

ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

CAP. XCIV.

An Act for the ſafe Cuſtody of Inſane Perſons charged with Offences. [28th *July* 1800.]

Preamble.

WHEREAS Perſons charged with High Treaſon, Murder, or Felony, may have been or may be of unſound Mind at the Time of committing the Offence wherewith they may have been or ſhall be charged, and by reaſon of ſuch Inſanity may have been or may be found not guilty of ſuch Offence, and it may be dangerous to permit Perſons ſo acquitted to go at large: Be it therefore enacted, by the King'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, That in all Caſes where it ſhall be given in Evidence upon the Trial of any Perſon charged with Treaſon, Murder, or Felony, that ſuch Perſon was inſane at the Time of the Commiſſion of ſuch Offence, and ſuch Perſon ſhall be acquitted, the Jury ſhall be required to find ſpecially whether ſuch Perſon was inſane at the Time of the Commiſſion of ſuch Offence, and to declare whether ſuch Perſon was acquitted by them on account of ſuch Inſanity; and if they ſhall find that ſuch Perſon was inſane at the Time of the committing ſuch Offence, the Court before whom ſuch Trial ſhall be had, ſhall order ſuch Perſon to be kept in ſtrict Cuſtody, in ſuch Place and in ſuch Manner as to the Court ſhall ſeem fit, until His Majeſty's Pleaſure ſhall be known; and it ſhall thereupon be lawful for His Majeſty to give ſuch Order for the ſafe Cuſtody of ſuch Perſon, during His Pleaſure, in ſuch Place and in ſuch Manner as to His Majeſty ſhall ſeem fit; and in all Caſes where any Perſon, before the paſſing of this Act, has been acquitted of any ſuch Offences on the Ground of Inſanity at the Time of the Commiſſion thereof, and has been detained in

The Jury, in caſe of any Perſon charged with Treaſon, &c. proving to be inſane, to declare whether he was acquitted by them on account of Inſanity, and the Court ſhall order him to be kept in Cuſtody till His Majeſty's Pleaſure be known, &c.

Cuſtody as a dangerous Perſon by Order of the Court before whom ſuch Perſon has been tried, and ſtill remains in Cuſtody, it ſhall be lawful for His Majeſty to give the like Order for the ſafe Cuſtody of ſuch Perſon, during His Pleaſure, as His Majeſty is hereby enabled to give in the Caſes of Perſons who ſhall hereafter be acquitted on the Ground of Inſanity.

Perſons indicted for any Offence, and upon Arraignment found to be inſane, or if upon Trial they ſhall be ſo found, &c. the Court ſhall order them to be kept in Cuſtody till His Majeſty's Pleaſure be known.

II. And be it further enacted, That if any Perſon indicted for any Offence ſhall be inſane, and ſhall upon Arraignment be found ſo to be by a Jury lawfully impannelled for that Purpoſe, ſo that ſuch Perſon cannot be tried upon ſuch Indictment, or if upon the Trial of any Perſon ſo indicted ſuch Perſon ſhall appear to the Jury charged with ſuch Indictment to be inſane, it ſhall be lawful for the Court before whom any ſuch Perſon ſhall be brought to be arraigned or tried as aforeſaid, to direct ſuch Finding to be recorded, and thereupon to order ſuch Perſon to be kept in ſtrict Cuſtody until His Majeſty's Pleaſure ſhall be known; and if any Perſon charged with any Offence ſhall be brought before any Court to be diſcharged for Want of Proſecution, and ſuch Perſon ſhall appear to be inſane, it ſhall be lawful for ſuch Court to order a Jury to be impannelled to try the Sanity of ſuch Perſon; and if the Jury ſo impannelled ſhall find ſuch Perſon to be inſane, it ſhall be lawful for ſuch Court to order ſuch Perſon to be kept in ſtrict Cuſtody, in ſuch Place and in ſuch Manner as to ſuch Court ſhall ſeem fit, until His Majeſty's Pleaſure ſhall be known; and in all Caſes of Inſanity ſo found, it ſhall be lawful for His Majeſty to give ſuch Order for the ſafe Cuſtody of ſuch Perſon ſo found to be inſane, during His Pleaſure, in ſuch Place and in ſuch Manner as to His Majeſty ſhall ſeem fit.

Perſons committed by any Juſtice on account of being dangerous and inſane ſhall not be bailed except by Two Juſtices, &c.

III. And, for the better Prevention of Crimes being committed by Perſons inſane, be it further enacted, That if any Perſon ſhall be diſcovered and apprehended under Circumſtances that denote a Derangement of Mind, and a Purpoſe of committing ſome Crime, for which, if committed, ſuch Perſon would be liable to be indicted, and any of His Majeſty's Juſtices of the Peace before whom ſuch Perſon may be brought ſhall think fit to iſſue a Warrant for committing him or her as a dangerous Perſon ſuſpected to be inſane, ſuch Cauſe of Commitment being plainly expreſſed in the Warrant, the Perſon ſo committed ſhall not be bailed except by Two Juſtices of the Peace, One whereof ſhall be the Juſtice who has iſſued ſuch Warrant, or by the Court of General Quarter Seſſions, or by One of the Judges of His Majeſty's Courts in *Weſtminſter Hall*, or by the Lord Chancellor, Lord Keeper, or Commiſſioners of the Great Seal.

The Privy Council or One of the Secretaries of State may cauſe Perſons appearing to be inſane and endeavouring to gain Admittance to His Majeſty to be kept in Cuſtody till the Inſanity of

IV. And whereas inſane Perſons have, at different Times, endeavoured to gain Admittance to His Majeſty's Preſence, by Intruſion on His Majeſty's Palaces and Places of Reſidence and otherwiſe, and His Majeſty's Perſon may be endangered by Reaſon of the Inſanity of ſuch Perſons: Be it therefore enacted, That if any Perſon who ſhall appear to be inſane ſhall endeavour to gain Admittance to His Majeſty's Preſence, by Intruſion on any of His Majeſty's Palaces or Places of Reſidence, or otherwiſe, ſo that there may be Reaſon to apprehend that His Majeſty's Perſon may be endangered, it ſhall be lawful for His Majeſty's Privy Council, or One of His Majeſty's Principal Secretaries of State, to

cauſe ſuch Perſon to be brought before them or him; and if upon Examination it ſhall appear that there is Reaſon to apprehend ſuch Perſon to be inſane, and that the Perſon of His Majeſty may be endangered by Reaſon of the Inſanity of ſuch Perſon, it ſhall be lawful for His Majeſty's Privy Council, or One of His Majeſty's Principal Secretaries of State, to order ſuch Perſon to be kept in ſafe Cuſtody in ſuch Place, and in ſuch Manner, as according to Circumſtances ſhall be aſcertained; and for ſuch Purpoſe, it ſhall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Greal Seal of *Great Britain*, to award a Commiſſion under the ſaid Great Seal, directed to certain Commiſſioners to be therein named, to enquire into the Sanity of ſuch Perſon, and whether the Perſon of His Majeſty may be endangered by Reaſon of the Inſanity of ſuch Perſon, and for ſuch Purpoſe, to direct the Sheriff of the County where ſuch Perſon ſhall be, to ſummon a Jury to try the Sanity of ſuch Perſon, and whether His Majeſty's Perſon may be endangered by Reaſon of the Inſanity of ſuch Perſon, in the ſame Manner as Juries are ſummoned to try the Sanity of Perſons on a Commiſſion in the Nature of a Writ *de lunatico inquirendo*; and if upon the Inquiſition ſo taken it ſhall be found that ſuch Perſon is ſo far inſane that the Perſon of His Majeſty may be endangered by Reaſon of the Inſanity of ſuch Perſon, it ſhall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal for the Time being, to take Order for the ſafe Cuſtody of ſuch Perſon ſo long as there ſhall be Reaſon to apprehend that the Perſon of His Majeſty may be endangered by Reaſon of the Inſanity of ſuch Perſon; and if it ſhall afterwards appear that ſuch Perſon ſhall have recovered the Uſe of his or her Reaſon, ſo that there ſhall be no longer any Reaſon to apprehend any Danger to His Majeſty's Perſon from the Inſanity of ſuch Perſon, it ſhall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal for the Time being, to enquire into the Fact by ſuch Means as to him or them ſhall ſeem proper; and if it ſhall appear to his or their Satisfaction, that ſuch Perſon has ſo far recovered the Uſe of his or her Reaſon, that there is no Ground for apprehending any Danger to His Majeſty's Perſon from the Inſanity of ſuch Perſon, it ſhall be lawful for the ſaid Lord Chancellor, Lord Keeper, and Lords Commiſſioners reſpectively, to direct ſuch Perſon to be diſcharged from Cuſtody, either abſolutely or conditionally, or under Reſtrictions, as to him or them ſhall ſeem meet.

ſuch Perſons be enquired into in the Manner herein directed, &c.

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