

No. XXVII.

INFANTS' & LUNATICS'
ESTATES IN EQUITY.

An Act to render valid the acts and appointments of Parties as Guardians of the Persons and Estates of Infants and as Committees of the Persons and Estates of Lunatics under Orders made by the Primary Judge in Equity and to authorize the making of Orders in cases of Infancy by the said Primary Judge in future. [1st October, 1847.]

Preamble.

4 Vic. No. 22.

WHEREAS by a certain Act of the Governor and Legislative Council of New South Wales passed in the fourth year of the reign of Her Majesty Queen Victoria intituled "*An Act to provide for the more effectual Administration of Justice in New South Wales and its Dependencies*" it was enacted that it should be lawful for the Governor of New South Wales for the time being to nominate and appoint from time to time either the Chief Justice or if he should decline such appointment then one of the Puisnè Judges to sit and hear and determine without the assistance of the other Judges or either of them all causes and matters at any time depending in the Supreme Court in Equity and coming on to be heard and decided at Sydney and it was further enacted that every decree or order of the said Chief Justice or of the Judge so appointed should in any such cause or matter unless appealed from in the manner thereafter provided be as valid effectual and binding to all intents and purposes as if such decree or order had been pronounced and made by the full Court And whereas under and by virtue of the said recited Act certain of the Judges of the said Supreme Court have severally from time to time been nominated and appointed to sit hear and determine as Primary Judges in Equity such matters as aforesaid And whereas the said several Judges so acting as aforesaid have heard and determined matters relating to the appointment of guardians of the persons and estates of infants and also matters in lunacy and have issued grants of the persons and estates of lunatics residing in the said Colony of New South Wales And whereas it hath lately been decided by the Supreme Court of New South Wales that the Primary Judge in Equity hath and had no jurisdiction in such matters of lunacy as aforesaid And whereas doubts are entertained whether the said several Primary Judges in Equity have had or have jurisdiction in matters relating to the appointment of guardians to infants and their estates as aforesaid And whereas several parties have acted as guardians of the persons and estates of infants and as committees of the persons and estates of lunatics and otherwise on the belief that they had authority so to do under and by virtue of orders of the said several Primary Judges in Equity by them severally granted or made in the equitable jurisdiction of the said Court And whereas it is expedient that such parties as aforesaid who have *bonâ fide* acted under and by virtue and in pursuance of the said orders so obtained and granted as aforesaid should be protected from all claims and demands actions and suits or other proceedings which might or may be made or instituted against them in respect of their nomination or appointment having been made without authority And whereas it is expedient that the Chief Justice or other Judge appointed to act as Primary Judge in Equity should have jurisdiction in the premises in matters of infancy

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Leases Simplification.

Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That all orders heretofore made by the Primary Judge in Equity for the time being in matters of lunacy and infancy and all grants of the persons and estates of lunatics shall be held to have been and to be valid and effectual to all intents and purposes.

2. And be it declared and enacted That the said Chief Justice or Judge so appointed or to be appointed as aforesaid under and by virtue of the said hereinbefore recited Act shall have full power to hear and determine all matters relating to the appointment of guardians of infants and their estates and every order of such Chief Justice or Judge so appointed or to be appointed as aforesaid shall in all such matters be valid effectual and binding to all intents and purposes (subject however to be appealed from in the manner in the said hereinbefore recited Act mentioned).

Orders made by Primary Judge in Equity in matters of lunacy and infancy to be valid and effectual.

Power of Primary Judge in Equity as to appointment of guardians of infants and their estates.