

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. LXXXIV.

An Act to amend the Law concerning Lunatic Asylums and the Care of Pauper Lunatics in *England*. [26th *August* 1846.]

WHEREAS Doubts have been entertained whether under the Provisions of an Act of the last Session of Parliament, 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 is incumbent on Justices of the Peace, and others therein specified, to issue Orders for the Reception into a Lunatic Asylum, or House licensed or Hospital registered for the Reception of Lunatics, of all Persons who shall be brought before them, or whom they shall visit in the Manner prescribed by the said Act, and of whose Lunacy they shall be satisfied, or only of those Persons of whose Lunacy they shall be satisfied, and whom they shall deem proper Persons to be confined, according to the Tenor of the Order set forth in the Form numbered One in the Schedule marked (E.) annexed to the said Act: Be it declared and 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

8 & 9 Vict. c. 126.

In what Cases Justices and others are to issue Orders for Confinement of Lunatics.

liament assembled, and by the Authority of the same, That it shall not be deemed incumbent on any Justice of the Peace, or upon any Clergyman, Overseer, or Relieving Officer, to sign or issue such Order as aforesaid, in all Cases in which the Physician, Surgeon, or Apothecary whom he or they shall have called to his or their Assistance shall have signed the Certificate according to the Form numbered One in the said Schedule (E.) as provided by the said Act; but that every Justice, Clergyman, Overseer, or Relieving Officer by whom any such Order shall be signed or issued, in the Case of every such Person of whose Lunacy he shall be satisfied, shall be bound, before signing the Order, to satisfy himself of the Propriety of confining such Lunatic in a Lunatic Asylum, unless a Medical Certificate that such Lunatic is a proper Person to be so confined, in the same Form as the Medical Certificate in the said Schedule (E.) Number One, shall have been signed by the Medical Officer of the Union or Parish to which the Lunatic belongs, as well as by the said Physician, Surgeon, or Apothecary, in which Case such Two Medical Certificates shall be received by every such Justice, Clergyman, Overseer, and Relieving Officer as conclusive Evidence that such Lunatic is a proper Person to be so confined.

Committees of Justices appointed, or who may hereafter be appointed, for providing Lunatic Asylums, deemed to have been legally appointed.

II. And whereas by the said Act it is enacted, that a Committee of Justices to superintend or to treat and enter into an Agreement for the erecting or providing an Asylum for the Pauper Lunatics of any County or Borough which has no Asylum for the Pauper Lunatics thereof shall be appointed at the Time and in the Manner prescribed by the said Act, after public Notice of the Intention to appoint such Committee given on or before the General or Quarter Sessions for such County or Borough next after the Twentieth Day of *December* One thousand eight hundred and forty-five; but the Objects of the Act have not been in all Cases fully attained, and Doubts have been entertained as to the Power of the Justices in the Appointment of such Committees, and as to the Powers of such Committees when appointed; be it declared and enacted, That a Committee as aforesaid may and shall be appointed in every County and Borough which has no Asylum for the Pauper Lunatics thereof, and in which a Committee has not been already appointed, or in which a Committee once appointed has ceased or shall hereafter cease to exist without carrying into effect the Purposes for which it was appointed, or, if appointed for the Purpose only of treating and entering into an Agreement, has reported or shall hereafter report that it is not practicable or expedient to enter into an Agreement, or to that Effect; and that, notwithstanding any Committee already appointed or hereafter to be appointed may have been appointed either for the Purpose only of superintending the erecting or providing an Asylum, or for the Purpose only of treating and entering into an Agreement for erecting or providing an Asylum, or for effecting the one or the other of the said

Purposes,

Purposes, as to the said Committee may seem best, such Committee shall be deemed to have been legally appointed under the said Act, and duly empowered to carry into effect the Purpose for which it has been or may be so appointed; and in any Case in which the Occasion for the Appointment of a Committee for any of the Purposes aforesaid now exists or shall hereafter arise, public Notice of the Intention to appoint the same shall be given in the Manner prescribed by the said Act, on or before the General Quarter Session of the Peace to be holden for such County or Borough next after the passing of this Act, or next after the Occasion for the Appointment thereof shall have arisen, as the Case may be: Provided nevertheless, that Notice at any subsequent General Quarter Session of the Peace for such County or Borough of the Intention to appoint any such Committee, and the Appointment of a Committee in pursuance thereof, shall be valid.

Powers of Committees may be enlarged by Justices.

III. And be it enacted, That when any Committee hath been or shall hereafter be appointed for one of the aforesaid Purposes only, it shall be lawful for the Justices, if they shall think fit, at any General Quarter Session of the Peace after the like public Notice as is required in the Case of the first Appointment of the Committee, to enlarge the Powers of the Committee, so as to authorize the Committee to effect the one or the other of such Purposes, as to the said Committee may seem best, and, if necessary, under the Provisions of the said Act, to appoint additional Members of the said Committee; and every such Committee shall be deemed to have been legally appointed under the said Act, and duly authorized to carry into effect the one or the other of the said Purposes, as to the said Committee may seem best.

Until Committees of Visitors shall be appointed for any County, &c., the Committee appointed for providing an Asylum shall act as such.

IV. And be it enacted, That until a Committee of Visitors shall, under the Provisions of the said Act or of this Act, be appointed on behalf of any County or Borough, Counties or Boroughs, the Committee appointed or hereafter to be appointed, either for superintending the erecting or providing, or for treating and entering into an Agreement for erecting or providing an Asylum, or for effecting the one or the other of those Purposes, as to the said Committee may seem best, shall have, on behalf of the County or Borough by which such Committee shall have been appointed, all the Powers, as well of contracting with the Proprietors of any House licensed for the Reception of Lunatics, as otherwise, of a Committee of Visitors appointed under the said Act, save that a Committee for the Purpose only of treating and entering into an Agreement as aforesaid shall not have Power to take Measures towards erecting or providing a Lunatic Asylum for the sole Use of the County or Borough for which it shall have been appointed.

V. And

Committee of Visitors to be appointed by Justices and Subscribers to Lunatic Asylums.

V. And be it enacted, That whenever any Agreement shall have been entered into, signed, and reported, as in the said Act is mentioned, the Justices of every County to which such Agreement shall relate, assembled at the General or Quarter Sessions to which such Report shall be made, and the Justices of every Borough to which such Agreement shall relate, shall, at a Special Meeting to be held within Twenty Days after such Agreement shall have been reported as aforesaid, and the Subscribers of every Lunatic Asylum to which such Agreement shall relate, or the Majority of such Subscribers, present at a Meeting to be holden within Twenty-eight Days after the signing of such Agreement, and of which Notice shall have been given by public Advertisement in some Newspaper circulated within the Place in which such Lunatic Asylum shall be situated, shall appoint a Committee of Visitors, in the same Manner and under the Regulations and with the Powers mentioned in the said Act in respect of a Committee of Visitors appointed for the like Purpose at the Times mentioned in the said Act, and all the Provisions in the said Act relating to Committees of Visitors shall apply to the said Committee, as far as the same may be applicable.

Further Provision for the temporary Care of Pauper Lunatics.

VI. And whereas certain Powers are given by the said Act to every Committee of Visitors to contract for certain Purposes, for a limited Time and under certain Restrictions, with the Proprietors of any House licensed for the Reception of Lunatics: And whereas it is expedient to enable further Provision to be made for the temporary Care of Pauper Lunatics; be it enacted, That it shall be lawful for any Committee of Visitors to make Provision, either in manner mentioned in the said Act or otherwise, for the temporary Care of Pauper Lunatics, subject to the Approval, Restrictions, Limitations, and Provisoes mentioned in the said Act with respect to such Contracts as aforesaid, in as far as such Limitations and Restrictions and Provisoes are applicable to any Provision other than a Contract with the Proprietor of a House licensed as aforesaid, and the Expences of making such Provision shall be paid out of the same Monies or Funds and in the same Manner as is provided in the said Act in the Case of Contracts with such Proprietors as aforesaid; and it shall be lawful for the Guardians and Overseers of any Union or Parish, with the Consent of the Poor Law Commissioners for *England* and *Wales*, to contract with any such Committee of Visitors for the Use and Occupation of all or any Part of a Workhouse as a temporary Asylum for Pauper Lunatics; and during such temporary Occupation such Workhouse, or the Part of it so occupied, shall be subject to the same Law as a Workhouse taken for the Reception of Pauper chronic Lunatics under the Provisions of the said Act.

Separate Committees to be appointed for

VII. And whereas by the said Act Provision is made that in certain Cases therein specified more than One Asylum shall be erected or provided in a County or Borough, and it hath been doubted whether

a separate

a separate Committee of Justices should be appointed in reference to every such Asylum; be it declared and enacted, That the true Intent and Meaning of the said Act is, that a separate Committee of Justices be appointed in every such County or Borough for every such Asylum, each of which Committees shall have all the Powers and be subject to all the Provisions of the said Act with regard to the Asylum for which it is appointed, as if it were the only Asylum for that County or Borough: Provided always, that it shall be lawful for the Justices of the County or Borough, if they shall think fit, with the Approval of One of Her Majesty's Principal Secretaries of State, to appoint the same Committee for Two or more such Asylums.

every such Asylum.

Justices may appoint the same Committee for Two Asylums.

VIII. And be it enacted, That all the Powers and Remedies given by the said Act of the last Session of Parliament, and the Provisions therein contained for recovering Money ordered by Justices of the Peace, under the Provisions of the same Act, to be paid by the Overseers of any Parish, shall extend to the Recovery of any Money which may have been ordered by any Justices of the Peace under the Provisions of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in* England, to be paid by the Overseers of any Parish, and which at the Time of the passing of this Act may be due, or may thereafter become due by virtue of any such Order.

For recovering Money under Orders made by Justices under Provisions of 9 G. 4. c. 40.

IX. And be it enacted, That the Powers given by the said Act to the Justices of every such County and to the Council of every such Borough to borrow Money toward defraying the Expences of carrying into effect the Purposes of the said Act, or of any Act thereby repealed, whenever it should appear, as therein provided, that such Expences would exceed the several Sums of Five thousand Pounds or Two thousand Pounds, in the several Cases therein specified, shall be extended to all Cases in which it shall appear to the said Justices or Council respectively expedient to borrow Money toward defraying such Expences, whether or not it shall appear that such Expences will exceed the Sum of Five thousand Pounds or Two thousand Pounds, as the Case may be; and such Money may be raised in any Sum or Sums at any Rate of Interest not exceeding the yearly Rate of Five Pounds in the Hundred.

Extending Powers of borrowing Money.

X. And be it enacted, That the Words "furnishing and completing" the Asylum, in the said Act, shall be held to include the Purchase of Clothing sufficient for opening the said Asylum for the Reception of Patients.

Construction of Terms.

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

XI. And be it enacted, That this Act shall be construed with and as Part of the said Act of the last Session of Parliament.

Act may be amended, &c.

XII. 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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