

ACTS OF LAST SESSION.

the subject of the inquiry, is at the time of such inquiry of unsound mind and incapable of managing himself or his affairs, and the verdict rendered by a Jury shall in every case be returned unto the Court, certified by the Judge before whom the inquiry has been had, and shall be final as to the question on such inquiry unless the same be set aside.

6.—Where any such inquiry is had by the Court, with or without the aid of a Jury or before a Court of Record, no traverse shall be allowed, but the Court, if dissatisfied with the finding of a jury, may, at the instance of any party who would be entitled to traverse an inquisition under commission of lunacy, direct a new trial or new trials from time to time upon application therefor made to the Court within three months from the time the verdict is rendered, or such further time as the Court, under special circumstances, may permit, and subject to such directions and upon such conditions as to the Court may seem proper, and the Court may order any such new trial to be had before the same court in which the verdict was rendered or before any other Court.

7.—On every such inquiry, the alleged lunatic, if he be within the jurisdiction of the Court, shall be produced and shall be examined at such times and in such manner either in open Court or privately, before the Jury shall retire to consult about their verdict, as the presiding Judge may direct, unless the Court ordering such inquiry shall beforehand by order have dispensed with such examination.

8.—Any order by a single Judge in a matter of lunacy, shall be subject to rehearing before the full Court, and any order of the full Court shall be subject to an appeal to the Court of Error and Appeal respectively within the same times and under the same conditions as in other cases in the said Court of Chancery, unless the said Court or a Judge thereof, shall otherwise order.

9.—The Court may order the costs, charges and expenses of and incidental to the presentation of any petition for a commission of lunacy or any inquiry, inquisition, issue, traverse, or other proceeding in lunacy, to be paid either by the party or parties presenting such petition or prosecuting the same or such inquiry or other proceeding in lunacy, or by the party or parties opposing the same, or out of the estate of the alleged lunatic, or partly in one way and partly in another.

10.—The seventy-third section of the said Act is amended by inserting therein immediately after the words "*sui juris*" the words "*or non compos mentis*."

11.—The Court shall have the same powers of regulating the practice in matters of lunacy and in all matters under this Act as in other cases within the jurisdiction of the Court.

12.—Where a defendant or respondent in any suit or matter is absent from the Province

or cannot be found therein to be served, the Court may authorize proceedings to be taken against him according to the practice of the Court in the case of a defendant, whose residence is unknown, or in any other manner that may be provided or ordered, if the Court shall, under the circumstances of the case, deem such mode of proceeding conducive to the ends of justice.

An Act to amend and extend the provisions of chapter thirty of the Consolidated Statutes for Upper Canada, intituled: "An Act respecting Interpleading."

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.—The eighth section of chapter thirty of the Consolidated Statutes for Upper Canada is hereby repealed.

2.—The following section is substituted for and shall be read in lieu of the said eighth section hereby repealed:

"In case any claim be made to any goods or chattels, or to any interest in any goods or chattels, taken or intended to be taken under an attachment against an absconding debtor, or under any proceedings under 'The Insolvent Act of 1864,' or in execution under any process issued by or under the authority of any of the said Courts, or to the proceeds or value thereof, or to the proceeds or value of any lands or tenements taken and sold under any such process, by any person, not being the person against whom such attachment or proceeding or execution issued, or by any landlord for rent, or by any second or subsequent judgment or execution creditor claiming priority over any previous judgment or execution process or proceeding, then and in every such case, upon the application of the Sheriff (or other officer) to whom the writ is directed, made to the Court from which such writ or proceeding issued, or to any Judge having jurisdiction in the case, and either before or after the return of such process, or before or after any action has been brought against such Sheriff or other officer, such Court or Judge may, by rule or order, call before such Court or Judge as well the party who issued such process as the party making such claim, and may thereupon exercise for the adjustment of such claim and the relief and protection of the Sheriff or other officer, all or any of the powers and authorities hereinbefore contained, and in case the claimant shall abandon his claim may order him to pay the Sheriff's costs of the application and may further require either or both of the parties to give security for the costs of the Sheriff or other officer, relating to such proceedings, and may order the money which forms the subject of the claim to be paid into Court by the Sheriff to await the result of the interpleader issue, and may make