

## C A P . L V I .

## An Act for further increasing the efficiency and simplifying the proceedings of the Court of Chancery.

[Assented to 10th June, 1857.]

**W**HEREAS it is desirable further to increase the efficiency and simplify the proceedings of the Court of Chancery for Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The said Court shall hereafter possess the like power, authority and jurisdiction as the Court of Chancery in England possesses, as a Court of Equity, to administer justice in all cases in which there may be no adequate remedy at Law; Provided always, that nothing herein shall be held to impair or diminish the jurisdiction heretofore conferred by Law on the said Court.

Preamble.

Jurisdiction whenever there is no adequate remedy at law. Proviso.

II. The said Court shall also have jurisdiction to decree alimony to any wife whose husband lives separate from her without any sufficient cause, and under circumstances which would entitle her, by the law of England, to a decree for restitution of conjugal rights, such alimony to continue during such separation and until the further order of the Court.

Court may decree alimony to wife in certain cases.

III. In suits hereafter instituted for alimony, the said Court or a Judge thereof may, in a proper case, order a writ of *Ne Exeat Provinciâ* to issue at any time after the bill is filed, and shall, in such order fix the amount of bail to be given by the Defendant in order to procure his discharge, and the amount so fixed shall be such sum as the Court or Judge shall think reasonable.

Writ of *Ne Exeat Provinciâ* may issue in future suits for alimony.

IV. The said Court may grant an injunction to stay waste in a proper case, notwithstanding that the party in possession claims by an adverse legal title.

Injunction against waste, although adverse title pleaded.

V. The said Court may, on sufficient evidence, declare a person a lunatic without the delay or expense of issuing a commission to enquire into the alleged lunacy, except in cases of reasonable doubt; and any person who might, before the passing of this Act, traverse an inquisition, may move against the order containing such declaration, or may appeal therefrom, as the case may require; and the right so to move or appeal shall be subject to the same rules as to time as the right to traverse now is.

Court may declare lunacy in clear cases, without a commission.

Mode of contesting such order.

VI. The Judges of the said Court, or one or more of them, shall take circuits for the transaction of such business of the Court as it may be practicable and conducive to the interests of suitors and the convenient administration of justice to dispose

Chancery Judges to make Circuits.

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