

Laws of Her Majesty's Province of Upper Canada, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 30

An Act to provide for the Management of the Estate of William Handley, Esquire. Passed 10th February, 1840.

Whereas it appears by the Petition of Helen Handley, wife of William Handley, of the Township of Hamilton, in the District of Newcastle, Esquire, and by the testimony of a respectable Medical Gentleman, who has attended the said William Handley for some months past, that the said William Handley is a Lunatic: And whereas the said Helen Handley is desirous to use every means to restore, if possible, her husband's health, and for that purpose considers it necessary to remove him to some Institution for the management of Insane persons: And whereas no such Institution is established in this Province, in consequence whereof it is necessary he should be taken out of the same: And whereas the said William Handley is possessed of considerable real and personal Estate in this Province, part of which it may be requisite to dispose of to provide for his removal and maintenance: And whereas no power exists in this Province to authorise the removal of a Lunatic out of its limits, and the disposal of his Estate: And whereas it seems desirable to make provision in this respect: Be it therefore enacted by the Queen'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 it shall and may be lawful for the Court of Chancery in this Province, to issue a Commission of Lunacy, directed to such persons as the Vice Chancellor shall appoint, to inquire whether the said William Handley is a Lunatic; and if upon such inquiry he shall be found to be a Lunatic, it shall and may be lawful for the Trustees herein-after named, to take possession of all the Estate, real and personal, of the said William Handley, and to manage the same.

II. And be it further enacted by the authority aforesaid, That Thomas Edward Tildesly, Robert Henry, and George Strange Boulton, shall be Trustees of the Estate of the said William Handley; and they or any two of them shall have full power and authority to manage, lease, sell or dispose of any part of such real Estate, and to receive and collect moneys due to the said William Handley, and to give receipts or other acquittances for the same: Provided always nevertheless that no part of the real Estate shall be sold unless the said Trustees shall by Petition to the Vice Chancellor obtain the sanction of the Court of Chancery in this Province to do so: Provided also that the said Trustees shall from time to time, whenever required to do so by the Vice Chancellor, render an Account into the Court of Chancery of this Province of all moneys received as well as of those expended.

III. And be it further enacted by the authority aforesaid, That the said Trustees shall be required to invest the money to arise from the sale of any part of the said Estate, and not to expend any greater sum in the maintenance and support of the said William Handley and his family, and the necessary expenses attending the same than the annual income of such Estate.

IV. And be it further enacted by the authority aforesaid, That the said Trustees may permit and suffer the said William Handley to be taken out of this Province, and to place him in any Institution for the reception of Lunatics, as they may deem necessary: Provided always that should the said William Handley recover his health, and become capable of again managing his own affairs, it shall and may be lawful for the Vice Chancellor to make an order that the power and authority of the said Trustees shall cease, and upon such order being served on the said Trustees, or any two of them, they shall cease to act as such Trustees until otherwise ordered by the Vice Chancellor.

V. And be it further enacted by the authority aforesaid, That in case any of the said Trustees shall die or refuse to act, it shall and may be lawful for the Vice Chancellor to appoint another in his or her stead, who shall possess the like power and authority of any former Trustee so dying or refusing to act.