

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LXXXI.

An Act to authorize the Removal from *India* of Insane Persons charged with Offences, and to give better Effect to Inquisitions of Lunacy taken in *India*. [7th *August* 1851.]

WHEREAS it is expedient to make Provision for the several Purposes herein-after mentioned: 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:

Power to remove from India to the United Kingdom Persons of European Birth found guilty of Crimes and Offences, and acquitted on the Ground of Insanity.

I. That if any Person shall have been or shall hereafter be indicted for or charged with any Crime or Offence in any Court in *India*, and shall have been or shall hereafter be acquitted of or not be tried for such Crime or Offence on the Ground of his being found to be of unsound Mind, and shall by reason of the Premises be lawfully in Custody in *India*, it shall be lawful for the Person or Persons administering the Government of the Presidency in which such Person shall be so in Custody to order such Person to be removed from *India* to any Part of the United Kingdom, there to abide the Order of Her Majesty concerning his or her safe Custody, and

and to give such Directions for enabling such Order to be carried into effect as may be deemed fit and proper.

Order of Government of India to be a sufficient Warrant and Authority for the Purpose of Removal.

II. That the Orders and Directions of the said Government of any of the said Presidencies for the Removal of any Person under the Provisions of this Act shall be a sufficient Warrant and Authority to all Commanders of Vessels, and others, to whom the Care and Custody of any such Person shall be committed, for the Removal of such Person from *India* to the United Kingdom in conformity with such Directions, and for his Detention in Custody there until an Order shall be made by Her Majesty as herein-after is mentioned; and that upon the Arrival of any such Person in the United Kingdom it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Pleasure in such Place and in such Manner as to Her Majesty shall seem fit, in like Manner as if such Person had been indicted for an Offence and found insane, and were thereby subject to the Provisions of the Act passed in the Thirty-ninth and Fortieth Year of His late Majesty King *George* the Third, intituled *An Act for the safe Custody of Insane Persons charged with Offences.*

Expenses of Removal to be defrayed by East India Company, and charged upon the Revenues of India.

III. That all Expenses attending the Removal from *India* and the safe Custody and Maintenance in *Great Britain* or *Ireland* of all such Persons as aforesaid shall be borne and defrayed by the *East India* Company, who are hereby authorized to charge the Amount of such Expenses upon the Revenues of the Government of *India.*

The Amount of all Expenses incurred by the East India Company to be a Debt due from the Lunatic, and be secured by a Judgment in England and Ireland, and by Decree of Registration in Scotland.

IV. That the Amount of all Expenses incurred by the *East India* Company in respect of the Removal and Custody of any such Person as aforesaid shall be a Debt from such Person to the *East India* Company; and that for securing the Payment thereof the *East India* Company shall be entitled to enter up against such Person as of the Date of the Order for Removal from *India* any Judgment in *England* or *Ireland* in an Amount sufficient to secure the Payment of all Expenses incurred and to be incurred in respect of the Matters aforesaid, and the Costs of ascertaining the same as after mentioned; and on Production at the Office in *Edinburgh* for the Registration of Writs in the Books of Council and Session of a Copy of any Order of the Court of Directors directing such Judgment to be entered up, certified by the Secretary of the said Company, such Order shall be registered in the said Books in like Manner as a Bond executed according to the Law of *Scotland* with a Clause of Registration, and Decree shall be interponed thereon which shall have the like Effect as if such Person had executed such Bond, but without Prejudice to the Provisions herein contained for ascertaining the Sum actually due;

due; and that upon Application to be from Time to Time made to the Lord Chancellor of *Great Britain* in *England* or Chancellor in *Ireland*, being intrusted with the Care of Persons of unsound Mind, or the Court of Session in *Scotland*, the Amount of such Expenses reasonably and properly incurred shall be ascertained by a Reference to One of the Masters of the Court of Chancery, or by a Remit to the Accountant of the Court of Session, or otherwise, in such Manner as the Person or Persons to whom such Application shall be made shall direct; and the *East India* Company shall be entitled from Time to Time to recover Payment of the Amount so ascertained, and the Costs of ascertaining the same, by proceeding on the Judgment in *England* or *Ireland*, and Registered Order and Decree in *Scotland*, and enforcing the same against the Property but not against the Person of the Debtor, in the same Manner as if such Judgment had at the Date of the said Order of Removal been recovered against the Debtor when of sound Mind, and had been entered up at the Date of such Order, or as if such Bond had been granted by the Debtor when of sound Mind at the Date of such Order, and had been duly registered in the Books of Council and Session, and a Decree of the Court of Session interponed thereto.

Lunatics and Idiots may be removed from India by Orders of the Supreme Courts at the several Presidencies.

V. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by the Supreme Court of Judicature at any of the Presidencies of *India*, it shall be lawful for such Supreme Court to declare that such Person ought to be removed from *India* to any Part of the United Kingdom, and thereupon to make such further or other Order or Orders authorizing or directing his Removal, and touching his safe Custody and Maintenance, as to such Supreme Court shall seem fit and proper: Provided always, that in every such Case a Transcript of the Proceedings in the Matter of the Idiotcy or Lunacy of such Person shall, under the Provisions herein-after contained, be transmitted to that Part of the United Kingdom to which such Person shall be removed.

Transcript of all Inquisitions and Orders to be transmitted and entered of Record, and to be acted upon in the United Kingdom as if the Inquisitions had been taken in the United Kingdom.

VI. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by any of the Supreme Courts in *India* as aforesaid, it shall be lawful for the proper Officer of the said Supreme Court by the Order of such Court to transmit a Transcript, under the Hand and Seal of the Chief Justice or Senior Judge of such Supreme Court, of the Proceedings by which the Idiotcy, Lunacy, or Unsoundness of Mind shall have been found, and by which such Guardian, Keeper, or Curator shall have been appointed, to the Chancery in *England* and the Court of Session in *Scotland*

Scotland and the Chancery of *Ireland* respectively, as the Case may require, and that such Transcript, when so received, shall be entered as of Record in the Court or Courts to which the same shall be transmitted; and that in the Case of any Supersedeas of any such Proceedings the same shall be certified and transmitted and recorded in like Manner; and that the Record of any such Proceedings or of any such Supersedeas as aforesaid shall, in case and so long and so far as the Lord Chancellor of *Great Britain* or other Persons intrusted as aforesaid, or the Court of Session in *Scotland*, or the Chancellor of *Ireland* intrusted as aforesaid, (as the Case may require,) shall respectively see fit, be acted upon by him and them respectively, and be of the same Force and Validity, and have the same Force and Effect, as if such Proceedings or Supersedeas, or Proceedings or a Supersedeas to the like Effect, had taken place in *England*, *Scotland*, or *Ireland* respectively; and it shall be lawful for the Lord Chancellor or other Persons intrusted as aforesaid, the Court of Session in *Scotland*, and the Chancellor of *Ireland* intrusted as aforesaid respectively, from Time to Time to make and give all such Orders or Directions by appointing any Committee or Committees, Curator or Curators, or otherwise, as may appear necessary or proper for securing proper Care and Protection to the Person and Estate of such Idiot, Lunatic, or Person of unsound Mind.

Powers given to the Lord Chancellor to extend to Lord Keeper and Commissioners of the Great Seal.

VII. That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain* or other Persons intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, or any other Person or Persons for the Time being intrusted as aforesaid, and the Powers and Authorities given by this Act to the Lord Chancellor of *Ireland* intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Ireland*, or any other Person or Persons for the Time being intrusted as aforesaid.

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