

and his committee, if any, as the case may be, and that upon the hearing of such motion the said Court may give leave to set down such case, if it shall be of opinion that it is proper that the question raised therein shall be determined thereon, and shall be satisfied by affidavit or other sufficient evidence that the statements contained therein, so far as the same affect the interest of such married woman, infant or lunatic, are true, but otherwise may refuse such application; provided always that, in case the said Court upon the hearing of such application shall be of opinion that it is proper that the question raised in such case shall be determined thereon, but shall not be satisfied that the statements contained therein, so far as they affect the interests of such married woman, infant or lunatic, are true, it shall be lawful for the said Court to refer it to one of the masters thereof, to make such enquiries as to the Court shall seem proper; and upon further application being made by motion, as aforesaid, upon the said master's report, to give or refuse leave to set down such case, as to the Court shall seem fit.

XIV. It shall be lawful for the said Court, upon the hearing of any such special case, as aforesaid, to determine the questions raised therein, or any of them, and by decree to declare its opinion thereon; and so far as the case shall admit of the same upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and that every such declaration of the said Court, contained in any such decree, shall have the same force and effect as such declaration would have had, and shall be binding to the same extent as such declaration would have been if contained in a decree made in a suit between the same parties instituted by bill: Provided always that it shall be lawful for the said Court, if it shall see fit so to do, before proceeding to make such decree as aforesaid, to send any case or cases for the opinion of the Supreme Court of Judicature, reserving the consideration of all further directions, and of the costs, and to make such decree as aforesaid upon such further directions; provided, also, that, if upon the hearing of such special case, as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the said Court may refuse to decide the same.

XV. Every executor, administrator, trustee

or other person, making any payment, or doing any act in conformity with the declaration contained in any decree made upon a special case, shall, in all respects, be as fully and effectually protected and indemnified by such declaration as if such payment had been made or act done under, or in pursuance of the express order of the said Court, made in a suit between the same parties, instituted by bill, save only as to any rights or claims of any person in respect of matters not determined by such declaration.

XVI. When any person shall be desirous to have a special case reheard, or to appeal from the decision thereon, it shall be lawful for the said Court, upon application for that purpose, at the time of the decree upon such special case being made, or at any time afterwards, and upon such conditions, if any, as the Court shall think fit, to order that the declaration contained in such decree shall not be acted upon for such time as the said Court shall think just.

XVII. Any documents referred to in a special case, and any copies thereof, or extracts therefrom, identified by the signatures of the solicitors for all parties, or of the agents of such solicitors, may be produced and read at the hearing of such case without further proof, and that it shall be lawful for the said Court, at any time after the filing of the special case, and the entering of appearances thereto, by the persons named as defendants therein, to order any document which may be admitted thereby to be in the possession of any party to such case, to be deposited and produced in such manner, and for such purposes as the Court shall think fit.

XVIII. And whereas it is expedient to provide means for enabling executors or administrators of deceased persons to ascertain whether there are any outstanding debts or liabilities affecting the personal estate of such persons without the delay and expense of suits to administer such estates: Be it therefore enacted that it shall be lawful for the said Court, upon the application of the executors or administrators of any deceased person, by order to be made upon motion or petition, of course, and to be in the form or to the effect set forth in the schedule hereto with such variations as circumstances may require, to refer it to one of the masters of the said Court, to take an account of the debts and liabilities affecting the personal estate of such deceased