ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

****

CAP. XXXVI.

An Act to diminish the Inconvenience and Expence of Commissions in the Nature of Writs De lunatico inquirendo; and to provide for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind, found such by Inquisition. [24th *July* 1833.]

WHEREAS great Inconvenience and Expence have been experienced from the Practice of directing or addressing Commissions in the Nature of Writs De lunatico inquirendo to Three or more Persons therein named as Commissioners: And whereas Doubts have arisen whether such Commissions can be directed or addressed to One such Commissioner only: Be it therefore enacted and declared 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 it shall and may be lawful to and for the Lord Chancellor, or the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, or other the Person or Persons for the Time being intrusted by virtue of the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, (in case he or they shall deem it advisable,) to cause any Commission in the Nature of a Writ De lunatico inquirendo to be directed or addressed to any One or more Person or Persons, who shall make Inquisition thereon, and return the same into the High Court of Chancery, and who for that Purpose shall have the same Power to issue Precepts to the Sheriff to summon a Jury, and to compel the Attendance of Witnesses, and the Production or Attendance of the alleged Lunatic, Idiot, or Person of unsound Mind, and all other the Powers hitherto possessed by the Three or more Commissioners in such Commissions named; and such Inquisition shall be good and valid to all

The Lord Chancellor or Lord Keeper may cause Commissions in the Nature of Writs De lunatico inquirendo to be addressed to any One or more Persons, who shall have sufficient Power to make Inquisition therein.

all Intents and Purposes as if the said Commission in the Nature of a Writ De lunatico inquirendo had been directed or addressed to, and the said Inquisition returned by, Three or more Commissioners, as heretofore.

The Lord Chancellor may appoint Visitors to superintend, and report to him upon the Care and Treatment of Idiots, &c.

II. And whereas it is expedient, for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind, found such by Inquisition, that proper and fit Persons should be appointed to superintend, and from Time to Time report to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, the Care and Treatment and State of every such Idiot, Lunatic, and Person of unsound Mind; be it further enacted, That it shall and may be lawful for the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, by an Instrument under his Hand and Seal or their Hands and Seals, to appoint Three Persons, Two of whom shall be Physicians, and One a Barrister of not less than Five Years standing, to be Visitors, during Pleasure, for superintending, inspecting, and reporting upon, under the Order and Direction of the Lord Chancellor or other the Person or Persons intrusted as aforesaid, the Care and Treatment of all Persons found idiot, lunatic, or of unsound Mind, by Inquisition, and to make all such Orders and Regulations as to the Duties of such Visitors as the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall from Time to Time think fit, and to allow such Visitors such Salaries, not to exceed Five hundred Pounds *per Annum* to each of the Medical Visitors, and Three hundred Pounds *per Annum* to the other Visitor, for their Trouble, and also such Allowances for travelling Expences, as such Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall think reasonable.

Persons found idiot, &c. to be visited at least once in each Year.

III. And be it further enacted, That each of such Persons so found idiot, lunatic, or of unsound Mind as aforesaid shall be visited at the least once in each Year by One of such Medical Visitors, and oftener if the same shall be deemed expedient by the Lord Chancellor, or other the Person or Persons intrusted as aforesaid.

Visitors to report to the Lord Chancellor, &c. on Care and Treatment of Idiots, &c.

IV. And be it further enacted, That within a fit and convenient Time after each such Visitation such Visitors shall respectively make a Report in Writing to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, of the State of Mind and bodily Health, and of the general Condition, and also of the Care and Treatment of each such Person so found idiot, lunatic, or of unsound Mind who shall have been visited by him as aforesaid; which said Reports shall be duly filed and kept secret in the Office of such Visitors, and shall be open to the Inspection of no Person whatsoever, save and except the said Visitors, their Secretary, and the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, or such other Person or Persons as the Lord Chancellor, or other Person or Persons intrusted as aforesaid, shall specially appoint: Provided always, that all such Reports, so far as the same relate to any particular Patient, shall be cancelled and destroyed on the Decease of each such Patient, and shall also be cancelled and destroyed on the Supersedeas of his or her Commission, unless the Lord Chancellor, or other the Person or Persons intrusted as afore-

said, shall deem it fit and expedient that the same shall not be cancelled or destroyed until his or her Death.

In case of Death, &c. of Visitors, the Lord Chancellor may appoint others.

V. And be it further enacted, That as often as any of the Visitors to be appointed as aforesaid shall die or be removed, or refuse to act, or become unable, by Illness or otherwise, to act, it shall and may be lawful for the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, by an Instrument under his Hand and Seal or their Hands and Seals, to appoint a Visitor in the Room of every Visitor who shall die or be removed, or refuse or become unable to act.

Persons interested in Houses licensed for the Reception of insane Persons not to act as Visitors.

VI. And be it further enacted, That no Person shall be appointed Visitor as aforesaid who shall be, or shall have been within the Two Years then next preceding, directly or indirectly interested in the keeping any House licensed for the Reception of insane Persons; and if any Person shall after his Appointment become so interested, and continue to act as such Visitor, his Appointment as Visitor shall thenceforth become null and void, and it shall not be lawful for him to act as such Visitor.

A Secretary to such Visitors may be appointed.

VII. And be it further enacted, That the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, is and are hereby empowered, by an Instrument under his Hand and Seal or their Hands and Seals, to appoint, during Pleasure, a fit Person to be Secretary to such Visitors, and for the Purposes of this Act, and to allow such Person such Salary for his Trouble, not exceeding Three hundred Pounds *per Annum*, and also to allow such further Sum or Sums of Money, not exceeding Three hundred Pounds *per Annum*, for providing and maintaining suitable Offices for the said Visitors and Secretary, and for the general Expences of carrying into execution the Purposes of this Act, as such Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall think reasonable.

A Fund for Payment of Salaries and Expences to be raised by a Per-centage on the Income of the Idiots, &c.

VIII. And be it further enacted, That in order to raise a Fund for the Payment of the said Salaries and Expences, and for the other incidental Expences of this Act, it shall be lawful for the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, to raise such Fund by a Per-centage on the clear annual Incomes of the Persons found Idiots, Lunatics, or of unsound Mind by Inquisition as aforesaid, such Per-centage not to exceed One and a Half Pounds *per Cent.* on such clear annual Incomes, and to order the same, by general Order, to be paid by the Committees or Receivers or other the Person or Persons for the Time being in receipt of the Income of the respective Estates of the said Idiots, Lunatics, and Persons of unsound Mind, into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to an Account to be opened and entitled "The Account of the Board of Visitors for the better Care and Treatment of Lunatics."

Committees, &c. to pay such Per-centage into the Bank, upon receiving Notice.

IX. And be it further enacted, That the said Committees and Receivers or other the Person or Persons aforesaid shall respectively pay out of the Funds in their Hands, the said Per-centage so ordered to be paid as aforesaid on the Sums certified by the Masters of the Court of Chancery to be the Amounts of the clear annual Incomes as herein-after mentioned, into the Bank of *England*, in the Name of the Accountant General, to the said Account so to be opened and

and entitled as aforesaid, within One Calendar Month after receiving a Notice in Writing from the said Secretary to the said Visitors, setting forth the Amount of the Sums so certified as the Sums to be paid by such Committees and Receivers or other Person or Persons as aforesaid, and shall be allowed the same in passing their Accounts.

Masters of the Court of Chancery to certify the Amount of Income of Idiots, &c.

X. And for the better estimating the Amounts of the said clear annual Incomes, and collecting the said Per-centage thereon; be it further enacted, That the Masters of the said Court of Chancery shall, within Two Calendar Months from the passing of this Act, in all Matters of Lunacy referred to them, wherein a Committee or Committees shall have been then appointed, and within Two Calendar Months after the Appointment of Committees, or within Twelve Calendar Months after the Date of the Inquisition in all other Cases, respectively ascertain and certify to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, the respective Amounts of the clear annual Incomes of the Persons so found Idiots, Lunatics, or of unsound Mind as aforesaid; and in case any Alteration shall afterwards take place, the said several Masters shall respectively certify the same to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, within Two Calendar Months after such Alteration shall have been made known to them; and for the Purpose of enabling the said Masters to ascertain and certify the Amounts of such clear annual Incomes, it shall and may be lawful for the said Masters to summon the Committees and Receivers or other the Person or Persons for the Time being in receipt of the Income of the respective Estates of the said Idiots, Lunatics, and Persons of unsound Mind, to attend them to give them all the Information in their Power, and also to produce all Books, Papers, Accounts, and Documents in their Possession or Power relating to the Incomes or Estates of such Idiots, Lunatics, and Persons of unsound Mind.

Payments out of the Fund to be by Checks signed by the Lord Chancellor.

XI. And be it further enacted, That no Sum of Money required for the Purposes of this Act shall be paid by the said Accountant General out of the said Fund so paid into the Bank of *England* as aforesaid, except upon Checks or Drafts payable to the Bearer, and signed by the Lord Chancellor, or other Person or Persons intrusted as aforesaid; and that no Fee shall be charged or taken upon, for, or in respect of such Payments or any of them.

Accounts to be audited yearly, and filed.

XII. And be it further enacted, That the Account of Monies received and paid under and by virtue of this Act shall once in every Year be made out by the said Secretary, and audited and signed by such One of the said Masters of the said Court of Chancery as the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall appoint for that Purpose, and shall afterwards be filed in the Office of the Secretary of Lunatics; and that no Fee shall be charged or taken upon, for, or in respect of such Account being so audited or filed.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1833.