ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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C A P. XLIII.

An Act for the Amendment of the Laws relating to the Provision and Regulation of Lunatic Asylums for Counties and Boroughs in *England*. [25th *June* 1847.]

8 & 9 Vict. c. 126.

WHEREAS by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in* England, it was among other things enacted, that the Justices of every County and Borough which had no Asylum for the Pauper Lunatics thereof should, after the passing of the said Act, either erect or provide an Asylum for the Pauper Lunatics of such County or Borough alone, or should unite with some County or Borough (whether such last-named County or Borough should or should not have a Lunatic Asylum), or with the Subscribers to some Lunatic Asylum theretofore established by voluntary Subscriptions, in erecting or providing an Asylum for the Pauper Lunatics of such County or Borough: And whereas Doubts have been entertained whether the above-mentioned Provisions extend to the Case of more than Two Counties or Boroughs uniting with each other, or with each other and with the Subscribers to a Lunatic Asylum, for the Purpose aforesaid, and it is desirable that such Doubts should be removed: And whereas it is expedient that the Provisions of the said Act should be extended to the Case of Counties or Boroughs uniting for the Purpose aforesaid with the Subscribers to a Lunatic Asylum, although the same may not have been actually established before the passing of the said Act; and it is expedient that the said Act should be in other respects amended: Be it

 enacted

Recited Act to extend to Cases of more than Two Counties or Boroughs uniting for the Purpose of establishing a Lunatic Asylum, or to their uniting with Subscribers to a Lunatic Asylum not theretofore established.

enacted by the Queen'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 the said recited Act shall be deemed and taken to have authorized and empowered and to authorize and empower the Justices of any County or Borough to unite for the Purposes of the said Act as follows; (that is to say,) any One or more County or Counties may be united either alone or with any One or more Borough or Boroughs, and any One or more Borough or Boroughs may be united either alone or with any One or more County or Counties, and any One or more County or Counties, and One or more Borough or Boroughs, whether united or not, may unite with the Subscribers to any Lunatic Asylum established or in course of Erection, or afterwards to be established, by voluntary Subscriptions, in erecting or providing an Asylum for the Pauper Lunatics of all or any of such Counties or Boroughs, whether such Union shall have taken place or shall take place at one and the same Time or at different Times.

Powers, &c. given by recited Act to extend to this Act.

II. And be it enacted, That all the Powers and Authorities, of what Nature or Kind soever, contained in the said recited Act, or any Act amending the same, except as hereby expressly altered, shall extend to every Matter and Thing to be done under or by virtue of this Act.

Former Proceedings by Justices, &c. declared valid.

III. And be it enacted, That all Agreements, Acts, and Proceedings entered into, done, or had before the passing of this Act, and notwithstanding any Error or Omission whatsoever, shall be and the same are hereby declared to be valid, binding, and effectual, to all Intents and Purposes whatsoever, and in all respects, as if the Provisions of the said Act had been strictly complied with.

Where by the subsequent Union of additional Counties or Boroughs the Proportion of Expences to be borne by those already united is less than that specified in their Agreement, the Agreement to be valid so as to authorize the raising of the smaller Amount.

IV. And be it enacted, That where any Agreement for an Union has been made or shall be hereafter made, and in such Agreement the Proportion in which the Expences necessary for carrying into execution the Powers and Purposes of the said recited Act or of this Act were or are to be charged and assessed upon the several Counties and Boroughs and Subscribers so uniting shall have been or shall be specified, in pursuance of the Directions of the said recited Act, but by reason of some other Union the Proportions of Expences to be charged and assessed as aforesaid shall have been or shall be altered and diminished, the Agreement for such Alteration and Diminution shall nevertheless be deemed and taken to be valid, and to authorize and empower the Justices of every such County at the General or Quarter Sessions for the same, or the Council of every such Borough, to raise and levy, by the Ways and Means mentioned in the said recited Act, or any Act amending the same, such smaller Proportion and Sums of Money as shall under the Circumstances aforesaid be necessary for carrying into effect the Provisions of the said recited Act and of this Act.

Where a County or Borough unites with others, &c., a Proportion of Expences assessed upon it to be paid to the

V. And be it enacted, That when, in the Case of any such Union as aforesaid, any Monies shall become repayable to any County or Borough by reason of the Addition thereto of any other County or Borough or Subscribers, then such Excess shall be repaid to the respective Treasurers of such Counties or Boroughs according to the Proportions in which the original Sums were contributed, and shall be applied in Liquidation and Payment, *pro tanto*, of the Monies which shall have been raised and levied by such Counties and Boroughs,

Boroughs, for the Purposes and under the Powers of the said recited Act, or of any Act amending the same, or of this Act, in such Manner as the Justices of any such County at any General or Quarter Sessions for the same, or the Council of any such Borough, shall respectively order and direct; or if all such Monies shall have been paid, then the same shall be applied in diminution of any Rate to be made in pursuance of the said recited Act, or any Act amending the same.

Treasurers of the other Counties, &c. pro ratâ, and applied in liquidation of previous Charges.

VI. And be it enacted, That where any Union shall have been made before the passing of the said recited Act, or where any Union comprising more than Two Counties or Boroughs shall be made after the passing of this Act, and by the Agreement thereupon made and entered into the Number of Visitors for any County or Borough has been or shall be fixed at less in the Case of a County than Seven, or in the Case of a Borough than Three, such Agreement shall and is hereby declared to be valid to all Intents and Purposes, any thing in the said recited Act to the contrary notwithstanding; and in case such Union shall hereafter be joined by any other County or Borough, it shall be lawful, in the Agreement to be thereupon made and entered into, to fix a less Number of Visitors for any such County than Seven, and for any such Borough than Three.

Regulating Number of Visitors where Counties or Boroughs have united, and have been joined by any other County or Borough since the passing of this Act.

VII. And be it enacted, That where any Union has been or shall be made for the Purposes of the said recited Act, it shall not be necessary, after the passing of this Act, that the Plans, Estimates, Contracts, and Agreements for Purchase, or any of them, shall be submitted for or be subject to the Approbation of the Court or Courts of General or Quarter Sessions of the County or Counties, or the Justices of the Borough or Boroughs, uniting, before the same shall be completed or carried into execution; provided that the Sum to be so expended shall not exceed an Amount previously authorized by the said Court or Courts of General or Quarter Sessions.

Plans, Estimates, &c. not to be subject to the Approbation of Quarter Sessions of Counties, &c. before they are carried into execution.

VIII. And be it enacted, That, notwithstanding the Provisions of the said recited Act, it shall not be necessary to specify in the Agreement to be executed in pursuance thereof the Numbers of every Committee of the County or Counties, Borough or Boroughs, or Subscribers, uniting, but that the said Agreement may be entered into in the Form or to the Effect of the Agreement in Schedule (A.) to the said Act annexed, except that it shall not be necessary that such Agreement should be under the Seals of the Parties signing the same, any thing in the said Act to the contrary notwithstanding.

Agreements to be entered into in the Form in Schedule (A.) of recited Act, except, &c.

IX. And be it enacted, That all Proposals, Agreements, Contracts, and Plans made or to be made in pursuance and execution of the said recited Act or of this Act, which shall have been or shall be approved of by One of Her Majesty's Principal Secretaries of State under his Hand, shall be deemed and are hereby declared to be valid, binding, and effectual, although the same shall not have been or may not be submitted to and approved by such Secretary of State until after the signing and Execution thereof by any Committee of Justices or Visitors.

Proposals, Agreements, &c. approved by the Secretary of State, after their Execution by Justices, &c., to be valid.

X. And be it enacted, That when any Committees of Justices elected and appointed, or of Subscribers appointed, as in the said Act is mentioned, shall have agreed or shall agree to unite for the Purposes of the said Act, it shall be lawful for such Committees to

Committees of Justices, &c. may insert additional Stipulations or

Conditions in Form of Agreement in Schedule (A.); but Acts of Visitor not to be subject to Control of General or Quarter Sessions.

to insert in the Form of Agreement set forth in the Schedule (A.) annexed to the said Act any Stipulations or Conditions, in addition to the Matters by the said Act required to be specified in such Agreement, so that such additional Stipulations or Conditions do not in any way subject the Acts of the Committee of Visitors to the Approval or Control of any Court of General or Quarter Sessions, or of any Justices, in any Case not provided for by the said Act as amended by this Act; and the additional Stipulations and Conditions so inserted in the said Agreement shall be of the same Force and Effect as the Matters so required to be specified, notwithstanding that such additional Stipulations or Conditions may control, in any other Manner than is herein-before specified and excepted, the Discretion and Acts of the Committee of Visitors as regulated by the said Act, or may require the Consent or Approval of, or may subject the Acts or Orders of the Visitors to be disallowed, modified, or controlled by One of Her Majesty's Principal Secretaries of State in Cases not provided for by the said Act; but any Stipulations or Conditions subjecting the Acts of the Committee of Visitors to the Approval or Control of any Court of General or Quarter Sessions, or of any Justices, in any Case not provided for by the said Act as amended by this Act, shall be void and of none Effect.

With Consent of Visitors, additional Stipulations or Conditions may be repealed.

XI. And be it enacted, That, with the Consent in Writing under the Hands of the greater Number of Visitors of each County, Borough, or Body of Subscribers united for the Purposes of the said Act, and with the previous Consent in Writing under the Hand and Seal of One of Her Majesty's Principal Secretaries of State, the Committee of Visitors may from Time to Time repeal or alter any of the said additional Stipulations or Conditions inserted in the said Agreement.

Persons lending Money on Mortgage of Rates, &c. not bound to give Proof that Notices have been given, &c.

Power to Justices, &c. to levy Rates so mortgaged.

XII. And be it enacted, That the several Persons lending Money for the Purposes of the said Act shall not be bound to require Proof that the several Provisions of the said Act or of this Act, or of any Act amending the same, have been duly complied with; and that if there be an Order of the Justices of any County in General or Quarter Session, or of the Council of any Borough, making Application for the Loan, and any Mortgage be thereupon duly executed as by the said recited Act is provided, the Justices or Council (as, the Case may be) shall have full Power to levy the Rates so mortgaged, for Repayment of the Money so borrowed, with Interest, notwithstanding that the Provisions of the said recited Act, or any Act amending the same, may not have been complied with; and it shall not be competent to any Rate-payer or other Person to question the Validity of any such Rate or Mortgage on the Ground that the aforesaid Provisions had not been complied with.

Act to be construed with 8 & 9 Vict. c. 126.

XIII. And be it enacted, That this Act shall be construed and read with and as Part of the said recited Acts.

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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