ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

CAP. LXXIX.

An Act to amend an Act of the Forty-eighth Year of His present Majesty, for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in *England*. [15th *June* 1811.]

WHEREAS by an Act passed in the Forty-eighth Year of His present Majesty's Reign, intituled, *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England, Provision is made for the Erection of Asylums for Lunatics and Insane Persons, being Paupers or Criminals, in Counties or Districts of Counties in *England*: And whereas it is therein among other Things 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, 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 authorized and directed to issue Warrants, upon the Application of the Overseers of the Poor of any Parish situate within such County or 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: And whereas it is also therein enacted, that if any Overseer of the Poor of any Parish shall wilfully neglect or delay to give Information to such Justice 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

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ſo lunatic or inſane, he ſhall be liable to a Penalty therein ſpecified: And whereas it is expedient that the Juſtices of the Peace, to whom ſuch Applications ſhall be made, ſhould have a diſcretionary Power, as to iſſuing or not iſſuing ſuch Warrants, in certain Caſes, and under certain Reſtrictions, and particularly in Caſes where it ſhall be found that the Number of Applications on the Behalf of Perſons having juſt Claims to be admitted does at any Time exceed the Number of thoſe who can be properly accommodated in ſuch Aſylum, with a View to cure, comfort, and ſafe Cuſtody: 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 whenever any Application ſhall be made by the Overſeers of the Poor of any Pariſh in any County or Diſtrict of Counties, at the Expence of which any Lunatic Aſylum ſhall have been erected, to any Juſtice of the Peace acting in and for ſuch County or Counties, to iſſue his Warrant for the Conveyance of any Lunatic or Inſane Perſon to ſuch Aſylum, it ſhall and may be lawful for ſuch Juſtice to refuſe to iſſue the Warrant ſo required, if he ſhall ſo think fit, ſuch Lunatic or Inſane Perſon not being actually dangerous: Provided nevertheleſs, that any Juſtice ſo refuſing to iſſue ſuch Warrant as aforeſaid, ſhall, at the Time of his ſo refuſing, deliver in Writing to the Overſeers of the Poor making ſuch Application as aforeſaid the Reaſons for ſuch Refuſal.

Whenever Application ſhall be made by Overſeers of any Pariſh of any County in which any Lunatic Aſylum is erected, for a Warrant for the Conveyance of any Lunatic, the Juſtice may refuſe it, ſtating his Reaſons.

II. Provided alſo, and be it enacted, That if any Perſon or Perſons ſhall think themſelves aggrieved by ſuch Refuſal of any Juſtice as aforeſaid, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the next General or Quarter Seſſions of the Peace to be holden in and for the County or Place where the Matter of Appeal ſhall have ariſen, the Perſon or Perſons ſo appealing, having given to the Perſon againſt whom ſuch Appeal ſhall be made, Ten Days Notice of his, her, or their Intention to make ſuch Appeal; and the ſaid Juſtices at ſuch Seſſions are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination as they ſhall think proper; and every ſuch Determination ſhall be final and concluſive to all Intents and Purpoſes whatſoever.

Perſons aggrieved may appeal to the Quarter Seſſions.

III. Provided alſo, and be it enacted, That every Juſtice who ſhall have iſſued a Warrant or Warrants for the Conveyance of any Lunatic or Inſane Perſon to ſuch Aſylum, or who ſhall have refuſed to iſſue ſuch Warrant or Warrants, on the Application of the Overſeers of the Poor of any Pariſh, ſhall make regular Returns to the next General Quarter Seſſions of the Peace to be holden in and for the County in which ſuch Pariſh ſhall be ſituate, of all Caſes brought before him, in which he ſhall have granted, or refuſed to grant, a Warrant or Warrants for ſuch Conveyance, ſtating in all Caſes of Refuſal the Reaſons for ſuch Refuſal; and ſuch Returns ſhall be regularly filed and kept among the Records of ſuch Court of General Quarter Seſſions.

Juſtices to make Returns to the Quarter Seſſions of the Caſes brought before them.

IV. And be it further enacted, That the Overſeers of the Poor of any Pariſh, on making their Application to any Juſtice of the Peace for the Conveyance of any Lunatic or Inſane Perſon, or dangerous Ideot, as aforeſaid, ſhall produce to ſuch Juſtice a Certificate in Writing from ſome Medical Perſon, of the State and Degree of Lunacy of the Perſon on whoſe

Overſeers to produce Certificate of a Medical Perſon of the State of the Lunatic.

Behalf such Application shall be made; and that it shall be further lawful for such Justice to cause such Lunatic, Insane Person, or dangerous Ideot, to be visited by such Medical Person as he shall think fit, and to examine the said Medical Person upon Oath as to the State and Degree of Lunacy of such Lunatic, Insane Person, or dangerous Ideot, and to order such Sum to be paid to such Medical Person for his Attendance as may seem just and reasonable, and such Sum shall be paid by the Overseers of the Poor of the Parish making such Application out of the Money raised therein for the Relief of the Poor.

Medical Superintendant of Asylum to make Returns of the State of Persons entrusted to his Care.

V. And be it further enacted, That the Medical Superintendant of every such Asylum as aforesaid shall make regular Returns to the Justices of the Peace assembled at their General or Quarter Sessions, at least Once in every Year, of the State and Condition of all Persons committed to his Care under the Authority of the aforesaid Act passed in the Forty-eighth Year of His present Majesty's Reign, and of this Act, in order that the said Justices may be enabled, from the Inspection of such Returns, and from the Report of such Medical Superintendant, to direct the Discharge of any Persons from such Asylum who may appear from such Returns and Report to be no longer fit Objects to remain therein; and that the said Justices may at the same Time issue their Warrants (which they are hereby authorized to issue) for the Admission of such other Persons at their Discretion, as may appear to be the fittest Objects for immediate Reception therein, out of the several Persons on whose Behalf Application may have been made to any Justice of the Peace as aforesaid, and whose Cases may have been regularly reported to the said General or Quarter Sessions.

The Expence of Removal of a Pauper shall be paid by the Parish in which the Pauper shall be legally settled.

VI. And be it further enacted, That on the regular Discharge of any Pauper from any such Asylum the necessary Expences attending the Removal of such Pauper shall be borne by the Parish in which such Pauper shall be legally settled, and such Expences being allowed by Two Justices of the Peace acting in and for the County in which such Parish shall be situated shall be paid by the Overseers of the Poor of such Parish out of the Money raised therein for the Relief of the Poor.

Bastards of Lunatics to have the legal Settlement of the Mother.

VII. And be it further enacted, That no Bastard Child which shall be born of any Lunatic, Insane Person, or dangerous Ideot, in any such Asylum, shall thereby gain a Settlement in the Parish in which such Asylum shall be situated; but that the Place of the legal Settlement of any such Child so born as aforesaid shall be in the Parish where the Mother of such Child was last legally settled.

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