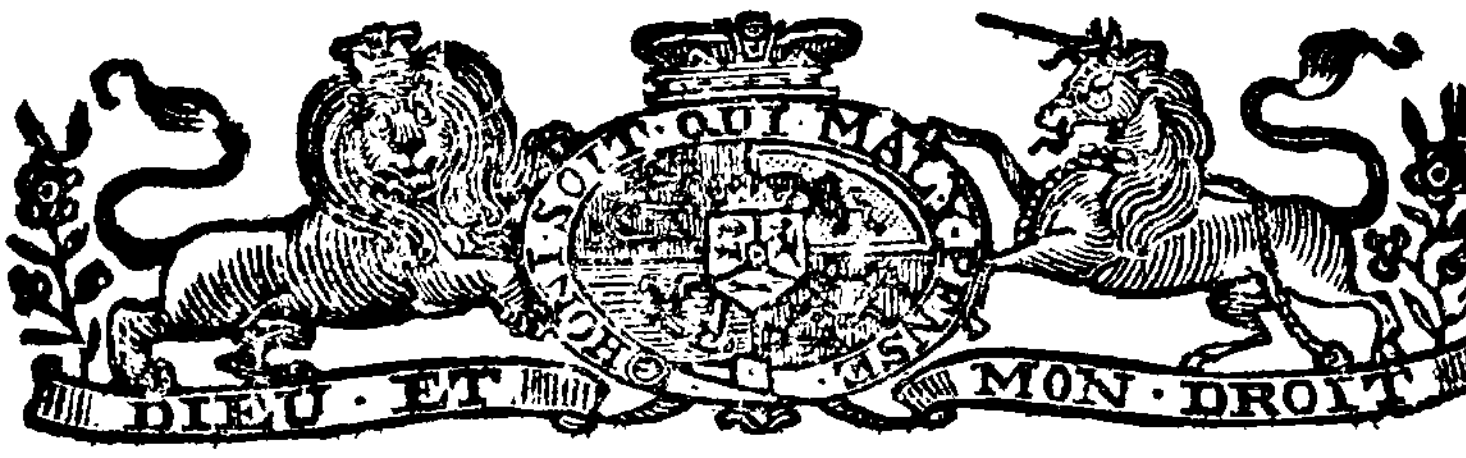


ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

****

C A P. XLVI.

An Act to amend an Act paſſed in the Forty-eighth Year of the Reign of His preſent Majeſty, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England.

[2d *May* 1815.]

48 G.3. c.96.

WHEREAS an Act was made in the Forty-eighth Year of the Reign of His preſent Majeſty, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England: And whereas it is expedient that the ſaid Act ſhould be amended; 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 every Caſe in which it ſhall have been or may hereafter be determined that a Lunatic Aſylum ſhall be erected under the Proviſions of the ſaid recited Act, it ſhall be lawful for the Juſtices of the Peace acting in and for the County or united Counties at whoſe Expence ſuch Lunatic Aſylum ſhall have been or ſhall be erected, annually, at the *Michaelmas* General Quarter Seſſions of the Peace to be held for ſuch County or Counties reſpectively, or, in Counties where Annual General Seſſions have been fixed by Law, at ſuch Annual General Seſſions to elect the Members of the Committee of Viſiting Juſtices, for the Building, Erection, and Management of ſuch Aſylum; and that it ſhall be lawful for the Juſtices of the Peace acting in and for ſuch County or Counties, or the major Part of them, ſuch major Part

Committee of Viſiting Juſtices of Lunatic Aſylums to be elected annually.

Vacancies to be filled up.

Part not being leſs then Seven, aſſembled at any Annual General or Quarter Seſſions of the Peace to be held for ſuch County or Counties reſpectively, or any Adjournment thereof, to fill up any Vacancy in the Number of Viſiting Juſtices ſo appointed as aforeſaid, that may have occurred by the Death or Reſignation of any ſuch Viſiting Juſtice.

In caſe ſuch Election be neglected the Viſiting Juſtices continuing to act deemed the Committee.

II. And be it further enacted, That if the Juſtices aſſembled at the *Michaelmas* General Quarter Seſſions of the Peace, or Annual General Seſſion in any Year, ſhall omit or neglect to make ſuch Election as aforeſaid, or if the Juſtices aſſembled at any Annual General or Quarter Seſſions, or any Adjournment thereof, ſhall neglect or omit to fill up any Vacancy that may have occurred as aforeſaid, the Committee of Viſiting Juſtices before appointed, or ſuch of them as ſhall continue to act, ſhall be deemed and taken to be the legal Committee of Viſiting Juſtices, for the Building, Erection and Management of ſuch Aſylum, until the next *Michaelmas* General Quarter Seſſions of the Peace or Annual General Seſſion.

Subſcribers to Lunatic Aſylums who may unite with any County or Counties annually may elect a Committee of Governors to act with Committee of Viſiting Juſtices.

III. And be it further enacted, That the Subſcribers to any Lunatic Aſylum erected or to be erected by Voluntary Contributions, who may have united or who may hereafter unite with any County or Counties, under the Proviſions of the ſaid recited Act, or the Majority of ſuch Subſcribers preſent at a General Meeting to be held in the Month of *October* in every Year, of which due Notice ſhall be given by public Advertiſement in ſome Newſpaper circulated within the County in which ſuch Lunatic Aſylum ſhall be ſituate, ſhall annually elect their Committee of Governors, Directors or Subſcribers, for the Purpoſe of acting with the Committee of Viſiting Juſtices appointed or to be appointed on behalf of ſuch County or Counties, for the Building, Erection, and Management of ſuch Aſylum, in the Manner preſcribed by the ſaid recited Act; and that it ſhall be lawful for the Subſcribers to any ſuch Aſylum erected or to be erected by voluntary Contributions as aforeſaid, or the major Part of them preſent at any General Meeting to be called for that Purpoſe, of which due Notice ſhall be given as aforeſaid, to fill up any Vacancy in the Number of ſuch Committee of Governors, Directors or Subſcribers as aforeſaid, that may have occurred by the Death or Reſignation of any Member of ſuch Committee.

In caſe of neglect to make Election, the Governors continuing to act ſhall be deemed the Committee.

IV. And be it further enacted, That if no ſuch Annual Meeting as aforeſaid ſhall take place, or the Subſcribers aſſembled at ſuch Meeting ſhall fail to make ſuch Election as aforeſaid, then the Governors, Directors or Subſcribers, before appointed to act with the Committee of Viſiting Juſtices appointed or to be appointed by ſuch County or Counties, for the Building, Erection and Management of ſuch Aſylum, or ſuch of them as ſhall continue to act, ſhall be deemed and taken to be a legal Committee, for the Purpoſe of acting with ſuch Committee of Juſtices as aforeſaid, until the next General Annual Meeting of Subſcribers to ſuch Lunatic Aſylum.

Clerk may convene new Meetings.

V. And be it further enacted, That if any Committee of Viſiting Juſtices, or of Viſiting Juſtices united with any Committee of Governors or Directors of or Subſcribers to any Lunatic Aſylum erected or to be erected by Voluntary Contributions, ſhall neglect to adjourn any Meeting held for the Purpoſes of the ſaid recited Act, or where any unforeſeen Circumſtance ſhall occur, rendering the Meeting of ſuch Committee neceſſary

within the Period to which their Meeting may have been adjourned, it ſhall be lawful for the Clerk to ſuch Committee to convene a new Meeting, by a Circular Letter to each Member of ſuch Committee, informing him of the Time and Place of ſuch Meeting, Ten Days at leaſt before the ſame ſhall be held.

Juſtices to fix Sums to be expended in Purchaſe of Lands, Houſes, &c. or in erecting Buildings.

VI. And be it further enacted, That in every Caſe in which a Lunatic Aſylum ſhall have been or ſhall hereafter be erected by any County under the Proviſions of the ſaid recited Act, it ſhall be lawful for the Juſtices of the Peace of ſuch County, or the major Part of them (ſuch major Part not being leſs than Seven) aſſembled at any Annual General or Quarter Seſſions of the Peace or any Adjournment thereof to be held for ſuch County, from Time to Time to fix and limit the Sums which may be expended on the Purchaſe of Lands or Houſes, or in the Erection of New Buildings, or in the Extenſion or Alteration of exiſting Buildings for the Purpoſe of ſuch Lunatic Aſylum, or the Yards, Outlets or Courts thereunto belonging, as well on the firſt Eſtabliſhment of ſuch Lunatic Aſylum, as at any Time during its Continuance; and it ſhall not be lawful for the Committee of Viſiting Juſtices appointed for the Building, Erection and Management of ſuch Aſylum, to enter into any Contract or Contracts for the Purchaſe of Lands or Houſes, or for the Erection of New Buildings, or for the Extenſion or Alteration of exiſting Buildings for the Purpoſe of ſuch Lunatic Aſylum, or the Yards, Outlets and Courts thereunto belonging, at a Sum or Sums which may in the whole exceed the Sums ſo from Time to Time limited and appointed by the Juſtices aſſembled in Seſſions as aforeſaid; and no Contract ſo entered into by ſuch Viſiting Juſtices ſhall be held to be valid or legal.

Weekly Rate for Paupers may be increaſed by Juſtices.

VII. And whereas it is in the ſaid recited Act enacted, That the Weekly Rate to be fixed by the Committee of Viſiting Juſtices, to be paid for each Pauper confined in any Lunatic Aſylum, ſhall in no Caſe exceed Fourteen Shillings per Week: And whereas it may be neceſſary that ſuch Weekly Rate ſhould, in certain Caſes, be increaſed; be it further enacted, That it ſhall be lawful for the Juſtices of the Peace acting in and for any County at whoſe Expenſe any Lunatic Aſylum ſhall have been or ſhall be hereafter erected, or the major Part of them aſſembled at any Annual General or Quarter Seſſions of the Peace to be held for ſuch County, or any Adjournment thereof (ſuch major Part not being leſs than Seven) to make ſuch Addition to ſuch Weekly Rate as to them ſhall ſeem fit and neceſſary, and to make an Order accordingly; which Order ſhall be ſigned by the Clerk of the Peace, or his Deputy, on behalf of the Court, and forthwith publiſhed in ſome Newſpaper circulated within the County; and ſuch additional Rate ſhall be paid by the Overſeers of the Poor of the Pariſhes, Townſhips or Places, to which the Lunatics in ſuch Aſylum reſpectively belong, in the ſame Manner as is provided by the ſaid recited Act with regard to the Weekly Rate from Time to Time to be fixed on by the Viſiting Juſtices for the Maintenance, Medicine, Cloathing, and Care of ſuch Lunatics.

Overſeers of Poor to return Liſts of all Lunatics and Idiots

VIII. And be it further enacted, That it ſhall be lawful for the Juſtices of the Peace acting in and for any County, at their ſeveral Petty Seſſions, to iſſue their Warrants to the Overſeers of the Poor of the Pariſhes, Townſhips and Places within their ſeveral Subdiviſions, to return true Liſts of all Lunatics

within their respective Parishes, verified on Oath, and accompanied with Certificate from a Medical Practitioner.

Lunatics and dangerous Idiots, being Paupers, within their respective Parishes, specifying the Name, Sex, and Age, of each Lunatic and Idiot, and whether such Lunatics be dangerous or otherwise; and for what Length of Time such Lunatics shall have been disordered in their Senses; and the Overseers of the Poor of the Parishes aforesaid shall, on the Receipt of such Warrants, forthwith prepare and return such Lists accordingly; and such Lists shall be verified on Oath before the Justices of the Peace at their Petty Sessions as aforesaid, and accompanied with a Certificate from a Medical Practitioner, as to the State and Condition of each Lunatic or dangerous Idiot; and any Overseer of the Poor to whom any such Warrant shall have been directed and delivered, who shall refuse or neglect to prepare such List, or to return the same at the Time and Place by such Warrant fixed, with such Certificate as aforesaid, or to verify such List on Oath, shall for every such Offence be subject to such Fine as Overseers of the Poor and other Parish and Peace Officers are subject for neglect of Duty, under an Act passed in the Thirty-third Year of His present Majesty's Reign, intituled *An Act to authorize Justices of the Peace to impose Fines on Constables, Overseers, and other Peace or Parish Officers for neglect of Duty, and on Masters of Apprentices for ill Usage of such their Apprentices; and also to make Provision for the Execution of Warrants of Distress granted by Magistrates;* and such Fine shall be imposed, levied and enforced in the Manner in the said Act directed; and the Justices aforesaid shall cause the said Lists to be forthwith transmitted to the Clerk of the Peace, or his Deputy, to be by him laid before the Justices of the Peace acting in and for such County, at their next General Quarter Sessions of the Peace or General Annual Session: And it shall be lawful for such Overseers of the Poor to defray the necessary Expences of the Examination of such Lunatics or dangerous Idiots, by a Medical Practitioner, out of the Poor Rates of the Parishes to which such Lunatics or Idiots respectively belong; or where the legal Settlement of any such Lunatic or Idiot shall not have been ascertained, then out of the Poor Rates of the Parish in which such Lunatic or Idiot shall reside.

Lists to be laid before General Quarter Sessions.

Expences of Examination of Lunatics, &c. to be paid by Parishes.

Visiting Justices may discharge Lunatics.

IX. And whereas it may happen, that Lunatics, by the Provisions of the Laws now in force, may be unnecessarily detained in any Lunatic Asylum after their Recovery, during the Intervals of Meetings of the Committee of Visiting Justices, or by reason of the Non-attendance of a sufficient Number of Visiting Justices, at any Meeting of such Committee; be it further enacted, That it shall be lawful for any Two Visiting Justices at any Time, by and with the Advice and Consent of the Medical Superintendent of such Asylum, to discharge from such Asylum any Lunatic confined therein, whose perfect Recovery may be certified by the said Medical Superintendent.

Returns to be taken on the last Returns of Population.

X. And whereas it is enacted by the said recited Act of the Forty-eighth Year of His present Majesty's Reign, that where any Two or more Counties shall think fit to unite, the Proportion of the Expences necessary for carrying into Execution the Purposes of the said Act, to be charged and assessed upon the several Counties so uniting, shall be calculated upon the Numbers of the respective Population of the said several Counties, as stated in the Returns made in pursuance of 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*

41 G. 3. Sess. 1. c. 15.

tion thereof; be it hereby further enacted, That in all Cases of the Union of any Two or more Counties, or of the Union of any Place or Places of distinct Jurisdiction with any such County or Counties, the Proportion of the Expenses necessary for carrying into Execution the Purposes of the said recited Act, or of an Act passed in the Fifty-first Year of the Reign of His present Majesty, intituled *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, or of this Act, shall be calculated upon the Numbers of the respective Population of the said several Counties and Places as shall have been stated in the last Returns of the said Population, which shall have been made under the Authority of Parliament previous to the Union of such Counties. 51 G. 3 c. 79.

XI. Provided always, and be it further enacted, That the Number of Visitors to be appointed by any such Place of distinct Jurisdiction so uniting with any County or Counties, shall bear the same Proportion to the Number of Visiting Justices appointed by such County or Counties, as the Population of such Place shall bear to the Population of such County or Counties, and shall in no Case exceed such Proportion. Limiting the Number of Visitors.

XII. Provided always, and be it further enacted, That whenever and so often as it shall appear to the Justices of the Peace acting in and for any County or Counties at whose Expence any Lunatic Asylum shall have been erected, or the major Part of them, such major Part not being less than Seven, assembled at any General Quarter Sessions of the Peace or General Annual Session, that the Space within such Asylum is more than sufficient for the Accommodation of Lunatics, being Paupers, within the District or Districts for which such Asylum shall have been built, it shall and may be lawful for such Justices so assembled to make Order for the Admission of so many Lunatic Patients as to them shall seem expedient, not being Pauper or Criminal, or being Paupers but belonging to any other County, or to any Parish, Township or Place within the County or Counties by which such Asylum shall have been erected, which may be exempt from contributing to the County Rate of such County or Counties, and which shall not have united with such County or Counties, or contributed to the Expence of such Erection, under the Conditions and Regulations following, that is to say, That no such Lunatic Patient shall be admitted into such Asylum without an Order signed by one Visiting Justice, directed to the Governor or Superintendent of such Lunatic Asylum, nor without the Certificate in Writing of a regular Practitioner in Medicine, certifying the Lunacy of such Patient, nor without an Undertaking signed by Two substantial Householders, or the Minister and One of the Churchwardens, or One of the Overseers of the Poor of the Parish or Place within which such Lunatic shall be resident at the Period of Application made for the Admission of such Patient into such Asylum, for the due Payment of the Weekly Allowance and other Expences contingent upon the Maintenance and Care of such Lunatic, during the Time of his or her Continuance in such Asylum, as well as for the Removal of such Lunatic from such Asylum, within Three Days after due Notice given in Writing by the Governor or Superintendent of such Asylum, by the Order of One or more Visiting Justice of such Asylum, under the Penalty of Fifty Pounds, to be recovered and applied as other Penalties are directed to be recovered and applied by virtue of this or any other Acts of Parliament, passed for the building When any Asylum can accommodate more Lunatics, Magistrates may order an Addition under certain Regulations.

building and maintaining of Aſylums for the Reception of Pauper Lunatics: Provided always, that the Weekly Proviſion for the Maintenance of ſuch Patients, not being Paupers, ſhall be fixed by the Viſiting Juſtices, at ſuch Rate, as ſhall in their Judgment be ſufficient to cover every Expence liable to be incurred for or on account of each ſuch Patient reſpectively; and that in no Caſe ſuch Weekly Proviſion ſhall be fixed at a Sum leſs than a Sum exceeding by One-third the Weekly Sum paid at ſuch Time by the Pariſhes within ſuch Diſtrict or Diſtricts, for the Maintenance of the Patients thereto belonging reſpectively, together with ſuch extra Charge for Clothing and Medicine, as may be incurred during the Continuance of ſuch Patient in ſuch Aſylum, under the Sanction of the Viſiting Juſtices thereof.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1815.