CHAPTER xx.

An Act to constitute a Lunatic Asylums Board for the county palatine of Lancaster and to transfer the existing County Pauper Lunatic Asylums to such Board to repeal the Lancaster Annual General Sessions Act and for other purposes. [11th May 1891.]

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WHEREAS before the passing of the Local Government Act 1888 the justices of the peace for the county palatine of Lancaster had under and by virtue of the Lunatic Asylums Act 1853 and other statutes provided in and for the said county the following pauper lunatic asylums namely the Lancaster Asylum at Lancaster the Whittingham Asylum near Preston the Rainhill Asylum near Liverpool and the Prestwich Asylum near Manchester (which asylums are hereinafter referred to as "the existing county lunatic asylums"):

51 & 52 Vict. c. 41.
16 & 17 Vict. c. 67.

And whereas the existing county lunatic asylums are under and by virtue of the Local Government Act 1888 now vested in the County Council of Lancashire:

And whereas each of the county boroughs situate in the said county palatine and the county borough of Stockport which is situate partly in the said county and partly in the county of Chester has contributed to the cost of building and furnishing the existing county lunatic asylums:

And whereas by sections one hundred and sixty-nine and two hundred and forty-four of the Lunacy Act 1890 (re-enacting similar provisions of the Local Government Act 1888 sections thirty-two and eighty-six) it is enacted to the effect that where a county borough has contributed to the cost of a county asylum the council of the borough may appoint to be members of the visiting committee of the asylum such number of members of the council as may be agreed or in default of agreement be determined by the Commissioners appointed under the said Local Government Act and also that the existing liability of a county borough to contribute

53 & 54 Vict. c. 5.
51 & 52 Vict. c. 41.

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shall continue until a new arrangement is made and that a new arrangement may be made between the County Council and all the borough councils concerned and that if any council desires to make a new arrangement and any or all of the other councils refuse to agree to the same the matter shall be referred to the said Commissioners:

And whereas differences having arisen between the Lancashire County Council and the councils of the said county boroughs or some of them respecting the contributions of the county boroughs and their representation on the visiting committee negotiations took place and at a conference held at Preston in the month of March one thousand eight hundred and ninety a scheme was submitted for the constitution of a representative asylums board and the transfer to such board of all the existing county lunatic asylums with power to manage them on behalf of the county and the county boroughs and a temporary arrangement was also submitted providing for an increase of contributions by the county boroughs for a term of three years or until the asylums board should be constituted by Parliament:

And whereas the conference passed a resolution approving the scheme and temporary arrangement and that resolution has since been approved by the County Council and by the councils of the county boroughs:

And whereas pending the constitution of such board application was made to the Commissioners under the Local Government Act 1888 for an order to give effect to the terms of the said temporary arrangement:

And whereas by an order dated the twentieth day of August one thousand eight hundred and ninety the Commissioners ordered—

(i.) That after the first day of November one thousand eight hundred and ninety the number of members of the visiting committee of the existing county lunatic asylums should be eighty-seven of which thirty-eight should be appointed by the County Council and forty-nine by the councils of the county boroughs as therein mentioned;

(ii.) That the county treasurer should add to the amount ascertained by him to be the aggregate amount according to the arrangements then in force of contributions by the county boroughs for each of the financial years ending the thirty-first day of March one thousand eight hundred and ninety-one one thousand eight hundred and ninety-two and one thousand eight hundred and ninety-three the sum of four thousand pounds which together with the ascertained amount should be the total sum to be contributed by the county boroughs;

(iii.) That the contribution to be made by the County Council should be the amount which under the arrangements then in force the County Council would be liable to pay less the said sum of four thousand pounds;

(iv.) That the total sum to be contributed by the county boroughs should be apportioned among them in the same manner as their contributions under the arrangements then in force were apportioned;

(v.) That as soon as an asylums board should have been constituted by Act of Parliament the provisions of the order as to the number of members of the visiting committee to be appointed by the councils of the county boroughs and as to their contributions should cease and determine but otherwise should remain in force for three years from the first day of April one thousand eight hundred and ninety:

And whereas since the said temporary arrangement was made the county borough of Manchester has been extended by the addition of a portion of the area of the administrative county of Lancaster and the rateable value of that portion is estimated to be about three hundred and fifty thousand pounds:

And whereas it would be of local and public advantage to constitute a county lunatic asylums board of representatives of the County Council and of the councils of the county boroughs and to transfer the existing county lunatic asylums to such board and to invest the board with the power of managing them on behalf of the county and county boroughs and of providing further asylum accommodation (if required) and to make such financial and other provisions as this Act contains:

And whereas by the Lancashire Annual General Sessions Act 1798 the justices of the said county palatine were authorised and empowered to hold annual general sessions for the transaction of all administrative county business and to adjourn the same and if necessary to hold special sessions for business requiring immediate or speedy attention: 38 Geo. 3. c. lviii.

And whereas by the Local Government Act 1888 the administrative business of the justices was transferred to the Lancashire County Council and the said Act has consequently become unnecessary and ought to be repealed:

And whereas Sir Humphrey Francis de Trafford is or claims to be entitled as of ancient customary right to collect and receive tolls at Irlam Toll Bar situate in the highway district of Higher Irlam on the main road from Manchester to Warrington:

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And whereas the Lancashire County Council have reason to believe that the said right to collect and receive tolls can be purchased for a reasonable sum and it would be of local and public advantage to empower the County Council to purchase the said right and to extinguish the tolls and remove the toll bar:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and 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 (that is to say):—

Part I.—Preliminary.

Short title and commencement.

1. This Act may be cited as the Lancashire County (Lunatic Asylums and other Powers) Act 1891 and shall (save as is otherwise expressly provided) come into operation on the first day of November one thousand eight hundred and ninety-one which date is hereinafter referred to as the commencement of this Act.

Interpretation of terms.

2. In this Act unless the context otherwise requires—

"Existing" means existing at the date of the commencement of this Act:

"Entire county" means the administrative county of Lancaster as constituted by the Local Government Act 1888 together with the county boroughs named in the First Schedule to this Act:

"County" means the administrative county of Lancaster as constituted by the Local Government Act 1888:

"County Council" means the County Council of the said administrative county:

"County boroughs" means the boroughs named in the First Schedule to this Act:

The Lancaster Annual General Sessions Act 1798 means the Act of the thirty-eighth year of the reign of King George III. chapter fifty-eight intituled—

"An Act for obviating and removing doubts respecting the holding of the adjournments of the general court of quarter sessions of the peace in and for the county palatine of Lancaster and for authorising the justices of the peace acting in and for the said county to hold an annual general session and also a special session for the purposes therein mentioned."

PART II.—LUNATIC ASYLUMS BOARD. A.D. 1891.

Establishment of Asylums Board.

Constitution of Board.

3. There shall be in and for the entire county a lunatic asylums board constituted of thirty-eight representatives of the county and of forty-nine representatives of the county boroughs.

Incorporation of Board.

4.—(1.) The Board thus constituted shall be a body corporate by the name of the Lancashire Asylums Board (in this Act called "the Board") with perpetual succession and a common seal and with power to hold land for the purposes of their constitution without any licence in mortmain and to dispose of land.

(2.) No act or proceeding of the Board or of any committee appointed by the Board shall be questioned on account of any vacancy in their body.

Annual election of members.

5.—(1.) The County Council at their quarterly meeting in November in the year one thousand eight hundred and ninety-one and in every subsequent year shall elect thirty-eight of their body to be members of the Board.

(2.) The council of each of the county boroughs at their quarterly meeting in November one thousand eight hundred and ninety-one and in every subsequent year shall elect the number of persons (who may or may not be members of the council) specified opposite to the name of their borough in the First Schedule to this Act to be members of the Board.

(3.) The town clerk of each county borough shall return the names of the members elected by his council in the case of the first election to the clerk of the County Council and in the case of subsequent elections the names of the members elected shall be returned to the clerk of the Board by the clerk of the County Council and the town clerks respectively.

(4.) Members of the Board shall come into office on their election and shall hold office until the next ensuing election and shall be re-eligible.

Members not to be interested in contracts &c.

6. A member of the Board shall not be interested either in his own name or in the name of any other person in any contract entered into or work done for the Board and shall not derive any profit or emolument whatsoever from the funds of the county lunatic asylums.

This provision shall not extend to any interest which a member of the Board may have by reason of his being a shareholder of a company which has entered into any contract with or done any work for the Board but he shall not vote in respect of any such contract or work.

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Disqualification of member.

7. A member of the Board elected by the County Council who ceases to be a member of the County Council ceases thereupon to be a member of the Board.

Resignation of member.

8. A member of the Board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the Board for the time being.

Casual vacancies.

9. Any casual vacancy in the Board occurring by death resignation or otherwise shall be filled up by the council by whom the vacating member was originally chosen as soon as reasonably practicable after the occurrence of the vacancy but a member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

Chairman and vice-chairman.

10. At their first meeting and subsequently at their annual meeting in November in each year the Board shall appoint one of their number to be chairman and another to be vice-chairman of the Board for the ensuing year.

Meetings and proceedings of Board.

11. Meetings of the Board shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the Second Schedule to this Act.

Minutes of proceedings &c.

12.—(1.) A minute of proceedings at a meeting of the Board or of a committee signed at the same or at the next ensuing meeting by any person describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(2.) Until the contrary is proved every meeting of the Board or of a committee whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Visiting and other committees.

13.—(1.) At their first meeting and subsequently at their annual meeting in November in each year the Board shall appoint a visiting committee of not less than eleven members for every asylum and may delegate to each committee such powers and duties of the Board as the Board from time to time think fit The following sections of the Lunacy Act 1890 shall apply to each visiting committee (that is to say) :—

Section one hundred and seventy-one (Vacancies to be filled up) :

Section one hundred and seventy-two (Duration of office):
Section one hundred and seventy-three (Examination of accounts):
Section one hundred and seventy-four (Members of visiting committee not to be interested):
Section one hundred and seventy-five except paragraph (1) (Meetings of visiting committee):
Section one hundred and seventy-six (Clerk to visiting committee).

(2.) A visiting committee may appoint sub-committees and may delegate to any sub-committee such powers and duties as they think fit and may make regulations for the guidance of any sub-committee.

(3.) The Board may also appoint out of their own body such other committees either of a general or special nature and consisting of such a number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of such committees but the acts of every such committee shall unless the Board otherwise direct be submitted for approval to the Board.

Appointment of officers.

14. The Board shall as far as practicable continue all existing officers and servants employed in connection with the existing county lunatic asylums in their several offices and employment but subject to such power of removal as they would have been subject to if this Act had not passed and at the same salaries or remuneration and subject as aforesaid the Board shall from time to time appoint and pay all such officers as are mentioned in section two hundred and seventy-six of the Lunacy Act 1890 but may delegate their powers under this section to the visiting committees.

The salary or remuneration of any officer or servant of the County Council who may for the time being be employed by the Board shall be apportioned between the County Council and the Board as they may agree.

Transfer of County Asylums to Board.

Transfer of existing county lunatic asylums to Board.

15. On and from the date of the first meeting of the Board the existing county lunatic asylums shall by virtue of this Act be transferred to and vested in the Board together with all lands buildings hereditaments moneys and other property real or personal (including things in action) held or enjoyed with or vested in any authority or person in respect of such asylums immediately before that date.

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Saving for contracts deeds mortgages &c.

16. All agreements awards bonds conveyances contracts covenants deeds leases mortgages and other acts and things made executed or done in relation to the existing county lunatic asylums by or with the county justices County Council or visiting committee or any person or persons on their behalf respectively and in force at the date of the first meeting of the Board shall continue as valid and effectual for all purposes in favour of against or with reference to the Board as may be required in each case and the Fulwood and Whittingham Water Act 1882 and any other enactment of a local Act applying to or affecting the existing county lunatic asylums or any of them shall continue to apply with the substitution of the Board for the county justices or committee of visitors as may be required in each case.

Actions &c. not to abate.

17. All actions arbitrations prosecutions or other proceedings or cause of proceeding pending or existing at the date of the first meeting of the Board by with or against or in favour of the County Council or the visiting committee in relation to the existing county lunatic asylums may be continued or enforced and carried on by with against or in favour of the Board as may be required in each case.

Regulations to continue in force until repealed or altered.

18. All rules and regulations made before the date of the first meeting of the Board and relating to the existing county lunatic asylums shall continue in force until repealed or altered under the provisions of this Act and of the Lunacy Act 1890.

Recovery of outstanding debts &c.

19. All sums of money for the maintenance treatment and care of lunatics and rents and other sums at the date of the first meeting of the Board due or accruing due to the County Council or the visiting committee in respect of the existing county lunatic asylums may be collected and recovered by the Board.

Books &c. to be receivable in evidence.

20. All books and documents which if this Act had not passed would have been receivable in evidence shall be receivable in evidence as if this Act had not passed.

Powers and Duties of Board.

Power of Board to provide asylum accommodation and to manage asylums.

21.—(1.) The Board shall be under the same obligation to provide asylum accommodation as a local authority under the Lunacy Act 1890 and shall for that purpose have (subject to the provisions of this Act) all the powers conferred on local authorities and visiting committees under Part IX. of that Act as well as power to maintain alter improve and manage the existing county lunatic asylums on behalf of the county and the county boroughs.

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(2.) But it shall not be obligatory on the Board to exercise any of those powers by a visiting committee though it shall be competent for the Board to delegate to a visiting committee such of those powers as they may from time to time think fit.

(3.) Nothing in Part IX. of the said Act contained shall be construed so as to require the approval or confirmation by the County Council of any act or proceeding of the Board or of a visiting committee.

Adaptation of provisions of Lunacy Act 53 & 54 Vict. c. 5.

22.—(1.) Subject to the provisions of this Act all acts and things authorised or required by the Lunacy Act 1890 to be done by to or with a local authority may be done by to or with the Board as if the Board were the local authority of the entire county.

(2.) Subject to the provisions of this Act Part IX. (except sections two hundred and seventy-three and two hundred and seventy-four which relate to expenses and borrowing) and Part X. of the Lunacy Act 1890 shall if and so far as any visiting committee is authorised by delegation from the Board to exercise the powers thereby conferred or any of them apply as if that committee were a visiting committee appointed under the said Act and so far as such delegation shall not in the case of any visiting committee extend Parts IX. and X. of the said Act (except as aforesaid and except provisions as to reports to and consent of the local authority) shall apply as if the Board were a visiting committee appointed under the said Act.

(3.) For the general purposes of the Lunacy Act 1890 the term "asylum" in that Act shall include any asylum for the time being vested in or under the control of the Board and any act or thing authorised or required by the said Act to be done by or to any officer of a local authority or visiting committee may be done by or to any officer under this Act holding any corresponding office.

Financial.

Expenses payable out of asylums fund.

23.—(1.) All expenses incurred by the Board in the execution of their duties shall be paid out of a fund to be called the asylums fund.

(2.) All sums received by the Board in the nature of revenue (other than sums charged for private patients under section two hundred and seventy-one of the Lunacy Act 1890 and other than any excess created by the payment of such greater weekly sums as mentioned in sub-section (4) of section two hundred and eighty-three of the same Act) shall be carried to that fund and any deficiency shall be raised by contributions to be made by the county and by each of the county boroughs in accordance with the provisions of this Act.

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(3.) The sums charged for private patients and any excess created under the enactments above referred to shall be dealt with and applied as nearly as may be in the manner provided with respect to such sums and excess respectively by the said enactments.

Amounts to be contributed by county and county boroughs respectively.

24. The Board shall before the first day of March in every year estimate the total amount required to be raised by contributions for the ensuing year and shall divide that amount between the county and the county boroughs in proportion to the respective rateable values (as ascertained under section thirty-three of the Local Government Act 1888) of the county and the county boroughs and shall add to the amount apportioned to the county boroughs the sum of four thousand pounds or such other sum as may from time to time be fixed by agreement or by arbitration in manner provided by this Act (in this Act referred to as "the added sum").

The amount so apportioned together with the added sum shall be the aggregate amount required to be contributed by the county boroughs and shall be contributed by them respectively in proportion to their respective rateable values ascertained as aforesaid.

The balance of the amount required to be raised by the Board shall be contributed by the County Council.

Arbitration as to amount of contributions of county boroughs.

25. At the expiration of three years from the thirty-first day of December one thousand eight hundred and ninety-one and of every successive period of three years the County Council or the council of any county borough may propose that the amount of the added sum be readjusted and in default of agreement between the County Council and all the county boroughs within a period of three months from the date of such proposal the question of the amount of the added sum shall be referred to a single arbitrator under the Arbitration Act 1889 and that Act shall apply accordingly as if the arbitration were pursuant to a submission.

52 & 53 Vict. c. 49.

Payment of contributions to asylums fund.

26.—(1.) For the purpose of obtaining payment of the sums to be contributed by the county and the county boroughs respectively the chairman of the Board shall before the first day of March in every year send to the County Council and to the council of each county borough a precept (which may be in the form in the Third Schedule to this Act or to the like effect) for payment of the amount to be contributed by the county or county borough as the case may be.

(2.) Contributions may be made retrospective in order to raise money for the payment of expenses which have been incurred or of sums which have become payable at any time within six months before the date of the precept and may be made payable either in one sum or in two half-yearly sums.

(3.) The council shall order the required amount of contributions to be paid to the treasurer of the Board out of the county fund or borough fund as the case may be at the time or times appointed by the precept.

(4.) If the precept of the Board is not complied with two justices for the county may on the complaint of the chairman of the Board issue and send to the treasurer of the authority in default a warrant requiring him to pay to the treasurer of the Board besides the sums due under the precept the additional sum mentioned in the warrant the same being calculated in the proportion of one shilling to every ten on the sum mentioned in the precept and until payment thereof the treasurer of the Board shall have in respect of the warrant all the powers for the recovery thereof which are given against a guardian or overseer for the recovery of county rates and surcharges and in addition the Board may recover the sums due by action or other proceeding in any court of competent jurisdiction against the authority in default.

(5.) If any difference arises concerning the precept it shall be referred to a single arbitrator under the Arbitration Act 1889 and that Act shall apply accordingly as if the arbitration were pursuant to a submission.

As to credit balances on revenue accounts of lunatic asylums on 1 April 1889.

27. The credit balance (if any) which stood to the revenue accounts of the lunatic asylums on the first day of April one thousand eight hundred and eighty-nine after adding all assets accrued on revenue accounts but not then received and deducting all outstanding liabilities on those accounts shall be transferred by the County Council to the Asylums Board and the Board shall in their accounts divide such balance between the county and such of the county boroughs as were non-quarter sessions boroughs on the first day of April one thousand eight hundred and eighty-nine in proportion to their respective rateable values as ascertained by this Act and shall credit the county and the said boroughs respectively with the amount of their respective shares of such balance before making the first precept for contribution to the asylums fund on them respectively.

Accounts of Board.

28. The accounts of the receipts and expenditure of the Board and of committees of the Board shall be made up to the end of each financial year ending on the thirty-first day of March and shall be in the form for the time being prescribed by the Local Government Board.

Returns to Local Government Board.

29.—(1.) The clerk of the Board shall make a return to the Local Government Board of the receipts and expenditure of the Board for each financial year.

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(2.) The return shall be made for the financial year ending on the thirty-first of March or on such other day as the Local Government Board on the application of the Board from time to time prescribe.

(3.) The return shall be in such form and contain such particulars as the Local Government Board from time to time direct.

(4.) The return shall be sent to the Local Government Board within one month after the completion of the audit for the second half of each financial year and a copy thereof shall also be sent to the Lunacy Commissioners.

(5.) If the clerk of the Board fails to make any return required under this section he shall be liable to a fine not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

Audit of accounts of Board.

30. The accounts of the Board and of committees of the Board shall be audited by the district auditors appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections two hundred and forty-seven and two hundred and fifty of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors (including the enactments imposing penalties and providing for the recovery of sums) shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of such authority they were herein re-enacted with the necessary modifications and accordingly all ratepayers and owners of property in the county and in each county borough shall have the like rights and there shall be the same appeal as in the case of such audit Provided that the First Schedule to the District Auditors Act 1879 shall be modified in manner described in the Fourth Schedule to this Act.

Power of Board to borrow.

31.—(1.) For the purpose of paying any money payable under the Lunacy Act 1890 or this Act or of discharging any portion of the debt by this Act transferred to them the Board may with the consent of the Local Government Board borrow and re-borrow on the security of the asylums fund and of the contributions thereto such sums as they from time to time require and may grant mortgages charging the said fund and contributions accordingly.

(2.) A loan under this section shall be repaid within such period not exceeding thirty years as the Board with the consent of the Local Government Board determine in each case.

(3.) The Board shall pay off every loan either by equal yearly or half-yearly instalments of principal or of principal and interest

combined or by means of a sinking fund set apart invested accumulated and applied in accordance with the Local Loans Act 1875 and the Acts amending the same.

(4.) All money re-borrowed shall be repaid within the period fixed for the discharge of the original loan and every loan for re-borrowing shall for the purpose of ultimate discharge be deemed to form part of the same loan as the original loan and the obligations of the Board with respect to the discharge of the original loan shall not be in any way affected by means of the re-borrowing.

Annual return to Local Government Board with respect to sinking fund.

32. The clerk to the Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Existing debts to be discharged by Board.

33. All existing debts and liabilities incurred in building and furnishing or otherwise on account of any of the existing county lunatic asylums shall together with all interest thereon be transferred to and be paid and discharged by the Board and any such

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debt which was secured by mortgage or otherwise on the county fund or rates shall until paid and discharged by the Board be by virtue of this enactment secured in like manner on the asylums fund and the contributions thereto and the mortgagee or other person secured shall have the same rights and remedies as nearly as may be against the said fund and contributions as he would have had against the county fund or rates if this Act had not been passed.

Miscellaneous.

Provision as to rateable value.

34. For the purposes of this Act the rateable value of the county and of the county boroughs respectively shall be their rateable values as ascertained and fixed for the time being by the joint committee appointed under section thirty-three of the Local Government Act 1888.

Power to alter number of members of Board.

35.—(1.) In the year one thousand eight hundred and ninety-three and in every subsequent fifth year it shall be lawful for the County Council or the council of any county borough to apply to the Board to increase or diminish the number of representatives to be appointed by any council under this Act and unless the Board settle the number to the satisfaction of the council so applying the matter shall be referred to the Local Government Board who shall by order fix and determine the number of representatives to be appointed by each council.

(2.) If by reason of any exercise of the powers of this section the aggregate number of representatives on the Board is increased or diminished such increased or diminished number as the case may be shall be substituted for the aggregate number of representatives fixed by the preceding provisions of this Act.

As to county boroughs hereafter constituted and as to the county borough of Stockport.

36.—(1.) If at any time hereafter any borough situate in the county shall be constituted a county borough under the Local Government Act 1888 the council of such borough shall be entitled to elect one member of the Board and the number of members of the Board shall be increased accordingly and each such borough shall be a county borough for the purposes of this Act as if it had been named in the First Schedule to this Act.

(2.) If at any time hereafter the portion of the county borough of Stockport now situate in the geographical county of Lancaster shall cease to be so situate the council of that borough shall cease to be entitled to elect any member of the Board and the number of members of the Board shall be deemed to be decreased accordingly.

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Power to boroughs to withdraw from arrangement under this Act.

37. The council of any county borough (in this section referred to as "the borough council") may by resolution determine to withdraw itself and the district of its borough (in this section referred to as "the borough") from the operation of this Act and upon the passing of any such resolution this Act shall subject to the provisions of this section cease to apply to the borough council and to the borough and the following provisions shall have effect (namely):—

(1.) Notice in writing of the passing of the resolution shall be forthwith sent by the town clerk of the borough to the clerk of the Board and on the expiration of a period of six months from the service of the said notice in writing on the clerk of the Board the representation of the borough on the Board shall cease and except as provided by this section the liability of the borough to contribute to the expenses of the Board and the liability of the Board to provide asylum accommodation for the borough shall also cease.

(2.) The borough council shall be subject to the obligations imposed by the Lunacy Act 1890 of providing asylum accommodation for the borough.

(3.) If any poor law union is situate partly within and partly without the borough the union pauper lunatics in the asylums of the Board belonging to such union shall be apportioned by the Board between the part of the same union within the borough and the part of the same union without the borough and the union pauper lunatics so apportioned to the part of the said union within the borough shall with any vagrant pauper lunatics belonging to the borough be deemed to be for the purposes of this section the pauper lunatics belonging to the borough.

(4.) The borough council shall continue to contribute to the expenses of the Board in manner provided by this Act until the pauper lunatics belonging to the borough in the asylums of the Board have been removed and the borough council may at any time remove from the asylums of the Board the pauper lunatics belonging to the borough.

(5.) An adjustment of the property and debts between the Board and the borough council shall be made within twelve months from the date of the notice of withdrawal by agreement or in default of agreement by arbitration in accordance with the provisions of section sixty-two of the Local Government Act 1888 and all the provisions of sub-sections (2) to (7) of that section both included shall apply accordingly.

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(6.) In such agreement or award provision may also be made for any alteration of the number of representatives on the Board.

(7.) In case the borough of Stockport shall cease to form part of the geographical county of Lancaster the borough council shall be deemed to have passed a resolution and given a notice as provided by this section and all the provisions of this section shall apply accordingly.

Part III.—Lancashire Annual General Sessions Act.

Repeal of 38 Geo. 3. c. lviii.

38. The Lancashire Annual General Sessions Act 1798 is hereby repealed as from the passing of this Act.

So long as the number of county justices to be appointed members of the standing joint committee under section thirty of the Local Government Act 1888 shall be eighteen they shall be appointed at the Michaelmas quarter sessions in each year as follows namely :—

Two by the court of quarter sessions held at Lancaster ;

Four by the court of quarter sessions held by adjournment at Preston ;

Six by the court of quarter sessions held by adjournment at Manchester ; and

Six by the court of quarter sessions held by adjournment at Liverpool.

If the aggregate number of eighteen members shall at any time hereafter be altered then the number of county justices to be appointed by each court of quarter sessions shall be settled and determined by a court of quarter sessions of the justices of the county palatine to be held at Lancaster or by adjournment at Preston to which all the justices of the said county shall be summoned.

Part IV.—Irlam Toll Bar.

Power of County Council to purchase Irlam Toll Bar and right of taking tolls.

39.—(1.) It shall be lawful for the County Council at any time after the passing of this Act to purchase and for Sir Humphrey Francis de Trafford Baronet or other the tenant for life or in tail for the time being of the Trafford estates in the county of Lancaster to sell the whole or part of the toll house at Irlam and ground occupied therewith and all rights and powers to take receive levy and collect tolls on any part of the main road between Manchester and Warrington and the County Council shall pay the trustees of the said estates such a sum as may be agreed on for such purchase.

(2.) The purchase money shall be paid out of the county fund and be charged to the special Salford hundred main road account.

(3.) On the completion of the purchase the existing toll bar shall be pulled down and the materials thereof and any ground occupied therewith may be thrown into the road by the County Council and the said road shall be toll free throughout its entire length.

Costs of Act.

40. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of one of the Houses of Parliament shall be paid by the County Council Provided that the council of each county borough shall out of the borough fund repay to the County Council within six months of the passing of this Act a proportionate share of the same costs charges and expenses based upon rateable value as ascertained under section thirty-three of the Local Government Act 1888.

A.D 1891.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Number of Members of the Board to be elected by Councils of the County Boroughs.

Name of County Borough.	Number of Members.
Barrow-in-Furness	2
Blackburn	4
Bootle	2
Bolton	4
Burnley	2
Bury	2
Liverpool	8
Manchester	6
Oldham	4
Preston	4
Rochdale	2
Salford	4
St. Helen's	2
Stockport	1
Wigan	2

SECOND SCHEDULE.

Meetings and Proceedings of Asylums Board.

Annual meeting.

1. The Board shall hold a meeting in the month of November in every year to be called the annual meeting The first meeting of the Board shall be summoned by the chairman of the Lancashire County Council.

Summoning meetings.

2. The chairman may at any time call a meeting If the chairman refuses to call a meeting after a requisition for that purpose signed by five members of the Board has been presented to him any five members of the Board may forthwith on that refusal call a meeting If the chairman (without so refusing) does not within seven days after such presentation call a meeting any five members of the Board may on the expiration of those seven days call a meeting.

Notice of meetings.

3. Six clear days at least before any meeting of the Board a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the chairman or clerk of the Board shall be left or delivered by post at the usual place of abode of every member of the Board Want of service of the summons on any member of the Board shall not affect the validity of a meeting.

Quorum.

4. To constitute a meeting of the Board there must be at least fifteen members present.

Chairman of meetings.

5. The chairman of the Board or in his absence the vice-chairman of the Board shall be the chairman at every meeting.

If neither of them is present within fifteen minutes after the time appointed for the meeting the members then present shall choose another of the members to be chairman of that meeting.

Decision of questions at meetings.

6. All acts of the Board and all questions coming or arising before the Board may be done and decided by the majority of such members of the Board as are present and vote at a meeting held in pursuance of this Act.

In case of equality of votes the chairman of the meeting shall have a second or casting vote.

Minutes.

7. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of the meeting or of the next ensuing meeting.

Standing orders.

8. Subject to the foregoing provisions of this schedule the Board may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same.

THIRD SCHEDULE.

Form of Precept.

The Lancashire Asylums Board to wit. } To the County Council of Lancashire or (Town Council of the County Borough of).

These are to require you (*the County Council of Lancashire*) or (*the Town Council of the County Borough of*) from and out of the moneys in the hands of your treasurer to pay* on or before the day of into the hands of treasurer of the Lancashire Asylums Board the sum of £ being the amount required for the expenses of the said Board up to the day of and if there are no moneys in the hands of your treasurer to raise the same by means of a rate.

* *If the sum mentioned in the precept is to be payable in two instalments this form mus be altered accordingly.*

Given under the common seal of the Lancashire Asylums Board in pursuance of a resolution of the Board this day of in the presence of

L.S.

Clerk to the Board.

A.D. 1891.

FOURTH SCHEDULE.

ALTERATION OF SCHEDULE TO DISTRICT AUDITORS ACT 1879.

(42 & 43 Vict. c. 6.)

For the purposes of the foregoing Act the First Schedule to the District Auditors Act 1879 shall be modified in manner shown in the Second Schedule to the Local Government Act 1888.

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