ANNO QUADRAGESIMO OCTAVO

# GEORGII III. REGIS.

## CAP. XCVI.

### An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals in *England*.

[23d *June* 1808.]

WHEREAS the Practice of confining ſuch Lunatics and other Inſane Perſons as are chargeable to their reſpective Pariſhes in Gaols, Houſes of Correction, Poor Houſes, and Houſes of Induſtry, is highly dangerous and inconvenient: And whereas it is expedient that further Proviſion ſhould be made for the Care and Maintenance of ſuch Perſons, and for the erecting proper Houſes for their Reception, and alſo for erecting additional Buildings adjoining or contiguous thereto for the Reception of other Lunatics: And whereas it is alſo expedient that further Proviſion ſhould be made for the Cuſtody of Inſane Perſons who ſhall commit criminal Offences; 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 it ſhall and may be lawful for the Juſtices of the Peace in and for every County within *England* and *Wales*, at their reſpective General Quarter Seſſions of the Peace, or any Adjournment of the ſame, or the major Part of ſuch Juſtices then and there aſſembled, to direct Notice to be given in ſome public Newſpaper or Newſpapers circulated in or near ſuch County, of their Intention of taking into Conſideration, at their next General Quarter or General Annual Seſſions, the Expediency and Propriety of providing a Lunatic Aſylum or Houſe for the Reception of Lunatics and other Inſane Perſons within the

Juſtices may give Notice reſpecting the erecting Lunatic Aſylums.

ſaid County, or of appointing a Committee of Magiſtrates to treat with any one or more of the adjacent Counties to unite for that Purpoſe.

Empowering Juſtices to contract; and appoint Viſiting Juſtices;

II. And be it further enacted, That the ſaid Juſtices of the Peace, after ſuch Notice being given as aforeſaid, ſhall at their next General Quarter or General Annual Seſſions proceed to take the ſame into Conſideration; and if it ſhall appear to the major Part of the ſaid Juſtices being then and there aſſembled, ſuch major Part not being leſs in Number than Seven, that it is expedient that a Lunatic Aſylum or Houſe for the Reception of Lunatics and other Inſane Perſons ſhould be erected in and for the ſaid County ſole, the ſaid Juſtices ſhall nominate and appoint ſuch Number of Viſiting Juſtices as they may think fit to ſuperintend the Building, Erection, and Management of ſuch Lunatic Aſylum, and from Time to Time to report the State of their Proceedings to the Court of the General Quarter Seſſions.

and alſo Committee of Juſtices.

III. And be it further enacted, That in all Caſes where it ſhall appear expedient to the Juſtices of the Peace in and for any County to unite with any one or more adjacent County or Counties for the Purpoſes of this Act, and for the providing a Lunatic Aſylum to ſerve for the ſaid ſeveral Counties, it ſhall and may be lawful for the ſaid Juſtices, at their reſpective General Quarter Seſſions, (whereof due Notice ſhall be given as aforeſaid), to nominate and appoint any Number of Juſtices not exceeding five, to be a Committee for treating with any adjacent County or Counties for that Purpoſe.

Agreement to be entered into, when Counties ſhall be united.

IV. And be it further enacted, That where the Committees of Juſtices ſo appointed by any Two or more Counties, ſhall think fit to unite the ſaid Counties for the Purpoſes of this Act, and ſhall ſignify their Inclination and Deſire ſo to do at a Meeting holden for that Purpoſe, an Agreement ſhall at ſuch Meeting, or as ſoon as conveniently may be afterwards, be entered into by the ſaid Juſtices ſo appointed as aforeſaid, or the major Part of them, in the Form or to the Effect ſet forth in the Schedule hereunto annexed (No. 1.); which Agreement, when ſubſcribed by the major Part of the Juſtices ſo nominated and appointed for each County, ſhall be binding upon the ſaid Counties; and every ſuch Agreement ſhall ſpecify the Place at or near which ſuch Lunatic Aſylum ſhall be ſituate, and the Proportions in which the Expences neceſſary for the carrying into Execution the Purpoſes of this Act ſhall be charged and aſſeſſed upon the ſeveral Counties ſo uniting, which Proportions ſhall be calculated by the ſaid Juſtices ſo appointed upon the Numbers of the reſpective Population of the ſaid ſeveral Counties, as ſtated in the Returns to an Act, paſſed in the Forty-firſt Year of His Majeſty's Reign, intituled, *An Act for taking an Account of the Population of* Great Britain, *and of the Increaſe and Diminution thereof*; and the ſaid Agreement ſhall alſo ſpecify the Number of Viſiting Juſtices to ſuperintend the Building, Erection, and Management of the ſaid Lunatic Aſylum to be appointed by each of the reſpective Counties ſo uniting, which Number ſhall be in Proportion to the Share of the Expences ſo to be charged and aſſeſſed upon each of ſuch reſpective Counties, but ſo that a Number leſs than Three ſhall in no Caſe be appointed for any County ſo united.

41 G. 3. c. 15.

Agreement to be reported at Quarter Seſſions.

V. And be it further enacted, That whenſoever ſuch Agreement ſhall have been ſo entered into and ſigned as aforeſaid, the Juſtices ſo appointed to

to be a Committee for each County so uniting shall respectively report the same to the Justices of the Peace at their next General Quarter Sessions to be holden for each of the said Counties, and shall then and there deliver into Court a Duplicate of the said Agreement, to be by the Clerks of the Peace of the said Counties entered among the Records; and that the said Justices shall then and there immediately proceed to nominate such Number of Persons as by the said Agreement they may be entitled to appoint to be Visiting Justices of the said Asylum till the next *Michaelmas* General Quarter Sessions, and shall continue annually to appoint such Number of Visiting Justices at each *Michaelmas* General Quarter Sessions.

Empowering Visiting Justices to contract.

VI. And be it further enacted, That the said Visiting Justices so nominated and appointed by such County sole or such united Counties, are hereby authorized and required, within Two Calendar Months after such Nomination and Appointment as aforesaid, to meet and assemble at such Place as shall appear to them most convenient for that Purpose (due Notice thereof being previously given to such Visiting Justices by the Clerk or Clerks of the Peace of such County or Counties respectively), and that the said Visiting Justices may adjourn the said Meeting from Time to Time or from Place to Place, and meet as often as they shall think necessary; and the said Visiting Justices or the major Part of them are hereby authorized at their said Meetings to appoint a Clerk and a Surveyor for duly exercising the Powers of this Act, and from Time to Time to receive Plans and Estimates, and contract for the Purchase of Lands and Buildings, or for the Alteration of any Building already belonging to such County or any of such united Counties, and for building, erecting, altering, furnishing, and completing such Lunatic Asylum, and the Yards, Courts, and Outlets thereto belonging, and such Contract or Contracts shall be made and entered into at the most reasonable Rates, and with the most responsible Persons; and every such Contractor shall give sufficient Security for the due Performance of his Contract to the Clerk to such Visiting Justices; and all Contracts when made, and all Orders relating thereto, shall be entered in a Book to be kept by the Clerk to such Visiting Justices, and when such Asylum shall be declared to be completed in Manner herein-after directed, then such Book shall be deposited and kept among the Records of such County sole, or of such of the Counties so united for the Purposes of this Act as shall have paid the largest Quota or Proportion of the Expences of providing such Asylum, to be inspected at all reasonable Times by any Person contributing to the County Rates of such County or Counties respectively; and all Buildings or Land so to be contracted for and purchased, shall be conveyed to such Person or Persons as the Visiting Justices shall think fit, in Trust for the Uses and Purposes of this Act; and the said Visiting Justices shall from Time to Time make their Report to the General Quarter Sessions of the Peace of such County or Counties respectively, of the several Plans, Estimates, and Contracts which shall have been made and entered into in Manner aforesaid, and also a Report of the Sum or Sums of Money necessary to be raised and levied on such County sole as the Expence, or on each of such united Counties as the Quota or Proportion of the Expence to be incurred on the several Accounts aforesaid.

Clerk and Surveyor to be appointed.

Contracts to be entered in a Book.

How Expences shall be defrayed.

VII. And, in order to defray the Expences necessary for the Execution of this Act, be it further enacted, That the Justices of the Peace at their General Quarter Sessions may and shall cause such Sums of Money as shall have

have been from Time to Time reported to them to be neceſſary for that Purpoſe by the Viſiting Juſtices, to be raiſed in ſuch Manner as Rates are directed to be raiſed by Two Acts made in the Twelfth and Thirteenth Years of His late Majeſty King *George* the Second, for the more eaſy aſſeſſing, collecting, and levying of County Rates, or ſhall order and direct the ſame to be paid out of the ordinary Rate of ſuch County.

Empowering Juſtices to mortgage the Rates.

VIII. And whereas the Expences of carrying this Act into Execution may in ſome Caſes become very burthenſome on the Occupiers of Land, and other the Contributors to the County Rates, in caſe the ſaid Expences ſhould be raiſed in the Manner herein-before mentioned; be it therefore enacted, That when it ſhall appear on the Report of ſuch Viſiting Juſtices, that the Charge and Coſts of carrying this Act into Execution will exceed One Half of the Amount of the ordinary annual Aſſeſſment for the County Rate for any County (ſuch ordinary Aſſeſſment to be taken on a mean Proportion of the ſaid Rate for the laſt Five Years preceding), that then and in ſuch Caſe it ſhall and may be lawful for the Juſtices of the Peace within the reſpective Limits of their Commiſſions, ſo aſſembled in their Quarter Seſſions as aforeſaid, from Time to Time to borrow and take up on Mortgage of the Rates herein-mentioned, by Inſtruments in the Form contained in the Schedule hereunto annexed (No. 2.), or to that or the like Effect, any Sums not leſs than Fifty Pounds each, at legal or lower Intereſt, as to them or the major Part of them (ſuch major Part not being leſs than Five) ſhall appear neceſſary and expedient for the Purpoſes aforeſaid, and to ſecure all and every ſuch Sum and Sums of Money ſo borrowed upon the Credit of the Rates to be raiſed upon ſuch County reſpectively; and the ſaid Juſtices ſo aſſembled as aforeſaid are hereby authorized to treat and agree with any Perſon or Perſons for the Loan of any ſuch Sum or Sums of Money, and by their Order to confirm and eſtabliſh every ſuch Agreement as aforeſaid; and every ſuch Agreement ſo eſtabliſhed by ſuch Order, and ſigned by the Chairman and Two or more Juſtices preſent at the Time of making ſuch Order, ſhall be and the ſame is hereby declared to be effectual for ſecuring to the Perſon or Perſons ſo advancing any Sum or Sums of Money, his, her, or their Executors, Adminiſtrators and Aſſigns, all and every ſuch Sum or Sums of Money, with Intereſt for the ſame, on ſuch Terms as in and by ſuch Agreement or Agreements reſpectively ſhall be for that Purpoſe ſtipulated; and the ſaid Securities ſhall be numbered in order of Succeſſion in which they ſhall be granted, and Copies or Extracts of all ſuch Agreements or Securities ſhall be kept with the Clerk of the Peace or other proper Officer having the Cuſtody of the Records of the Quarter Seſſions of ſuch County reſpectively; and all and every Perſon and Perſons to whom any ſuch Security or Securities ſhall be made, or who ſhall be entitled to the Money thereby ſecured, is and are hereby empowered (by indorſing his, her, or their Name or Names on the Back of ſuch Security or Securities) to transfer and aſſign the ſame, and his, her, or their Right to the principal Money and Intereſt thereby ſecured, unto any Perſon or Perſons; and every ſuch Aſſignee may in like Manner transfer the ſame again and ſo *toties quoties*; and the Perſon or Perſons to whom ſuch Security or Securities, or any ſuch Aſſignment thereof ſhall be made, and his or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be Creditors upon the ſaid Rates in an equal Degree one with another, and ſhall not have any Preference with reſpect to the Priority of any Monies ſo advanced.

IX. And be it further enacted, That the ſaid Juſtices are hereby authorized and required not only to charge the Rates to be raiſed upon ſuch County with the Intereſt of the Money ſo borrowed on ſuch Securities, but alſo with the Payment of a further Sum equal at leaſt with the Sum ſo charged for the Intereſt of ſuch Securities, which ſaid Sums ſhall be aſſeſſed on ſuch County in ſuch Manner as County Rates are directed to be aſſeſſed by the Laws now in being, and paid and applied under the Direction of the ſaid Juſtices in diſcharge of the Intereſt and of ſo many of the principal Sums on the ſaid Securities as ſuch Money will extend to diſcharge in each Year, until the Whole of the Money for which ſuch Securities ſhall be made, and the Intereſt thereof, ſhall be fully paid and diſcharged; and the ſaid Juſtices are required to fix One or more Day in each Year on which ſuch Payment ſhall be made, and ſhall make Orders for Aſſeſſments in due Time, ſo as to provide for the regular Payment thereof; and they are hereby required to appoint a proper Perſon to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act, in a Book or Books, ſeparate and apart from all other Accounts, and the ſame to adjuſt and ſettle in ſuch Manner that it may eaſily be ſeen what Intereſt is growing due and what principal Money has been diſcharged and what remains due, and the ſaid Book or Books ſo adjuſted and ſettled to deliver into Court at every General Annual or Michaelmas Quarter Seſſions to be held for any ſuch County; and the ſaid Juſtices are required at every ſuch Seſſions carefully to inſpect all ſuch Accounts, and make Orders for carrying the ſeveral Purpoſes of this Act into Execution in ſuch Manner as to them ſhall ſeem meet; and if at any Time it ſhall appear to the ſaid Juſtices that the Perſon ſo appointed has neglected the ſaid Order, and has not duly and without Delay applied the Money in his Hands to the Purpoſes hereby directed, ſuch Perſon ſhall forfeit Double the Amount of the Money which ſhall not have been applied to the Purpoſes of this Act, to be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of ſuch Juſtices; and the ſaid Penalty, after the Charges of recovering the ſame, ſhall be paid to the Treaſurer of ſuch Aſylum to be applied to the Uſe of the ſame; and the ſaid Juſtices on a Day and Hour to be fixed at ſome General Quarter or Annual Seſſions of the Peace, to be holden for ſuch County, (of which Fourteen Days public Notice ſhall be given as aforeſaid) ſhall in open Court cauſe all the ſaid ſeveral Securities to be drawn by Lot and numbered for Payment according to the Event of ſuch Drawing, and the Securites ſo drawn and numbered ſhall be regularly diſcharged in Succeſſion according to Priority of ſuch drawn Number.

For charging the Rate to the Amount therein ſpecified.

Accounts to be kept of Receipts and Payments.

X. Provided always, and be it further enacted, That the Juſtices of the Peace in their reſpective Quarter Seſſions ſhall and they are hereby required to make Proviſions by means of the Rates (which they are hereby authorized to make), and by their Orders and Directions (which they are hereby authorized to give), in ſuch Manner that the whole Money to be borrowed under the Authority of this Act ſhall be fully paid and diſcharged within a Time to be limited, not exceeding Fourteen Years from the Time of borrowing the ſame.

Paying Money within a limited Time.

XI. And be it further enacted, That it ſhall and may be lawful for the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and for all Bodies

Bodies Politic to convey Lands.

Bodies Politic and Corporate, and also for all Guardians, Committees, Husbands, Trustees, and Attornies of any Person or Persons being Infants, Lunatics, Idiots, under Coverture or any other Disability, and also for all other Persons who are or shall be seised, possessed of, or interested in any Houses, Buildings, Lands, Tenements, Hereditaments, Easements or Privileges which shall be deemed necessary for the Purposes of this Act, to contract or agree for, and to sell, convey, and assure such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges unto such Person or Persons as shall be named by the Visiting Justices, in Trust and for the Purpose of erecting or providing such Lunatic Asylum, and the Yards, Courts, and Outlets thereunto belonging; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

Money to be paid for the Purchase of Land.

XII. And be it further enacted, That all Sums of Money which shall be agreed to be paid to any Corporation, Guardian, Committee, Husband, Trustee, or Attorney, for or on behalf of any Infants, Lunatics, Idiots, Femes Covert, or Cestuique Trusts, or to any other Person or Persons whose Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, shall be limited in Settlement, for the Purchase of any such Lands, Tenements, and Hereditaments, shall, in case such Sums of Money shall exceed the Sum of One hundred Pounds, be laid out by such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, or any Person or Persons seised of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges so limited in Settlement, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments in Fee Simple, to be conveyed to or to the Use of such Corporations, Guardians, Committees, Husbands, Trustees, or Attornies, and to and for such Person or Persons, and for such Estate and Estates and to, for, and upon, and subject to such Uses, Limitations, Remainders, and Contingencies as the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges for and in respect whereof such Purchase Money shall be paid as aforesaid shall be limited, settled, and assured, at the Time such Purchase or Contract shall be made in Manner aforesaid, or such as shall then be capable of taking effect, the Charges of such Conveyances and Settlements to be paid in the same Manner as the other Expences relating to the Lunatic Asylum; and in the mean Time, and till such Purchase or Purchases shall be made, such Money, whether the same shall or shall not exceed the Sum of One hundred Pounds, shall be laid out by such Corporations, or other Persons for the Time being interested therein, in some Government Securities, in the Names of Two Persons, one to be nominated by the Party or Parties for the Time being interested therein, and the other by the Visiting Justices aforesaid; and the Interest arising from such Securities shall be paid to such Person or Persons respectively as would have been entitled to the Rents and Profits of such Lands, Tenements, Hereditaments, Easements, and Privileges, in case the same had not been sold, or would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, and Hereditaments so to be purchased, in case the same were purchased and settled as aforesaid.

Justices not to be concerned in Contracts.

XIII. Provided always, and be it further enacted, That no Justice of the Peace, who shall under the Authority of this Act do any Matter or Thing in

in the Execution hereof, shall be capable of having any beneficial Interest or Concern whatsoever either in his own Name or in the Name of any other Person in Trust for him, in any Contract or Agreement to be made under the Authority of this Act, or shall for any Design or Plan he may deliver or produce receive any Benefit or Emolument whatsoever.

Empowering Persons to dig for Materials.

XIV. And be it further enacted, That the said Visiting Justices, or any Five or more of them, shall and may and they are hereby authorized to empower their Agents or Workmen to dig, take, and carry away any Soil, Clay, Sand, Gravel, or Stone, and to manufacture the same for the Purpose of building, carrying on, finishing, and completing such Lunatic Asylum, or other Buildings hereby directed to be built, out of, upon, or from any Common or Waste Land, River, or Brook, without paying any Thing for the same; they causing all Pits or Quarries made by such digging and taking to be filled up, or railed and fenced so as not to be dangerous to Passengers or Cattle.

Justices may sue in the Name of their Clerk.

XV. And be it further enacted, That the said Visiting Justices may sue and be sued in the Name of their Clerk, and that no Action that may be brought or commenced by or against the said Visiting Justices, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Visiting Justices, or any Five or more of them; but the Clerk to the said Visiting Justices for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case shall be.

Regulations for the Situation of the Building.

XVI. And be it further enacted, That the said Visiting Justices, as well in the Choice of Ground and of Situation, as in determining upon the Plans for building or for purchasing and altering Buildings for such Lunatic Asylums, shall, as far as conveniently may be, fix upon an airy and healthy Situation, with a good Supply of Water, and which may afford a Probability of the Vicinity of constant Medical Assistance, and pursue such Measures and adopt such Plans, as shall provide separate and distinct Wards for Male and Female Lunatics, and also for the Convalescents and Incurables, and also separate and distinct Day Rooms and Airing Grounds for the Male and Female Convalescents, and dry and airy Cells for the Lunatics of every Description.

Justices to issue Warrant for Committal of dangerous Lunatics.

XVII. And be it further enacted, That so soon as any Lunatic Asylum so erected as aforesaid, shall be declared by the Visiting Justices to be completed, and in a fit State for the Reception of Lunatics and other Insane Persons, whereof due Notice shall be given Three Times at the least in some publick Newspaper or Newspapers circulating in the County or District of Counties united for the Purposes of this Act, the Justices of the Peace acting respectively in and for any County or Counties at the Expence of which such Asylum shall have been built, are hereby authorized and directed to issue Warrants, upon the Application of the Overseers of the Poor of any Parish situate within such County or District of Counties for the Conveyance of any Lunatic, Insane Person, or dangerous Idiot who may be chargeable to such Parish, to such Asylum, there to be safely kept until he or she shall be duly discharged as herein after directed; and at the Time of such issuing such Warrant every such Justice shall also make an

an Order upon the Overſeers of the Poor of the Pariſh to which ſuch Lunatic, Inſane Perſon, or dangerous Idiot ſhall belong, to pay ſuch weekly Sum to the Treaſurer of ſuch Aſylum, as ſhall, from Time to Time be fixed upon by the Viſiting Juſtices as a fit Rate for the Maintenance, Medicine, Clothing, and Care of ſuch Perſons.

Inflicting Penalty upon any Overſeer neglecting to give Information to Juſtice of the Peace of any Lunatic Pauper.

XVIII. And be it further enacted, That if any Overſeer of the Poor of any Pariſh ſhall wilfully neglect or delay to give Information to ſuch Juſtice of the Peace of any ſuch Lunatic or Inſane Perſon who ſhall be chargeable to ſuch Pariſh, or to make Application for ſuch Warrant as aforeſaid, during the Space of Seven Days from the Time that he ſhall be acquainted that ſuch Perſon is ſo lunatic or inſane, he ſhall for every ſuch Offence forfeit and pay a Sum of Money not exceeding Ten Pounds nor leſs than Forty Shillings, to be recovered by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant under the Hands and Seals of any Two Juſtices of the Peace acting for the County within which ſuch Pariſh ſhall be ſituated, which Warrant ſuch Juſtices are hereby required to grant upon the confeſſion of the Party, or upon the Information of any Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby empowered to adminiſter); and the ſaid Penalty, after the Charges of recovering the ſame ſhall be deducted, ſhall be paid, One Moiety to the Informer, and the other to the Treaſurer of the ſaid Aſylum, to be applied to the Uſe of the ſame.

For the Committal of Vagrant Lunatics.

XIX. And whereas by an Act paſſed in the Seventeenth Year of the Reign of King *George* the Second, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and diſorderly Perſons, and to Houſes of Correction*, it is among other Things enacted, That whereas there are ſometimes Perſons who by Lunacy or otherwiſe are furiouſly mad, or are ſo far diſordered in their Senſes that they may be dangerous to be permitted to go abroad, it ſhall and may be lawful for any Two or more Juſtices of the Peace where ſuch Lunatic or mad Perſon ſhall be found, by Warrant under their Hands and Seals directed to the Conſtables, Churchwardens and Overſeers of the Poor of the Pariſh, Town, or Place, or ſome of them, to cauſe ſuch Perſon ſo to be apprehended and kept ſafely locked up in ſome ſecure Place within the County or Precinct where ſuch Pariſh, Town, or Place ſhall lie, as ſuch Juſtices ſhall under their Hands and Seals direct and appoint, and if ſuch Juſtices find it neceſſary to be there chained, if the laſt legal Settlement of ſuch Perſon ſhall be in any Pariſh, Town, or Place within ſuch County or Precinct; and if ſuch Settlement ſhall not be there, then ſuch Perſon ſhall be ſent to the Place of his or her laſt legal Settlement by a Paſs, *mutatis mutandis*, as aforeſaid, and ſhall be locked up or chained, by Warrant of Two Juſtices of the County or Precinct to which ſuch Perſon is ſo ſent in Manner aforeſaid; and the reaſonable Charges of removing and of keeping, maintaining, and curing ſuch Perſon during ſuch Reſtraint (which ſhall be for and during ſuch Time only as ſuch Lunacy or Madneſs ſhall continue) ſhall be ſatisfied and paid, ſuch Charges being firſt proved upon Oath, by Order of Two or more Juſtices of the Peace, directing the Churchwardens or Overſeers where any Goods, Chattels, Lands, or Tenements of ſuch Perſon ſhall be, to ſeize and ſell ſo much of the Goods and Chattels, or receive ſo much of the annual Rents of the Lands and Tenements as is neceſſary to pay the ſame, and to account for what is ſo ſeized, ſold, or received to the next Quarter Seſſions; but if ſuch Perſon hath not an Eſtate to pay and ſatisfy the ſame,

over and above what shall be sufficient to maintain his or her Family, then such Charges shall be satisfied and paid by the Parish, Town or Place to which such Person belongs, by Order of Two Justices directed to the Churchwardens or Overseers for that Purpose: Be it enacted, That in case there shall be a Lunatic Asylum established under the Directions of this Act for the County or District of united Counties within which the Parish to which any Lunatic or mad Person, apprehended by virtue of the above recited Act, belongs, shall be situated, then such Justices of the Peace who shall by virtue of the above recited Act issue any Warrant for the Confinement of such Lunatic or mad Person, shall in the Body of such Warrant so issued by them, direct and order that such Lunatic or mad Person shall be confined in such Lunatic Asylum and not elsewhere; but if no such Lunatic Asylum shall have been established, then and in such Case it shall and may be lawful for such Justices, if they think fit, to order and direct by such Warrant that such Lunatic or mad Person shall be confined in any House duly licensed for the Reception of Lunatics under the Authority of an Act passed in the Fourteenth Year of the Reign of His present Majesty, intituled, *An Act for regulating Madhouses*, although such House may not be situated within the County where the Parish to which such Lunatic or mad Person belongs, shall lie.

Where the legal Settlement of Lunatics cannot be discovered, the Justices shall direct that they shall be sent to the Lunatic Asylum or some other Place of Confinement.

XX. And whereas it sometimes happens, that by reason of the Lunacy and Madness of such Persons the Place of their legal Settlement cannot be ascertained; be it enacted, That in case the Place of the last legal Settlement of any Lunatic or mad Person, apprehended by virtue of the above recited Act, cannot be ascertained, then the Justices who shall have caused such Person to be apprehended shall by their said Warrant direct such Person to be confined in the Lunatic Asylum for the County or District of united Counties within which such Person shall have been apprehended, if any such Asylum shall have been established, and not elsewhere; or if no such Asylum shall have been established, in some House duly licensed for the Reception of Lunatics as aforesaid, or in some other secure Place as directed by the said recited Act; and if such Person have not an Estate to pay and satisfy the reasonable Charges of removing, and of keeping, maintaining, and curing such Person under the Authority of the said recited Act, then such Charges shall be satisfied and paid by the Treasurer of the County within which such Person shall be apprehended, out of the County Rates, by Order of Two Justices to him directed for that Purpose.

Providing that Lunatic Asylum shall not be liable to the Reception of Lunatics chargeable to any Place which does not contribute to the Expence.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to render any Lunatic Asylum which may be provided under the Authority of this Act for the Use of any County or united Counties liable to the Reception of Lunatics or Insane Persons who may be chargeable to or apprehended in any City, Town, Precinct, Parish, Township or Place situate within the Limits of such County or united Counties, but claiming Exemption, and being exempt from contributing to the County Rate, unless such City, Town, Precinct, Parish, Township, or Place, shall have agreed to unite, and shall thereby have contributed to the Expence of the same under the Powers herein-before given in this Act.

Encouraging Lunatic Asylums by esta-

XXII. And whereas in many Parts of this Kingdom Lunatic Asylums have been built and established, and others may hereafter be built and esta-

 blished

blishing voluntary Contributions.

blished, by voluntary Contributions for the Reception and Care of Lunatics of all Descriptions, contributing to the general Charge of Maintenance, Medicines, and Care, by certain weekly Payments, according to the pecuniary Circumstances of the Parties respectively, or of their immediate Connections, the Excess of Payments of the more affluent being applied to relieve and lower the Payments of Persons in more limited Circumstances: And whereas it is fit and expedient to support and encourage such laudable Institutions, and it may be of great Advantage that Asylums intended by this Act to be erected for Pauper Lunatics should be united to or connected with such Institutions by voluntary Subscription, be it enacted, That at any Meeting of the Justices of the Peace to be held as aforesaid in any County for the Purpose of considering and determining on the Expediency and Propriety of providing a Lunatic Asylum or House of Reception for Lunatics or other Insane Persons, if it shall appear to the major Part of the Justices so assembled, that it would be expedient to unite and join with any Lunatic Asylum so built and established by voluntary Contribution, or so intended to be built and established, it shall be lawful for the Justices so assembled to appoint a Committee (in Manner herein-before directed to be appointed to treat with any adjoining County or Counties) to treat with and enter into and subscribe an Agreement with a Committee of Governors, Directors, or Subscribers to such Voluntary Institution, such Committee being authorized and appointed by a Majority of such Subscribers, to be called by public Advertisement as aforesaid for the express Purpose of making such Appointment; and all Provisions herein-before directed in regard to Counties treating and agreeing with each other, shall be adhered to and be effectual, so far as the same will apply, or as the different Circumstances of the Two Cases will admit; and the Number of the Committee of Directors, Governors, or Subscribers, appointed by the Subscribers, shall not exceed the Number of the Committee of Justices to be appointed by the Justices of the Peace on the Part of the County; and such Committee of Subscribers, or the major Part of them, shall be competent to enter into and subscribe any Agreement, to all Intents and Purposes, as fully and effectually as any Committee appointed under this Act on the Part of any County uniting to treat with any other County so uniting: Provided always, no Agreement so made by any Committee of Justices shall be valid and have force on the Part of the County, until the same shall have been submitted to and approved by the Majority of the Justices of the Peace of the County assembled at the next ensuing General Quarter Sessions which shall be held after such Agreement shall have been entered into.

Penalty on Persons having Lunatics in their Care suffering them to go at large without an Order from the Justices.

XXIII. And be it further enacted, That all Lunatics, Insane Persons, or dangerous Idiots so committed to such Asylum, shall be safely kept, and that no such Person shall be suffered to quit the said Asylum or to be at large until the Visiting Justices or the greater Part of them, shall order the Discharge of such Person, and shall signify the same in Writing under their Hands and Seals; and that if any Officer, Servant, or Assistant in such Asylum shall notwithstanding, through Neglect or Connivance, permit such Person in any Case to escape and be at large without such Order as aforesaid, he or she shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, nor less than Forty Shillings, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace acting for the County within which such Asylum shall be situated (which Warrant

such Justices are hereby required to grant, upon the Confession of the Party, or upon the Information of any Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer); and the said Penalty, after the Charges of recovering the same shall be deducted, shall be paid one Moiety to the Informer, and the other Moiety to the Treasurer of the said Asylum, to be applied to the Use of the same.

Visiting Justices to appoint Officers;

XXIV. And be it further enacted, That in all Cases where any such Lunatic Asylum shall have been established under the Authority of this Act, the Visiting Justices appointed as aforesaid to superintend the same or the major Part of them, such major Part not being fewer than Five, shall from Time to Time make such Regulations as to them shall seem expedient for the Management and Conduct thereof, in which Regulations shall be set forth the Number and Description of Officers and Servants to be kept, the Duties to be required, and what Salaries shall respectively be paid to them; and may appoint a Treasurer, and such other Officers and Servants together with such Number of Assistants as they shall from Time to Time find necessary in Proportion to the Number of Persons confined in such Asylum, and may dismiss any such Officer, Servant or Assistant if they see Occasion; and shall from Time to Time fix a certain weekly Rate to be paid for each Person confined in such Asylum, which may be sufficient to defray the whole Expence of the Maintenance and Care, Medicines and Clothing requisite for such Person, and the Salaries of the Officers and Attendants; provided always, that such Rate shall in no Case exceed Fourteen Shillings *per* Week; and that the said Visiting Justices shall annually audit the Accounts of the Treasurer, and report the same to the next General Quarter Sessions of the Peace to be holden for the Counties at the Expence of which such Asylum has been established.

and direct Repairs.

XXV. And be it further enacted, That such Visiting Justices may from Time to Time order all such Repairs, or other Expences as may be necessary for such Lunatic Asylums, and shall direct the same to be paid by an Order upon the County Treasurer, where such Asylum shall be established by One County only, or shall apportion the same as afore-mentioned upon each County where such Asylum is established for a District of united Counties, and shall make an Order upon the Treasurer of each of the said united Counties for the Payment of the Proportion to be paid by such County; and that such County Treasurer shall immediately discharge the same out of any Money which may then be in his Hands, under the Penalty of Double such Sum as he shall be directed to pay, to be recovered from him for the Benefit of such Asylum by Action in any of His Majesty's Courts at *Westminster* by the Treasurer of the said Asylum.

Assessment to Rates not to be encreased.

XXVI. And be it further enacted, That in all future Rates, Taxes, and Levies to be made for any Parish or Place in which any Land or Ground to be purchased for the Purposes of this Act shall be situate, such Land or Ground with any Building to be erected thereon shall not be assessed to any such Rates, Taxes, or Levies, at a higher Value or more improved Rent than the same Land or Ground was at the Time of such Purchase; nor shall any Building or Buildings which, under this Act, shall be erected on such Land, be assessed to any House or Window Tax, any Act or Acts of Parliament to the contrary notwithstanding.

Buildings exempted from the Window Tax.

XXVII. And

39 & 40 G. 3. c. 94.

XXVII. And whereas by an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, and intituled, *An Act for the safe Custody of insane Persons charged with Offences*, it is enacted, that in certain Cases therein specified it shall be lawful for Courts of Justice to direct insane Persons to be kept in strict Custody, in such Place and in such Manner as to such Courts shall seem fit, until His Majesty's Pleasure shall be known; and that it shall thereupon be lawful for His Majesty to give such Order for the safe Custody of such Persons during His Pleasure in such Place and in such Manner as to His Majesty shall seem fit: And whereas it is expedient that Provision should be made for the due Maintenance and Care of such Persons while they shall be so kept in Custody; be it enacted, That in all Cases where any Person shall by virtue of the above last recited Act be kept in such Custody as a Lunatic or insane Person, by Order of any Court or by His Majesty's Order subsequent thereto, it shall and may be lawful for any Two Justices of the Peace of the County where such Person shall be so kept in Custody, to enquire into and ascertain by the best legal Evidence that can be procured under the Circumstances of personal legal Disability of such Lunatic, the Place of the last legal Settlement, and the Circumstances of such Person; and if it shall not appear that he or she is possessed of sufficient Property which can be applied to his or her Maintenance, to make Order upon such Parish where they shall adjudge him or her to be legally settled, to pay such weekly Sum for his or her Maintenance in such Place of Custody as such Court or His Majesty shall appoint, as shall from Time to Time be fixed upon and directed in Writing by One of His Majesty's Principal Secretaries of State; and that where such Place of Settlement cannot be ascertained, such Allowance shall be paid by the Treasurer of the County where such Person shall have been apprehended; but if it shall appear that such Person is possessed of such sufficient Property as aforesaid, then such Justices shall order and direct the same to be applied to pay and satisfy the Expence of the Maintenance of such Person, in the Manner directed in the Case of Lunatics and Mad Persons by the above recited Act, passed in the Seventeenth Year of King *George* the Second: Provided always, that the Churchwardens and Overseers of such Parish in which the said Justices shall adjudge any Lunatic to be legally settled, or the major Part of them, may appeal against such Order to the General Quarter Sessions of the Peace to be holden for the County where such Order shall be made, in like Manner, and under like Restrictions and Regulations as against any Order of Removal, giving reasonable Notice thereof to the Clerk of the Peace of such County, who shall be Respondent in such Appeal; which said Appeal the Justices of the Peace assembled at the said General Quarter Sessions are hereby authorized and empowered to hear and determine, in the same Manner as other Orders of Removal are now heard and determined.

Persons charged with Murder, being insane, Justices to enquire into their Settlement, and make Order for their Maintenance.

Appeal.

Provisions to extend to Ridings, Cities, and Towns.

XXVIII. And be it further enacted, That all Provisions, Directions, Clauses, Matters and Things whatever in this Act contained relating to Counties, shall extend and be construed to extend to all Ridings, Divisions, Cities, Towns, Liberties, and Places possessing separate Jurisdictions; and if relating to Parishes, shall extend and be construed to extend to all Vills, Townships, and Places maintaining their own Poor, as fully and amply as if they were severally and respectively repeated in every such Provision, Direction, and Clause, and with relation to any such Matter or Thing.

SCHEDULE

# SCHEDULE (N° I.)

FORM of AGREEMENT for uniting the Counties or Ridings, &c. [*as the Caſe may be*] of A. B. and C.; for the Purpoſe of providing a Lunatic Aſylum or Houſe for the Reception of Lunatics and Inſane Perſons, purſuant to the Statute of the Forty-eighth Year of King George the Third.

IT is agreed this Day of by and between the Committees of Juſtices of the Peace ſeverally appointed for the Counties [*or* Ridings, Cities, &c. *as the Caſe may be*] of A. B. C. to treat for the uniting of the ſaid Counties for the Purpoſes of an Act (for the better Care and Maintenance of Paupers and Criminal Lunatics) paſſed in the Forty-eighth Year of His Majeſty King George the Third, that the ſaid Counties [&c. *as the Caſe may be*] ſhall from henceforth be united for the Purpoſes of the ſaid Act, and adopt in all Reſpects the Proviſions, Rules, Orders, and Regulations, and comply with all the Requiſites preſcribed by the ſaid Act for Counties uniting for thoſe Purpoſes; and that a Lunatic Aſylum or Houſe for the Reception of Lunatics and other Inſane Perſons, with all neceſſary Buildings, Courts, Yards, and Outlets, ſhall be immediately provided at or near and properly fitted up and accommodated for the Purpoſes mentioned in the ſaid Act; and that the neceſſary Expences attending upon the providing, building, fitting up, Repairs and Maintenance of the ſaid Lunatic Aſylum, ſhall be defrayed by the ſaid Counties ſo united, in the following Proportions, that is to ſay;

The County of *A.* four-ninths of the ſaid Expences.
The County of *B.* Three Ninths of the ſame.
The County of *C.* Two Ninths of the ſame [*or as the Caſe may be.*]

And we do further agree, that the Committee of Viſiting Juſtices to ſuperintend the Building, Erection, and Management of the ſaid Lunatic Aſylum, ſhall conſiſt of Eighteen [or, *as the Caſe may be*]; whereof the Juſtices of the Peace for the ſaid County of *A.* ſhall appoint Eight, the Juſtices of the Peace for the County of *B.* ſhall appoint Six, and the Juſtices of the Peace for the County of *C.* ſhall appoint Four: And hereunto we, the underſigned Juſtices of the Peace, being the major Part of each of the ſaid Committees of Juſtices for the ſaid ſeveral Counties, do, on the Part and Behalf of the ſaid Counties, ſet our Hands and Seals, this Day of in the Year

## SCHEDULE (N° II.)

FORM of MORTGAGE and CHARGE upon the County Rates for securing the Money borrowed.

WE *A. B.* one of His Majesty's Justices of the Peace and Chairman of the Court of Quarter Sessions of the Peace for the County, &c. of [*as the Case shall be*] holden at the Day of *C. D.* and *E. F.* Esquires, two other of His Majesty's Justices of the Peace acting for the said County, &c. and assembled in the said Court, in pursuance of the Powers to us given by an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled, [&c. *here insert the Title of the Act*] Do hereby in open Court mortgage and charge all the Rates to be raised within the said County, [&c. *as the Case shall be*] under the Description of County Rates by the Laws now in being, with the Payment of the Sum of which *G. H.* of hath proposed and agreed to lend, and hath now actually advanced and paid towards defraying the Expences of purchasing Lands for building, repairing, [&c. *as the Case shall be*] the Lunatic Asylum for the said County, [&c. *or* the United Counties of, &c. *as the Case may be*] And we do hereby confirm and establish the same unto the said *G. H.* his Executors, Administrators, and Assigns, for securing the Repayment of the said Sum of and Interest for the same, after the Rate of per Centum per Annum, and do order the Treasurer for such County, &c. or other Person [*as the Case shall be*] to pay the Interest of the said Sum of Half-yearly, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

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