

T A S M A N I A .



1889.

ANNO QUINQUAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 15.

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AN ACT to amend the Law relating to the Management and Administration of Estates in Lunacy. [28 October, 1889.]

A.D. 1889.

WHEREAS it is expedient to amend the Law relating to the management and administration of Estates in Lunacy :

PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 Whenever it shall appear to the Supreme Court or a Judge thereof to be just and reasonable or for a lunatic's benefit, such Court or Judge may order that any estate or interest of the lunatic in any real or personal estate, either in possession, reversion, remainder, contingency, or expectancy, be sold, or charged by way of mortgage, or otherwise disposed of as may to such Court or Judge seem most expedient for the purpose of raising money, and may accordingly order that the money when raised be applied for or towards all or any of the purposes following :—

Court may order sale of estate of lunatic for various purposes. [16 & 17 Vict. c. 70, s. 116.]

- i. The payment of the lunatic's debts or engagements :
- ii. The discharge of any incumbrance on his estates :

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- iii. The payment of any debt or expenditure incurred or made after inquisition, or authorised by the Court or a Judge thereof to be incurred or made for the lunatic's maintenance, or otherwise for his benefit :
- iv. The payment of or provision for the expense of his future maintenance :
- v. The payment of the costs of applying for, obtaining, and executing the enquiry, and of opposing the same :
- vi. The payment of the costs of any proceeding under or consequent on the inquisition, or incurred under Order of the Court or a Judge thereof : and
- vii. The payment of the costs of any such sale, mortgage, charge, or other disposition as is hereby authorised to be made.

And the Committee or Receiver of the estate may and shall, in the name and on behalf of the lunatic, execute, make, and do all such conveyances, deeds, transfers, and things relative to any such sale, mortgage, charge, or other disposition as aforesaid, and for effectuating this present provision, as the Court or a Judge thereof shall allow.

Powers of  
Supreme Court  
vested in a Judge.

**2** The powers now vested by law in the Supreme Court in all matters relating to the custody, care, and control of the person or estate of a lunatic may at any time hereafter be exercised by a Judge thereof; but all Orders made and all things done by a Judge shall be subject to review by the full Court upon appeal by any person affected thereby.

Act to be in  
addition to former  
Acts.

**3** The powers conferred upon the Supreme Court, or a Judge thereof, by this Act shall be in addition to, and not in derogation of, any power now vested by law in the Supreme Court or a Judge thereof.