

‘ pay the same cannot be served personally with such Decrees or Orders, or when a personal Demand of such Arrears cannot be made upon such Person or Persons, and it is expedient to make Provision to enable such Courts to enforce said Decrees and Orders without such personal Service or Demand in manner herein-after appearing:’

Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. In every Case in which, either before or after the passing of this Act, any Decree or Order shall have been pronounced or made in any Cause or Matter pending before any such Provincial or Diocesan Court, or in which such Provincial or Diocesan Court shall, under the said recited Act, have Jurisdiction, directing the Payment of an annual Sum by way of Alimony by any Person, or of any Sum of Money as and for the Arrears of Alimony theretofore decreed or ordered to be paid, and it shall be made to appear to the Satisfaction of the Court by Affidavit, upon Application of the Person entitled to such Payment, that all due Efforts have been made for the Purpose of effecting personal Service upon the Person liable to such Payment of such Decree or Order, or for the Purpose of personally demanding from such Person the Payment of any Sum or Sums due under such Decree or Order, and that notwithstanding all due Diligence such Efforts to effect personal Service or Demand have been unavailing, either by reason of the Absence of the Person so sought to be served, or from other Causes not within the Control of the Person entitled to the Benefit of such Order or Decree, it shall be lawful for the Court to make an Order for the Substitution of the Service of such Decree or Order, or of a Demand of the Payment of such Sum or Sums of Money as aforesaid, as to the Court shall seem just and expedient.

Where personal Service of Decree is unavailing, Court may make an Order for substituted Service.

2. In all Cases coming within the First Section of this Act, when the several Matters required to be proved to the Satisfaction of the Court before making any Order for substituted Service shall have been proved, and it shall further be made to appear by Affidavit that there is no Person upon whom such substituted Service can properly be had, it shall be lawful for the Court to order, in lieu of such substituted Service, that Advertisements shall be had in Two or more of the public Newspapers touching the Enforcement of such Decree or Order in such Form and subject to such Conditions in all respects as the Court shall direct.

Court may order Advertisements touching Enforcement of Decree where no substituted Service can be had.

3. After any such substituted Service or Advertisements as in the preceding Section of this Act authorized shall have taken place, such Decree or Order may be enforced in all respects as fully and effectually as if the same had been personally served upon the Person liable to the Payment of the Monies due under such Decree or Order, and as if a personal Demand had been made of such Monies from the Person liable to the Payment thereof.

Decree to be as effectual as personal Service.

C A P. XII.

An Act to amend the Law relating to Criminal Lunatics. [12th April 1867.]

‘ WHEREAS it is expedient to amend the Law relating to Criminal Lunatics:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited for all Purposes as “ The Criminal Lunatics Act, 1867.”

Short Title.

2. “ Criminal Lunatic ” shall mean for the Purposes of this Act any of the Persons following ; that is to say,

Definition of Criminal Lunatic.

1. Any Person for whose safe Custody during Her Pleasure Her Majesty is authorized to give Order :

2. Any

2. Any Person whom One of Her Majesty's Principal Secretaries of State is authorized by Law to direct to be removed to a Lunatic Asylum under any Act of Parliament:
3. Any Person sentenced or ordered to be kept in Penal Servitude who may be shown to the Satisfaction of the Secretary of State to be unfit from Imbecility of Mind for Penal Discipline.

Application of Act.

General Application of ss. 9 and 10 of 23 & 24 Vict. c. 75.

3. This Act shall not apply to *Scotland* or *Ireland*.

4. The Enactments contained in the Ninth and Tenth Sections of the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-five, relating to the following Matters:

- (1.) To the Power of the Secretary of State to permit a Lunatic to be absent from the Asylum on Trial:
 - (2.) To the Expenses of Conveyance and Maintenance of Criminal Lunatics:
- shall apply to a Criminal Lunatic in whatever Asylum or Place of Confinement he may be, and to such Asylum and Place of Confinement, so far as regards such Lunatic, in the same Manner as if such Asylum or Place of Confinement were an Asylum appropriated to Criminal Lunatics in pursuance of the last-mentioned Act.

Power of Secretary of State to give conditional Order of Discharge.

5. It shall be lawful for One of Her Majesty's Principal Secretaries of State to discharge absolutely or conditionally any Criminal Lunatic.

Where any Criminal Lunatic has been discharged conditionally, if any of the Conditions of such Discharge are broken, the said Secretary of State may by Warrant, to be executed by any Constable or other Peace Officer to whom such Warrant is delivered, direct such Person to be taken into Custody, and to be conveyed to the Place in which he was detained at the Time of his Discharge, or to any other Place to which he might have been removed if no Order for his Discharge had been given, and any Person so taken into Custody shall revert in all respects to the same Position as he was in at the Time when the Order of Discharge was given, and shall be subject to be detained accordingly.

Criminal Lunatic may be removed to a County Asylum on Expiration of his Sentence.

6. The Eighth Section of the said Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-five, shall be repealed, and in place thereof be it enacted: Where the Term of Punishment awarded to any Criminal Lunatic confined in any Asylum or other Place of Confinement for Criminal Lunatics expires before such Evidence of his Sanity has been given as justifies his being discharged, the following Consequences shall ensue; that is to say,

1. If such Lunatic be confined in any Asylum or Place of Confinement to which Lunatics may be sent in pursuance of the Lunatic Asylums Act, 1853, he shall thenceforth be deemed to be a Pauper Lunatic, and shall be in the same Position in all respects as if he were a Lunatic who immediately previous to the Expiration of his Term of Punishment had been found wandering at large within the Parish or Place where the Offence was committed in respect of which he became a Criminal Lunatic, and had been directed by a Justice, in pursuance of the Sixty-eighth Section of the Lunatic Asylums Act, 1853, to be received into the said Asylum or Place of Confinement as a Lunatic wandering at large, and a proper Person to be taken charge of and detained under Care and Treatment:
2. If such Lunatic be confined in any Asylum or Place of Confinement to which Lunatics cannot be sent in pursuance of the said Lunatic Asylums Act, 1853, the said Secretary of State may, by Order under his Hand, direct the Lunatic to be received into any Asylum or Place of Confinement for Lunatics into which a Justice might have directed him to be received in pursuance of the said Sixty-eighth Section of the Lunatic Asylums Act, 1853, if immediately previous to the Date of the Expiration of his Term of Punishment the Lunatic had been found wandering at large within the Parish or Place where the Offence was committed in respect of which he became a Criminal Lunatic, and the Justice had been satisfied that the Lunatic was a proper Person to be taken charge of and detained under Care and Treatment; and any Order made by the said Secretary of State in

in pursuance of this Section shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum or other Place of Confinement for Lunatics in pursuance of the said Sixty-eighth Section of the said Lunatic Asylums Act, 1853; and such Lunatic when received into the said Asylum or Place of Confinement shall thenceforth be deemed to be a Pauper Lunatic, and shall be in the same Position in all respects as if he had been such wandering Lunatic as aforesaid directed to be received into the said Asylum or Place of Confinement in pursuance of the said Order of a Justice.

C A P. XIII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [12th April 1867.]

‘ WHEREAS the raising or keeping a Standing Army within the United Kingdom of Great Britain and Ireland in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by Her Majesty and this present Parliament that a Body of Forces should be continued for the Safety of the United Kingdom, the Defence of the Possessions of Her Majesty’s Crown, and the Preservation of the Balance of Power in Europe, and that the whole Number of such Forces should consist of One hundred and thirty-nine thousand one hundred and sixty-three Men, including Eight thousand nine hundred and eighty-three, all Ranks, to be employed with the Depôts in the United Kingdom of Great Britain and Ireland of Regiments serving in Her Majesty’s Indian Possessions, but exclusive of the Numbers actually serving within Her Majesty’s Indian Possessions: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm by Martial Law, or in any other Manner than by Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty’s Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Number of Men to consist of 139,163, including those employed at Depôts of Regiments serving in India, but exclusive of those actually serving in India.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty’s Army, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen’s Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty’s Secretary of State for the War Department to the Judges of Her Majesty’s Superior Courts at Westminster, Dublin, and Edinburgh respectively, and also to the Governors of Her Majesty’s Dominions abroad: Provided that no Person within the United Kingdom of Great Britain and Ireland, or within the British Isles, shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishments as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act: Provided also, that nothing in this Act contained shall in any Manner prejudice or affect any Articles of War or other Matters made, enacted, or in force, or which may hereafter be made,

Articles of War made by Her Majesty to be judicially taken notice of, and Copies printed by the Queen’s Printer to be transmitted to Judges, &c.