

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1829. York: Robert Stanton, 1829.

10 George IV – Chapter 19

**An Act to provide for a Commission of Lunacy and Idiocy, in the case of Peter Vanalstine.  
Passed 20th March, 1829.**

Whereas it hath been represented that Ursula M'Wharter, (formerly Ursula Vanalstine, and lately widow of the late Alexander Vanalstine, deceased,) Allan Vanalstine, Maria Vanalstine, and Peter Vanalstine, the three children of the late Alexander Vanalstine, mentioned in his last Will and Testament, are, by virtue of the said last Will and Testament of the said Alexander Vanalstine, jointly seised of certain Lands and Tenements in this Province, particularly in the Township of Marysburgh, in the Midland District; and that for the benefit of the said parties, it is desirable and necessary to sell the same, and that a fair and advantageous offer has been made for a certain Parcel or Tract thereof containing the Mills commonly called the Stone Mills, in the Township aforesaid. Also that the aforesaid Peter Vanalstine has been, from his infancy, so deficient in understanding as to be wholly incapable of transacting business for himself, and cannot therefore execute a valid Conveyance of his undivided share and interest in the Premises aforesaid, although it would be for his benefit and advantage that the same should be sold and alienated, and the monies arising therefrom secured for his use.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for any Judge or Judges of the District Court of the Midland District, or any District Court to be holden within the said District, to impanel Twelve Jurors of the Jury summoned to attend such District Court, to inquire whether the said Peter Vanalstine be Idiot or Lunatic, and their verdict in the premises then and there to minute and record on the proceedings of such Court, and the same to certify to the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, under the hand and seal, or hands and seals of such Judge or Judges, countersigned by the Clerk of the said Court.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such Judge or Judges as aforesaid, to swear each of the Jurors aforesaid, to be impanelled as aforesaid, well and truly to inquire whether the said Peter Vanalstine be Idiot or Lunatic, and if so, from what period of his life, and a true verdict to give according to the evidence; and also, to swear and examine upon oath, before such Jury, all witnesses produced before the said Court, which oaths the said Court is hereby authorized to administer; and that it shall and may be lawful for the said

Court and Jury to require the presence, and inspect the person of the said Peter Vanalstine, should they desire so to do.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forswear him, her, or themselves, before the said Court, upon the prosecution of the inquiry by this Act authorized to be made as aforesaid, he, she, or they shall incur, and be liable to the same penalties as would have been incurred, upon conviction, for wilful and corrupt perjury, in any evidence given in His Majesty's Court of King's Bench in this Province, in any case therein depending.

IV. And be it further enacted by the authority aforesaid, That if upon such inquiry so to be made as aforesaid, the said Peter Vanalstine shall be found an Idiot or Lunatic, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, from time to time, by an Instrument or Instruments, under his hand or seal of office, to appoint a committee of two or more persons to take charge of the Person, Lands, Tenements, Hereditaments, Goods, Chattels, and Effects whatsoever of the said Peter Vanalstine, and for such committee to bargain for the leasing or absolute sale of any of the lands, hereditaments, goods or chattels of the said Peter Vanalstine, and to execute all and every Leases, Deeds, and Conveyances necessary to Lease, or absolutely in fee simple to convey all or any of the Lands, Tenements, Hereditaments or Estates of the said Peter Vanalstine, or to transfer any of his Goods, Chattels or Personal Effects, and that every such Lease or Leases, and Deed or Deeds of conveyance in fee simple, of the premises aforesaid, or any part thereof, shall be good and valid in Law to all intents and purposes, as if actually executed by the said Peter Vanalstine in sound mind, memory and understanding.

V. And be it further enacted by the authority aforesaid, That the said Committee for the time being, shall and may sell all and every, the Lands and Estates of the said Peter Vanalstine at such price or prices as they shall deem just, and that upon payment thereof to the said Committee for the time being, the purchaser or purchasers thereof shall be exonerated and forever discharged therefrom, and not be held or bound to answer for the application thereof.

VI. And be it further enacted by the authority aforesaid, That the said Committee shall forthwith, upon receipt of any monies arising from the sale of any of the Lands, Tenements, Goods or Effects of the said Peter Vanalstine, after deducting and retaining thereout all costs and charges necessarily and bona fide incurred in the Selling, Leasing, or otherwise disposing thereof or any part thereof, invest the same in Stock in the Bank of Upper Canada, or other approved Institution of a like kind, or loan the same upon approved real securities in this Province, or otherwise dispose of the same as shall be directed or required by the Governor, Lieutenant Governor, or person administering the Government of the Province, by any instrument or instruments under his hand, addressed to the said Committee for the time being.

VII. And be it further enacted by the authority aforesaid, That the interest on, or the profits accruing from any monies to be vested or lent, as aforesaid, shall by the said Committee be received, and who, after deducting and retaining thereout all such charges and expences, as shall

be necessarily and bona fide incurred in the collection and receipt thereof, shall apply the residue to the maintenance, comfort, support and use of the said Peter Vanalstine so long as he shall live; and that all and every of the said monies indisposed of at the death of the said Peter Vanalstine shall be distributed according to Law amongst the legal representatives of the said Peter Vanalstine.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to superintend, and from time to time change any such Committee, or to remove any member or members thereof, and appoint others in their place and stead.

IX. And be it further enacted by the authority aforesaid, That any such Committee shall enjoy all the powers and authorities, and be liable to the same responsibilities, under this Act, that Committees of Idiots or Lunatics, in England enjoy or are liable to, and that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering, the Government of this Province to exercise in regard to the said Peter Vanalstine, if found an Idiot or Lunatic, and as respects the said Committee or Committees, or as respects the Estate real or personal of the said Peter Vanalstine, the Royal Prerogative, in the and on the behalf of His Majesty, His Heirs and Successors, according to the Laws of England, as amply and as fully as shall be practicable by this Act, the Laws of the Province, and the nature of the case.

X. And be it further enacted by the authority aforesaid, That this Act shall be deemed and taken to be, a public Act, and as such, shall be judicially noticed by all Courts, Judges, Justices of the Peace, and other persons, without being specially pleaded or shewn.