Sheriff to be reimbursed Expenses of giving special Notices to Jurors.

8. If the Assizes shall close, or be about to close, before the Period for the Attendance of the Second Set of Jurors shall have arrived, it shall be lawful for the Judges or Commissioners of Assize, or One of them, to direct that Notice shall be given by the Sheriff to the Jurors named in the Second Set that their Attendance will not be required; and thereupon the Sheriff, by Letters addressed to the Jurors through the Post Office, and by Publication of Notices in the usual Places for posting Notices in the said County, or in such Manner as such Judges or Commissioners, or One of them, shall direct, shall give Notice to the Jurors in such Second Set that their Attendance will not be required at the Assizes for which they shall have been so summoned; and an Account of all Expenses properly incurred by such Sheriff in the giving of such Notices shall be furnished by such Sheriff to the Secretary of the Grand Jury Ten clear Days before the then next ensuing Assizes; and it shall be lawful for the Grand Jury at such next ensuing Assizes, and they are hereby required, to present such Sums to be paid to such Sheriff, his Executors or Administrators, as shall be necessary to pay and satisfy the Expenses properly incurred by such Sheriff in giving such Notices to such Jurors, to be raised and levied off the County at large, without any previous Application at any Presentment Sessions.

CAP. XXIX.

An Act to amend the Act Third and Fourth *Victoria*, Chapter Fifty-four, for making further Provision for the Confinement and Maintenance of Insane Prisoners. [23d *June* 1864.]

3 & 4 Vict. c. 54.

'WHEREAS it is expedient to amend an Act passed in the Session of the Third and Fourth Years of Her Majesty's Reign, Chapter Fifty-four, intituled *An Act for making further Provision for the Confinement and Maintenance of Insane Prisoners*': 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:

Sect 1. of recited Act repealed.

1. The First Section of the said Act of the Third and Fourth Years of Her Majesty's Reign, Chapter Fifty-four, is hereby repealed.

Prisoners becoming insane, Power to Two Justices to inquire, with Medical Aid, respecting such Insanity.

2. If any Person while imprisoned in any Prison or other Place of Confinement under any Sentence of Transportation, Penal Servitude, or Imprisonment, or under a Charge of any Offence, or for not finding Bail for good Behaviour or to keep the Peace, or to answer a Criminal Charge, or in consequence of any Summary Conviction or Order by any Justice or Justices of the Peace, or under any other than Civil Process, shall appear to be insane, it shall be lawful, if such Person is confined in a Prison to which Visiting Justices are appointed, for Two or more of the Visiting Justices of such Prison, or if such Person is in any other Place of Confinement, for Two or more Justices of the Peace of the County, City, Borough, or Place in which such Place of Confinement is situate, and such Visiting or other Justices are hereby required to call to their Assistance Two Physicians or Surgeons, or One Physician and One Surgeon, duly registered as such respectively under the Provisions of an Act passed in the Session of the Twenty-first and Twenty-second Years of Her Majesty's Reign, Chapter Ninety, and to be selected by them for that Purpose, and to inquire with their Aid as to the Insanity of such Person; and if it shall be duly certified by such Justices or any Two of them, and such Physicians or Surgeons, or such Physician and Surgeon, that such Person is insane, One of Her Majesty's Principal Secretaries of State may, upon Receipt of such Certificate, if he shall think fit, direct by Warrant under his Hand that such Person shall be removed to such Lunatic Asylum or other proper Receptacle for Insane Persons as the said Secretary of State may judge proper and appoint; and if at any Time it shall be made to appear to One of Her Majesty's Principal Secretaries of

If certified by Justices and such Medical Aid that Prisoner is insane, Secretary of State may grant Warrant for Removal.

If Secretary of State has

of State that there is good Reason to believe that any Prisoner in Confinement under Sentence of Death is then insane, either by Means of a Certificate in Writing to that Effect in the Form given in Schedule A. transmitted to him by Two or more of the Visiting Justices of the Prison in which such Prisoner under Sentence of Death is confined, or by any other Means whatsoever, such Secretary of State shall appoint Two or more Physicians or Surgeons, duly registered as aforesaid, to inquire as to the Insanity of such Prisoner; and if on such Inquiry the Prisoner shall be found to be then insane, the Fact shall be certified in Writing by such Persons to the said Secretary of State, and on the Receipt of such Certificate the said Secretary of State shall direct by Warrant under his Hand that such Prisoner shall be removed to such Lunatic Asylum or other proper Receptacle for Insane Prisoners as aforesaid; and every Person so removed under this Act, or already removed and in Custody under any former Act relating to Insane Prisoners not under Civil Process, shall remain in Confinement in such Asylum or other proper Receptacle as aforesaid, or in any other Lunatic Asylum or other proper Receptacle to which such Person may be removed by any like Warrant which the Secretary of State is hereby empowered to issue, if he shall think fit, until it shall be duly certified to the said Secretary of State by Two Physicians or Surgeons, or One Physician and One Surgeon, duly registered as aforesaid, that such Person is sane, and upon the Receipt of such last-mentioned Certificate the said Secretary of State is hereby authorized to issue a Warrant under his Hand directing, if the Period of Imprisonment or Custody of such Person shall have expired, that he or she shall be discharged, or if such Person shall still remain subject to be continued in Custody, that he or she shall be removed to any Prison or other Place of Confinement in which he or she may be lawfully confined, to undergo his Sentence of Death or other Sentence, or, if not under Sentence, to be dealt with according to Law as if no such Warrant for his Removal to a Lunatic Asylum had been issued: Provided, that nothing in this Act contained shall be construed to repeal the Thirty-eighth Section of the Act of the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Ninety-six, or any Part thereof.

reason to believe Prisoner sentenced to Death to be insane, he may desire Medical Aid to inquire into the same.

If Prisoner afterwards pronounced sane how to be dealt with.

3. All Prisons which now are or may hereafter be placed under the Government of the Directors of Convict Prisons, by virtue of the Act of the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Thirty-nine, or of any other Act now in force or which may hereafter be passed, shall for the Purposes of this Act be deemed to be Prisons to which Visiting Justices are appointed, and the said Directors shall be deemed the Visiting Justices thereof, and the Duties and Powers herein-before imposed upon and given to any Two or more of such Visiting Justices shall and may be performed and exercised by any One or more of such Directors.

Prisons placed under Directors of Convict Prisons to be deemed Prisons to which Visiting Justices are appointed, and Directors to be deemed the Visiting Justices.

4. All the Provisions of the first-mentioned Act which are not hereby repealed, and all the Provisions of an Act passed in the Session of the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, intituled *An Act to make better Provision for the Custody and Care of Criminal Lunatics*, shall apply to Lunatics removed under this Act in all respects as if they had been removed under the First Section of the first-mentioned Act, and as if the Asylum to which they were removed under this Act were any Asylum for Criminal Lunatics to which the Provisions of the said Act of the Twenty-third and Twenty-fourth Years of Her Majesty's Reign were applicable.

Provisions of 3 & 4 Vict. c. 54. not hereby repealed, and of 23 & 24 Vict. c. 75. to apply to this Act.

5. Where any Order shall have been or shall hereafter be made upon the Guardians of any Union formed under the Provisions of the Act Fourth and Fifth *William* the Fourth, Chapter Seventy-six, for the Payment of Money under Section Two of the said first-mentioned Act, the Amount which shall be paid under such Order shall be charged by the Guardians upon the Common Fund of the Union, and not to the Account of any Parish therein; and the Power given to the Justices to order the Seizure and Sale of the Goods and Chattels, or the Receipt of the Rents of the Lands or Tenements, of any Insane Person therein referred to, shall cease as regards the Overseers, but shall apply to the Guardians of the Union who shall have incurred any Expenses under any such Order of Justices as aforesaid.

The Charge and Maintenance of Insane Prisoners to be borne by the Common Fund of the Union.

So much of Sect. 5. of 3 & 4 Vict. c. 54. as enables Overseers to appeal, repealed.

6. So much of Section Five of the said first-mentioned Act as enables the Overseers of any Parish in a Union to appeal against an Order of Justices adjudicating as to the Settlement of any Insane Person is hereby repealed.

Extent of Act.

7. This Act shall extend to *England* and *Wales* only.

SCHEDULE A.

We being Visiting Justices of hereby certify under our Hands that we believe a Prisoner in the said Prison of under Sentence of Death to be now insane.

CAP. XXX.

An Act to provide for the Alteration of the Circuits of the Court of Justiciary in *Scotland*, and for holding additional Circuit Courts. [23d *June* 1864.]

'WHEREAS it is expedient to make Provision for altering the Circuits of the Court of Justiciary in *Scotland*:" 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:

Power to Her Majesty in Council to alter Circuits of Court of Justiciary in Scotland.

1. It shall be lawful for Her Majesty in Council, from Time to Time as Her Majesty in Council may think fit, to alter the Circuits of the Court of Justiciary in *Scotland*, or any of them, to form new Circuits, to fix and determine the Limits of each existing or new Circuit, and the Counties or Portions of Counties, Cities or Burghs, and Districts, which shall be included within the same, to detach any County or Portion of a County from any Circuit, and to include the same in any other existing or new Circuit, and also to fix and determine the Places at which the Circuit Courts shall be held within each such Circuit, and to alter such Places: Provided always, that Circuit Courts shall continue to be held at such Towns as are appointed for keeping and holding Circuit Courts by an Act of the Parliament of *Scotland*, Number Forty, made in the Year One thousand six hundred and seventy-two, intituled *An Act concerning the Regulation of Judicatories*, and an Act passed in the Twentieth Year of His Majesty King *George* the Second, Chapter Forty-three, intituled *An Act for taking away and abolishing the Heritable Jurisdictions in* Scotland.

Orders in Council to be published, and Date of taking effect.

2. Every Order to be made by Her Majesty in Council in pursuance of this Act shall be published in such Manner as Her Majesty in Council may direct, and shall take effect from the Date thereof, or from such other Date as may be specified therein: Provided always, that before any such Order shall be made for altering the present Arrangement, Notice thereof shall be published in the *Edinburgh Gazette* at least Three Months previously, and an Opportunity given to be heard thereon, to the Lord Lieutenant, the Sheriffs, Justices of Peace, Commissioners of Supply, and the Magistrates of Burghs of the Counties to be affected by the proposed Change.

Power to Court of Justiciary to make Orders and Regulations.

3. It shall be lawful for the Judges of the Court of Justiciary, and they are hereby required, from Time to Time, to make such Orders and Regulations, and to pass such Acts of Adjournal, as may be necessary for carrying into effect the Provisions of this Act, and of any Order to be made by Her Majesty in Council in pursuance thereof.