such directions do not extend. In all matters not provided for by these Rules, the mode of procedure heretofore in force shall continue to be followed.

4. *Month means Calendar Month.*]—Where in any order the time for doing any act or taking any proceeding is limited by months, and where the word "month" occurs in any document which is part of any legal procedure under these Rules, such time shall be computed by calendar months unless otherwise expressed.

5. *Exclusion of Sundays, &c.*]—Where any limited time, less than six days from or after any date or event is appointed



or allowed by these Rules, or any order for doing any act or taking any proceeding, Sunday, Christmas Day, and Good Friday shall not be reckoned in the computation of such limited time.

6. *Time expiring on Sunday or close day.*]—Where the time for doing any act or taking any proceeding under these Rules, or any order, expires on a Sunday or other day on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next be open.

7. *No. of days, how computed.*]—In any case in which any particular number of days, not expressed to be clear days, is prescribed by these Rules or any order, the same shall be reckoned exclusively of the first day and inclusively of the last day.

8. *Power to enlarge or abridge time.*]—The Judge in Lunacy (in these Rules called the Judge) and the Masters may enlarge or abridge the time appointed by these Rules or fixed by any order enlarging time, for doing any act or taking any proceeding upon such terms (if any) as the justice of the case requires, and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

9. *Forms.*]—The forms in the Schedule may be used in the cases in which they are applicable, with such variations as the circumstances require.

#### THE MASTERS.

10. *Masters to make Orders.*]—The Masters may make orders as regards administration and management, and they may direct by whom and in what manner the costs of any proceedings are to be paid.

11. *Appeal from Orders of Masters (Forms 2, 3).*]—Any person affected by any order, decision, or certificate of a Master may appeal therefrom to the Judge without a fresh summons upon giving notice of appeal within eight days from the date of the order, decision or certificate complained of, or such further time as may be allowed by the Judge or Master. The Notice of Appeal shall be given to the persons (if any) interested in supporting the order, decision or cer-



tificate, and a copy thereof shall, within the aforesaid period of eight days, be left at the Masters' office, and the Masters shall thereupon bring the matter before the Judge.

12. *Masters to communicate with and attend the Judge.*]—The Masters may communicate personally with the Judge with regard to any matter pending before them, when any point appearing to them to be novel or difficult arises, and they shall, when requested by the Judge so to do, attend to give any information or assistance he may require.

13. *Attendance in Court.*]—Such one of the Masters, or their clerks, as the Masters with the concurrence of the Lord Chancellor direct, shall attend in Court upon the hearing of any application, and shall take a note of the order made by the Court.

14. *Masters to inquire into Delay.*]—*The Masters shall inquire into the circumstances of any delay in the conduct of proceedings before them or in proceeding upon their orders, certificates, and directions, and for that purpose may call before them all parties concerned, and may certify accordingly where it seems to them expedient.\**

15. *Masters may act jointly and severally.*]—Wherever the Masters are referred to in these Rules, they shall be deemed to be referred to jointly and severally, and everything to be done by or before the Masters may be done by or before them or either of them, but all applications relating to the same person or his property shall, so far as convenient, be dealt with by the same Master.

#### MODE OF APPLICATION.

16. *Application for Order for Inquisition (Form 4).*]—Applications for an order for inquisition, except in cases under section 100 of the Lunacy Act, 1890, shall be made by petition. The petition shall be signed by the petitioner and attested by a solicitor.

17. *Application for Traverse and Supersedeas and for Vesting Orders.*]—Applications for a traverse and for a supersedeas, and applications under that portion of the Lunacy Act, 1890, which relates to "Vesting Orders," shall also be made by petition.

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\* This rule is repealed by the Lunacy Rules, 1893.



18. *Petitions for Inquisition, Traverse, and Supersedeas to be brought before Judge.*—Every petition for an order for inquisition, for a traverse, and for a supersedeas, and the evidence in support thereof, shall be filed in the Masters' office, and shall be brought before the Judge without previous consideration by the Masters.

19. *Other Applications to be by Summons.*—All other applications under the Lunacy Acts, 1890 and 1891, or under those Acts, and also in the Chancery Division, shall, unless the Judge or Masters shall in any particular case otherwise direct, be made by summons at Chambers before the Masters.

20. *Applications under Lands Clauses Acts, Settled Estates Acts, Settled Land Acts, and other Acts.*—In all cases in which the Judge has, under the Lands Clauses Acts, the Settled Estates Act, 1877, the Settled Land Acts, 1882 to 1890, or any other enactment, jurisdiction to make an order upon petition affecting the property of a lunatic, the application for the order shall, unless the Judge or Master in any particular case otherwise directs, be made by summons at Chambers before the Masters.

21. *Costs of Petitions not to be allowed.*—If in any case in which the application is not by these Rules or by the Judge or Masters directed to be made by petition, a petition is presented without the direction of the Judge or Masters, no further costs shall be allowed than would be allowed upon a summons.

22. *In matters not relating to Administration and Management Masters to prepare Minutes of Order for the Judge.*—All applications, except those by these Rules directed to be brought before the Judge without previous consideration by the Masters, shall be considered by the Masters, and if the application does not relate to administration and management the Masters shall prepare the minutes of such order, if any, as they think should be made, and shall bring the application with the evidence and the minutes of the proposed order before the Judge.

23. *Matters to be brought before Judge out of Court.*—All matters which require to be brought before the Judge shall be brought before him out of Court. The Judge may make an order upon any summons or petition without attendance of counsel, solicitors, or parties, or after such attendance, or may adjourn the summons or petition into Court, or refer



the same to the Masters for inquiry, or further inquiry, upon any matter. Any matter may be adjourned from Court for consideration by the Judge out of Court.

24. *Power to order or dispense with Service.*]—The Judge and Masters respectively may direct any person to be served with notice of any application, and may dispense with service on any person.

25. *Only one Summons to be issued on the same Application.*]—Every application by summons to be brought before the Judge shall be brought before him upon the original summons, and until the application is finally disposed of it shall not be necessary to issue any further summons upon any appointment. Where an application by summons is directed to be served on any party, it shall not be necessary to issue a fresh summons, but the original summons may be served with such amendments (if any) as the circumstances require.

#### THE INQUISITION.

26. *Notice of Petition for Inquisition (Form 5).*]—The notice to an alleged lunatic of a petition for an order for inquisition shall be by service on him of a copy of the petition with a notice thereon endorsed signed by the petitioner or a solicitor. Such notice shall be in the Form 5 in the Schedule, or to that effect.

27. *Notice of Report of Commissioners.*]—The notice to an alleged lunatic of a report of the Commissioners under section 100 of the Lunacy Act, 1890, shall be in the Form 6 in the Schedule, or to that effect.

28. *Order not to be made until Seven Days after Notice.*]—No order shall be made upon any such petition or report until after the expiration of seven clear days from service upon the alleged lunatic of notice of the petition or report.

29. *Service of Notice.*]—Such notice shall be served on the alleged lunatic by being delivered to him personally, or where personal service cannot be effected or is inexpedient, then by being delivered to some adult inmate at the dwelling-house or usual or last known place of abode of the alleged lunatic within the jurisdiction, and an affidavit of service, stating particularly the time, place, and mode of service, and where there has not been personal service, the grounds of such service not having been made, shall be filed with the Masters.



30. *How Demand of a Jury to be made (Form 7).*]—An alleged lunatic may, either by notice filed with the Masters at any time before the consideration of the petition or report, or by himself, his counsel or solicitor, upon such consideration, demand an inquisition before a Jury. A notice demanding a Jury shall be signed by the alleged lunatic and attested by a solicitor.

#### PROCEEDINGS AFTER INQUISITION.

31. *Summons for Inquiries after Inquisition found.*]—Subject to the provisions of these Rules as to inquiries respecting the next-of-kin and heir-at-law of a lunatic, the party having the conduct of the proceedings shall, immediately after inquisition found, take out a summons to inquire into the matters following:—

- (a) The lunatic's age, position in life, and residence.
- (b) The nature of his lunacy.
- (c) Who are his next-of-kin and heir-at-law.
- (d) Who ought to be appointed committee of his person and of his estate.
- (e) Of what his property consists, and the particulars thereof.
- (f) The amount of his income.
- (g) In what manner, and at what expense, and by whom, and where, he has been maintained; what should be allowed for his past maintenance; what, if anything, is due, and to whom, in respect thereof, and to whom and out of what fund the same ought to be paid.
- (h) What should be allowed for future maintenance, when the allowance ought to commence, and out of what fund it should be paid.

32. *Masters' Order.*]—The Masters may make such order on the summons in the last preceding Rule mentioned as they think expedient.

33. *Inquiries as to Debts.*]—The Masters may, when it seems to them expedient, inquire what undisputed debts (if any) are due from the lunatic, and to whom, and whether the same or any of them ought to be paid, and out of what property, and they may make orders for the settlement or payment thereof, and for the compromise of any disputed claim against the lunatic or his estate.

34. *Inquiries as to Dealings with Lunatic's Estate before Inquisition.*]—The Masters may make such inquiries as they



think fit respecting any dealings with the lunatic's estate and the application of the same prior to the date of the inquisition, and respecting the state and condition of the lunatic at the time of such dealings, whether a summons for any such inquiry is pending before them or not.

35. *Inquiries as to Property of Lunatic out of Jurisdiction.*]—The Masters may inquire whether any person resident out of the jurisdiction has by the law of the place where such person resides been found or declared a lunatic, and whether his estate or any part thereof has been vested in a curator or other person appointed for the management thereof according to such law, and whether or not any property within the jurisdiction is vested in the lunatic and what is his interest therein.

36. *No Inquiry as to Next-of-kin and Heir if Fees not payable.*]—Where an order is made exempting the property of a lunatic from payment of fees, the Masters shall not, during the continuance of the exemption, inquire respecting his next-of-kin and heir-at-law unless they think it expedient.

37. *Masters may defer and limit and dispense with Inquiry as to Next-of-kin and Heir.*]—The Masters may in any case defer an inquiry respecting next-of-kin and heir-at-law, or carry on the inquiry to such limited extent only and under such restrictions as they think expedient, and they may direct that persons claiming to be next-of-kin or heir-at-law be left to make out their claim at their own expense, and may in any case, if they think it expedient, wholly dispense with the inquiry.

38. *Strict Proof of Pedigree may be dispensed with.*]—Where the Masters are of opinion that it is expedient that strict proof of pedigree should not be gone into, they may dispense with the same to such extent and in such manner as they think fit, and may require and receive such evidence as they think sufficient respecting the family and next-of-kin or heir-at-law.

39. *Power to dispense with or disallow Attendance of Heir or Next-of-kin.*]—The Masters may dispense with and disallow the attendance on the proceedings of the heir-at-law or of all or any of the next-of-kin, either wholly or except at their own expense, or except upon special leave first obtained, and such notice only of attending the proceedings shall be given as the Masters shall direct.



40. *Masters to determine who is to attend the Proceedings.*]—Subject to the provisions of these Rules, the Masters shall, once in the matter of each lunatic so found by inquisition, and may as often as they think it expedient, determine which, if any, of the next-of-kin and what other persons, if any, are to attend the proceedings or any particular proceeding, and only those persons, if any, to whom the Masters have given leave to attend shall be entitled to notice of or be allowed to attend on any proceeding at the cost of the estate, except by special leave first obtained.

41. *Power to appoint Guardian of Infant.*]—Where an infant being one of the next-of-kin has no guardian, the Masters may appoint a proper person to be his guardian for the purposes of the lunacy, and the person so appointed shall have the same powers, authorities, and discretion as a guardian *ad litem* appointed by the Chancery Division of the High Court. The Masters may revoke any such appointment and appoint another person to be guardian.

42. *Power to consolidate Matters and to use Evidence in other Matters.*]—The Masters, if it seems to them expedient, may consolidate and carry on together similar proceedings before them in the matters of several persons being members of the same family, and may in any case use in the matter of one member of a family evidence filed in the matter of any other member of the same family.

43. *Power to determine what Solicitors are to represent the Parties.*]—The Masters may direct that several parties appearing before them by different solicitors shall appear by the same solicitor, or that several parties appearing before them by the same solicitor shall appear by different solicitors. Where parties, directed to appear by the same solicitor, cannot agree upon the solicitor to represent them, the Master may nominate the solicitor; and if any of such parties insists upon appearing by a different solicitor he shall do so at his own cost.

44. *Power to receive Deeds and direct lodgment of Securities.*]—The Masters may receive any deed or security belonging to a lunatic, and may by order or certificate give liberty for payment or transfer into Court of any money or stock belonging to a lunatic.

45. *Liberty to deposit Will of Lunatic with Masters.*]—Any person in whose custody or control any testamentary



paper of the lunatic is, shall be at liberty to deposit the same in the office of the Masters upon oath, as they may direct, there to remain for safe custody.

46. *On Death of Lunatic, Funds in Court and Effects deposited with Masters to be paid and delivered.*]—On the death of a lunatic or a supersedeas being issued, the Masters may make an order for payment, transfer, or delivery of any funds in Court belonging to the lunatic, or any documents or effects relating to, or forming part of, his estate deposited in their office for safe custody, to the person entitled thereto.

47. *On Death of Lunatic Masters may open Will.*]—The Masters may, on being satisfied of a lunatic's death, open and read any document deposited with them purporting or alleged to contain any testamentary disposition made by him for the purpose of ascertaining who is therein nominated executor thereof, and whether any direction is contained therein concerning his funeral or place of interment, and may deliver the document to the proper officer of the Probate Division to be dealt with according to law.

APPLICATIONS AS TO PROPERTY OF PERSONS OF UNSOUND  
MIND NOT SO FOUND BY INQUISITION.

48. *Notice of Applications as to Property of Person of Unsound Mind not so found by Inquisition (Form 8).*]—In the case of applications respecting the property of any person of unsound mind not so found by inquisition, seven clear days' notice of the application shall be given to such person by service on him of a copy of the summons with a notice indorsed thereon signed by the applicant or a solicitor. Such notice shall be in the Form 8 in the Schedule, or to that effect, and shall be served in the manner in which under these Rules notice of a petition for an order for inquisition is to be served. The summons shall be returnable not less than seven clear days from its date.

49. *Affidavit of Service to be filed.*]—An affidavit of service stating particularly the time, place, and mode of service, and, where there has not been personal service, the grounds of such service not having been made, shall be filed with the Masters.

50. *Notice of Objection (Form 9).*]—The person so served may file a notice of objection to the application.



51. *Power to dispense with Notice.*—The Masters may, if they think fit, dispense with notice to such person of any application after the first.

52. *Masters may visit Persons to whom any Application relates.*—For the purpose of any application before the Masters relating to the property of a person not found lunatic by inquisition, the Masters may, if they think fit, visit such person, or require him to be produced before them, as they direct.

53. *Notice of Application to Next-of-kin or others.*—The Masters may, if they deem it expedient, direct that notice of the application be given to any of the next-of-kin of the person to whom the application relates, or to any other person, and only such persons as the Masters direct to be served with notice shall be entitled to attend before them.

54. *Temporary Provision for Maintenance.*—In any case where, pending the appointment of a person to exercise in relation to the property of a person of unsound mind not so found by inquisition any of the powers of a committee of the estate, it appears to the Masters desirable that temporary provision should be made for the expenses of the maintenance or other necessary purposes or requirements of the lunatic, or any member of his family, out of any cash or available securities belonging to him in the hands of his bankers or of any other person, the Masters shall be at liberty by certificate to authorise such banker or other person to pay to the person to be named in such certificate such sum as they certify to be proper, and may by such certificate give any directions as to the proper application thereof by that person, who shall be accountable for the same as the Masters direct.

55. *Provisions as to Lunatics so found by Inquisition to apply.*—In all cases not otherwise herein specially provided for, the provisions of these Rules relating to lunatics so found by inquisition and the other general provisions of these Rules, shall apply to applications relating to the property of persons of unsound mind not so found by inquisition [*except that the certificate referred to in Rule 32 shall not be made, and that the Masters may make orders appointing persons to exercise, in relation to the property of persons of unsound mind not so found by inquisition, the powers of a committee of the estate*].\*

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\* This rule, from "except that" to the end, is repealed by the Lunacy Rules, 1893.



APPLICATIONS AS TO PERSONS MENTIONED IN SECT. 116 (1) (d)  
OF THE LUNACY ACT, 1890, NOT BEING A LUNATIC.

56. *Applications as to Persons incapable, through Disease or Age, of managing their Affairs (Forms 10-11).*]—The provisions of these Rules as to persons of unsound mind, not so found by inquisition, shall apply to applications respecting the property of any person who, though not a lunatic, is through mental infirmity arising from disease or age incapable of managing his affairs.

VESTING ORDERS.

57. *Application for the appointment of new Trustees or for Vesting Orders.*]—Applications under that portion of the Lunacy Act, 1890, which relates to "Vesting Orders" may be made—

- (a) Where the application is for the appointment of new trustees or relates to property subject to a trust, by any person beneficially interested in the property, whether under disability or not, or by any duly appointed trustee thereof.
- (b) Where the application relates to any property subject to a mortgage, by any person beneficially interested in the equity of redemption or in the mortgage money, whether under disability or not.

58. *Title of Application (Form 1 (f)).*]—The application shall be intituled in the matter of the trust or mortgage, and of the particular lunacy, and in the matter of the Lunacy Act, 1890.

59. *Persons to be served.*]—The applicant shall serve any such application upon the person or persons who, according to the practice of the Chancery Division of the High Court, would be required or entitled to be served in similar cases.

ORDERS AND CERTIFICATES.

60. *Masters to have an Official Seal.*]—The Masters shall be provided with an official stamp or seal for the authentication of orders [*\*certificates*] and other documents and of amendments therein.

61. *Orders to be entered by Masters.*]—Orders made under the Lunacy Acts, 1890 and 1891, shall be drawn up by the

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\* The word "certificates" in this rule is repealed by the Lunacy Rules, 1893.



Masters and shall be entered [*\*by them*] in a proper book to be provided for that purpose.

62. *Certificates of Masters.*]—Every certificate shall, when the nature of the case so requires, state as concisely as possible the grounds of any recommendation and the circumstances relative thereto.†

63. *Certificates and Orders to be prepared without Attendances.*]—The Masters shall, so far as possible, prepare their certificates and orders without attendance of solicitors or parties.‡

64. *Settlement of Certificates.*]—Every certificate, when prepared and settled, shall be signed by the Masters at an adjournment to be made for that purpose, notice of which shall be given to the parties in cases where the certificate has been prepared without any attendance. If the parties consent to the signature of the certificate without any adjournment, the Masters may, if they think fit, sign the certificate as soon as it is prepared and settled.†

65. *Certificates to be binding unless altered on Appeal.*]—Every certificate shall at the expiration of eight days after signature thereof by the Master, subject in the case of an appeal to any variation directed to be made therein by the Judge upon the hearing of the appeal, be binding on all the parties to the proceedings.†

66. *Numbers to be denoted by Figures.*]—In Orders [‡certificates] and other documents issued from or brought into the office of the Masters numbers shall be denoted by figures and not by words.

67. *Notice of dealings with Funds in Court.*]—The Masters may, if they think fit, direct that any money, securities or effects in Court shall not be paid or transferred out without notice to such person as occasion requires and they direct.

68. *Clerical Mistakes and accidental Omissions.*]—Clerical mistakes in Orders and [§certificates], or errors arising therein from any accidental slip or omission, may at any time be corrected by the Judge or by a Master.

\* The words "by them" are repealed by the Lunacy Rules, 1893.

† Repealed by Lunacy Rules, 1893.

‡ The word "certificate" in this rule is repealed by the Lunacy Rules, 1893.

§ The words "other documents" are, by Rule 7 of the Lunacy Rules, 1893, substituted for the word "certificates."



## COMMITTEES OF THE ESTATE AND PERSON.

69. *Custody of Estate or Person may be continued to surviving or continuing Committees.*]—Where it appears that several persons ought to be appointed Committees of the estate or person, and that it is expedient that one or more of such persons should continue to act after the death or discharge of the others or other of them, the order appointing the Committees may direct that the custody of the estate or person shall continue to the surviving or continuing Committees or Committee.

70. *Masters to approve Security.*]—The Masters shall approve the security to be given by the Committee of the estate. Such security may be reduced on request to an amount corresponding, in the judgment of the Masters, with the condition of the property of the lunatic and the income thereof. The Masters may also require the security of the Committee of the estate to be increased if in their judgment the circumstances of the case render it desirable.

71. *Money or Stock may be brought into Court as Security.*]—The Masters may authorise the Committee of the estate to give security in the whole or in part by bringing into Court a sufficient sum of money or stock, and they may for that purpose by order give liberty for payment or transfer into Court of any money or stock, and direct how the money is to be invested and the dividends applied, and the Paymaster-General shall give effect to every such order.

72. *Upon fresh Security being given previous Security discharged.*]—Where a Committee enters into a fresh security, upon the same being duly perfected, and upon the balance then due by the Committee being paid or secured to the satisfaction of the Masters, the former security shall be discharged.

73. *Committee of Estate to pass Accounts.*]—The Committee of the estate shall annually, or at such longer or shorter periods as the Masters fix, deliver his accounts or affidavit in lieu of accounts into the Masters' office, and attend before the Masters at or within such time as the Masters fix, and have his accounts taken and passed, and the Masters shall make to him all just allowances, including an allowance of his reasonable and proper costs, charges, and expenses of passing the account, and those of the next-of-kin, and other persons (if any) allowed to attend on the passing of the account at the cost of the estate.



74. *Masters to keep a Register of Committees and Receivers.*]—The Masters shall keep a book or books in which shall be made, in respect of every Committee, Receiver, or other person liable to account, entries showing in a tabular form the following particulars, that is to say:—

- (1) The title of the matter.
- (2) The names of the Committees, Receivers, or other persons liable to account.
- (3) The date fixed for the delivery of accounts or of affidavits in lieu of accounts.
- (4) The date in each successive year when the accounts or affidavits are delivered into the Masters' office.
- (5) The date in each successive year when the accounts are passed.
- (6) The balance or sum, if any, in each successive year directed to be paid into Court by the Committee, Receiver, or other person liable to account.
- (7) The date fixed for the last-mentioned payment.
- (8) The date of the actual payment into Court.
- (9) The dates of all orders made in the particular matter, and also such other particulars as the Lord Chancellor may from time to time by writing direct.

75. *Committee to satisfy Masters that Sureties are living and solvent.*]—The Committee of the estate shall, on each occasion of passing his account, and also whenever the Masters so require, satisfy the Masters that his sureties are living, and that neither of them has been adjudicated bankrupt or compounded with his creditors, and in default thereof the Masters shall require him to enter into fresh security within such time as they fix.

76. *Balances of Committee to be paid into Court and invested.*]—The balances certified by the Masters to be due from the Committee of the estate on passing his accounts, or so much thereof respectively as the Masters certify to be proper to be paid by him, shall, unless the Masters otherwise direct, be paid by him, at or within such time as the Masters fix, into Court to the credit of the matter, and the same when paid in, and any sum of cash in Court to which the lunatic is entitled, or so much thereof respectively as the Masters by their certificate direct, shall, unless the Masters otherwise direct, within such time (if any) as the Masters fix, be laid out in the purchase of such securities for the time being authorised for the investment of cash under the control of the High Court



as the Masters direct, and the dividends on the securities so purchased and all accumulations of dividends shall, unless the Masters otherwise direct, when the same amount to a competent sum, be laid out in like manner without any request for the purpose.

77. *Mode of allowance of Account.*]—*The Master's allowance of the account of a committee shall be signified under the hand of a Master, and written under the account; and an order or certificate shall not be made unless it is required with a view to the payment of money into Court, or for some other purpose.\**

78. *If Balances retained Committee to be disallowed Salary, and to be charged with Interest.*]—Where the Committee of the estate makes default in bringing in his account, or in having the same passed, or in paying the balance certified to be due from him, or in causing the same or any sum of cash in Court to be laid out, paid or received pursuant to any certificate or direction in that behalf, the Masters shall, unless good cause be shown to them to the contrary, not only disallow his salary or remuneration (if any), but shall also charge him with interest at the rate of 4l. per cent. per annum upon any balance or cash for the time during which the same appears to have been improperly retained in hand or uninvested.

79. *Masters to inquire in certain Cases whether a new Committee should be appointed.*]—The Masters shall in each of the following cases inquire whether or not it is expedient that a Committee or a new Committee of the person or of the estate should be appointed, that is to say—

- (a) On default of a person approved to be Committee of the estate in duly perfecting his security, or in duly perfecting a fresh security when required by the Masters.
- (b) On the death or discharge of a Committee or one of several Committees where the custody does not survive.
- (c) If a receiving order in bankruptcy is made against a Committee or he compounds with his creditors.
- (d) If a Committee absconds or goes to reside permanently abroad.

80. *Appointment of new Committee.*]—If it appears that a Committee or a new Committee ought to be appointed in any

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\* Repealed by the Lunacy Rules, 1893.



of the cases mentioned in the last preceding rule, the Master may make an order appointing a proper person to be such Committee or new Committee accordingly.

81. *Accounts to be passed on Discharge or Death of Committee or after Supersedeas.*—Upon the discharge or death of the Committee of the estate, or upon the issue of a supersedeas or the death of the lunatic, the Masters shall take and pass the account of the Committee from his appointment or from the foot of his last account. If a balance is certified to be due from the Committee or his estate, he or his legal personal representatives shall pay the same into Court, by virtue of the certificate or otherwise, within such time as the Masters direct, or in the case of a supersedeas shall pay the same to the person whose lunacy has been superseded, or in the case of the death of the lunatic shall pay the same to the legal personal representatives of the lunatic. If the Masters find a balance due to the Committee or his estate, the same shall be paid to him or his legal personal representatives by the new Committee out of the lunatic's estate, or in the case of a supersedeas by the person whose lunacy has been superseded, or in the case of the death of the lunatic by his legal personal representatives. Upon payment of the balance, if any, or if no balance is found due or the taking of the account is not required, and may in the opinion of the Masters be properly dispensed with, the security of the Committee shall be discharged.

82. *Procedure where Security of Committee or Receiver is to be discharged.*—Where under these rules, or any special order, the security of a Committee of the estate or Receiver is to be discharged, then the Masters shall deliver up the bond to be cancelled, or, as the case may be, shall by certificate direct the clerk of the Enrolment Department of the Central Office to attend the Master of the Rolls with the enrolment of the recognizance to be vacated, and such clerk shall by virtue of such certificate attend accordingly; and in the case of security having been given in the whole or in part by a sum of money or stock being brought into Court, the Masters may make an order for the payment or transfer in such manner as the Committee requests and as the Masters think proper of the sum of money or stock, and the dividends thereon.\*

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\* Repealed by Lunacy Rules, 1893.



## RECEIVERS.

83. *Appointment of Receiver.*—A Receiver may be appointed in any case in which such appointment shall be deemed expedient. Where a Receiver is appointed, the person appointed shall, unless otherwise ordered, first give security to be allowed by the Masters duly to account for what he shall receive as such Receiver, and to pay the same as the Masters direct, and the person so appointed shall, unless otherwise ordered, be allowed by the Masters a proper salary or allowance.

84. *Provisions as to Committees extended to Receivers.*—The provisions of these Rules respecting the Committee of the estate, his accounts, payments, allowances, and matters of the like nature, shall extend, so far as applicable with the necessary modifications, to the case of a Receiver.

## EVIDENCE.

85. *Evidence may be taken orally or by Affidavit.*—The Masters may direct the evidence in any matter or any particular proceedings to be taken orally, or partly orally and partly by affidavit.

86. *Masters may administer Oaths and take Recognizances.*—The Masters may administer oaths 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.

87. *Masters may issue Advertisements.*—The Masters may cause to be issued such advertisements as seem to them expedient with reference to any application before them.

88. *Persons making Affidavits may be cross-examined.*—Every person who has made an affidavit to be used on any proceeding shall be liable to cross-examination by or before the Masters, and after cross-examination may be re-examined.

89. *Form of Affidavits.*—Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. Every affidavit shall be written or printed book-wise. No costs shall be allowed for any affidavit or part of an affidavit substantially departing from this rule.



90. *Affidavits by two or more Deponents.*]—In every affidavit made by two or more deponents the names of the several persons making the affidavit shall be inserted in the jurat, except that, if the affidavit of all the deponents is taken at one time by the same officer, it shall be sufficient to state that it was sworn by both (or all) of the “above-named” deponents.

91. *Description and Abode of Deponent to be stated.*]—Every affidavit shall state the description and true place of abode of the deponent.

92. *Consent of new Trustee to act (Form 12).*]—The consent of a new trustee to act shall be sufficiently evidenced by a written consent signed by him and verified by a solicitor.

#### SUMMONSES.

93. *Summonses, how prepared and issued (Form 13).*]—Summonses shall be prepared by the parties and sealed by one of the clerks in the Masters’ office with the seal of the office, and a copy of the summons shall be left at the Masters’ Chambers by the party obtaining the same.

94. *Service and return of Summons.*]—Subject to the provisions of these Rules, a summons before the Masters shall be served at least two clear days before the return thereof, unless the Masters direct the summons to be returnable within a shorter time after service. The summons shall be addressed to all the persons on whom it is to be served.

95. *Further Time for Service may be allowed.*]—When from any cause a summons before the Masters has not been served upon any party at least two clear days before the return thereof, or within such shorter time as the Masters direct, an endorsement may be made upon the summons and upon the copy thereof, stamped for service, appointing a new time for the parties not before served to attend, and such endorsements shall be sealed at the Masters’ Chambers; and the service of the copy so endorsed and sealed shall have the same effect as the service of an original summons; and when any party has been served before such endorsement, the hearing thereof may, upon the return of the summons, be adjourned to the new time so appointed.

96. *Failure to attend on return of Summons.*]—Where any of the parties summoned to attend the Masters in Chambers fail so to attend, whether upon the return of the summons or



at any time appointed for the consideration or further consideration of the matter, the Masters may proceed *ex parte* if, considering the nature of the case, they think it expedient so to do.

97. *Proceeding ex parte not to be re-opened except upon a special application.*]—Where the Masters have proceeded *ex parte*, such proceeding shall not in any manner be re-considered in the Masters' Chambers, unless the Masters, upon a special application made to them for that purpose by a party who was absent, are satisfied that a re-consideration is necessary or expedient.

98. *Matters may be further considered from time to time.*]—Where matters in respect of which a summons has been issued are not disposed of upon the return of the summons, the parties shall attend from time to time, without further summons, at such time or times as may be appointed for the further consideration of the matter.

99. *Masters may dispense with Summons or require Summons to be taken out.*]—The Masters may, if they think fit, dispense with any summons ordinarily taken out in the course of the proceedings before them, 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 think fit.

#### THE CHANCERY VISITORS.

100. *Masters to supply Chancery Visitors with information.*]—The Masters shall furnish the Chancery Visitors with information as to the custody of the person, the property, and the scheme for the maintenance of each lunatic to be visited by the Chancery Visitors, and as to any change which has taken place in the property or in the custody of the person or the scheme for maintenance.

101. *Chancery Visitors to inquire into Maintenance of Lunatic.*]—The Chancery Visitors shall, on each occasion of visiting any lunatic, inquire and examine whether he is maintained in a suitable and proper manner, having regard to the existing scheme for his maintenance, and also whether, having regard to his property, it appears expedient that any



and what addition should be made to his comforts, or any and what alterations made in the scheme for or manner of his maintenance.

102. *Chancery Visitors to make Special Report in certain cases.*]—If the Chancery Visitors on such inquiry and examination consider that the lunatic is not maintained in a suitable manner, or that the allowance provided for his maintenance is not duly applied, or that any provision in the scheme for his maintenance, either for his personal comfort or enjoyment or otherwise, is not duly observed, or that any addition to the comforts or any alteration in the manner of the maintenance of the lunatic should be made which his property is capable of providing, they shall forthwith make a special report, stating their opinion and the grounds thereof to the Board of Visitors.

103. *Board to consider Report.*]—The Board shall thereupon consider the report, and shall, if they think fit, refer the same to the Masters.

104. *Masters to investigate matters in Report.*]—The Masters shall, on any such report as aforesaid being referred to them by the Board, investigate the matters thereby reported upon, and may, if they deem it expedient, summon the Committee of the person or estate to attend before them to give explanations thereon, and such orders may be made as the circumstances require, and every such order shall be communicated by memorandum to the Visitors.

105. *Chancery Visitors to report once a Year to the Lord Chancellor.*]—The Chancery Visitors shall, once at least in every year, report to the Lord Chancellor in the case of each lunatic, stating the result of their examination and inquiry as to the maintenance of each lunatic, and shall also in any case in which any special report to the Board has been made, state, so far as possible, what steps have been taken in consequence of such special report.

106. *Masters to inform Committees of Person of Allowance for Maintenance.*]—The Masters shall inform the Committees of the person, upon their appointment, of the annual amount allowed for the maintenance of the lunatic, or shall supply them with a copy of the scheme for maintenance, where a scheme has been provided.

107. *Committee of Person to report to Visitors as to Expenditure.*]—Each Committee of the person of a lunatic shall



annually, or from time to time, and as often as may be required of him, render to the Board of Visitors an accurate statement in writing of the various sums expended by him, the better to enable the Visitors to ascertain and report whether the lunatic is being suitably maintained, and whether any additional comforts can be provided for him. The Visitors may dispense wholly or partially with the requirements of this Rule if in any case they think it desirable so to do.

108. *Committee of Person to report to Visitors as to health of Lunatic.*—Each Committee of the person of a lunatic shall half-yearly make a report to the Board of Visitors as to the mental and bodily health of the lunatic. If there is a medical attendant of the lunatic, such medical attendant shall either countersign the report of the Committee, or shall make a separate report, which shall accompany that of the Committee or be forwarded direct to the Board of Visitors.

109. *Power to Visitors to summon Committee of Person.*—The Board may summon the Committee of the person of the lunatic to attend before them and to give such information in his possession relating to the lunatic as they may require.

#### COSTS AND TAXATION OF COSTS.

110. *Rules of Supreme Court as to Costs to apply.*—The Rules of the Supreme Court as to costs for the time being in force shall, subject to these Rules, apply to the costs of proceedings under the Lunacy Acts 1890 & 1891, taken after the commencement of these Rules in any matter.

111. *Pending Proceedings.*—In proceedings pending at the commencement of these Rules, the Rules as to costs in Lunacy applicable before the commencement of these Rules shall continue to apply.

112. *Solicitors to be allowed same Costs as in Chancery Division.*—In all cases not otherwise herein specially provided for, solicitors shall be entitled to charge and be allowed the fees they would be entitled to charge and be allowed for work and labour of a similar character transacted in the Chancery Division of the High Court.

113. *Refreshments not allowed.*—No allowance shall be made for refreshments upon Inquisitions.

114. *Costs to be taxed by Masters.*—Costs of proceedings under the Lunacy Acts, 1890 and 1891, shall be taxed by and under the direction of the Masters. Charges and expenses



shall not be allowed, except to Committees of the estate or person, unless under special circumstances the Judge or Masters in any case direct them to be allowed.

115. *Procedure on Taxation.*]—Where it is ordered that any costs, or costs, charges and expenses, be taxed, the Masters shall tax and certify such costs, or costs, charges and expenses, and shall certify the names of the respective solicitors to whom the same should be paid, and due notice of attending the Masters on the taxation shall be given to such parties as have liberty to attend on the proceedings in the matter; and where it is ordered that the costs, charges and expenses of any Committee or party in the matter of any application under the Lunacy Acts, 1890 and 1891, be taxed, the Masters, in taxing such costs, charges and expenses, shall not allow the costs, charges, or expenses of any application upon which no order has been drawn up, or of any evidence in relation thereto, unless they direct the same to be allowed as costs in the matter, and shall not allow the costs, charges, or expenses of or incidental to any application before the Masters which they have refused, unless the Masters are of opinion that such application was proper.

#### CONSTRUCTION OF AND PROCEEDINGS UNDER ORDERS.

116. *Certain Orders to take effect till further order.*]—All orders for the appointment of Committees and for the allowance of maintenance shall be deemed to take effect only until further order.

117. *Order appointing Committee to take effect on Security being given.*]—Where it is ordered that a person named be appointed Committee of the estate, the order shall be deemed to take effect only on the Masters certifying that he has given such security as they have approved for answering the estate and accounting for the rents, profits and produce thereof once in every year, or oftener, if required, before the Masters; and such security shall be perfected at or within such time as the Masters appoint, and until such security has been perfected, the approved Committee shall not, unless otherwise ordered, interfere in any manner in the affairs of the lunatic as the Committee of his estate or otherwise. The Masters shall inform the Paymaster-General when such security has been perfected.



118. *Committee to account for Money received.*]—Where it is ordered that the Committee of the estate do receive, or be at liberty to receive, any money on account of the lunatic or his estate, he shall give credit for the same on passing his accounts before the Masters, and where any sum is ordered to be allowed for the maintenance of the lunatic, or to be expended for any other purpose out of his estate, the Committee of the estate shall be allowed the amount of the allowance for maintenance or the amount to be expended (as the case may be) on passing his accounts before the Masters.

119. *Payments by Committee.*]—Where it is ordered that the Committee of the estate do pay any sums of money for maintenance, he shall pay the same out of income, and where it is ordered that he do pay any costs, he shall, unless otherwise ordered, pay the same, when taxed, out of any moneys coming to his hands, after providing for the maintenance.

120. *Inventory to be signed.*]—Where it is ordered that any person be at liberty to retain any furniture or effects of the lunatic, he is to sign an inventory thereof, and an undertaking to deliver up the same when required so to do, and such inventory and undertaking shall be deposited in the office of the Masters.

121. *Proper Officers to transfer Stock.*]—Where it is ordered that a sum of stock standing in the books of the bank or other public company be transferred into Court, either generally or on a particular account, and no person is named in the order for making the transfer, the Secretary or Deputy Secretary, Accountant-General or Deputy Accountant-General for the time being of the bank, or other proper officer of such other company, shall make the transfer, and he, or one of the cashiers for the time being of the bank, or other such proper officer as aforesaid, shall, if so directed, receive any sum of money standing in the books of the bank or such other company as aforesaid accrued due at the date of the order by way of dividend, bonus, or periodical payment in respect of the stock to be transferred, and also any future sum so to accrue due previously to the transfer, and shall pay the same into Court either generally or on such particular account as aforesaid as the case may require.

122. *How Lease to be settled.*]—Where an order is made authorising a lease of a lunatic's property, the Masters shall settle a proper lease in pursuance of the order and shall sign their allowance of the lease when settled, and the Committee of the



*estate shall, in the name and on behalf of the lunatic, execute the lease when allowed, upon the intending lessee executing a counterpart thereof.\**

123. *Order to raise Money by Mortgage.*—Where it is ordered that the Committee be at liberty to raise by mortgage of any part of the lunatic's estate a sum of money for any purpose, the Masters shall settle and approve a proper mortgage, and the Committee upon payment to him, or as may be directed, of the amount to be raised shall, in the name and on the behalf of the lunatic, execute the mortgage when so settled and approved, and do all such other acts as are necessary to effectuate the same, and the Committee shall, out of the income of the lunatic's estate, pay and keep down the interest on the mortgage.

124. *Orders for Sale.*—Where an order for the sale of a lunatic's real or leasehold estate is made, the purchaser shall, within such time as the Masters appoint, pay his purchase-money into Court, or otherwise, as the Masters direct, and in case of payment into Court to such account as the Masters appoint, and upon such payment the purchaser shall be let into possession, or receipt of the rents and profits as from such day as the Masters appoint, and the Committee of the estate shall forthwith in the name and on behalf of the lunatic execute all proper assurances of the property sold to the purchaser or as he directs, to be settled by the Masters, and due notice of attending the Masters shall be given to all parties interested.

#### WRITS OF EXECUTION, &c.

125. *Writ of Execution to issue out of Central Office.*—All process or writs of execution, attachment, or otherwise, requisite for the enforcement of any order made under the Lunacy Acts, 1890 and 1891, may be issued out of the Central Office of the Supreme Court.

#### PERCENTAGE AND FEES.

126. *Percentage in case of Lunatics so found by Inquisition.*—There shall be paid a percentage at the rate of 4 per cent. per annum on the clear annual income, amounting to 100/.

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\* This Rule is repealed by the Lunacy Rules, 1893.



and upwards, of every lunatic so found by Inquisition, but so that no larger sum shall be payable in any case in any one year than 400*l*.

127. *Percentage in other cases.*]—In the case of lunatics not so found by Inquisition and of persons mentioned in section 116 (1) (d) of the Lunacy Act, 1890, with respect to whose property orders have been made under which income is from time to time dealt with or made available, there shall be paid a percentage at the rate of 2 per cent. per annum on the clear annual income amounting to 100*l*. and upwards so dealt with or made available, but so that no larger sum shall be payable in any case, in any one year, than 200*l*. This Rule shall apply to all orders made after the commencement of these Rules.

128. *Sums under 10*s*. to be disregarded.*]—In calculating percentage payable under these Rules, sums less than 10*s*. shall be disregarded and shall not be levied.

129. *Fees.*]—The following fees shall be payable in respect of proceedings under the Lunacy Acts, 1890 and 1891:—

#### CERTIFICATES.

|                                                                                                   | £ | s. | d. |
|---------------------------------------------------------------------------------------------------|---|----|----|
| On every certificate of a Master other than a certificate of a Master respecting percentage ..... | 1 | 0  | 0  |

#### ATTENDANCES.

|                                                                                                                                                                                                                                                   |   |   |   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|
| On an application, with or without subpoena, for any officer to attend as a witness or to produce documents (in addition to the reasonable expenses of the officer), for each day or part of a day he shall necessarily be absent from his office | 1 | 0 | 0 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|

The officer may require a deposit of stamps on account of any further fees, and a deposit of money on account of any further expenses which may probably become payable beyond the amount paid for fees and expenses on the application, and the officer or his clerk taking such deposit shall thereupon make a memorandum thereof on the application. The officer may also require an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.



## ORDERS.

|                     | £ | s. | d. |
|---------------------|---|----|----|
| On every order..... | 2 | 0  | 0  |

And in addition thereto the following fees, where the clear annual income of the person to whose property the order relates amounts to 100*l.* and upwards:—

- |                                                                                                                                                                                                          |    |   |   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---|---|
| (a) On an order authorising a particular lease, an amount equal to one-fourth the stamp duty payable on the lease;                                                                                       |    |   |   |
| (b) On an order authorising a sum of money to be raised by mortgage or charge, for every 100 <i>l.</i> or fraction of 100 <i>l.</i> of the amount to be raised .....                                     | 0  | 2 | 0 |
| (c) On an order approving or authorising a contract for sale of any property, for every 100 <i>l.</i> or fraction of 100 <i>l.</i> of the amount of the purchase money .....                             | 0  | 2 | 0 |
| (d) On an order authorising a sale by auction where the reserve price is fixed or approved by the Masters, for every 100 <i>l.</i> or fraction of 100 <i>l.</i> of the amount of the reserve price ..... | 0  | 2 | 0 |
| (e) On an order conferring a general authority to sell or grant leases.....                                                                                                                              | 10 | 0 | 0 |

Provided that the fees payable under the heads a, b, c, and d shall not exceed 10*l.*

Provided also that the fees payable under the heads a, b, c, d, and e shall not be payable upon any order made while percentage is payable upon the income of the person to whose property the order relates.

## COPIES.

On all copies of documents, the actual cost.

130. *Impressed Stamps to be used.*—The fees payable under these Rules shall be paid by means of stamps. Impressed stamps shall be used, unless for some sufficient reason to be approved by the Masters their use be inconvenient. The stamps shall be impressed or affixed on the vellum, parchment, or paper on which the proceeding in respect whereof such stamps are required is written or engrossed, or which may otherwise be used in reference to such proceeding.



131. *Stamp to be Cancelled.*—Every officer who receives any document to which a stamp is affixed shall, immediately upon the receipt of such document, cancel or deface the stamp thereon, by writing upon such stamp his name, or the initial letters of his name, in such a manner as to show clearly and distinctly that such stamp has been made use of, and so that the same may not be again used, and no document bearing an adhesive stamp shall be filed or delivered out until the stamp thereon has been cancelled or defaced in manner aforesaid.

132. *Limited number of adhesive Stamps to be used.*—In all cases where adhesive stamps are used, the stamps affixed to the document shall be of an amount corresponding as nearly as practicable with the amount of the stamp which such document requires, in order that no greater number of adhesive stamps may be affixed to any document than is actually necessary.

133. *Masters to certify amount of Percentage.*—The Masters shall certify the amount of percentage payable in each case, and the person who is to pay the same, and the time within which the same is to be paid, and such person shall pay the same out of the first money coming to his hands on account of income.

134. *Masters may certify Percentage to be paid out of Dividends.*—The Masters may, in such cases as they think fit, certify that the whole or any part of the percentage payable on the incomes of lunatics shall be paid out of cash arising from dividends of the lunatic standing to the credit of the matter of any lunacy, either generally or to any particular account, and when any such certificate is made, the amount certified thereby shall not be paid by means of stamps, but shall be carried over and transferred in manner hereinafter directed.

135. *Lunacy Percentage Account.*—There shall be kept in the Paymaster-General's office an account intituled "The Paymaster-General's Lunacy Percentage Account."

136. *Upon Certificate of Masters, Dividends to be carried to Percentage Account.*—When any such certificate as last hereinbefore mentioned is made, an office copy of such certificate shall be left at the office of the Paymaster-General, who shall, by virtue of such certificate, out of any cash arising from dividends or interest on money on deposit



belonging to the lunatic standing to the credit of the matter of any lunacy, carry over the amount mentioned in such certificate, from the credit of the account in such certificate mentioned, to the credit of the Lunacy Percentage Account, and any orders made and to be made in any such matters respectively are to be subject to this Rule, and to be acted upon accordingly.

137. *Transfer from Percentage Account to Cash Account.*]—As soon as conveniently may be after the 31st of January in each year, the Paymaster-General shall, by certificate under his hand, direct the bank to transfer to his "Cash Account" at the bank the amount of cash standing on that day to the credit of the Lunacy Percentage Account, and such certificate shall be a good and sufficient authority to the bank to write off the amount therein mentioned from the Lunacy Percentage Account and to carry it to the "Cash Account" without any further order of the court, and upon receiving from the bank a certificate that such transfer has been effected, the amount so transferred shall be placed to the debit of the proper accounts in the books of the Paymaster-General.

138. *Percentage to be paid by Stamps.*]—Subject to the provisions hereinbefore contained, the percentage shall be paid by means of stamps, and the Masters shall give notice in writing to the Committee of the estate or other proper person of the amount of percentage to be paid by him according to the certificate of the Masters, and of the time within which such amount is to be paid, and the Committee or other person shall, within such time, pay the amount stated in the notice out of income by purchasing stamps to such amount, and shall file such notice, duly stamped, at the office of the Masters.

139. *Percentage may be paid for less than a year.*]—Where it appears to the Masters, with a view to the establishment of a uniform period for the payment of percentage or for other purposes, to be expedient, they may make in any case a certificate comprising the income of a period greater or less than one year, and stating the amount of percentage payable for such period.

140. *Masters to certify Persons in default in paying Percentage.*]—The Masters shall, once at least in every six months, and oftener if they think fit, certify to the Treasury the names of all persons, if any, who are then in default in paying the amount certified to be payable by them in respect of the said percentage, and filing the notices duly stamped, as



hereinbefore provided, with the amounts payable by such parties respectively.

#### COPIES OF DOCUMENTS.

141. *Copies to be made in the Masters' Office.*]—The following copies of proceedings and documents shall be made in the Masters' office (that is to say): office copies of affidavits to be made for and taken by the party filing the same; copies of documents prepared in the Masters' office to be made for and taken by the party having the conduct of the proceedings; office copies of all orders, certificates, and other documents, and of all proceedings filed in the Masters' office; and copies of all documents filed in the Masters' office. Copies of all proceedings and documents, except those above mentioned, shall be made, delivered, charged, and paid for according to these Rules.

142. *Request for Copies.*]—The party, or his solicitor, requiring any copy, save as hereinbefore excepted, shall make a written request, to be delivered to the party by whom the copy is to be furnished, or his solicitor, with an undertaking to pay the proper charges. Upon the request being made, with such undertaking as aforesaid, copies of such proceedings or documents shall be made by the party, or his solicitor, filing or leaving the same, or who, under the last preceding Rule, may have taken office copies thereof.

143. *Time for delivery of Copies.*]—The copies shall be ready to be delivered at the expiration of forty-eight hours after the delivery of such request and undertaking, or within such other time as the Judge in any case directs, and shall be delivered accordingly upon demand and payment of the proper charges.

144. *Charge for Copies.*]—The charges for all such copies shall be at the rate of fourpence per folio of 72 words, every figure comprised in a column being counted as one word.

145. *Folios to be numbered.*]—The folios of all copies shall be numbered consecutively in the margin thereof, and the name and address of the party or solicitor by whom the same are made shall be endorsed thereon, and such party or solicitor shall be answerable for the same being true copies of the originals or of the office copies of the originals of which they respectively purport to be copies, as the case may be.



146. *Solicitor taking Office Copy to produce it.*—Any party or solicitor who has taken any office copy under these Rules shall produce the same in Court, or at the office of the Masters, when required for the purpose of the proceedings to which the same relates.

147. *Copies to be on convenient Paper and legible.*—All office copies and copies to be furnished by parties or their solicitors shall be written on paper of a convenient size with a sufficient margin, and in a neat and legible manner, similar to that which is usually adopted by law stationers, and in the case of copies to be furnished by parties or their solicitors, unless so written, the parties or solicitors furnishing them shall not be entitled to be paid for the same.

148. *Default of Solicitor to furnish Copy.*—In case any solicitor who is required to furnish any such copy as aforesaid either refuses, or for two clear days from the time when the application for such copy has been made neglects to furnish the same, the person by whom such application has been made shall be at liberty to procure a copy from the office in which the original document is or has been filed or left in the same way as if no such application had been made to the solicitor, and in such case no costs shall be due or payable to the solicitor so making default in respect of the copy or copies so applied for.

149. *Costs of unnecessary Copies to be disallowed.*—The Masters shall not allow any costs in respect of any copy, unless the same appears to them to have been required and to have been made with due care.

The sixth day of February, 1892.

(Signed) HALSBURY, C.

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## THE SCHEDULE REFERRED TO IN THE FOREGOING RULES.

## Form 1.

## TITLE OF PROCEEDINGS.

(a) *Application as to alleged Lunatic.*

In Lunacy.

In the matter of A. B., a person alleged to be of  
unsound mind.(b) *Application as to Lunatic so found by Inquisition.*

In Lunacy.

In the matter of A. B., a person of unsound mind.

(c) *Application as to Lunatic not so found by Inquisition.*

In Lunacy.

In the matter of A. B., a person of unsound mind  
not so found by Inquisition.(d) *Application in Lunacy and in Chancery Division.*

In Lunacy,

and

In the High Court of Justice,  
Chancery Division.In the matter of A. B., a person of unsound mind  
[or as the case may be].(e) *Application as to Person, through mental Infirmary arising  
through Disease or Age, incapable of managing his Affairs.*

In the matter of A. B.,

and

In the matter of the Acts 53 Viet. c. 5, and  
54 & 55 Viet. c. 65.



(f) *Application for Vesting Order.*

In Lunacy.

In the matter of the trusts of an Indenture dated  
the                   , and made between  
and                   .

In the matter of A. B., a person of unsound mind  
[or as the case may be],  
and                   .

In the matter of the Lunacy Acts, 1890 and 1891.

**Form 2.**

## NOTICE OF APPEAL FROM AN ORDER OF A MASTER.

[*Insert the Title of the Proceedings.*]

TAKE NOTICE that                   , of                   , desires to appeal to the  
Judge from the Order of the Master made in this matter,  
dated the                    [if part only is appealed from, add: "so far as  
it directs that                   "]. And that he intends to ask that the  
said order may be discharged [or varied], and that it may be  
ordered that                   .

Dated the                    day of                   

(Signed)                   ,  
Solicitors for                   .

To                   ,  
and to Messrs.                   ,  
his solicitors.

**Form 3.**

## NOTICE OF APPEAL FROM A CERTIFICATE OF A MASTER.

[*Insert the Title of the Proceedings.*]

TAKE NOTICE that                   , of                   , intends to appeal from  
the certificate of the Master made in this matter, dated  
the                   . And that he intends to ask that the said certi-  
ficate may be varied as follows: [*state the variation*]. And



that such consequential directions may be given or corrections and alterations made in the said certificate as may be necessary.

Dated the            day of            (Signed)            ,  
                                                                  Solicitors for            ,  
 To            ,  
           and to Messrs.            ,  
           his solicitors.

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#### Form 4.

##### PETITION FOR AN ORDER FOR INQUISITION.

(For title see Form 1a.)

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble petition of C. D., of            , in the county of            , sheweth as follows:—

1. A. B., now residing at            , is now and for years last past has been of unsound mind, and incapable of managing himself and his affairs.

2. Your petitioner is the father of the said A. B.

Your petitioner therefore humbly prays that the Masters in Lunacy, or one of them, may be directed to inquire concerning the alleged lunacy of the said A. B.

And your petitioner will ever pray, &c.

(Signed)            C. D.

Witness to the signature of the said C. D.

E. F.,  
 Solicitor.

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#### Form 5.

##### NOTICE TO ALLEGED LUNATIC OF PETITION FOR INQUISITION.

Mr. A. B.,

TAKE NOTICE that a petition, of which a copy is within written, has been presented to the Lord Chancellor by me [or



by C. D., of           ],\* and that by virtue of and under the same an inquiry may be ordered to take place before one of the Masters in Lunacy as to whether you are or are not of unsound mind and incapable of managing yourself and your affairs; but that you may, in case you think fit, demand that such inquiry may, if ordered, be had before a jury, in which case a notice of such your desire must be signed by you and attested by a solicitor, and filed at the office of the Masters in Lunacy, the Royal Courts of Justice, London, within seven clear days after your receipt of this notice.

Dated the           day of           .

(Signed)           C. D.  
(or X. Y., of           , solicitor).

### Form 6.

#### NOTICE TO ALLEGED LUNATIC OF REPORT OF COMMISSIONERS UNDER THE LUNACY ACT, 1890.

Mr. A. B.,

TAKE NOTICE that the Commissioners in Lunacy, on the           day of           , made a report to the Lord Chancellor stating that you are detained or taken charge of as a lunatic, and that they are of opinion that your property is not duly protected [or that the income of your property is not duly applied for your benefit, or to that effect]. And take notice that such report, having been duly filed, an inquiry may thereon be ordered by the Judge in Lunacy to take place before one of the Masters in Lunacy as to whether or not you are of unsound mind and incapable of managing yourself and your affairs; but that in case you think fit to demand that such inquiry, if ordered to be held, may take place before a jury, a notice thereof must be signed by you and attested by a solicitor, and filed at the office of the Masters in Lunacy, the Royal Courts of Justice, London, within seven days after your receipt of this notice.

Dated the           day of           .

(Signed)           X. Y.

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\* When a demand for a jury has already been filed, from this to the end is to be omitted.



**Form 7.**

## NOTICE BY ALLEGED LUNATIC DEMANDING A JURY.

*In the matter of A. B., an alleged Lunatic.*

I, the above-named A. B., having been on the       day of       served with a notice of a petition for an order for an inquiry (or of the filing of a report whereon an inquiry may be ordered) whether or not I am of unsound mind, and incapable of managing myself and my affairs, do hereby demand that, in the event of such an inquiry as aforesaid being ordered, the same be had before a jury.

Dated the       day of       .

(Signed)       A. B.

Witness,

M. N., of

Solicitor.

**Form 8.**

## NOTICE TO PERSON OF UNSOUND MIND, NOT SO FOUND BY INQUISITION, OF APPLICATION UNDER THE LUNACY ACTS, 1890 AND 1891.

Mr. A. B.,

TAKE NOTICE that a summons, of which a copy is within written, was on the       day of       issued by me (or by C. D., of       ), and that in pursuance thereof orders may be made on the ground [*state the ground on which the case is brought within section 116 of the Lunacy Act, 1890, e.g., that you are lawfully detained as a lunatic*] for the purpose [*state the purpose, e.g., of rendering your property, or the income thereof, available for the maintenance or benefit of yourself, or of yourself and your family, or for carrying on your trade or business*], and that if you intend to object to such orders being made, notice of such objection must be signed by you and attested by a solicitor, and filed at the office of the Masters in Lunacy, the Royal Courts of Justice, London, within seven clear days after your receipt of this notice.

Dated the       day of       .

(Signed) C. D.,  
(or) X. Y.,  
Solicitor.

H.

K



**Form 9.**

NOTICE OF OBJECTION BY PERSON OF UNSOUND MIND, NOT  
SO FOUND BY INQUISITION, TO ORDER UNDER LUNACY  
ACTS, 1890 AND 1891.

I, A. B., of                      , having been served with a notice of a  
summons for an order respecting my property, under the  
Lunacy Act, 1890, hereby give notice of my intention to  
object to such order being made.

Dated the                      day of                      .

A. B.

Witness,  
E. F.,  
Solicitor.

**Form 10.**

NOTICE OF PERSON THROUGH MENTAL INFIRMITY ARISING  
FROM DISEASE OR AGE INCAPABLE OF MANAGING HIS  
AFFAIRS.

Mr. A. B.,

TAKE NOTICE that a summons, of which a copy is within  
written, was on the                      day of                      issued by me (or by  
C. D., of                      ), and that in pursuance thereof orders may  
be made on the ground that you are, through mental infirmity  
arising from disease (*or age*), incapable of managing your  
affairs, for the purpose [*state the purpose, e.g., of rendering*  
your property or the income thereof available for the main-  
tenance or benefit of yourself, *or of yourself and your family,*  
*or for carrying on your trade or business*], and that if you  
intend to object to such orders being made, notice of such  
objection must be signed by you and attested by a solicitor,  
and filed at Room No.                      , at the Royal Courts of Justice,  
London, within seven clear days after your receipt of this  
notice.

Dated the                      day of                      .

(Signed) C. D.,  
(or) X. Y.,  
Solicitor.



**Form 11.**

NOTICE OF OBJECTION BY PERSON, THROUGH MENTAL INFIRMITY ARISING FROM DISEASE OR AGE, INCAPABLE OF MANAGING HIS AFFAIRS.

I, A. B., of \_\_\_\_\_, having been served with a notice of a summons for an order respecting my property, under the Acts 53 Vict. c. 5, and 54 & 55 Vict. c. 65, hereby give notice of my intention to object to such order being made.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ .

A. B.

Witness,  
M. N.,  
Solicitor.

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**Form 12.**

CONSENT TO ACT.

I, A. B., of \_\_\_\_\_, hereby consent to act as a trustee of the [describe the instrument].

Dated the \_\_\_\_\_ day of \_\_\_\_\_ .

(Signed) A. B.

I, C. D., of \_\_\_\_\_, solicitor, hereby certify that the above-written signature is the signature of A. B., the person mentioned in the above-written consent.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ .

(Signed) C. D.

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**Form 13.**

SUMMONS BEFORE THE MASTERS.

(For title, see Form 1.)

Let all parties concerned attend the Master in Lunacy in Chambers (or in the case of a person through mental infirmity arising from disease or age incapable of managing his affairs,



the Master in Chambers, at Room No.           ), at the  
Royal Courts of Justice, London, on           day the  
day of           , at           o'clock in the           noon, on the hearing  
of an application on the part of [*here state on whose behalf  
the application is made and its object*].

Dated the           day of           18   .

This summons was taken out by           , of           , solicitor  
for           .

To           .



ORDER AS TO FEES UNDER THE LUNACY  
ACT, 1890.

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ORDER AS TO THE FEES AND PERCENTAGES *under section 148 of the Lunacy Act, 1890, which are required to be taken for Lunacy Proceedings in the High Court of Justice and Court of Appeal by means of Stamps.*

Whereas by section 3 of the Public Offices Fees Act, 1879, it is provided that the Treasury may from time to time make, and when made, revoke, alter, and add to regulations for all or any of the following purposes respecting fees in any public office; that is to say:—

- (1) Regulating the manner in which the fees taken in money are to be taken, accounted for, and paid over.
- (2) Determining the use of impressed or adhesive stamps, and the mode of cancellation of adhesive stamps.
- (3) Regulating the use of stamps and prescribing the application thereof to documents from time to time in use, and requiring documents to be used for the purpose of such stamps.

Provided that any such regulations which may relate to the office of any Court of Law shall be made with the consent of the Lord Chancellor.

Now we, the undersigned, being two of the Lords of Her Majesty's Treasury do, with the concurrence of the Lord Chancellor, hereby give notice, and order, and direct—

That from and after the date of this order, in lieu of any of the regulations heretofore in force, the whole of the fees and percentages imposed by the Rules made under section 148 of the Lunacy Act, 1890, shall be taken in stamps, and that the stamps employed for the purpose shall in all cases, except for the fees payable for copies of documents, be impressed.

The stamps for denoting the fees payable for copies of documents shall be either impressed or adhesive.

The impressed stamps herein referred to shall be of such a character as the Commissioners of Inland Revenue may from time to time adopt for the purpose, whilst the adhesive stamps shall be of the description used for Judicature fees generally, such adhesive stamps to be cancelled by the various Courts or other officers, either by perforation or in such manner as the said Commissioners may from time to time direct.

The official forms with impressed or adhesive stamps (as the case may be) required in any proceedings under the said Act shall be sold at the Inland Revenue Office, Royal Courts of Justice.

And we do further direct that this order shall be binding on all Courts, officers, and persons, whom it may in any way affect.

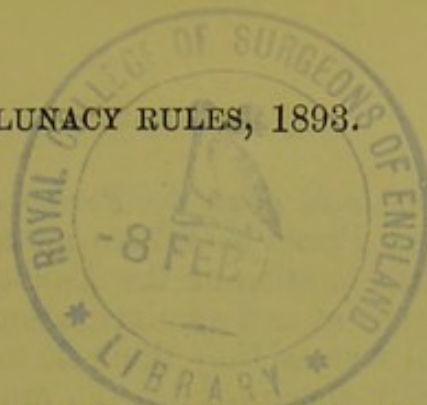
(Signed)       SIDNEY HERBERT,  
                  HERBERT EUSTACE MAXWELL,  
                  Two of the Lords of Her Majesty's  
                  Treasury.

Dated the 11th day of August, 1892.

I concur in this order.

(Signed)       HALSBURY, C.





## RULES IN LUNACY, 1893.

1. *Masters may direct a Petition for Inquisition to be presented.*]—Upon any application under section 116 of the Lunacy Act, 1890, the Masters may, if they consider it desirable for the care of the person, or for the management of the estate or otherwise in the interest of any lunatic or alleged lunatic, direct such person as they think fit to present a petition for an order for inquisition as to the lunatic or alleged lunatic, and if such direction be not complied with within ten days, or such further time as the Masters allow, the Masters may direct such petition to be presented by the official solicitor, and the official solicitor shall present the same accordingly.

2. *Powers of Masters in case of undue Delay.*]—(1) If it appear to the Masters that there is undue delay in any matter before them, or if the Masters be otherwise dissatisfied with the conduct of any proceedings, or with the mode in which any order made or direction given by the Masters is being carried out, they may summon before them the party having the conduct of the proceedings, or any other person appearing to be answerable, to explain the delay or other conduct with which they are dissatisfied, and may make such order as the circumstances require; and for the purposes aforesaid the Masters may direct the official solicitor to summon the persons whose attendance is required, and to conduct any proceedings and carry out any directions; and the Masters may, if they think fit, appoint the official solicitor to act as solicitor in such matter in the place of any solicitors previously acting.

(2) An order of the Masters under this Rule shall be subject to appeal to the Judge in accordance with the provisions of Rule 11 of the Rules in Lunacy, 1892.

3. *Costs of Official Solicitor.*]—Any costs incurred by the official solicitor in relation to any proceedings taken by him pursuant to the directions of the Masters, shall be paid by such parties or out of such funds as the Masters direct.



4. *Undertaking to be given by Person appointed to do any Act or exercise any Power.*—Where an order is made by the Masters under that portion of the Lunacy Act, 1890, which relates to management and administration, the Masters shall, unless for special reasons they think fit to dispense therewith, require the person appointed by the order to do any act or exercise any power to give an undertaking to the following effect with such modifications as the circumstances of the case shall require.

#### UNDERTAKING.

I, A. B., of [insert address and description], undertake to apply all such moneys as I may receive belonging to the said or his (or her) estate, and all moneys which I may receive on his (or her) account, in such manner as the Masters in Lunacy shall direct, and to account for such moneys when required; and, further, to give such security for the due application of and accounting for such moneys as may be required by any order of the Masters, and to obtain and send every six months to the Masters a report from a duly qualified medical man as to the mental and bodily condition of the said ; and, further, every six months to give notice in writing to the Masters of the then place of abode of the said ; and, further, to use my best endeavours to produce the said , and allow him (or her) to be visited by any Chancery Visitor or other person authorised by the Masters to visit him (or her), and to give such directions as the Masters may require to facilitate such visits.

5. *Chancery Visitors to visit and Report upon request of Masters.*—The Chancery Visitors shall, upon the request of the Masters, visit and report as to any persons with reference to whom or to whose estate an application is pending before or an order has been made by the Masters.

6. *Orders and other Documents to be authenticated by Seal.*—Orders and other documents issued from the Masters' office shall be sufficiently authenticated by the seal of the Masters' office, and it shall not be necessary to sign the same.

7. *Amendment of Rule 68 of Rules in Lunacy, 1892.*—The words "other documents" are hereby substituted in Rule 68 of the Rules in Lunacy, 1892, for the word "certificates."



8. *Allowance of Account to be authenticated by Seal.*]—The Masters' allowance of the account of a Committee shall be sufficiently authenticated by the seal of the Masters' office.

9. *Discharge of Security.*]—When the security of a Committee of the estate, Receiver or other person is to be discharged, the bond shall be delivered up to be cancelled, or in the case of a recognizance the proper officer shall, upon a direction from the Masters, attend the Masters, who shall thereupon vacate such recognizance in the usual manner; and in the case of security having been given in the whole or in part by a sum of money or stock being brought into Court, the Masters may make an order for the payment or transfer, in such manner as the Masters think proper, of the sum of money or stock and the dividends thereon.

10. *Allowance of Lease to be authenticated by Seal.*]—Where an order is made authorising a lease of a lunatic's property, the Masters shall settle a proper lease in pursuance of the order, and their allowance of the lease when settled shall be sufficiently authenticated by the seal of the Masters' office; and the Committee of the estate shall in the name and on behalf of the lunatic execute the lease when allowed, upon the intending lessee executing a counterpart thereof.

11. *Change of Residence.*]—Every Committee of the person of a lunatic so found by Inquisition shall, within three days after any change shall have taken place in the residence of the lunatic, send by post to the office of the Visitor of Lunatics, Royal Courts of Justice, London, notice thereof, with the address of the place to which the lunatic has been removed.

12. *Repeal of Rules in Lunacy, 1892, in part.*]—The Rules in Lunacy, 1892, referred to in the schedule hereto, are hereby annulled to the extent mentioned in the second column thereof.

13. *Short Title.*]—These Rules may be cited as the Rules in Lunacy, 1893, and shall be read as one with the Rules in Lunacy, 1892, and shall come into operation on the first day of July, 1893.

(Signed)      HERSCHELL, C.

The 15th day of June, 1893.

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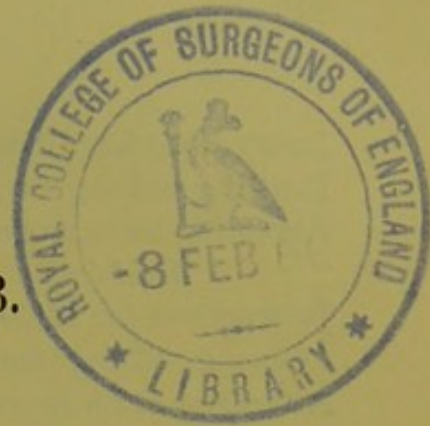


## THE SCHEDULE.

RULES AND PORTIONS OF THE RULES IN LUNACY, 1892,  
ANNULLED.

| Number of Rule.    | Extent of Repeal.                          |
|--------------------|--------------------------------------------|
| Rule 14 . . . . .  | The whole rule.                            |
| Rule 55 . . . . .  | From "Except that" to the end of the rule. |
| Rule 60 . . . . .  | The word "certificates."                   |
| Rule 61 . . . . .  | The words "by them."                       |
| Rule 62 . . . . .  | The whole rule.                            |
| Rule 63 . . . . .  | The whole rule.                            |
| Rule 64 . . . . .  | The whole rule.                            |
| Rule 65 . . . . .  | The whole rule.                            |
| Rule 66 . . . . .  | The word "certificates."                   |
| Rule 77 . . . . .  | The whole rule.                            |
| Rule 82 . . . . .  | The whole rule.                            |
| Rule 122 . . . . . | The whole rule.                            |





## APPENDIX B.

## FORMS OF BILLS OF COSTS.\*

## I.—Costs of an Application under the 116th Section of the Lunacy Act, 1890.

In Lunacy.

In the matter of John Smith, a person  
of unsound mind not so found by  
Inquisition.

## APPLICANT'S COSTS.

*Hilary Sittings, 1900.*

|                                                                                                                     | £ | s. | d. |
|---------------------------------------------------------------------------------------------------------------------|---|----|----|
| † Instructions for application under the 116th section<br>of the Lunacy Act, 1890 .....                             | 0 | 13 | 4  |
| (NOTE.—The Master has discretion to<br>increase the allowance for in-<br>structions up to 1 <i>l.</i> 1 <i>s.</i> ) |   |    |    |
| Instructions for affidavit of first medical man .....                                                               | 0 | 6  | 8  |
| Drawing and engrossing same, folios (1 <i>s.</i> 4 <i>d.</i> per folio)                                             |   |    |    |
| Attending to be sworn .....                                                                                         | 0 | 6  | 8  |
| <i>Paid oath</i> .....                                                                                              | 0 | 1  | 6  |
| Instructions for affidavit of second medical man ....                                                               | 0 | 6  | 8  |
| Drawing and engrossing same, folios (1 <i>s.</i> 4 <i>d.</i> per folio)                                             |   |    |    |
| Attending to be sworn .....                                                                                         | 0 | 6  | 8  |
| <i>Paid oath</i> .....                                                                                              | 0 | 1  | 6  |

\* As to costs and taxation of costs, see Rules 21 and 110 to 115 of the Lunacy Rules, 1892, in Appendix A.

† The date when each matter was done should be inserted in the left-hand margin.

|                                                         | £ | s. | d. |
|---------------------------------------------------------|---|----|----|
| Instructions for Affidavit of Fortune and Kindred ..    | 0 | 6  | 8  |
| Drawing and engrossing same, folios (1s. 4d. per folio) |   |    |    |
| Attending to be sworn .....                             | 0 | 6  | 8  |
| <i>Paid oath</i> .....                                  | 0 | 1  | 6  |
| Instructions for affidavit of fitness .....             | 0 | 6  | 8  |
| Drawing and engrossing same, folios (1s. 4d. per folio) |   |    |    |
| Attending to be sworn .....                             | 0 | 6  | 8  |
| <i>Paid oath</i> .....                                  | 0 | 1  | 6  |
| Drawing and fair copy undertaking .....                 | 0 | 5  | 0  |
| Attending attesting committee's signature .....         | 0 | 6  | 8  |

(NOTE.—Insert all proper attendances and correspondence which may have taken place to enable the Solicitor to obtain this evidence.)

|                                                                                                              |   |    |   |
|--------------------------------------------------------------------------------------------------------------|---|----|---|
| Preparing special summons for appointment of Receiver, &c., and attending issuing .....                      | 0 | 13 | 4 |
| Copy for Lunacy Office, folios .....                                                                         |   |    |   |
| Copy for service .....                                                                                       |   |    |   |
| Attending Respondent's Solicitors, serving them with copy summons when they gave undertaking to appear ..... | 0 | 6  | 8 |
| Copy Summons for service on Lunatic, folios ....                                                             |   |    |   |
| Endorsing notice thereon .....                                                                               | 0 | 5  | 0 |
| Attending serving same (according to distance and time engaged) .....                                        |   |    |   |
| Drawing and engrossing affidavit of service (1s. per folio)                                                  |   |    |   |
| <i>Paid oath</i> .....                                                                                       | 0 | 1  | 6 |
| (Any charges for affidavits in answer will be as follows:—)                                                  |   |    |   |

|                                                                           |  |  |  |
|---------------------------------------------------------------------------|--|--|--|
| Perusing affidavit, folios .....                                          |  |  |  |
| <i>Paid for same</i> .....                                                |  |  |  |
| Copy for country (if agency) .....                                        |  |  |  |
| Attending summons before Master, order made (or as the case may be) ..... |  |  |  |
| ..... (The allowance will be in the Taxing Master's discretion.)          |  |  |  |

|                                       |   |   |   |
|---------------------------------------|---|---|---|
| <i>Paid for draft order</i> .....     |   |   |   |
| Close copy (4d. per folio) .....      |   |   |   |
| Notice of appointment to settle ..... | 0 | 4 | 0 |



|                                                                                                | £ | s. | d. |
|------------------------------------------------------------------------------------------------|---|----|----|
| Attending settling order .....                                                                 |   |    |    |
| (The fee for this depends on circumstances.)                                                   |   |    |    |
| Attending settling blue print order .....                                                      | 0 | 6  | 8  |
| (This is only allowed when there is a fund in Court.)                                          |   |    |    |
| Attending passing order .....                                                                  | 0 | 6  | 8  |
| <i>Paid stamp</i> .....                                                                        | 2 | 0  | 0  |
| <i>Paid for office copy</i> .....                                                              |   |    |    |
| Instructions, drawing and engrossing bond .....                                                | 1 | 11 | 8  |
| <i>Paid parchment and stamp</i> .....                                                          |   |    |    |
| Attendances on Committee and Sureties on their executing bond and attesting ....(6s. 8d. each) |   |    |    |
| Instructions for affidavit of sufficiency .....                                                | 0 | 6  | 8  |
| Drawing and engrossing same .....                                                              | 0 | 6  | 8  |
| Attending to be sworn .....                                                                    | 0 | 6  | 8  |
| <i>Paid oath</i> .....                                                                         | 0 | 1  | 6  |
| Instructions for affidavit of execution of bond .....                                          | 0 | 6  | 8  |
| (When it is not made by a Solicitor or his Clerk.)                                             |   |    |    |
| Drawing and engrossing same ....(1s. 4d. per folio)                                            |   |    |    |
| Marking exhibit .....                                                                          | 0 | 1  | 0  |
| Attending to be sworn .....                                                                    | 0 | 6  | 8  |
| <i>Paid oath and exhibit</i> .....                                                             | 0 | 2  | 6  |
| (NOTE.—If stocks are to be lodged in Court, see items in "Petitioner's Costs.")                |   |    |    |
| <i>Paid stamp on certificate of security</i> .....                                             | 1 | 0  | 0  |
| Attending, bespeaking, and for office copy .....                                               | 0 | 6  | 8  |
| <i>Paid for office copy</i> .....                                                              |   |    |    |
| Copy order for Taxing Master, folios (4d. per folio)                                           |   |    |    |
| Drawing bill of costs and copy, folios (8d. per folio)                                         |   |    |    |
| Attending taxing (6s. 8d. every 25 folios)                                                     |   |    |    |
| <i>Paid for certificate and engrossment</i> .....                                              | 1 | 2  | 0  |
| Attending, filing, and bespeaking office copy .....                                            | 0 | 6  | 8  |
| <i>Paid</i> .....                                                                              | 0 | 2  | 0  |
| Sittings fee (1l. 1s. agency, 15s. proper)                                                     |   |    |    |
| Numerous letters, postages, &c. ....                                                           |   |    |    |
| (A higher fee for letters is allowed in agency than in proper matters.)                        |   |    |    |

## II.—Costs of an Application by Petition.

In Lunacy.

In the matter of John Smith, a person  
of unsound mind.

## PETITIONER'S COSTS OF INQUIRY.

*Michaelmas Sittings, 1900.*

|                                                                                                                       | £ | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------|---|----|----|
| Instructions for petition .....                                                                                       | 0 | 6  | 8  |
| Drawing and engrossing same .....                                                                                     | 0 | 10 | 0  |
| (Or per folio, 1s. 4d.)                                                                                               |   |    |    |
| Writing Petitioner arranging to sign petition .....                                                                   | 0 | 3  | 6  |
| Attending Petitioner, reading over, and attesting<br>signature .....                                                  | 0 | 6  | 8  |
| Instructions for affidavit in support .....                                                                           | 0 | 6  | 8  |
| Drawing and engrossing same .... (1s. 4d. per folio)                                                                  |   |    |    |
| Attending Deponent to be sworn .....                                                                                  | 0 | 6  | 8  |
| (If more than one Deponent and<br>separate attendances, each<br>6s. 8d.)                                              |   |    |    |
| * <i>Paid oath, each</i> .....                                                                                        | 0 | 1  | 6  |
| Attending presenting petition .....                                                                                   | 0 | 6  | 8  |
| <i>Paid for office copies affidavits</i> .....                                                                        |   |    |    |
| (These office copies are made by<br>the Lunacy Office Stationer,<br>who charges 2d. per folio and<br>paper for them.) |   |    |    |
| Fair copy petition for filing..... (4d. per folio)                                                                    |   |    |    |
| Copy petition for service .....                                                                                       |   |    |    |
| Indorsing notice thereon .....                                                                                        | 0 | 5  | 0  |
| Attending serving same (according to distance and<br>time engaged) .....                                              |   |    |    |
| <i>If served by an Agent, Writing Agent therewith and<br/>with full instructions for service</i> .....                | 0 | 5  | 0  |
| <i>Paid his charges</i> .....                                                                                         |   |    |    |
| Writing him therewith .....                                                                                           | 0 | 3  | 6  |

\* For charges relating to the two medical affidavits, see page 139.



|                                                                                                                                   | £ | s. | d.                |
|-----------------------------------------------------------------------------------------------------------------------------------|---|----|-------------------|
| Drawing and engrossing affidavit of service (1s. per folio)                                                                       |   |    |                   |
| <i>Paid oath</i> .....                                                                                                            | 0 | 1  | 6                 |
| (No attendance to be sworn allowed<br>on an affidavit of service.)                                                                |   |    |                   |
| <i>Paid for office copy</i> .....                                                                                                 |   |    |                   |
| Attending searching if Jury requested and found not                                                                               | 0 | 6  | 8                 |
| Drawing and fair copy precept for inquiry .....                                                                                   | 0 | 6  | 8                 |
| <i>Paid for parchment</i> .....                                                                                                   | 0 | 2  | 0                 |
| Attending obtaining fiat for inquiry .....                                                                                        | 0 | 6  | 8                 |
| <i>Paid for fiat</i> .....                                                                                                        |   |    |                   |
| Fair copy to keep .....                                                                                                           |   |    | (4d. per folio)   |
| Attending at Masters' office therewith and arranging<br>time and place of inquiry .....                                           | 0 | 6  | 8                 |
| Writing Petitioner apprising him of appointment ..                                                                                | 0 | 3  | 6                 |
| Attendances, arranging for the attendance of witnesses<br>and taking notes of their evidence (according to<br>time engaged) ..... |   |    |                   |
| Preparing subpoena and attending getting same<br>signed and sealed .....                                                          | 0 | 6  | 8                 |
| Copy for service, each witness .....                                                                                              | 0 | 1  | 0                 |
| Service thereof, each witness .....                                                                                               | 0 | 5  | 0                 |
| Mileage .....                                                                                                                     |   |    |                   |
| <i>Paid conduct money, each witness</i> .....                                                                                     |   |    |                   |
| * Drawing and fair copy brief of evidence .....                                                                                   |   |    |                   |
| * Briefing affidavits and necessary documents .....                                                                               |   |    |                   |
| Attending inquiry when lunatic found of unsound<br>mind .....                                                                     |   |    | (3l. 3s. per day) |
| <i>Paid travelling expenses</i> .....                                                                                             |   |    |                   |
| <i>Paid use of room</i> .....                                                                                                     |   |    |                   |
| Drawing inquisition .....                                                                                                         | 1 | 0  | 0                 |
| Engrossing same for signature .....                                                                                               |   |    | (8d. per folio)   |
| <i>Paid for parchment</i> .....                                                                                                   | 0 | 5  | 0                 |
| Attending Master therewith for signature .....                                                                                    | 0 | 6  | 8                 |
| Attending filing inquisition .....                                                                                                | 0 | 6  | 8                 |
| Filling up form for Visitors of Lunatics .....                                                                                    | 0 | 3  | 6                 |
| Writing them therewith .....                                                                                                      | 0 | 3  | 6                 |
| Preparing special summons for appointment of<br>Committee and maintenance and attending<br>issuing .....                          | 0 | 13 | 4                 |

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\* These are not allowed except when Counsel is employed.



|                                                                                                 | £ | s. | d. |
|-------------------------------------------------------------------------------------------------|---|----|----|
| Copy for chambers .....                                                                         | 0 | 2  | 0  |
| Copy and service .....                                                                          | 0 | 4  | 6  |
| Instructions for affidavit in support .....                                                     | 0 | 6  | 8  |
| Drawing and engrossing same ....(1s. 4d. per folio)                                             |   |    |    |
| Attending to be sworn .....                                                                     | 0 | 6  | 8  |
| <i>Paid oath</i> .....                                                                          | 0 | 1  | 6  |
| Drawing and fair copy, consent to act as Committee                                              | 0 | 5  | 0  |
| Attending Committee on his signing same .....                                                   | 0 | 6  | 8  |
| Instructions for affidavit of fitness ....(6s. 8d. each)                                        |   |    |    |
| Drawing and engrossing same (1s. 4d. per folio, each)                                           |   |    |    |
| Attendances to be sworn .....                                                                   |   |    |    |
| <i>Paid oaths</i> .....                                                                         |   |    |    |
| Attending summons, proposal approved .....                                                      | 1 | 1  | 0  |
| (This may be increased at the Taxing<br>Master's discretion, if there are<br>any adjournments.) |   |    |    |
| <i>Paid for copy draft certificate</i> .....                                                    |   |    |    |
| Close copy .....                                                                                |   |    |    |
| (4d. per folio)                                                                                 |   |    |    |
| Notice to settle ..(2s. 6d. for each additional notice)                                         | 0 | 4  | 0  |
| Attending settling certificate .....                                                            | 0 | 13 | 4  |
| (This may be increased at the dis-<br>cretion of the Master.)                                   |   |    |    |
| Engrossing certificate .....                                                                    |   |    |    |
| (4d. per folio)                                                                                 |   |    |    |
| <i>Paid stamp on transcribing certificate</i> .....                                             |   |    |    |
| Attending signing certificate .....                                                             | 0 | 6  | 8  |
| <i>Paid duty on grant</i> .....                                                                 |   |    |    |
| <i>Paid fee on fiat</i> .....                                                                   |   |    |    |
| Attending bespeaking and for office copy certificate                                            | 0 | 6  | 8  |
| <i>Paid for same</i> .....                                                                      |   |    |    |
| (NOTE.—These are proper charges<br>where a certificate is necessary.)                           |   |    |    |
| * Instructions, drawing and engrossing bond .....                                               | 1 | 11 | 8  |
| <i>Paid parchment</i> .....                                                                     |   |    |    |
| <i>Paid stamping bond</i> .....                                                                 |   |    |    |
| Attendances on Committee and Sureties on their exe-<br>cuting bond and attesting .....          |   |    |    |
| (6s. 8d. each)                                                                                  |   |    |    |
| Instructions for affidavit of sufficiency .....                                                 | 0 | 6  | 8  |
| Drawing and engrossing same .....                                                               | 0 | 6  | 8  |
| Attending to be sworn .....                                                                     | 0 | 6  | 8  |
| <i>Paid oath</i> .....                                                                          | 0 | 1  | 6  |

---

\* For costs of drawing up order, see page 141.



|                                                                                        | £ | s. | d. |
|----------------------------------------------------------------------------------------|---|----|----|
| Instructions for affidavit of execution of bond . . . . .                              | 0 | 6  | 8  |
| (When it is not made by a Solicitor or his Clerk.)                                     |   |    |    |
| Drawing and engrossing same . . . . (1s. 4d. per folio)                                |   |    |    |
| Marking exhibit . . . . .                                                              | 0 | 1  | 0  |
| Attending to be sworn . . . . .                                                        | 0 | 6  | 8  |
| <i>Paid oath and exhibit . . . . .</i>                                                 | 0 | 2  | 6  |
| When Stocks are to be lodged in Court, the following items will have to be added:      |   |    |    |
| Attending bespeaking directions for lodgment of Stocks and for same . . . . .          | 0 | 6  | 8  |
| Instructions for deed of transfer of Midland Railway Stock . . . . .                   | 0 | 6  | 8  |
| Drawing and engrossing same . . . . .                                                  | 0 | 4  | 0  |
| <i>Paid stamping transfer . . . . .</i>                                                | 0 | 10 | 0  |
| Writing Secretary for execution . . . . .                                              | 0 | 5  | 0  |
| (If there are other Stocks to be transferred into Court, repeat the above five items.) |   |    |    |
| Attending Assistant Paymaster-General . . . . .                                        |   |    |    |
| Lodging transfer of above Stock for his execution . .                                  | 0 | 6  | 8  |
| (Similar items for any other Stocks.)                                                  |   |    |    |
| <i>Paid stamp on certificate of security . . . . .</i>                                 | 1 | 0  | 0  |
| Attending bespeaking and for office copy . . . . .                                     | 0 | 6  | 8  |
| <i>Paid for office copy . . . . .</i>                                                  |   |    |    |
| Copy order for Taxing Master, folios (4d. per folio)                                   |   |    |    |
| Drawing bill of costs and copy, folios (8d. per folio)                                 |   |    |    |
| Attending taxing (6s. 8d. every 25 folios) . . . . .                                   |   |    |    |
| <i>Paid for certificate and engrossment . . . . .</i>                                  | 1 | 2  | 0  |
| Attending filing and bespeaking office copy . . . . .                                  | 0 | 6  | 8  |
| <i>Paid . . . . .</i>                                                                  | 0 | 2  | 0  |
| Sittings fee . . . . . (£1 1s. agency, 15s. proper)                                    |   |    |    |
| Numerous letters, postages, &c. . . . .                                                |   |    |    |
| (A higher fee is allowed in agency than in proper matters.)                            |   |    |    |

### III.—Costs of Next-of-Kin of an Application by Petition.

In Lunacy.

In the matter of John Smith, a person of  
unsound mind.

#### COSTS OF NEXT-OF-KIN OF INQUIRY.

|                                                                                                                        | £ | s. | d. |
|------------------------------------------------------------------------------------------------------------------------|---|----|----|
| Instructions to appear on summons to proceed on<br>order for inquiry .....                                             | 0 | 6  | 8  |
| <i>Paid for copy affidavits in support of summons</i><br>(4d. per folio)                                               |   |    |    |
| Perusing.....(4d. per folio)                                                                                           |   |    |    |
| Copy for country .....(4d. per folio)                                                                                  |   |    |    |
| (In agency cases)                                                                                                      |   |    |    |
| (NOTE.—If affidavits in answer<br>are necessary, the charges for<br>same can be taken from the<br>Petitioner's costs.) |   |    |    |
| Attending summons order made<br>(according to circumstances, from 6s. 8d.)                                             |   |    |    |
| <i>Paid for copy certificate.....</i> (4d. per folio)                                                                  |   |    |    |
| Close copy .....                                                                                                       |   |    |    |
| Attending settling same .....                                                                                          |   |    |    |
| Attending signing .....                                                                                                |   |    |    |
| <i>Paid for copy minutes of order</i> (4d. per folio)                                                                  |   |    |    |
| Close copy .....(4d. per folio)                                                                                        |   |    |    |
| Attending settling.....                                                                                                | 0 | 13 | 4  |
| Attending passing (see "Petitioner's Costs") .....                                                                     | 0 | 6  | 8  |
| Drawing bill of costs and copy .....                                                                                   |   |    |    |
| Attending taxing .....                                                                                                 |   |    |    |
| Sittings fees .....                                                                                                    |   |    |    |
| Extra letters, postages, &c. (see "Petitioner's Costs")                                                                |   |    |    |



IV.—Form of Costs of Committee [or Receiver] of passing  
his Accounts.

In Lunacy.

In the matter of John Smith, a person  
of unsound mind [not so found by  
Inquisition \*].

THE BILL OF COSTS OF THOMAS SMITH ON PASSING HIS  
FIRST ACCOUNT AS COMMITTEE [OR AS RECEIVER \*].

1900.

|                                                                              | £ | s. | d. |
|------------------------------------------------------------------------------|---|----|----|
| Drawing account† and fair copy, folios.....                                  |   |    |    |
| Attending bespeaking transcript (if there is any fund<br>in Court).....      | 0 | 6  | 8  |
| <i>Paid for book</i> .....                                                   | 0 | 0  | 6  |
| Attending bespeaking certificate of fund .....                               | 0 | 6  | 8  |
| Attending vouching account .....                                             |   |    |    |
| (This fee depends upon the<br>length, &c.)                                   |   |    |    |
| Writing Committee with particulars of queries and<br>for instructions .....  | 0 | 3  | 6  |
| Attending disposing of queries and completing<br>account .....               | 0 | 6  | 8  |
| (If the matter is troublesome more<br>may be allowed.)                       |   |    |    |
| Instructions for affidavit verifying account .....                           | 0 | 6  | 8  |
| Drawing same, folios 4 .....                                                 | 0 | 4  | 0  |
| Engrossing account and affidavit, folios .....                               |   |    |    |
| Attending Committee to be sworn .....                                        | 0 | 6  | 8  |
| <i>Paid oath</i> .....                                                       | 0 | 1  | 6  |
| Attending filing account and affidavit and bespeak-<br>ing office copy ..... | 0 | 6  | 8  |
| <i>Paid Stationer for office copy</i> .....                                  |   |    |    |
| Drawing bill of costs and copy, folios .....                                 |   |    |    |
| Attending taxing .....                                                       |   |    |    |
| Sittings fee.....                                                            |   |    |    |

\* As the case may be.

† The account is counted at the Lunacy Office, and the costs put in by the  
officials.

## V.—Form of Costs of Next-of-Kin on passing Account.

In Lunacy.

In the matter of John Smith, a person  
of unsound mind [not so found by  
Inquisition\*].

THE BILL OF COSTS OF NEXT-OF-KIN ON PASSING  
COMMITTEES [OR RECEIVERS\*] FIRST ACCOUNT.

1900.

|                                                                                  | £ | s. | d. |
|----------------------------------------------------------------------------------|---|----|----|
| Attending passing account and disposing of queries<br>and settling balance ..... | 1 | 1  | 0  |
| Drawing and fair copy costs .....                                                | 0 | 2  | 0  |
| Attending taxing .....                                                           | 0 | 6  | 8  |
| Letters, &c. ....                                                                | 0 | 5  | 0  |

## VI.—Form of Costs of an Application for a Supersedeas.

In Lunacy.

In the matter of John Smith, late a  
person of unsound mind.

## COSTS OF APPLICATION FOR SUPERSEDEAS.

*Trinity Sittings, 1900.*

1900.

|                                                                                                                                                                                 | £ | s. | d. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| Instructions to apply for a Supersedeas.....                                                                                                                                    | 0 | 6  | 8  |
| (NOTE.—Insert all attendances and<br>correspondence on parties, in-<br>cluding the payments for<br>documents, and the perusals,<br>&c. of the documents used in<br>the Lunacy.) |   |    |    |
| Drawing petition, .. folios .....(at 1s. per folio)                                                                                                                             |   |    |    |
| Instructions for affidavit of Doctor .....                                                                                                                                      | 0 | 6  | 8  |

\* As the case may be.



|                                                                                                                                                                                                                                                                                         | £ | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| Drawing and engrossing same, folios<br>(at 1s. 4d. per folio)                                                                                                                                                                                                                           |   |    |    |
| (NOTE.—This affidavit will have to<br>be made by the Doctor of the<br>Asylum, or the Doctor in whose<br>care the Lunatic is, and it must<br>be corroborated by the affi-<br>davit of a second Medical Man.<br>Charge all proper correspond-<br>ence and attendances on the<br>Doctors.) |   |    |    |
| Attending first Medical Man to be sworn                                                                                                                                                                                                                                                 | 0 | 6  | 8  |
| <i>Paid oath</i>                                                                                                                                                                                                                                                                        | 0 | 1  | 6  |
| Instructions for affidavit of second Medical Man....                                                                                                                                                                                                                                    | 0 | 6  | 8  |
| Drawing and engrossing same, folios<br>(at 1s. 4d. per folio)                                                                                                                                                                                                                           |   |    |    |
| Attending to be sworn                                                                                                                                                                                                                                                                   | 0 | 6  | 8  |
| <i>Paid oath</i>                                                                                                                                                                                                                                                                        | 0 | 1  | 6  |
| Attending Client attesting his signature to petition..                                                                                                                                                                                                                                  | 0 | 13 | 4  |
| Engrossing petition, folios                                                                                                                                                                                                                                                             |   |    |    |
| Attending presenting same                                                                                                                                                                                                                                                               | 0 | 6  | 8  |
| (NOTE.—Insert proper fees for<br>Doctors making affidavits, &c.)                                                                                                                                                                                                                        |   |    |    |
| Attending Lunatic and Doctor, and with them to<br>Law Courts; attending with them before Lord<br>Justice explaining facts to him, and he afterwards<br>saw Lunatic and made order for an unconditional<br>Supersedeas                                                                   | 1 | 1  | 0  |
| <i>Paid for draft order</i> (amount actually paid)                                                                                                                                                                                                                                      |   |    |    |
| Close copy (at 4d. per folio)                                                                                                                                                                                                                                                           |   |    |    |
| Attending settling same                                                                                                                                                                                                                                                                 | 0 | 13 | 4  |
| Attending producing writ of Supersedeas and vacating<br>bond                                                                                                                                                                                                                            | 0 | 13 | 4  |
| Attending paying percentage                                                                                                                                                                                                                                                             | 0 | 6  | 8  |
| <i>Paid percentage</i>                                                                                                                                                                                                                                                                  |   |    |    |
| <i>Paid Stationer's attendance to stamp and file<br/>receipt</i>                                                                                                                                                                                                                        | 0 | 2  | 0  |
| Attending passing order                                                                                                                                                                                                                                                                 | 0 | 6  | 8  |
| <i>Paid stamp on order</i>                                                                                                                                                                                                                                                              | 2 | 0  | 0  |
| <i>Paid for office copy</i>                                                                                                                                                                                                                                                             |   |    |    |
| Attending bespeaking writ of Supersedeas                                                                                                                                                                                                                                                | 0 | 6  | 8  |
| <i>Paid</i>                                                                                                                                                                                                                                                                             | 0 | 11 | 0  |

|                                                                      | £ | s. | d. |
|----------------------------------------------------------------------|---|----|----|
| Drawing bill of costs and copy . . . . (at 8d. per folio)            |   |    |    |
| Attending taxing . . . . . (6s. 8d. every 25 folios)                 |   |    |    |
| <i>Paid for certificate and engrossment . . . . .</i>                | 1 | 2  | 0  |
| Attending filing and bespeaking office copy . . . . .                | 0 | 6  | 8  |
| <i>Paid . . . . .</i>                                                | 0 | 2  | 0  |
| Sittings fee . . . . .                                               |   |    |    |
| (Sittings fees are charged as follows:—1l. 1s. agency, 15s. proper.) |   |    |    |
| Extra letters, postages, &c. . . . .                                 |   |    |    |
| (A higher fee is allowed in agency matters than in proper.)          |   |    |    |

#### VII.—Form of Costs of an Application for Payment out of Court and to vacate Security on the Death of a Lunatic.

In Lunacy.

In the matter of John Smith, a person of unsound mind [not so found by Inquisition\*].

#### APPLICANT'S COSTS.

*Easter Sittings, 1900.*

|                                                                                 | £ | s. | d. |
|---------------------------------------------------------------------------------|---|----|----|
| Instructions to apply for payment out of Court and to vacate security . . . . . | 0 | 6  | 8  |
| Attending bespeaking transcript of account . . . . .                            | 0 | 6  | 8  |
| <i>Paid for book . . . . .</i>                                                  |   |    |    |
| Attending bespeaking certificate of fund and for same . . . . .                 | 0 | 6  | 8  |

\* As the case may be.



|                                                                                                                                                                                                                                | £ | s. | d. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| Attending at Somerset House searching for and be-<br>speaking certificate of death of Lunatic.....                                                                                                                             | 0 | 6  | 8  |
| <i>Paid search and certificate</i> .....                                                                                                                                                                                       | 0 | 3  | 7  |
| Instructions for affidavit in support of summons ....                                                                                                                                                                          | 0 | 6  | 8  |
| Drawing and engrossing same, folios<br>(1s. 4d. per folio)                                                                                                                                                                     |   |    |    |
| Marking certificate as exhibit .....                                                                                                                                                                                           | 0 | 1  | 0  |
| Attending to be sworn .....                                                                                                                                                                                                    | 0 | 6  | 8  |
| <i>Paid oath and exhibit</i> .....                                                                                                                                                                                             | 0 | 2  | 6  |
| (NOTE.—If there are any Respon-<br>dents and they are separately<br>represented, charges will have<br>to be made for copy and<br>service of summons on them<br>as well as notices of all ap-<br>pointments before the Master.) |   |    |    |
| Preparing special summons for payment out and to<br>vacate security and attending issuing .....                                                                                                                                | 0 | 13 | 4  |
| Copy for Lunacy Office, folios .....                                                                                                                                                                                           |   |    |    |
| Attending summons order for payment out and to<br>vacate security made.....                                                                                                                                                    | 0 | 13 | 4  |
| (Or according to circumstances.)                                                                                                                                                                                               |   |    |    |
| Attending getting certificate of fund redated the date<br>of order .....                                                                                                                                                       | 0 | 6  | 8  |
| <i>Paid for draft order</i> .....                                                                                                                                                                                              |   |    |    |
| Close copy .....(4d. per folio)                                                                                                                                                                                                |   |    |    |
| Notice of appointment .....                                                                                                                                                                                                    |   |    |    |
| Attending settling order .....                                                                                                                                                                                                 |   |    |    |
| (The fee for this depends on cir-<br>cumstances, and the number<br>of attendances before the<br>Master before the order is<br>finally settled.)                                                                                |   |    |    |
| * Attending settling blue print .....                                                                                                                                                                                          |   |    |    |
| Attending passing order .....                                                                                                                                                                                                  | 0 | 6  | 8  |
| <i>Paid stamp</i> .....                                                                                                                                                                                                        | 2 | 0  | 0  |
| <i>Paid for office copy</i> .....                                                                                                                                                                                              |   |    |    |

---

\* This is only allowed when there is a fund in Court.

|                                                                                                                                                                    | £ | s. | d. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| If there are Stocks in Court the following items will have to be added :—                                                                                          |   |    |    |
| Attending bespeaking directions for transfer of each separate sum of Stock .....                                                                                   | 0 | 6  | 8  |
| Attending bespeaking each separate transfer ..                                                                                                                     | 0 | 6  | 8  |
| (If it is required to sell the Stock the Solicitor will instruct his Broker to obtain a power of attorney for that purpose and the Broker will deduct his charges. |   |    |    |
| Charge all letters and correspondence in connection with instructing the Broker.)                                                                                  |   |    |    |
| Attending Master to vacate bond .....                                                                                                                              | 0 | 6  | 8  |
| Attending Client with bond vacated .....                                                                                                                           | 0 | 6  | 8  |
| If a Receiver has been appointed and security given by recognizance, charge for a certificate discharging security :—                                              |   |    |    |
| Attending bespeaking certificate discharging Receiver's security .....                                                                                             | 0 | 6  | 8  |
| <i>Paid stamp thereon</i> .....                                                                                                                                    | 1 | 0  | 0  |
| Attending at Master's office bespeaking office copy certificate discharging Receiver's security .....                                                              | 0 | 6  | 8  |
| <i>Paid</i> .....                                                                                                                                                  |   |    |    |
| Attending at enrolment office with order and certificate and bespeaking vacation of recognizance .....                                                             | 0 | 6  | 8  |
| <i>Paid fee</i> .....                                                                                                                                              |   |    |    |
| Attending subsequently ascertaining recognizance was duly vacated .....                                                                                            | 0 | 6  | 8  |
| If there is a residue of cash remaining in Court after payment of the costs, charge the following items to enable Client to receive same :—                        |   |    |    |
| Drawing request for power of attorney to enable residue of cash to be received out of Court ....                                                                   | 0 | 2  | 6  |
| Attending bespeaking same .....                                                                                                                                    | 0 | 6  | 8  |
| <i>Paid</i> .....                                                                                                                                                  | 0 | 13 | 3  |



|                                                                                                                  | £ | s. | d. |
|------------------------------------------------------------------------------------------------------------------|---|----|----|
| Attending getting same executed .....                                                                            | 0 | 6  | 8  |
| (If this is done through an agent,<br>charge for letter to him and<br>his charges for getting same<br>executed.) |   |    |    |
| Attending lodging power and afterwards to receive<br>cheque.....                                                 | 0 | 6  | 8  |
| Fair copy order for Taxing Master.....                                                                           |   |    |    |
| Drawing and fair copy costs .....(8d. per folio)                                                                 |   |    |    |
| Attending taxing .....(6s. 8d. for every 25 folios)                                                              |   |    |    |
| <i>Paid for certificate and engrossment.....</i>                                                                 | 1 | 2  | 0  |
| Attending filing and bespeaking office copy .....                                                                | 0 | 6  | 8  |
| <i>Paid.....</i>                                                                                                 | 0 | 2  | 0  |
| Sittings fee .....(1l. 1s. agency, 15s. proper)                                                                  |   |    |    |
| Numerous letters, &c. ....                                                                                       |   |    |    |
| (A higher fee for letters is allowed<br>in agency matters.)                                                      |   |    |    |





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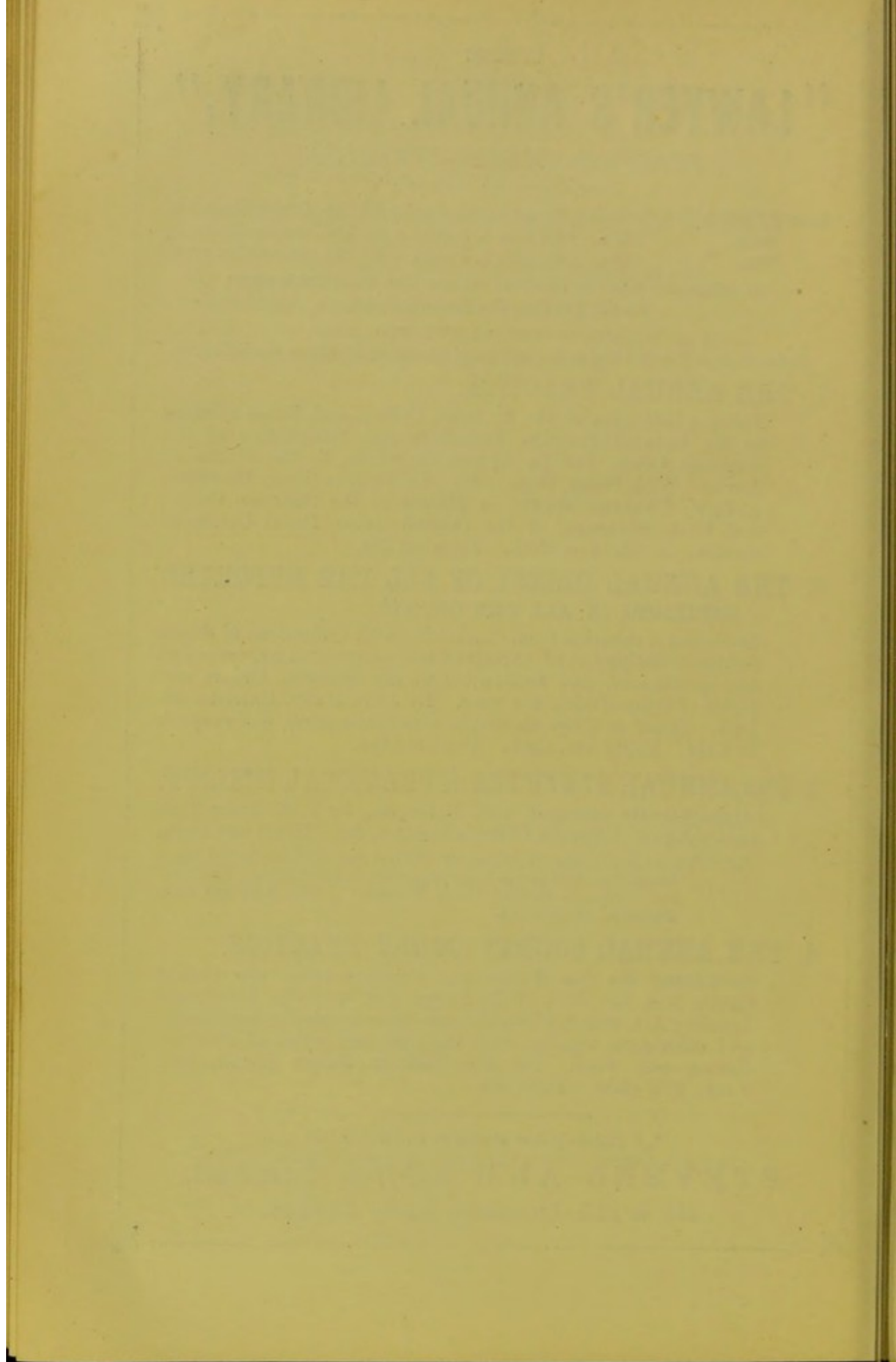
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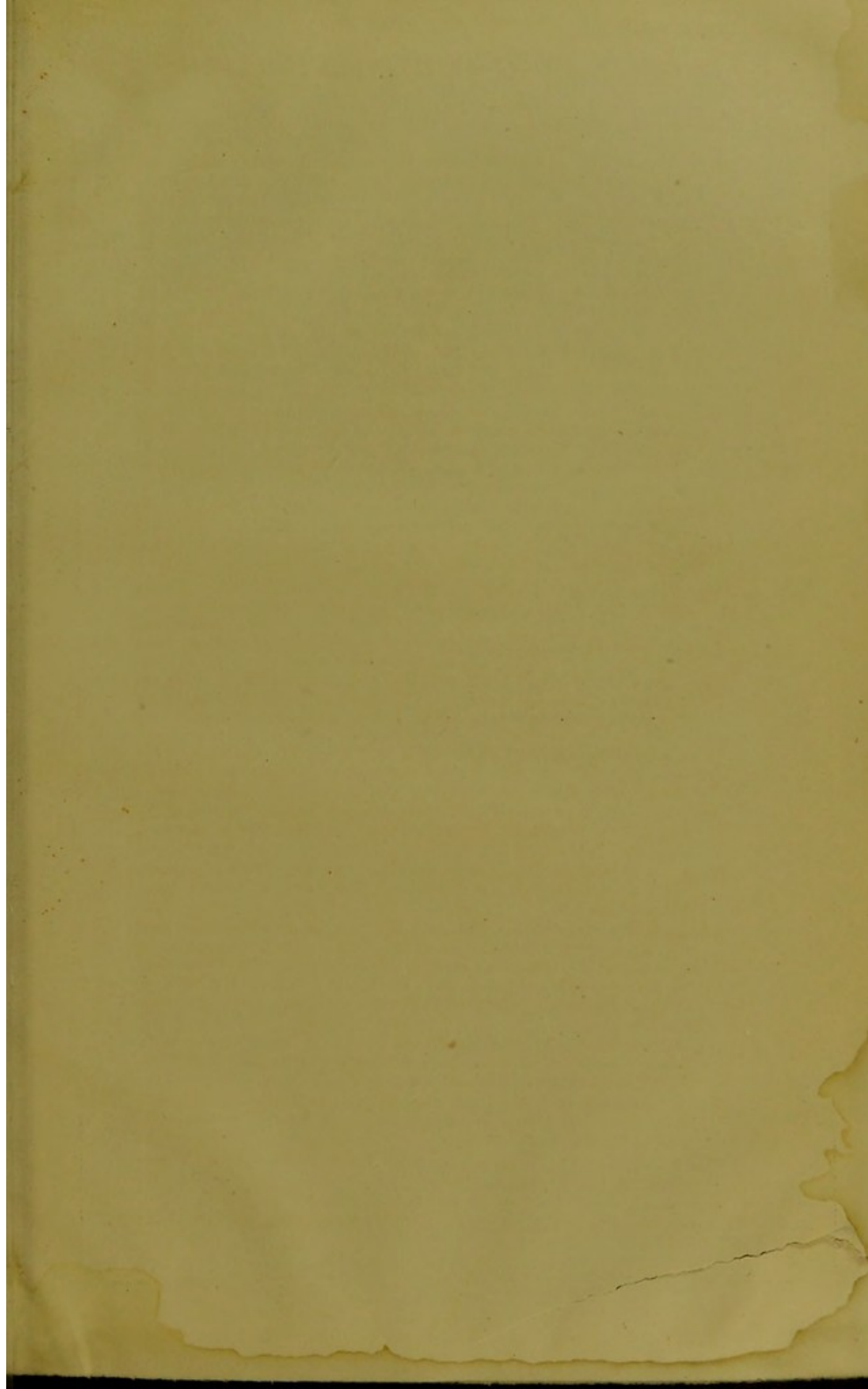
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