ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. LXIX.

An Act to regulate Madhouſes in *Scotland*.

[7th *June* 1815.]

WHEREAS it is expedient that Proviſion ſhould be made for the proper Reception and the due Care and Confinement of furious and fatuous Perſons and Lunatics, in that Part of the United Kingdom called *Scotland*: 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 Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act it ſhall and may be lawful for the Sheriffs and Stewarts Depute and Subſtitute, of every County and Stewartry in that Part of the United Kingdom called *Scotland*, and they are hereby empowered, to grant Licences, in the Manner directed by this Act, for the Reception and the Care and Confinement of furious and fatuous Perſons and Lunatics, within their reſpective Counties and Stewartries. Sheriffs to grant Licences.

II. And be it further enacted, That from and after the Expiration of One Calendar Month after the paſſing of this Act it ſhall not be lawful for any Perſon or Perſons to keep a Houſe for the Reception and the Care or Confinement of furious and fatuous Perſons and Lunatics, within any Part of *Scotland*, or to detain any ſuch Perſons therein, without a Licence for that Purpoſe, granted and received in the Manner directed by this Act; in which ſhall be ſpecified the Name, Deſcription, and Age, of every ſuch furious or fatuous Perſon or Lunatic; and if any Perſon or Perſons ſhall keep a Houſe for the Reception and Care or Confinement of furious No Perſon to keep a Madhouſe without a Licence.

furious or fatuous Persons or Lunatics, without such Licence, or shall, upon any Pretence whatever, conceal, harbour, entertain, or confine, in any House or Place kept for the Confinement of furious or fatuous Persons or Lunatics, in any Part of the United Kingdom called *Scotland*, any furious or fatuous Person or Persons, or Lunatic or Lunatics, or any Person or Persons as such, without having a Licence as required by this Act, every such Person shall for every such Offence forfeit the Sum of Two hundred Pounds, and the Expences attending the Recovery of the same.

Licences to be renewed every Year; Rate to be paid for the same; and Application of the Monies.

III. And be it enacted, That every such Licence shall be made out by the Sheriff or Stewart Clerk of the County or Stewartry wherein the same is granted, and the same shall be renewed every Year; and for the First and every Annual Licence there shall be paid at the Rate of Two Guineas for every furious or fatuous Person or Lunatic specified therein; and all Monies received by any Sheriff or Stewart Clerk for such Licences shall be paid by him, after deducting the Sum of Two Shillings and Sixpence, as his Fee for making out such Licence, and form Part of the Rogue Money in such County or Stewartry; from which Fund all the Expences required to be disbursed in the Execution of this Act shall be paid and defrayed, upon the Order of the Sheriff or Stewart Depute of the County or Stewartry; and if any Sheriff or Stewart Clerk shall neglect or delay so to pay to the Collector of the Rogue Money all Monies received by him for such Licence, subject to such Deduction, for the Space of Ten Days after the same shall have been received by him, every such Sheriff or Stewart Clerk shall, for every such Neglect or Delay, forfeit the Sum of Five Pounds, and the Expence of recovering the same.

Inspectors to be elected.

IV. And be it enacted, That within One Calendar Month after the passing of this Act, and thereafter annually, the Royal College of Physicians in *Edinburgh* shall elect Four of their ordinary Resident Fellows as Inspectors of Madhouses; and that the Faculty of Physicians and Surgeons in *Glasgow* shall in like Manner within One Calendar Month after the passing of this Act, and thereafter annually, elect Four of their ordinary Resident Members as Inspectors of Madhouses.

To inspect Madhouses.

V. And be it enacted, That within Two Calendar Months after the passing of this Act the Sheriff Depute or Substitute of *Edinburgh* or *Mid Lothian* shall employ any of the said Four Fellows of the Royal College of Physicians of *Edinburgh* to inspect every House which shall be then kept for the Reception, Care, and Confinement of furious or fatuous Persons or Lunatics within the City of *Edinburgh* or County of *Mid Lothian*, and the Sheriff Depute or Substitute of *Lanarkshire* shall employ any of the said Four Members of the said Faculty of Physicians and Surgeons of *Glasgow* to inspect every such House in *Lanarkshire*; and the Sheriff or Stewart Depute or Substitutes in every other County or Stewartry in *Scotland*, where any House shall be kept for the Reception, Care, and Confinement of furious or fatuous Persons or Lunatics, shall employ for the said Inspection, Physicians qualified to make such Inspection, unless where local or other Circumstances shall render it inexpedient to employ such Physicians, in which case they shall employ either Members of the Royal College of Physicians of *London*, or of the Royal College of Physicians of *Edinburgh*, or of the Royal College of Surgeons of *Edinburgh*, or Medical Men

having a Diploma from the Royal College of Surgeons of *Edinburgh* or from the Royal College of Surgeons of *London*, or from the Faculty of Phyſicians and Surgeons in *Glaſgow*, or who have acquired a Right to practiſe from having ſerved in the Army or Navy.

Other Medical Perſons to be employed.

VI. Provided always, and be it enacted, That it ſhall be lawful for any Sheriff or Stewart Depute or Subſtitute (where, from their Diſtance from the Place of Inſpection or other Circumſtances, Medical Perſons of the above Deſcription cannot be eaſily procured) to employ any Medical Perſon or Perſons of Character to make ſuch or any Inſpection herein-after directed by this Act; and to pay to every Medical Perſon employed by them in the Execution of this Act ſuch Sum of Money or reaſonable Allowance for his Attendance and Trouble, as to ſuch Sheriff Depute or Stewart Depute ſhall ſeem adequate; ſubject to the Controul and Direction of the Commiſſioners of Supply of ſuch County or Stewartry.

Sheriffs to aſcertain whether Perſons are improperly confined.

VII. And be it enacted, That the ſaid Sheriffs and Stewarts Depute or Subſtitutes ſhall order and direct every Matter and Thing to be done which may be neceſſary, for the Purpoſe of aſcertaining whether any Perſon or Perſons confined in ſuch Houſes ought to be confined therein, as a furious or a fatuous Perſon or Perſons or Lunatic or Lunatics, and to make ſuch Order for their Care or Confinement, or for their being ſet at Liberty, as the Circumſtances of the Caſe may ſeem to require.

Sheriff to make an Order for Reception of Lunatics;

VIII. And be it enacted, That from and after the paſſing of this Act no Perſon or Perſons ſhall be received into any Houſe kept for the Reception and the Care or Confinement of furious or fatuous Perſons or Lunatics, in that Part of the United Kingdom called *Scotland*, without an Order made by the Sheriff or Stewart Depute or Subſtitute of the County or Stewartry where ſuch Houſe ſhall be, who ſhall forthwith ſatisfy himſelf as to the Propriety of granting ſuch an Order, by the Certificate or Report of Medical Perſons, and otherwiſe, as the Circumſtances of the Caſe may ſeem to require; purſuant to which Order a Licence ſhall be granted in the Manner directed by this Act, for which a Fee of Two Guineas ſhall be paid for every Perſon ſpecified therein, to be accounted for and paid into the Rogue Money of ſuch County, by the Sheriff or Stewart Clerk, after deducting the Sum of Two Shillings and Sixpence, as his Fee for making out ſuch Licence; and every furious or fatuous Perſon or Lunatic, for the Reception of whom ſuch Order ſhall have been made, ſhall be ſpecified and deſcribed in the next annual Licence granted to the Perſon or Perſons, by whom he ſhall have been ſo received to be taken care of and confined as a furious or fatuous Perſon or Lunatic; and if any Perſon or Perſons ſhall receive any furious or fatuous Perſon or Lunatic, to be taken Care of or confined in any ſuch Houſe kept for the Reception and the Care and Confinement of ſuch Perſons, without ſuch Order and Licence, every ſuch Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit the Sum of Two hundred Pounds, and the Expences attending the Recovery thereof: And if any Medical Perſon ſhall ſign or give any ſuch Certificate or Report, without having carefully viſited and examined the Perſon to whom it relates, and without having endeavoured to aſcertain in a proper Manner, by ſuch Examination and otherwiſe, that ſuch Perſon is a furious or fatuous Perſon or Lunatic, and proper to be confined in a Houſe for the Reception of ſuch Perſons, every ſuch Medical Perſon ſhall forfeit and pay for

for such Offence or Neglect the Sum of Fifty Pounds, and the Expences of recovering the same.

Upon a Report or Certificate signed by a Medical Person.

IX. And be it enacted, That every Certificate or Report, upon which a Sheriff Depute or Substitute shall give an Order for the Confinement of any Person in a House kept for the Reception, Care, and Confinement of furious or fatuous Persons or Lunatics, shall be signed by a Medical Man, who is either a Physician, or has a Diploma from the Royal College of Surgeons in *Edinburgh* or of *London*, or from the Faculty of Physicians and Surgeons of *Glasgow*, or who has acquired a Right to practise from having served in the Army or Navy, except in those Cases where no Medical Man of the above Description can be conveniently applied to, in which Event such Certificate may be signed by any Medical Practitioner of Character whom such Sheriff or Stewart Depute or Substitute may think proper to employ.

Sheriff may make interim Order.

X. Provided nevertheless, and be it enacted, That it shall and may be lawful for any such Sheriff or Stewart Depute or Substitute to make such Order, or to give such Directions, as the Circumstances of the Case may seem to require, for the Care and Confinement of any furious or fatuous Person or Lunatic, in the mean Time, until he shall be satisfied that he ought to grant an Order for the Reception and the Care and Confinement of any such Person in any House kept for the Reception and Care and Confinement of furious or fatuous Persons or Lunatics, in the Manner hereby directed, not exceeding a Period of Fourteen Days.

Madhouses to be inspected Twice a Year.

XI. And be it enacted, That every House kept for the Reception and Care or Confinement of furious or fatuous Persons or Lunatics in *Scotland*, shall be inspected at least Two several Times in the Year, once by the Sheriff or Stewart Depute or Substitute, and once by the Sheriff or Stewart Depute in Person, of the County or Stewartry wherein the same shall be situated, and such of the Medical Inspectors above described, and failing them such Medical Person or Persons as he shall think proper to direct to accompany him, on such Day or Days as he shall think proper from Time to Time to appoint for that Purpose; and it shall and may moreover be lawful for such Sheriff or Stewart himself to inspect, or to order such Inspection to be made, as often as he may think proper.

Inspectors may inspect at any Time.

XII. And be it further enacted, That it shall be lawful to any of the said Inspectors appointed by the Royal College of Physicians in *Edinburgh*, at any Time with Concurrence of the Sheriff Depute of *Mid Lothian* and to any of the said Inspectors appointed by the Faculty of Physicians and Surgeons of *Glasgow*, with Concurrence of the Sheriff Depute of *Lanarkshire*, to inspect any of such Houses for the Reception, Care, and Confinement of furious or fatuous Persons or Lunatics within the respective Districts of the said Sheriffs, and to report to the said Sheriff Deputes: Provided always, that for such Inspections no Sum of Money shall be paid, and no Allowance given for Attendance and Trouble.

Sheriff or Stewart may set Persons improperly detained at Liberty.

XIII. And be it enacted, That if, upon any Inspection made as directed by this Act, it shall appear that any Person or Persons are improperly detained in any such House as aforesaid, it shall and may be lawful for the Sheriff or Stewart Depute, or Stewart of the County or Stewartry where

such improper Detention shall take place, to set such Person or Persons at Liberty, or otherwise to do in the Premises as the Circumstances of the Case may seem to require.

Licence may be recalled.

XIV. And be it enacted, That it shall and may be lawful for any Sheriff or Stewart Depute to recall any Licence which may have been granted pursuant to this Act, if it shall appear to him proper so to do, upon a Report to that Effect made to him by any Two of the Inspectors acting under the Authority of this Act as aforesaid.

Sheriff may make Rules and Regulations.

XV. And be it enacted, That it shall and may be lawful for the Sheriff and Stewart Depute of every County or Stewartry in *Scotland*, from Time to Time to make such Rules and Regulations as such Sheriff or Stewart may think proper, for the proper Management of Houses kept for the Reception and the Care or Confinement of furious or fatuous Persons or Lunatics within their several Counties or Stewartries, which may tend to the due Preservation of the Health, and ensuring the proper Treatment of the Persons confined therein, and to enforce the same by such Penalties not exceeding the Sum of Twenty Pounds for each Offence, as such Sheriff or Stewart Depute shall think proper, to be recovered and applied as any Penalty or Forfeiture granted by this Act may be recovered and applied; such Rules and Regulations being always first duly notified in Writing to the Person or Persons by whom any such House or Houses may be kept.

Regulations to be transmitted to the Clerk of the Court of Justiciary.

XVI. Provided always, and be it enacted, That before any such Rules and Regulations shall be put in force the said Sheriff or Stewart Depute shall transmit a Copy of the said Rules and Regulations to the Clerk of the High Court of Justiciary, who shall lay the same before the Lords Commissioners of Justiciary for their Consideration, and such Lords Commissioners of Justiciary shall forthwith signify to the said Sheriff or Stewart Depute what shall appear to them thereupon, and upon being approved of by the said Lords Commissioners of Justiciary, all such Rules and Regulations shall receive effect in the Manner in which they shall have been finally settled pursuant to such Communication thereof so made to the said Lords Commissioners of Justiciary, who shall cause the same to be inserted in the Records of such Court.

Act not to extend to Public Hospitals;

XVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any of the Public Hospitals, or Public Lunatic Asylums in *Scotland*, further than to authorize the said Sheriffs or Stewarts to visit and inspect the same, or to order such Inspection as aforesaid.

nor to where only one Person is confined.

XVIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any House where only One furious or fatuous Person or Lunatic is confined, unless such Person shall be confined in such House for Gain or Reward.

Procurator Fiscal to enforce the Act and recover Penalties.

XIX. And be it enacted, That it shall and may be lawful for the Procurator Fiscal of every County or Stewartry where any House for the Reception and the Care or Confinement of furious or fatuous Persons or Lunatics is situated, and he is hereby required to enforce the due Execu-

tion of this Act, and to sue for and recover all Penalties or Forfeitures granted by this Act, by Action or Complaint before the Court of Session, or the Sheriff or Stewart's Court: Provided always, that such Action or Complaint shall be brought within Twelve Calendar Months after the Offence shall have been committed, or the Penalty incurred.

Application of Penalties, and Provision for the Expence of executing the Act.

XX. And be it enacted, That all Penalties recovered by virtue of this Act shall be paid into and form Part of the Rogue Money of the County or Stewartry by whose Procurator Fiscal the same shall have been recovered; and all the Expences incurred in carrying this Act into Execution shall be paid out of such Rogue Money.

Sheriff to transmit Accounts to Commissioners of Supply.

XXI. And be it enacted, That the Sheriff or Stewart Depute or Substitute of every County or Stewartry in *Scotland*, where any House is kept for the Reception and the Care or Confinement of furious or fatuous Persons or Lunatics, shall lay before or cause to be transmitted, an Account of all Expences incurred by his Directions in carrying this Act into Execution, and of all Monies received by the Sheriff or Stewart Clerk of his County or Stewartry, for any Licence or Licences granted in pursuance of this Act, and of all Monies recovered by the Procurator Fiscal of his County or Stewartry, by virtue of this Act, to the Commissioners of Supply of his County or Stewartry, on the Day on which they assemble in every Year for the Assessment of the Land Tax.

Sheriff to transmit Accounts to College of Physicians, and to Courts of Justiciary.

XXII. And be it enacted, That the Sheriff or Stewart Depute or Substitute of every County or Stewartry in *Scotland*, where any House is kept for the Reception and the Care or Confinement of furious or fatuous Persons or Lunatics, shall at the same Time transmit a Copy of such Account, with a Report of all that shall have been done by and under his Direction in the Execution of this Act, containing a Statement of the Number of Houses kept in their respective Counties or Stewartries, for the Reception and the Care or Confinement of furious or fatuous Persons or Lunatics, and the Names, Number, and Description of Persons confined therein, to the President of the Royal College of Physicians in *Edinburgh*, and also to the Clerk of the High Court of Justiciary at *Edinburgh*, who shall cause such Account and Report to be inserted in the Records of such Court.

Powers granted by this Act to be without Prejudice to Powers granted by Law.

XXIII. And be it enacted, That the Powers and Authorities granted by this Act to Sheriffs and Stewarts Depute and their Substitutes shall be without prejudice and in addition to all Powers and Authorities now competent to them by Law; all which Powers and Authorities shall and may be exercised in the Execution of this Act, as well as the Powers and Authorities hereby granted.

Public Act.

XXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1815.