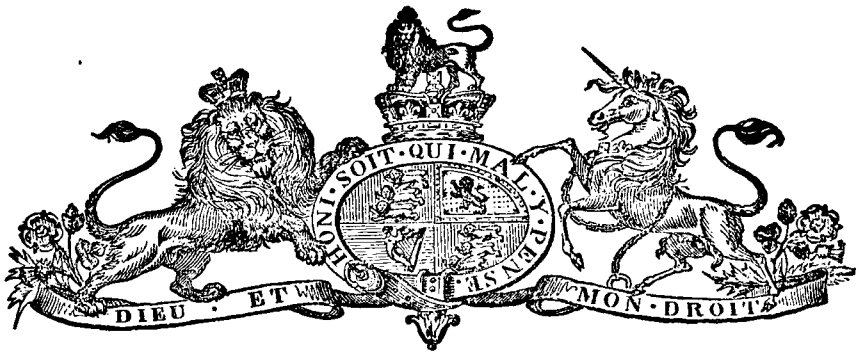


ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. CXI.

An Act to amend the Law relating to Lunatics.

[7th *August* 1862.]

WHEREAS it is expedient to amend the Law relating to Lunatics, other than those found Lunatics by Inquisition, or Lunatics convicted of Crime, or acquitted on the Ground of Insanity: 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,)

Preliminary.

Interpretation of Terms.

1. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,

"Lunacy Act, Chapter One hundred," shall mean an Act passed in the Session holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred, and intituled *An Act for the Regulation of the Care and Treatment of Lunatics:*

"Lunacy Act, Chapter Ninety-six," shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years

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of the Reign of Her present Majesty, Chapter Ninety-six, intituled *An Act to amend an Act passed in the Ninth Year of Her Majesty, for the Regulation of the Care and Treatment of Lunatics:*

"Lunacy Act, Chapter Ninety-seven," shall mean an Act passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, intituled *An Act to consolidate and 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:

"The Lunacy Acts" shall include the Three Acts above mentioned and this Act:

"Asylum" shall have the same Meaning as it has in the Lunacy Act, Chapter Ninety-seven:

"Registered Hospital" shall mean any Hospital registered for the Reception of Lunatics.

Construction of Act.

2. This Act shall be construed as One Act with the Lunacy Acts, Chapters One hundred, Ninety-six, and Ninety-seven, and Words defined by the said Acts or any of them shall have the same Meaning in this Act.

Short Title.

3. This Act may be cited for all Purposes as the "Lunacy Acts Amendment Act, 1862."

Establishment of County Asylums.

Plans, &c. of Visitors, when not approved by the Quarter Sessions, to be submitted to Secretary of State.

4. Whereas by Section Thirty-one of the Lunacy Act, Chapter Ninety-seven, it is provided, "that the said Visitors shall from "Time to Time make their Report to the General or Quarter "Sessions of the County or Borough, Counties or Boroughs, for "which they (or such of them as have not been elected by Sub-"scribers, as therein mentioned,) have been elected, of the several "Plans, Estimates, and Contracts which have been agreed upon, and "of the Sum or Sums of Money necessary to be raised and levied "for defraying the Purchase Monies and Expenses thereof on the "County or Borough, or, in the Case of such Union as therein "mentioned, on each or every of the Counties or Boroughs; which "Plans, Estimates, and Contracts shall be subject to the Approba-"tion of the Court or Courts of General or Quarter Sessions of such "County or Counties, and of the Justices of such Borough or "Boroughs, before the same are completed or carried into execution" (save in the Case therein mentioned):

Where a Plan, Estimate, or Contract agreed upon by any Committee of Visitors on behalf of a Union of Counties, or of a Union

of

of Counties and Boroughs, is disapproved of by One or more but not all of the Courts of General or Quarter Sessions, or other Bodies of Justices whose Approbation is required, in pursuance of the said Enactment, each Court of General or Quarter Sessions or Body of Justices disapproving of the same shall, within Four Months after such Plan, Estimate, or Contract is reported to them, or where the same has been reported to them before the passing of this Act, then within One Month after the holding of the First Court of General or Quarter Sessions of the County or the First Meeting of the Justices of the Borough after the passing of this Act, as the Case may be, set forth their Objections, with any Observations they may think fit in relation thereto, in a Report in Writing, and forthwith transmit the same to One of Her Majesty's Principal Secretaries of State, and the Secretary of State shall cause such Inquiries to be made in relation to the Matter as he may deem proper, and shall by Writing under his Hand direct the Plan, Estimate, or Contract in question, with or without any Alteration therein, or such other Plan, Estimate, or Contract for the like Purpose as he may think fit, to be proceeded with and carried into execution.

The Decision of the Secretary of State, given in pursuance of this Section, shall be final, and shall be acted upon without further Report or Approval.

Estimates to accompany Plans.

5. Together with every Plan for building, or providing or enlarging or improving, any Asylum for Pauper Lunatics, which is to be submitted to the Commissioners in Lunacy, under Section Forty-five of the said Lunacy Act, Chapter Ninety-seven, an Estimate of the Cost and Expense of carrying such Plan into execution shall be also submitted to the said Commissioners.

Excess of Payment may be paid to a Building and Repair Fund.

6. Where the Committee of Visitors enter into any Agreement for the Reception into the County Asylum of Pauper Lunatics belonging to a County or Borough which has not contributed to the erecting or providing such Asylum, and think fit under the Lunacy Act, Chapter Ninety-seven, Section Fifty-four, to fix a greater weekly Sum than is charged by them in respect of Lunatics sent from or settled in some Place, Parish, or Borough which has contributed to the building or providing such Asylum, they may, if they think fit, pay over the Excess created by the Payment of such greater weekly Sum to a Building and Repair Fund, to be applied by them to the altering, repairing, or improving such Asylum, and shall annually submit to the General or Quarter Sessions a detailed Statement of the Manner in which such Fund has been expended.

7. Where

Provision as to Contract for Reception of Lunatics.

7. Where any Contract has been made by a Committee of Visitors of any County or Borough under the Lunacy Act, Chapter Ninety-seven, Section Forty-two, for the Reception into any Asylum, Hospital, or Licensed House of the whole or a Portion of the Pauper Lunatics of such County or Borough, it shall be lawful for the Justices of such County or Borough, so long as such Contract is subsisting, to defray out of the County or Borough Rate so much of the weekly Charge agreed upon for each Pauper Lunatic received therein as may, in the Opinion of such Committee of Visitors, represent the Sum due for the Use of such Asylum, Hospital, or Licensed House, not exceeding, however, One Fourth of the whole of such weekly Charge, in exoneration to that Extent of the Union to which the Maintenance of any such Pauper Lunatic may be chargeable.

Provision for Care of chronic Lunatics.

8. It shall be lawful for the Visitors of any Asylum and the Guardians of any Parish or Union within the District for which the Asylum has been provided, if they shall see fit, to make Arrangements, subject to the Approval of the Commissioners and the President of the Poor Law Board, for the Reception and Care of a limited Number of chronic Lunatics in the Workhouse of the Parish or Union, to be selected by the Superintendent of the Asylum, and certified by him to be fit and proper so to be removed.

Lunatics in Asylum.

9. The Committee of Visitors of any Asylum may provide Accommodation for the Burial of Pauper Lunatics dying in the Asylum by acquiring a new Burial Ground, or by enlarging any existing Burial Ground; they may purchase for the Purposes aforesaid any Land, and may grant any Land when purchased, or any Land already belonging to them, to any Person or Body of Persons, to be held on trust for a new Burial Ground or as Part of an existing Burial Ground, or they may themselves hold such Land on trust as a new Burial Ground or as Part of an existing Burial Ground; they may also contribute any Sums of Money to any Person or Body of Persons on condition of such Person or Body of Persons agreeing to provide Accommodation for the Burial of such Paupers as aforesaid in any Burial Ground; they may also take Steps for the Consecration of any new Burial Ground or enlarged Burial Ground, or any Part thereof, and in the Case of a new Burial Ground they may provide for the Appointment of a Chaplain therein; they may enter into any Agreements necessary for carrying into effect the Powers conferred by this Section, but the Exercise of such Powers shall be subject to the Restrictions following:

Firstly, That not more than Two Statute Acres shall in the Case of any One Asylum be purchased or granted as a new Burial Ground, or for an Enlargement of an existing Burial Ground:

Secondly,

Secondly, That the Sanction of the Court of General or Quarter Sessions and of One of Her Majesty's Principal Secretaries of State shall be given to any Plan that may be proposed by any Visitors for carrying into effect this Section.

All Expenses incurred by any Visitors in providing Accommodation for the Burial of Pauper Lunatics, in pursuance of this Act, shall be deemed to be Monies, Costs, and Expenses payable for the Purposes of the Lunacy Act, Chapter Ninety-seven, and may be defrayed accordingly.

8 & 9 Vict. c. 18. incorporated.

10. All the Provisions of "The Lands Clauses Act, 1845," except the Provisions of that Act "with respect to the Purchase "and taking of any Lands otherwise than by Agreement," "with "respect to the Recovery of Forfeitures, Penalties, and Costs," "with respect to Lands acquired by the Promoters of the Under- "taking, under the Provisions of the Lands Clauses Consolidation "Act, 1845, or the Special Act, or any Act incorporated therewith, "but which shall not be required for the Purposes thereof," "and "with respect to the Provision to be made for affording Access to "the Special Act by all Parties interested," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean any such Committee of Visitors as aforesaid.

Taking on Lease additional Lands for Use of Asylum.

11. It shall be lawful for any Committee of Visitors, with the Sanction of the Court of General or Quarter Sessions, to hire or take on Lease, from Year to Year or for any Term of Years, at such Rent, and upon such Terms, and under such Covenants as they think fit, any Land or Buildings, either for the Employment or Occupation of the Patients in the Asylum, or for the temporary Accommodation of any Pauper Lunatics for whom the Accommodation in the Asylum may be inadequate.

The Restrictions in Section Thirty-three of the Lunacy Act, Chapter Ninety-seven, as to the Term for which the Committee of Visitors are thereby authorized to take a Lease, or to rent Land, shall not apply to Land or Buildings to be hired or taken under this Provision.

The Land and Buildings so to be hired or taken shall, while used for the Purposes of this Section, be deemed Part of the Asylum, and all existing Provisions as to the Asylum or Part of the Asylum shall be applicable thereto accordingly.

Superannuation of Officers in Asylum.

12. The Power vested in the Visitors of an Asylum of granting an Annuity by way of Superannuation to any Person that has been an Officer or Servant in such Asylum for not less than Twenty Years, under Section Fifty-seven of the Lunacy Act, Chapter Ninety-seven, may be exercised by them when any such Person has been an

Officer or Servant for not less than Fifteen Years, in the same Manner as if the Time of such Service had been Twenty Years; and in calculating the Amount of Superannuation regard may be had, if the Visitors think fit, to the Value of the Lodgings, Rations, or other Allowances enjoyed by the Person superannuated: Provided, that no Annuity by way of Superannuation granted by the Visitors of any Asylum under the Provisions of this Act, or of the Lunacy Act, Chapter Ninety-seven, shall be chargeable on or payable out of the Rates of any County until such Annuity shall have been confirmed by a Resolution of the Justices of such County in General or Quarter Sessions assembled.

Provision for Superannuation of Matrons.

13. Where the Offices of Superintendent and Matron of any Asylum are held by Man and Wife, and an Order has been made under the Lunacy Act, Chapter Ninety-seven, granting an Annuity by way of Superannuation to the Superintendent, it shall be lawful for the Committee of Visitors of such Asylum, if they think fit to do so, and if the Matron has been an Officer in the Asylum for not less than Twenty Years, to grant to her such Annuity by way of Superannuation as they in their Discretion think proportionate to her Merits and Time of Service, although she may not have become incapable of executing her Office from Sickness, Age, or Infirmity; and every Annuity granted in pursuance of this Section shall be payable out of the Rates lawfully applicable to the building or repairing of such Asylum: Provided, firstly, that the annual Amount by way of Superannuation paid to any Matron under this Section shall not exceed Two Thirds of the Salary payable at the Time of her Retirement; secondly, that no such Superannuation shall be granted unless Notice of the Meeting at which the same is to be granted, and of the Intention to determine thereat the Question of such Superannuation, have been given in such Manner and so long before the Time appointed for such Meeting as is provided in the said Act with respect to Notices of Meetings of Committees of Visitors, nor unless Three Visitors concur in and sign the Order granting the same; thirdly, if any such Matron as aforesaid at any Time thereafter is appointed to any Public Office, or to any Office under the Lunacy Act, in respect of which she receives a Salary, the Payment of the Compensation awarded to her under this Act shall be suspended so long as she receives such Salary, if the Amount thereof is greater than the Amount of Compensation, or, if not, shall be diminished by the Amount of such Salary.

Licensed Houses.

Inspection by Commissioners before

14. Before the Grant by the Justices of a Licence for the Reception of Lunatics to a House which has not been previously licensed for that Purpose, the Notice given by the Applicant, and the Plan

Plan and Statements accompanying the same, or Copies of such Notice, Plan, and Statements respectively, shall be transmitted by the Applicant to the Commissioners, and the Commissioners shall inspect or cause to be inspected the House and Land or Appurtenances proposed to be included in the Licence, and shall ascertain, with reference as well to the Situation as to the Structure, Arrangements, and Condition of the Premises, whether the same are suitable for the Reception of the Patients proposed to be received therein, and the Commissioners shall transmit to the Clerk of the Peace for the County or Borough a Report in reference to such Application; and no Licence shall be granted by the Justices of the County or Borough, in pursuance of such Application, until the Report of the Commissioners with reference thereto has been received by the said Clerk of the Peace, and taken into consideration by the Justices in General or Quarter or Special Sessions assembled. Licence granted by Justices.

Where a Licence is granted by the Justices of a County or Borough in respect of a House not previously licensed, such Licence shall, as nearly as conveniently may be, be according to the Form in the Schedule marked A. to this Act, instead of in the Form prescribed by the Lunacy Act, Chapter One hundred.

15. Before the Consent of any Visitors is given to any Addition or Alteration being made in or about any Licensed House, or the Appurtenances, the Notice of the proposed Addition or Alteration, and Plan thereof, and accompanying Description given to the Clerk of the Peace, or Copies thereof respectively, shall be transmitted by him to the Commissioners, who shall, after making or causing to be made such Inquiries or Inspection (if any) as they may deem proper, transmit to the said Clerk of the Peace a Report stating their Approval or Disapproval thereof; and the Visitors shall not consent to such Addition or Alteration until they have received and considered such Report. Notice of Alterations to be given to the Commissioners.

16. Whereas by the Second Section of the Lunacy Act, Chapter Ninety-six, it is enacted, "that no Person having, after the passing "of the Lunacy Act, Chapter One hundred, received for the First "Time a Licence for the Reception of Lunatics, or thereafter "receiving for the First Time such Licence, shall receive a Licence "unless he resides on the Premises licensed, and no Two or more "Persons having, after the passing of the last-mentioned Act, received "for the First Time a joint Licence for the Reception of Lunatics, "or thereafter receiving for the First Time such joint Licence, shall "receive such Licence unless they or One of them should reside on "the Premises licensed:" And whereas it is expedient that in the Licensed Provision as to non-resident Proprietors.

Licensed Houses to which the said Section does not apply, by reason of the Proprietor or Proprietors thereof having first received a Licence prior to the Date mentioned in the said Section, the following Provision shall be made: Be it enacted,

That in all Cases of Licensed Houses, where the Proprietor or Proprietors thereof have first received their Licence or Licences before the Date of the passing of the Lunacy Act, Chapter One hundred, the Physician, Surgeon, or Apothecary required by Act of Parliament to reside in or visit such House shall be approved, in the Case of a House licensed by the Commissioners, by the Commissioners, and in the Case of a House licensed by Justices, by the Justices; and any Proprietor of a Licensed House to which this Section applies who permits any Physician, Surgeon, or Apothecary who has not been approved by the Commissioners, or by the Justices, as the Case may be, to reside in or visit at such House in such Capacity as aforesaid for a Period exceeding One Calendar Month, shall incur a Penalty not exceeding Five Pounds for every Day beyond such Month during which such Physician, Surgeon, or Apothecary so resides or visits; the above-mentioned Period of One Month shall be reckoned in the Case of a Physician, Surgeon, or Apothecary so resident or visiting at the Time of the passing of this Act from the Date of the passing thereof, and in the Case of any fresh Appointment of any such Physician, Surgeon, or Apothecary as aforesaid from the Date of such Appointment.

Penalty on infringing Terms of Licence.

17. If any Person empowered by Licence issued under the Lunacy Act, Chapter One hundred, to employ his House and Premises for the Reception of Lunatics receives into his House any Patients beyond the Number specified in his Licence, or fails to comply with the Regulations of his Licence in respect of the Sex of the Patients to be received, or the Class of Patients, whether private or not, to be received, he shall, in respect of each Patient received in contravention of his Licence, incur a Penalty not exceeding Fifty Pounds.

Extension of Powers to take Boarders in Houses.

18. It shall be lawful for the Proprietor or Superintendent of any Licensed House, with the previous Assent in Writing of Two or more of the Commissioners, or in the Case of a House licensed by Justices of Two or more of the Visitors, to entertain and keep in such House as a Boarder for such Time as may be specified in the Assent any Person who may have been within Five Years immediately preceding the giving of such Assent a Patient in any Asylum, Hospital, or Licensed House, or under Care as a single Patient.

Admission and Visitation of Patients.

Provision for sending Pauper

19. Whereas by the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven, it is amongst other things enacted as follows: "That

" That every Relieving Officer of any Parish within a Union or " under a Board of Guardians, and every Overseer of a Parish of " which there is no Relieving Officer, who shall have Knowledge either " by such Notice or otherwise that any Pauper resident in such Parish " is or is deemed to be a Lunatic and a proper Person to be sent to " an Asylum, shall within Three Days after obtaining such Knowledge " give Notice thereof to some Justice of the County or Borough " within which such Parish is situate:" Now be it enacted, That the said Section shall be construed as if the Words "and a proper " Person to be sent to an Asylum" had been omitted in the said recited Enactment. Lunatics to Asylums.

20. No Person shall be detained in any Workhouse, being a Lunatic or alleged Lunatic, beyond the Period of Fourteen Days, unless in the Opinion, given in Writing, of the Medical Officer of the Union or Parish to which the Workhouse belongs such Person is a proper Person to be kept in a Workhouse, nor unless the Accommodation in the Workhouse is sufficient for his Reception, and any Person detained in a Workhouse in contravention of this Section shall be deemed to be a proper Person to be sent to an Asylum within the Meaning of Section Sixty-seven of the Lunacy Act, Chapter Ninety-seven; and in the event of any Person being detained in a Workhouse in contravention of this Section, the Medical Officer shall for all the Purposes of the Lunacy Act, Chapter Ninety-seven, be deemed to have Knowledge that a Pauper resident within his District is a Lunatic, and a proper Person to be sent to an Asylum, and it shall be his Duty to act accordingly, and further to sign such Certificate as is contained in Schedule F. to the said Act, No. 3, with a view to more certainly securing the Reception into an Asylum of such Pauper Lunatic as aforesaid. Lunatics proper to be sent to Asylums.

21. The List of Lunatic Paupers required by Section Sixty-six of the Lunacy Act, Chapter Ninety-seven, to be made out by the Medical Officer, shall be in the Form in the Schedule marked B. hereto, and not in the Form required by the said Section, and shall, as respects such of the Lunatics therein mentioned as may be in any Workhouse, state whether, in the Opinion of the Medical Officer, the Workhouse is or not sufficient for the Accommodation of the Lunatics detained therein, and whether or not the Lunatics detained therein are proper Persons to be kept in a Workhouse. Amendment of Form of List as respects Pauper Lunatics in Workhouses.

22. When a Person has been found lunatic by Inquisition an Order, signed by the Committee appointed by the Lord Chancellor, and having annexed thereto an Office Copy of the Order appointing such Committee, shall be a sufficient Authority for the Reception of such Person into any Asylum, Hospital, Licensed House, or other House, Order for Reception and Medical Visitation of Persons found lunatic by Inquisition.

House, without any further Order or any such Medical Certificates as are required by Section Ninety of the Lunacy Act, Chapter One hundred, and Section Four and Eight of the Lunacy Act, Chapter Ninety-six, and the Provisions of the Section Ninety of the Lunacy Act, Chapter One hundred, as to the Visitation of every single Patient once in every Two Weeks by a Physician, Surgeon, or Apothecary, shall not apply to any Person found lunatic by Inquisition as aforesaid.

Persons signing Orders for Admission to have seen Patient within One Month.

23. No Order for the Reception of a Private Patient into any Asylum or Registered Hospital, licensed or other House, made in pursuance of the Lunacy Acts, Chapters Ninety-six and Ninety-seven, or either of them, shall authorize the Reception of such Patient after the Expiration of One Calendar Month from its Date, nor unless the Person subscribing such Order has himself seen the Patient within One Month prior to its Date, nor unless a Statement of the Time and Place when such Person last saw the Patient is added to such Order.

Certain Persons prohibited from signing Orders for Admission.

24. The following Persons shall be prohibited from signing any Certificate or Order for the Reception of any Private Patient into any licensed or other House:

First, Any Person receiving any Per-centage on or otherwise interested in the Payments to be made by or on account of any Patient received into a licensed or other House:

Second, Any Medical Attendant as defined by the Lunacy Act, Chapter One hundred.

Relative of Pauper to be named in Order of Admission.

25. Where an Order is made, in pursuance of the Lunacy Acts or any of them, for the Reception of any Private or Pauper Lunatic into any Asylum, Registered Hospital, or Licensed House, there shall be inserted in every such Order, wherever it be possible, the Name and Address of One or more of the Relations of the Lunatic; and in the event of his Death it shall be the Duty of the Clerk of such Asylum, the Superintendent of such Hospital, and the Proprietor or Superintendent of such Licensed House, to send by Post Notice of his Death in a prepaid Letter addressed to such Relation or One of such Relations.

Same Order and Certificates to justify Detention as Pauper of Private Patient.

26. The Order and Certificate required by Law for the Detention of a Patient as a Pauper shall extend to authorize his Detention, although it may afterwards appear that he is entitled to be classified as a Private Patient; and the Order and Certificates required by Law for the Detention of a Patient as a Private Patient shall authorize his Detention, although it may afterwards appear that he ought to be classified as a Pauper Patient.

27. Where

Provision as to defective Certificates.

27. Where any Medical Certificate upon which a Patient has been received into any Asylum, Registered Hospital, licensed or other House, or either of such Certificates, is deemed by the Commissioners incorrect or defective, and the same are or is not duly amended to their Satisfaction within Fourteen Days after the Reception by the Superintendent or Proprietor of such Asylum, Registered Hospital, or licensed or other House of a Direction or Writing from the Commissioners requiring Amendment of the same, the Commissioners or any Two of them may, if they see fit, make an Order for the Patient's Discharge.

Transmission of Documents to Commissioners on Admission of Patient.

28. The Documents required by the Lunacy Act, Chapter One hundred, Sections Fifty-two and Ninety, and the Lunacy Act, Chapter Ninety-seven, Section Eighty-nine, to be sent to the Commissioners in Lunacy, after Two clear Days, and before the Expiration of Seven clear Days from the Day on which any Private Patient has been received into any Licensed House, Registered Hospital, or Asylum, shall, with the Exception of the Statement now required to be sub joined to the Notice of Admission into any Asylum, Hospital, or Licensed House, be transmitted to the said Commissioners within One clear Day from the Day on which any Patient has been received into any such House, Hospital, or Asylum as aforesaid, and the said Sections shall, so far as relates to the said Documents, other than the said Statement, be construed as if the Words "One clear Day" were substituted therein for the Words "after Two clear Days, and "before the Expiration of Seven clear Days;" nevertheless the said excepted Statement shall be transmitted as heretofore, save that it shall be separate from the said Notice, and shall refer to the Order of Admission by the Date thereof, instead of referring to it as the above Notice, and the Words referring to the said Statement as being subjoined shall be omitted in the said Notice.

Visits by Commissioners.

29. Every Licensed House may be visited at any Time, and, if situate within their immediate Jurisdiction, shall be visited Twice at least in every Year by any One or more of the Commissioners, in addition to the Visits now required to be made by Two at least of the Commissioners; and if not within the immediate Jurisdiction of the Commissioners, may be visited at any Time, and shall be visited twice at least in every Year by One or more of the Visitors, in addition to the Visits now required to be made by Two at least of the Visitors.

Every Commissioner visiting alone shall have the same Powers as Two Commissioners would have under Section Sixty-one of the Lunacy Act, Chapter One hundred; and all the Provisions of the said Act contained in Sections Sixty-three, Sixty-four, Sixty-five, Sixty-six,

six, and Sixty-seven shall apply to a Commissioner or Visitor visiting alone, as the Case may be, in the same Manner as they would apply under the said Act to Two or more Commissioners or Two or more Visitors visiting together.

Single Commissioner to visit Asylums and Gaols.

30. Any One or more of the Commissioners may at any Time visit every Asylum and Hospital for Lunatics, and every Gaol in which there may be, or alleged to be, any Lunatic, in addition to the Visits now required or empowered to be made by Two at least of the Commissioners, and every Commissioner so visiting alone shall have the same Powers as Two or more Commissioners would perform and have, in the Case of an Asylum or Gaol, in pursuance of the One hundred and tenth Section of the Lunacy Act, Chapter One hundred, and in the Case of a Hospital in pursuance of Section Sixty-one of the Lunacy Act, Chapter One hundred.

Power to remove Lunatic from Workhouse to Asylum.

31. Where upon the Visitation of any Workhouse by any Two or more of the Commissioners in Lunacy it appears to them that any Lunatic or alleged Lunatic therein is not a proper Person to be kept in a Workhouse, they may by an Order under their Hands direct such Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven: Provided always, that it shall be lawful for the Guardians of the Union or Parish to which any Workhouse belongs to appeal against such Order at any Time within One Calendar Month from the making thereof to Her Majesty's Principal Secretary of State for the Home Department, who shall thereupon exercise the Power given to him by Section One hundred and thirteen of the Lunacy Act, Chapter One hundred, save that he shall not appoint thereunder the Commissioners who made the Order appealed against, or either of them; and the Order in the Matter of the Secretary of State, made upon the Report of the special Visitation, shall be binding on all Parties concerned.

Removal of single Pauper Patients to Asylums.

32. Any Two or more of the Commissioners in Lunacy may visit any Pauper Lunatic or alleged Lunatic not in an Asylum, Hospital, Licensed House, or Workhouse, and may, if they think fit so to do, call to their Assistance a Physician, Surgeon, or Apothecary, and examine such Pauper; and if such Physician, Surgeon, or Apothecary sign a Certificate with respect to such Pauper, according to the Form in Schedule F. No. 3, annexed to the Lunacy Act, Chapter Ninety-seven, and the Commissioners are satisfied that such Pauper

Pauper is a Lunatic, and a proper Person to be taken charge of and detained under Care and Treatment, they may, by an Order under their Hands, direct such Lunatic or alleged Lunatic to be received into an Asylum, and any Order so made shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum under the Sixty-seventh Section of the Lunacy Act, Chapter Ninety-seven.

Effect of Order for Removal.

33. The Order made by any Two or more of the Commissioners in Lunacy in pursuance of this Act may authorize the Admission of a Lunatic not only into any Asylum of the County or Borough in which the Parish or Place from which the Lunatic is sent is situate, but also into any other Asylum for the Reception of Pauper Lunatics of such County or Borough, and also into any Asylum for any other County or Borough, or any Hospital registered or House licensed for the Reception of Lunatics, under the same Circumstances and subject to the same Conditions under which an Order of the Justice or Justices may authorize such Admission in pursuance of Section Seventy-two of the Lunacy Act, Chapter Ninety-seven.

Statement of Condition of Pauper Lunatics to be transmitted to Guardians.

34. The Superintendent of every Asylum shall, once at the least in each Half Year, transmit to the Guardians of every Union, and of every Parish under a Board of Guardians, and the Overseers of every Parish not in a Union nor under a Board of Guardians, a Statement of the Condition of every Pauper Lunatic chargeable to such Union or Parish.

Amendment of Sect. 64. of 8 & 9 Vict. c. 100.

35. The Inquiries authorized to be made under Section Sixty-four of the Lunacy Act, Chapter One hundred, or under Section Ninety-two of the same Act, and the Provisions amending the same, may include Inquiries as to the Monies paid to the Superintendent or Proprietor on account of any Lunatic under the Care of such Superintendent or Proprietor.

Copies of Entries of Commissioners and Visitors.

36. The Proprietor of every Licensed House within the Jurisdiction of Visitors appointed by Justices shall, within Three Days after a Visit by the Visiting Commissioners or Commissioner, transmit a true and perfect Copy of the Entries made by them or him in the Visitors Book, the Patients Book, and the Medical Visitation Book, respectively, distinguishing the Entries in the several Books, to the Clerk of the Visitors as well as to the Commissioners, and the Copies so transmitted to the Clerk of the Visitors of all such Entries in the Visitors Book relating to any such Licensed House, and made since the Grant or last Renewal of the Licence thereof, shall be laid before the Justices on

taking into consideration the Renewal of the Licence to the House to which such Entries relate; and every such Proprietor as aforesaid who shall omit to transmit as herein-before mentioned a true and perfect Copy of every or any such Entry as aforesaid shall for every such Omission forfeit a Sum not exceeding Ten Pounds.

Visiting Committee to enter Observations in a Book respecting Dietary, Accommodation, &c. of Lunatics in Workhouses.

37. The Visiting Committee of every Union, and of every Parish under a Board of Guardians, and the Overseers of every Parish not in a Union nor under a Board of Guardians, shall once at the least in each Quarter of a Year enter in a Book to be provided and kept by the Master of the Workhouse such Observations as they may think fit to make respecting the Dietary, Accommodation, and Treatment of the Lunatics or alleged Lunatics for the Time being in the Workhouse of their Union or Parish, and the Book containing the Observations made in pursuance of this Section by the Visiting Guardians or Overseers shall be laid by the Master before the Commissioner or Commissioners on his or their next Visit.

Miscellaneous Clauses.

Patients may be permitted to be absent on Trial from Hospitals and Private Houses.

38. Section Eighty-six of the Lunacy Act, Chapter One hundred, and Section Seventeen of the Act Eighteenth and Nineteenth *Victoria*, Chapter One hundred and five, shall extend to authorize the Proprietor or Superintendent of any Licensed House or Hospital, with such Consent, and to be given on such Approval as thereby required, to permit any Patient to be absent from such Hospital or House upon Trial for such Period as may be thought fit:

Two of the Commissioners, as regards any Hospital or any Licensed House, and Two of the Committee of Governors of any Hospital, and Two of the Visitors of any Licensed House, as regards any Licensed House within the Jurisdiction of Visitors, may of their own Authority permit any Pauper Patient therein to be absent from such Hospital or House upon Trial for such Period as they may think fit, and may make or order to be made an Allowance to such Pauper not exceeding what would be the Charge for him in such Hospital or House, which Allowance shall be charged for him and be payable as if he were actually in such Hospital or House, but shall be paid over to him, or for his Benefit, as the said Commissioners or Visitors may direct:

In case any Person so allowed to be absent on Trial for any Period do not return at the Expiration thereof, and a Medical Certificate as to his State of Mind certifying that his Detention as a Lunatic is no longer necessary be not sent to the Proprietor or Superintendent of such Licensed House or Hospital, he may at any Time within Fourteen Days after the Expiration of the same Period be retaken as in the Case of an Escape.

39. If

Penalty on Officer conniving at the Escape of Lunatics.

39. If any Officer or Servant in any Hospital or Licensed House through wilful Neglect or Connivance permits any Patient to escape from such Hospital or Licensed House, or secretes or abets or connives at the Escape of any Patient from such Hospital or Licensed House, he shall for every such Offence incur a Penalty not exceeding Twenty Pounds.

Correspondence of Private Patients.

40. Every Letter written by a Private Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to the Commissioners in Lunacy or Committee, or in the Case of Houses within the Jurisdiction of Visitors to the Visitors or any of them, shall, unless special Regulations to the contrary have been given by such Commissioners or Visitors, be forwarded unopened.

Every Letter written by a Private Patient in any Asylum, Hospital, or Licensed House, or by any single Patient, and addressed to any Person other than the Commissioners or Committee or Visitors or One of them, shall be forwarded to the Person to whom it is addressed, unless the Superintendent in the Case of an Asylum or Hospital, the Proprietor in the Case of a Licensed House, and the Person having the Charge of a single Patient in the Case of a single Patient, prohibit the forwarding of such Letter, by Endorsement to that Effect under his Hand on the Letter, in which Case he shall lay all Letters so endorsed before the Visiting Commissioners, Committee, or Visitors, as the Case may be, on their next Visit.

Any Superintendent, Proprietor, or Person in charge of a single Patient failing to comply with the Provisions of this Section as to laying any Letter before the Commissioners or Committee or Visitors that is not forwarded to the Address of the Person to whom it is directed, or being privy to the Detention by any other Person of any Letter detained in contravention of this Section, shall incur a Penalty not exceeding Twenty Pounds in respect of each Offence; and any Person detaining any Letter in contravention of this Section shall incur, in respect of each Letter so detained, a Penalty not exceeding Twenty Pounds.

Statement as to Condition of single Patients.

41. Every Person having the Care or Charge of a single Patient shall in addition to the Notice required to be given by the Ninetieth Section of the Lunacy Act, Chapter One hundred, before the Expiration of Seven clear Days from the Day on which he has taken the Patient under his Care or Charge, transmit to the Commissioners a Statement of the Condition of the Patient, according to the Form in Schedule F. annexed to the said last-mentioned Act, such Statement to be signed by the Physician, Surgeon, or Apothecary visiting the Patient in pursuance of the Ninetieth Section of the Lunacy Act, Chapter One hundred.

If

If any Person having the Care or Charge of a single Patient fails to transmit such Statement as aforesaid within such Time as is required by this Section he shall be guilty of a Misdemeanor.

Commissioners empowered to prescribe Forms, &c. of Medical Visitation Book.

42. In the Case of single Patients the Commissioners may from Time to Time make Regulations as to the Form of and the Particulars to be entered in the "Medical Visitation Book," required to be kept by the Ninetieth Section of the Lunacy Act, Chapter One hundred, and if the Person having the Care or Charge of a single Patient fails to comply with the Regulations so made he shall in respect of each Offence incur a Penalty not exceeding Five Pounds.

Discharge of a Private Patient.

43. If there be no Person capable or qualified, under Section Seventy-two or Section Seventy-three of the said Lunacy Act, Chapter One hundred, to direct the Discharge or Removal of any such Patient as therein mentioned from any Registered Hospital or Licensed House, the Commissioners may order the Discharge or Removal of such Patient, as they may think fit.

Report to Coroner of Death of single Patient.

44. The Superintendent of every Asylum, and every Person having the Care or Charge of a single Patient, shall, in the event of the Death of any Patient, transmit to the Coroner of the County or Borough the same Statement as is required by Law to be transmitted in the Case of the Death of any Patient in any Hospital or Licensed House, and if such Coroner, after receiving such Statement, thinks that any reasonable Suspicion attends the Cause and Circumstances of the Death of such Patient, he shall summon a Jury to inquire into the Circumstances of such Death.

Any Superintendent or Person in charge who makes default in complying with the Requisitions of this Section shall be guilty of a Misdemeanor.

Chargeability of Pauper Lunatics whose Settlements cannot be ascertained where found in certain Boroughs.

45. Section Fourteen of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and five, shall be repealed, and in lieu thereof be it enacted, 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 is found in a Borough which has a separate Court of Sessions of the Peace, and 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

expended out of the County Rate, or is found in any Borough which under the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-two, is exempted from Liability to contribute to the Payment of the Expenses incurred for maintaining Pauper Lunatics chargeable to the County in which such Borough is situate, such Lunatic shall be adjudged to be chargeable to the Borough in which he is found; 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 such Lunatic.

All the Provisions in the Lunacy Act, Chapter Ninety-seven, as to the Mode of determining that a Pauper Lunatic is chargeable to a County, and as to the Orders to be made for Payment of Expenses and other Monies in respect of such Lunatic, and for the Repayment thereof to the Treasurer of a County, shall extend to the Case of a Borough to which a Lunatic is made chargeable under this Section as if the said Provisions were re-enacted in this Act, and such Borough were therein mentioned or referred to instead of a County.

Amendment of 8 & 9 Vict. c. 100. s. 100. as to Power of administering Oaths.

46. Any Two or more Commissioners or Visitors, in exercise of the Powers given to them by the One hundredth Section of the Lunacy Act, Chapter One hundred, may, if they think fit, examine on Oath any Person appearing before them as a Witness, notwithstanding a Summons may not have been served on him in pursuance of the said Section.

Definition of Physician, Surgeon, or Apothecary.

47. The Term Physician, Surgeon, or Apothecary, wherever used in the Lunacy Acts, shall mean a Person registered under "The Medical Act," passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety.

Part of Sect. 132. of 16 & 17 Vict. c. 97. repealed.

48. So much of Section One hundred and thirty-two of the Lunacy Act, Chapter Ninety-seven, as enacts that in that Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "County" shall mean a County of a City or County of a Town, shall, except with respect to the City of *London*, be repealed, and all the Provisions of the said Act and of the Acts amending the same shall be read and construed accordingly.

SCHEDULE A.

Form of Licence.

Know all Men, That we, the undersigned Justices of the Peace, acting in and for in General [*or* Quarter *or* Special] Sessions assembled, do hereby certify that *A.B.* of in the Parish of in the County of hath delivered to the Clerk of the Peace a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics, situate at in the County of and which has not been previously licensed for that Purpose, and hath applied to us for a Licence thereof: And whereas the Particulars of the said Application have been transmitted to the Commissioners in Lunacy, and their Report in reference to the said Application has been received, and has been taken into consideration by us; and we, having considered and approved the Application, do hereby authorize and empower the said *A.B.* (he intending *or* not intending to reside therein) to use and employ the said House and Premises for the Reception of Male [*or* Female, *or* Male and Female] Lunatics, of whom not more than shall be Private Patients, for the Space of Calendar Months from this Date.

Given under our Hand and Seals, this Day of in the Year of our Lord One thousand eight hundred and .

Witness, *Y.Z., Clerk of the Peace.*

SCHE-

SCHEDULE B.

County of
Union [*or* Parish of]
District of

QUARTERLY LIST of LUNATIC PAUPERS within the District of the Union of [*or* the Parish of], in the County or Borough of , not in any Asylum, Registered Hospital, or Licensed House.

Name.	Sex.	Age.	Form of Mental Disorder.	Duration of present Attack of Insanity, and if idiotic, whether or not from Birth.	Resident in Workhouse.	Non-Resident in Workhouse, where and with whom resident.	Date of Visit.	In what Condition, and, if ever restrained, why, and by what Means, and how often.

I declare that I have personally examined the several Persons whose Names are specified in the above List on the Days set opposite their Names; and I certify, firstly, with respect to those appearing by the above List to be in the Workhouse, that the Accommodation in the Workhouse is sufficient for their Reception, and that they are all [*or* all except *A.B.* and *C.D.*] proper Patients to be kept in the Workhouse; and, secondly, with respect to those appearing by the above List to be resident elsewhere than in the Workhouse, that they are all [*or* all except *A.B.* and *C.D.*] properly taken care of, and may properly remain out of an Asylum.

I declare that the Persons in the above List are to the best of my Knowledge the only Pauper Lunatics in the District of the Union of [*or* in the Parish of] who are not in an Asylum, Registered Hospital, or duly Licensed House.

(Signed) *A.B.*,
Medical Officer of the District of the Union [*or* Parish] of .

Dated the Day of One thousand eight hundred and .

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.