CAP. CV.

An Act to amend the Lunatic Asylums Act, 1853, and the Acts passed in the Ninth and Seventeenth Years of Her Majesty, for the Regulation of the Care and Treatment of Lunatics. [14th *August* 1855.]

BE it 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, as follows:

Any County or Borough may unite with the Subscribers to a Hospital, and any Committee of Visitors of an existing Asylum may so unite.

I. Section Three of the Lunatic Asylums Act, 1853, shall extend to empower the Justices of any One County or Borough to authorize any Committee of Justices elected for such County or Borough thereunder to treat and enter into an Agreement for uniting with the Subscribers to any such Hospital as therein mentioned, and it shall not be necessary that any other County or Borough be a Party to such Agreement; and Section Five of the said Act shall extend to empower any such Committee of Visitors as therein mentioned to enter into an Agreement for uniting with the Subscribers to any such Hospital alone.

The Proportion of Expenses between any County and Borough may be fixed with reference to Accommodation likely to be required.

II. When Two or more Committees agree to unite under the Lunatic Asylums Act, 1853, or under that Act as amended by this Act, the Proportion in which the Expenses of carrying into execution the Purposes of the said Act shall be charged upon and raised by each County and Borough so uniting may be calculated and fixed according to the Extent of the Accommodation which in the Judgment of the Committees entering into such Agreement will be required for the Pauper Lunatics of such County and Borough respectively; and the Power in Section Sixteen of the Lunatic Asylums Act, 1853, of repealing or altering the Stipulations of any Agreement for uniting, shall extend to authorize the Alteration thereof by readjusting the Proportions in which the Expenses aforesaid shall be charged on each County and Borough and the Subscribers (if any) uniting, or any of the said Parties, and, where the Committee of Visitors think fit, by fixing as aforesaid, according to the probable Extent of Accommodation required, the Proportion in which each County and Borough is to contribute to such Expenses; and where the Proportions of any Contributions are fixed according to the probable Extent of Accommodation required as aforesaid the Agreement shall specify that such Proportions are fixed according to that Basis.

Agreements for uniting to stipulate for Contribution by Counties and Boroughs according to their relative Populations for the Time being, where not fixed according to foregoing Provision.

III. Where an Agreement for uniting is hereafter entered into under the Lunatic Asylums Act, 1853, or under that Act as amended by this Act, and the Proportion in which the Expenses of carrying the Purposes of the said Act into execution are to be charged upon each County and Borough is not fixed, under the foregoing Provision, with reference to the probable Extent of Accommodation required, the Agreement shall stipulate that such Expenses, or, where any Committee of Subscribers of a Lunatic Hospital are a Party to the Agreement, then that the aggregate Amount to be contributed by the Counties and Boroughs towards such Expenses shall be from Time to Time charged upon and raised by the Counties and Boroughs in proportion to their respective Populations as stated in the last Return for the Time being made of the same under the Authority of Parliament, and such Agreement shall be varied from the Form in Schedule (A.) to the Lunatic Asylums Act, 1853, accordingly.

Where Expenses are to be contributed in proportion to Population, the same to be ascertained by last Census for the Time being.

IV. Where an Agreement for uniting has been already entered into under the Lunatic Asylums Act, 1853, or any former Act, the Expenses of carrying into execution any such Act, or, where any Committee of Subscribers is a Party to the Agreement, the aggregate Amount to be contributed by such Counties and Boroughs, shall be from Time to Time charged upon and raised by the Counties and Boroughs united in proportion to their respective Populations as stated in the last Return for the Time being made of the same under the Authority of Parliament, save where such Expenses are adjusted and fixed under the foregoing Provision according to the probable Extent of Accommodation required.

Where there is a Dissolution of a Union a new Asylum to be provided.

V. To the Intent that due Provision may be made for the Reception and Care of the Pauper Lunatics of Counties and Boroughs Parties to Unions upon the Dissolution of such Unions, the Justices of every County and Borough united (either alone or with any Subscribers) shall, before any Dissolution of their Union takes effect, at a General or Quarter

Quarter Sessions for such County, or at a Special Meeting of the Justices of such Borough, (as the Case may require,) elect a Committee to provide an Asylum for their County or Borough, and authorize such Committee to proceed for that Purpose in manner by the Lunatic Asylums Act, 1853, provided in the Case of a County or Borough not having an Asylum; and all the Provisions of the said Act and this Act applicable to a Committee elected to provide an Asylum in the Case of a County or Borough not having an Asylum shall be applicable to the Committee elected under this Provision.

Provisions to apply to Councils of Boroughs where they have taken upon themselves the Execution of the Lunatic Asylums Act, 1853.

VI. Where the Council of a Borough has taken upon itself, under the Lunatic Asylums Act, 1853, or the Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and Twenty-six, the Duties, Powers, and Authorities imposed or conferred upon or given to the Justices of the Borough, such Council shall be subject to and have and exercise the Duties, Powers, and Authorities by this Act imposed or conferred upon the Justices of a Borough, or any Committee elected by them; and such Council may confer upon any Committee appointed by them such of the said Duties, Powers, and Authorities as under this Act are or may be conferred upon a Committee elected by the Justices of a Borough; and where the Council of a Borough had before the Commencement of the Lunatic Asylums Act, 1853, taken upon itself under the said Act of the Eighth and Ninth Years of Her Majesty, Chapter One hundred and twenty-six, the Duties, Powers, and Authorities imposed or conferred upon or given to the Justices of the Borough, such Council shall, from the Commencement of the Lunatic Asylums Act, 1853, be deemed to have been subject to and to have had the Duties, Powers, and Authorities by that Act imposed or conferred upon the Justices of a Borough, or any Committee elected by them, and to have been authorized to confer upon any Committee appointed by such Council such of the said Duties, Powers, and Authorities as under such Act may be conferred upon a Committee elected by the Justices of a Borough.

Places becoming Boroughs after the Commencement of the Lunatic Asylums Act, 1853, to be deemed Boroughs annexed to the Counties in which they are situate.

VII. Any Place which has become a Borough within the Definition contained in Section One hundred and thirty-two of the Lunatic Asylums Act, 1853, since the Commencement of that Act, shall, from and after the passing of this Act, be deemed to be a Borough annexed to the County in which the same is situate, and any Place which after the passing of this Act becomes a Borough within such Definition shall, from and after the Time of becoming such Borough, be deemed a Borough so annexed, and the Provisions contained in Section Nine in the Lunatic Asylums Act, 1853, for the Appointment of Two Justices of a Borough annexed thereunder to a County to be Members of the Committee of Visitors of the Asylum of such County, and in relation to the Contribution by such Borough to the Expenses of the Asylum of such County, shall extend to any Borough annexed under this Enactment.

Powers given by Sect. 77. of Lunatic Asylums Act, 1853, to Visitors of an Asylum to order Removal of Pauper Lunatics extended.

VIII. The Power given by Section Seventy-seven of the Lunatic Asylums Act, 1853, to any Two of the Visitors of any Asylum, being Justices, to order any Pauper Lunatic chargeable to any Parish or Union within the County or Borough, or any County or Borough to which such Asylum wholly or in part belongs, or to any such County, and who may be confined in any other Asylum, or in any registered Hospital or Licensed House, to be removed to such first-mentioned Asylum, shall be extended so as to authorize such Visitors to order any Pauper Lunatic chargeable to any Parish or Union within any County or Borough, or to any County for the Reception of the Pauper Lunatics whereof into such first-mentioned Asylum there is a subsisting Contract, and who may be confined as aforesaid, to be removed to such first-mentioned Asylum, and also to order any such Pauper Lunatic as herein-before mentioned to be removed from such first-mentioned Asylum to any Asylum, registered Hospital, or Licensed House, subject nevertheless to the Restriction contained in Section Seventy-eight of the Lunatic Asylums Act, 1853.

Powers of Commissioners, &c. continue applicable to a House which has been licensed after Expiration of

IX. The Powers of the Commissioners and Visitors under the Lunatic Asylums Act, 1853, and the Acts of the Eighth and Ninth Years of Her Majesty, Chapter One hundred, and the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-six, with reference to any licensed House and the Inmates thereof, and all Powers and Provisions of the said Acts having reference to the Discharge, Removal, and Transfer of such Inmates, shall, after the Expiration or Revocation of any Licence granted in respect of such House, continue in force for

for all Purposes, so long as any Lunatics are detained therein, in the same Manner as if the Licence subsisted. Licence, while any Patients are therein.

X. 'Whereas Doubts have been entertained whether under the Forty-second Section 'of the Lunatic Asylums Act, 1853, a Contract for the Reception of Pauper Lunatics 'thereby authorized can be renewed:' Be it declared and enacted, That upon or after the Expiration or other Determination of any Contract for any of the Purposes of the said Section it shall be lawful for every Committee of Visitors, under and subject to the several Provisions of the said Act applicable thereto, from Time to Time to enter into a new Contract for any of the Purposes mentioned in the said Section with the Committee of Visitors of any Asylum, or with the Subscribers to any Hospital registered or the Proprietor of any House licensed for the Reception of Lunatics, and for the Committee of Visitors of any Asylum, or the Subscribers to any registered Hospital or the Proprietor of any licensed House, to contract with any Committee of Visitors accordingly. Contracts under Forty-second Section of Lunatic Asylums Act, 1853, may be renewed.

XI. Where the Visitors of Lunatic Asylums for Counties and Boroughs in *England*, or any of their Officers duly authorized in that Behalf, shall undertake the Burial of any Pauper Lunatic, and the Burial cannot take place in the Parish where the Death shall have taken place by reason of the public Burial Ground of such Parish having been closed, and no other having been provided, or where, in consequence of the crowded State of such Burial Ground, the Visitors as aforesaid are of opinion that the Burial of such dead Body therein would be improper, it shall be lawful to bury such Body in a public Burial Ground of or in some other Parish as near as conveniently may be to the Parish wherein the Death shall have taken place, with the Consent of the Minister and Churchwardens of such Parish: Provided, that in all Cases of Burial under the Direction of the Visitors or their Officers as aforesaid the Fee or Fees payable by the Custom of the Place where the Burial may be, or under the Provisions of any Act of Parliament, shall be paid by the said Visitors for the Burial of each such Body to the Person or Persons who by such Custom or under such Act of Parliament shall be entitled to receive such Fee or Fees. Provision for Burial of Pauper Lunatics.

XII. The Visitors of Lunatic Asylums in *England* may from Time to Time enter into Agreements with the Proprietors of any Cemetery established under the Authority of Parliament, or with any Burial Board duly constituted under the Statutes in that Behalf, for the Burial of the dead Bodies of any Pauper Lunatics which such Visitors may undertake to bury; and thereupon the Burial of any such Body, under the Directions of the said Visitors or their Officer, in such Cemetery, or in the Burial Ground of such Burial Board, shall be lawful: Provided, however, that no such Agreement shall be valid unless made in such Form and with such Stipulations as the Commissioners in Lunacy shall approve. Power to enter into Agreements with Cemetery Company or Burial Board.

XIII. 'And whereas it is expedient that Burial Grounds should be provided for Persons 'dying in any County or Borough Lunatic Asylum built or to be built under the Authority 'of any Act of Parliament for the Reception of Pauper Lunatics:' Be it therefore enacted, That it shall be lawful for every Committee of Visitors of any County or Borough Lunatic Asylum, or for any Trustees or Trustee in whom any Land shall be vested for the Purposes of an Asylum, with the previous Consent of One of Her Majesty's Principal Secretaries of State under his Hand, to give, grant, and convey to Her Majesty's Commissioners for building new Churches, and it shall be lawful for them to accept, any Portion not exceeding Two Statute Acres of any Land which belongs to or has been or may be purchased for any such Asylum, for the Purpose of Consecration as a Burial Ground for Pauper or other Lunatics or Officers or Servants dying in such Asylum, and that in all such Cases the Freehold of every Burial Ground, of which Her Majesty's said Commissioners shall accept a Conveyance under the Provisions of this Act for the Purpose of Consecration, shall, after the same Burial Ground shall have been consecrated, vest in the Visitors or Trustees or Trustee, as the Case may be, for the Time being of the County or Borough Lunatic Asylum to which such Burial Ground shall belong, and be for ever thereafter exclusively appropriated for the Burial of Pauper and other Lunatics dying in such Asylum, and of the Officers and Servants belonging to such Asylum and dying therein; and that from and after the Consecration of such Land the Incumbent of the Parish in which such Burial Ground is situate shall not be entitled to any Fee for the Interment therein of any Pauper or other Lunatic Committee of Visitors may convey Land for Burial Ground for Lunatics, &c., dying in the Asylum.

Lunatic dying in such Asylum, or of any of the Officers and Servants belonging to such Asylum and dying therein.

Pauper Lunatics, whose Settlements cannot be ascertained, where found in a Borough which does not contribute to the County Expenditure, to be chargeable to such Borough.

XIV. 'And whereas Doubts are entertained as to the Chargeability of Pauper Lunatics 'found in Boroughs whose Settlements cannot be ascertained, and it is expedient to remove 'such Doubts:'

Section Three of the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-two, shall be repealed; and where any Pauper Lunatic is not settled in the Parish by which or at the Instance of some Officer or Officiating Clergyman of which he is sent to an Asylum, registered Hospital, or licensed House, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, and such Lunatic was found in a Borough having a separate Court of Quarter Sessions of the Peace, and which is not liable, under the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, Section One hundred and Seventeen, to the Payment of a Proportion of the Sums expended out of the County Rate, such Lunatic may be adjudged to be chargeable to such Borough by any Two Justices of such Borough; and it shall not be lawful for any Justices to adjudge such Lunatic to be chargeable to any County, nor to make any Order upon the Treasurer of any County for the Payment of any Expenses whatsoever incurred or to be incurred in respect of the said Lunatic; and all the Provisions in the Lunatic Asylums Act, 1853, as to the Mode of determining that a Pauper Lunatic is chargeable to a County, and as to the Order to be made for the Maintenance of such Pauper Lunatic, shall extend and be applied to such Borough, as fully and effectually, to all Intents and Purposes, as if all the said Provisions were repeated and re-enacted in this Act, and made applicable to such Borough, in the same Manner in all respects as though for the Purposes of this Provision such Borough were a separate and distinct County.

Seals of Commissioners, Visitors, and Justices, to Orders, &c., dispensed with.

XV. In all Cases in which, under the Lunatic Asylums Act, 1853, or the Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred, or the Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-six, any Order or other Instrument is required to be under the Hand and Seal or Hands and Seals of any Visitor or Visitors, Justice or Justices, it shall be sufficient for such Order or Instrument to be signed only; and all such Orders and Instruments as aforesaid which have been signed before the passing of this Act, and have not had a Seal or Seals affixed to them, as by Law required, shall be and be deemed to have been valid and sufficient to justify any Proceeding thereon or thereunder.

Part of Sect. 6. of 16 & 17 Vict. c. 96. repealed.

XVI. So much of Section Six of the said Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-six, as requires such Assent as therein mentioned of Two of the Commissioners not to be given until after such Commissioners have by personal Examination of the Patient satisfied themselves of his Desire to remain, shall be repealed.

Patient, with Consent, &c. may be sent to any Place for Health.

XVII. The Superintendent of any registered Hospital may, with the Consent in Writing of Two Members of the Committee having the Management or Government of such Hospital, send or take, under proper Control, any Patient to any specified Place for any definite Time for the Benefit of his Health; and any such Consent, and any Consent under Section Eighty-six of the said Act of the Eighth and Ninth Years of Her Majesty, Chapter One hundred, may be from Time to Time renewed and the Place varied.

Detention of Lunatics after Expiration, &c. of Licence a Misdemeanor.

XVIII. If after the Lapse of Two Months from the Expiration of any Licence for the Use of any House for the Reception of Lunatics which has not been renewed, or if after the Revocation of any such Licence there be in any such House Two or more Lunatics, every Person keeping such House, or having the Care and Charge of such Lunatics, shall be guilty of a Misdemeanour.

Act to be read with the Acts amended as One Act.

XIX. This Act, so far as the same amends or affects the said Acts of the Eighth and Ninth Years of Her Majesty, Chapter One hundred, and of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-six, or either of them, shall be read and construed together with the said Acts as One Act, and the Provision contained in Section One hundred and

and six of the said Act of the Eighth and Ninth Years of Her Majesty shall extend to Offences against this Act; and this Act, so far as the same amends or affects the Lunatic Asylums Act, 1853, shall be read and construed therewith as One Act.

CAP. CVI.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. [14th *August* 1855.]

'WHEREAS it is expedient to suspend for a further Period the Ballots for the Militia 'of the United Kingdom:' Be it therefore 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, as follows:

Meetings relating to the Militia of the United Kingdom, and Ballots for such Militia suspended.

I. All General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to procuring any Returns, or preparing or making out Lists of such Militia or any Part thereof, for the Purpose of a Ballot, or relating to balloting for any Militiamen or supplying any Vacancies in such Militia by Ballot, as are or may be directed or authorized by or under any Act of Parliament now in force, shall cease and remain suspended until the First Day of *October* One thousand eight hundred and fifty-six.

Proceedings may be had during such Suspension by Order in Council.

II. Provided always, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in the United Kingdom relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in the United Kingdom; and all the Provisions of the several Acts in force in the United Kingdom relating to the Militia shall, upon any such Order and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

III. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in *Great Britain* under the Authority of One of Her Majesty's Principal Secretaries of State, or in *Ireland* under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

CAP. CVII.

An Act to authorize the Commissioners of the Treasury to make Arrangements concerning a certain Loan advanced by way of Relief to the Island of *Tobago*. [14th *August* 1855.]

'WHEREAS by an Act passed in the Session holden in the Eleventh and Twelfth 'Years of Her Majesty, Chapter Twenty-two, ("for granting Relief to the Island 'of *Tobago*, and for aiding the Colonies of *British Guiana* and *Trinidad* in raising Money 'for

11 & 12 Vict. c. 22.