

ANNO QUINTO

GEORGII IV. REGIS.

****

CAP. LXXI.

An Act to amend several Acts passed for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in *England*. [17th *June* 1824.]

WHEREAS an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in* England: And whereas another Act was passed in the Fifty-first Year of the Reign of His said late 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: And whereas another Act was passed in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *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:' And whereas another Act was passed in the Fifty-sixth Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Thirty-ninth and Fortieth Year of the Reign of His present Majesty, for the safe Custody of Insane Persons charged with Offences:* And whereas another Act was passed in the Fifty-ninth Year of the Reign of His late Majesty, intituled *An Act for making Provision for the better Care of Pauper Lunatics in* England: And whereas it is expedient that the said Acts should be amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the

48 G. 3. c. 96.

51 G. 3. c. 79.

55 G. 3. c. 46.

56 G. 3. c. 117.

59 G. 3. c. 127.

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Order or Determination to be made at any Meeting of the Visiting Justices which shall be held under or by virtue of the said recited Acts, or any of them, or this Act, shall be made or entered into, unless the major Part of the Justices present at such Meeting shall concur therein, nor unless due Notice of such Meeting shall have been previously given, according to the Provisions of the said recited Acts, or according to the Rules and Regulations made by the Visiting Justices; and that all Acts, Orders, and Proceedings, which by the said recited Acts or any of them, or by this Act, are directed to be had, made, done, or exercised by or before the said Visiting Justices, and all the Powers and Authorities by such Acts or any of them, or by this Act, vested in them generally, shall and may be had, made, done, and exercised by the major Part of such Justices present at the respective Meetings to be held by virtue of the said recited Acts and this Act, the whole Number present not being less than Three; and all Acts, Orders, and Proceedings, had, made, done, or exercised by or before such Three Visiting Justices, shall have the same Force and Effect, and be binding and conclusive on all Parties, to all Intents and Purposes whatever, and as fully and effectually as if the same were had, made, done, or exercised by or before the major Part of all the said Visiting Justices so appointed.

No Order to be made by Visiting Justices, unless the major Part of Justices present concur therein.

II. And whereas Doubts may arise in Cases where Two Counties may have united, or in Cases where the Justices of the Peace of any County may have united with the Subscribers to any Institution for the Care of Lunatics established by voluntary Contribution, for the Purpose of erecting a Lunatic Asylum, whether the Number of Visiting Justices or Visitors of such Asylum can from Time to Time be increased; be it further enacted, That it shall and may be lawful for the Number of Visiting Justices, or Visitors of such Asylum, to be increased from Time to Time, notwithstanding the Terms of any original Agreement between such Counties, or between such Justices of any County and the Subscribers to any such Institution, due regard being always had in making such Augmentation to the Proportion originally established between such Visiting Justices or Visitors as aforesaid; and any such additional Number of Visiting Justices or Visitors as may be agreed on shall be appointed in the same Manner, and by the same Authorities, as Vacancies in the Number of such Visiting Justices or Visitors may be supplied by any Law now in force.

In Cases where Two Counties have united, &c. the Number of Visiting Justices or Visitors may be increased from Time to Time, notwithstanding any original Agreement.

III. And be it further enacted, That in any Case in which a Lunatic or dangerous Idiot, whose Settlement, by reason of the Lunacy of such Person, cannot be ascertained, shall be by the Order of Two Justices confined in any Lunatic Asylum, it shall and may be lawful for any Two Justices acting in and for the County in which such Asylum shall be situated, at any Time to examine into the legal Settlement of such Lunatic or dangerous Idiot; and if satisfactory Evidence can be obtained as to such Settlement, it shall and may be lawful for such Justices to adjudge the last legal Settlement of such Lunatic to be in such Parish or Place as may on such Evidence appear

Two Justices may make an Order on the Overseers of the Parish where the Settlement of any Lunatic is adjudged to be, for a Weekly Sum for such

appear to him to be the Place of such legal Settlement, and forthwith to make an Order on the Overseers of the Poor of such Parish or Place to pay such Weekly Sum to the Treasurer of such Asylum as shall have been fixed by the Visiting Justices as a fit Rate for the Maintenance, Medicine, Clothing, and Care of Lunatics confined in such Asylum. Lunatic's Maintenance.

IV. Provided always, and be it further enacted, That if the Overseers of the Poor of any Parish or Place shall feel themselves aggrieved by any such Order as aforesaid, it shall be lawful for them to appeal, at the next General Quarter Sessions of the Peace for the County in which such Lunatic Asylum shall be situated; and the Justices at such Sessions shall hear and determine the Matter of such Appeal, as in Cases of Appeals against Orders of Removal, and award such Costs to either Party as to them shall seem just and reasonable; and in case the Settlement of any Lunatic respecting whom such Order shall have been made, shall be then and there determined not to be in the Parish or Place on whom such Order shall have been made, then such Costs shall be paid by the Treasurer of the County or united Counties at whose Expence such Lunatic Asylum shall have been erected. Appeal may be made to Quarter Sessions.

V. And whereas it is by the said recited Acts enacted, that the Visiting Justices shall from Time to Time fix a certain Weekly Rate to be paid for each Person confined in every such Asylum as is authorized by the said recited Acts to be established, which Rate 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: And whereas it is by the said recited Acts of the Forty-eighth and Fifty-ninth Years of the Reign of His said late Majesty enacted, that the Justices acting for the Division of the County where such Parish for which any Pauper Lunatic has been directed and conveyed to such Lunatic Asylum shall be situated, shall from Time to Time make Order on the Overseers of such Parish, for the Payment of all reasonable Charges of conveying such poor Person to such Asylum, and for the Weekly Payment to the Treasurer thereof of such Sums as the Visiting Justices of such Asylum shall have fixed: And whereas it is expedient that better Provision should be made for the Recovery of such Sums; be it therefore further enacted, That if the Overseers for the Time being of such Parish, upon whom such Order shall be made, shall for the Space of Twenty Days after due Notice of such Order refuse or neglect to pay the Sums so ordered to be paid, the same shall be recovered by Distress and Sale of the Goods of such Overseers so refusing or neglecting, or of any of them, by Warrant under the Hands and Seals of any Two Justices of any such respective Counties. Visiting Justices may fix Weekly Rate for Maintenance of Insane Persons, and give Order for Recovery thereof.

VI. And be it further enacted, That all Provisions, Directions, Clauses, Matters, and Things whatever, in this Act or any of the said recited Acts 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, Provisions, &c. of this Act relating to Counties, to extend to Ridings, Divisions, &c.

Parishes, shall extend and be construed to extend to all Villages, 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.

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