ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

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C A P. XXXIII.

An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences in *Ireland*. [28th *May* 1821.]

WHEREAS an Act was made in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the Establishment of Asylums for the Lunatic Poor in* Ireland; and which Act was amended by an Act made in the last Session of Parliament; and it is expedient that the Provisions of the said Acts should be consolidated, and that the same should be amended; and it is also expedient that the Custody of Insane Persons, charged with Offences, in *Ireland*, should be regulated in like Manner as in *England*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Expiration of Ten Days after the passing of this Act, the said recited Acts of the Fifty-seventh Year of His late Majesty's Reign, and of the last Session of Parliament, shall be and the same are hereby repealed: Provided always, that all Matters and Things, at any Time heretofore done under the said recited Acts, or either of them, or for the carrying the said Acts, or either of them, into Execution, shall be and remain as good, valid, and effectual, to all Intents and Purposes, as if this Act had not been

57 G.3. c.106. 1 G.4. c.98. repealed. Matters done under those Acts to remain valid.

made; and that all Asylums erected or established under the said recited Acts shall in future be regulated under the Directions of this Act.

Lord Lieutenant empowered to direct any Number of Asylums for the Lunatic Poor to be erected and established in several Districts, consisting either of Two or more Counties, or of One County or Town only.

II. And be it further enacted, That at any Time after the passing of this Act, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of His Majesty's Privy Council in *Ireland*, to direct and order that any Number of Asylums for the Lunatic Poor in *Ireland* shall be erected and established in and for such Districts in *Ireland*, as to the said Lord Lieutenant or other Chief Governor or Governors and Privy Council shall seem expedient; and that every such District shall and may consist either of the whole of Two or more Counties, or of One or more County or Counties, and One or more County or Counties of Cities or Towns, or of One County, or County of a City, or County of a Town only, and no more; but shall not in any Case include Part only of any County, County of a City or Town; and that all Lunatic Poor within every such District respectively shall be maintained and taken care of in the Asylum belonging to such District; and that every such Asylum established or to be established for any District, consisting of more than One County, or One County of a City or County of a Town, shall be sufficient to contain such Number of Lunatic Poor, not being less than One hundred nor more than One hundred and fifty in any One Asylum, as shall seem expedient to such Lord Lieutenant or other Chief Governor or Governors and Privy Council; and that where any such District shall consist of only One County, or County of a City or County of a Town, and no more, every such Asylum shall be sufficient to contain such Number of Lunatic Poor, not being less than Fifty, as shall seem expedient to such Lord Lieutenant or other Chief Governor or Governors and Privy Council; and every Order of Council to be made for any such Purpose shall be published in the *Dublin Gazette*.

Capacity of Asylums.

Grand Jury, at Assizes, to present such Sum as shall be requisite for such Asylums.

III. And be it further enacted, That at any Time after any such Order of Council shall be made and published in the *Dublin Gazette*, it shall and may be lawful for the Grand Jury of any and every County, County of a City, and County of a Town, within any such District, or of which such District shall consist, at any Assizes to present such Sum or Sums of Money to be raised off such County, County of a City, or County of a Town respectively, as shall be requisite for defraying the Expences of erecting and establishing such Asylum, and for maintaining the same, to such Amount and in such Proportions as shall be directed by any Order to be made by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of His Majesty's Privy Council in *Ireland*.

Lord Lieutenant may direct Money to be advanced out of the Consolidated Fund,

IV. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of His Majesty's Privy Council in *Ireland*, to order and direct that any Sum or Sums of Money shall be advanced and issued and paid out of the growing Produce of the Consolidated Fund of the United Kingdom arising in *Ireland*,

land, to such Person or Persons as shall be named in any such Order of Council, or into the Bank of *Ireland*, in the Names of any such Person or Persons, to be paid and applied for the Purpose of erecting and establishing any such Asylum for the Lunatic Poor in any such District in *Ireland*, in such Sums and at such Times, and in such Manner and Proportions, and under such Rules, Regulations, Terms, and Conditions, and to annex such Penalties for Breach of such Rules, Regulations, Terms, and Conditions, as to such Lord Lieutenant or other Chief Governor or Governors and Privy Council shall seem best suited for promoting the beneficial Purposes of this Act; and after any such Asylum shall be fit for the Reception of such Lunatic Poor, the Grand Jury of every County, County of a City, or County of a Town, within the District in and for which such Asylum shall be erected and established, or of which such District shall consist, shall present such Sum or Sums of Money at the several ensuing Assizes, for the Repayment of the Money so advanced, and at such Times and in such Proportions as shall be directed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

for establishing such Asylums;

V. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of His Majesty's Privy Council in *Ireland*, to nominate and appoint such Persons as he and they shall think fit and proper, to be Governors or Directors of every or any such Asylum, in any such District; and also to nominate and appoint any Persons not exceeding Eight in Number, to be Commissioners for general Controul and Correspondence, and for the superintending and directing the Erection, Establishment, and Regulation of all such Asylums; and also that it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and Privy Council, to make, frame, and establish, or upon the Suggestion and Recommendation of such Commissioners for general Controul and Correspondence, to adopt and authorize, any Rules and Regulations for the good Conduct and Management of such Asylums in general, or of any such Asylum in particular: Provided always, that every Person who shall be appointed to be a Governor or Director of any such Asylum, or to be One of the Commissioners for such general Controul and Correspondence, shall act without any Salary, Fee, Reward, or Emolument whatsoever.

and may appoint Directors and Commissioners for superintending the Asylums.

No Salary to Director, &c. allowed.

VI. And be it further enacted, That in each and every Case, where an Order of Council for the Erection of a District Lunatic Asylum shall have been made and published in the *Dublin Gazette* as in this Act is provided, the said Commissioners for general Controul and Correspondence shall have full Power and Authority to rent or purchase any Houses, Buildings, Lands, Tenements, or Hereditaments, on the Scite or Scites of which it shall be proposed to erect or maintain any such District Lunatic Asylum; and any Houses, Lands, Tenements, Buildings, or Hereditaments, so rented or purchased, shall and may be conveyed to the said Commissioners, or any Three of them, and to their Heirs and Successors, in Trust to

Commissioners may rent and purchase Premises for erecting Lunatic Asylums.

to and for the Uses and Purposes of the said District Lunatic Asylum.

Grand Juries, at Assizes, shall present for Expences, &c. of Asylums.

VII. And be it further enacted, That it shall be lawful for the Grand Jury of every County, County of a City, or County of a Town, in *Ireland*, in or for which, wholly or in part, any such Asylum hath been or shall be established, or hath been or shall be ordered or directed so to be under the Provisions of the said recited Acts or this Act, and such Grand Jury are hereby required, at the Assizes next ensuing the Day or Time when such Purchase shall be made, or such Rent shall become due, or any Expenditure shall have been made for supplying or maintaining any such Asylum, or the Officers or Attendants thereof, or the Patients therein, or as soon after as shall be requisite, and so from Time to Time whenever the Case shall happen, to present to be raised off any such County, County of a City, or County of a Town, such Sum or Sums of Money as shall be necessary for completing such Purchase, or paying such Rent or Rents, or any such Disbursements and Expenditures, or any of them, or any Part or Proportion thereof, to be ascertained by an Order to be made by the Lord Lieutenant, or other Chief Governor or Governors, in Council as aforesaid; and if the said Grand Jury shall refuse to make any such Presentment, the Court shall order the Sum or Sums which ought to be so presented, to be raised as if the same had been so presented, and the same shall be raised and paid accordingly.

Bodies Corporate, &c. may sell and convey Premises for such Purposes.

VIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic and Corporate, Trustees, Guardians of Infants, Committees of Lunatics, Femes Covert with their Husbands, and all other Persons whatsoever, who are or shall be seised or possessed of, or interested in, or entitled unto any Estate or Interest whatsoever in the Lands, Houses, Grounds, Tenements, Buildings, or Hereditaments which by the said Commissioners shall be thought necessary to be rented or purchased for any of the Purposes of this Act, by Deeds indented and enrolled, to demise, sell, and convey all and any such Grounds, Houses, Tenements, or Hereditaments, or any Part thereof, and all the respective Estates and Interests therein, to the said Commissioners, or any Three of them, and their Heirs and Successors; and that all Contracts, Agreements, Bargains, Sales, and Conveyances that shall be so made, shall be good and valid in Law to all Intents and Purposes whatsoever; and that such Commissioners, and their Heirs and Successors, shall be Trustees of all such Houses, Lands, Tenements, and Hereditaments as shall be conveyed to or vested in them under and by virtue of this Act, for the Purposes herein provided, and for no other Purpose whatsoever.

Sheriffs to proceed in making Valuations of Premises, as they are empowered to

IX. And for the better ascertaining the Rent or Value of any such Lands, Tenements, or Hereditaments as may be rented or purchased for the Purposes of this Act, be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three of them, to issue a Warrant or Warrants, or Precept or Precepts, to the Sheriff of the County, or County of a City, or County of the Town

Town wherein the Lands, Tenements, and Hereditaments proposed to be purchased are lying and being; and such Sheriff or Sheriffs respectively shall thereupon proceed to take such Steps for the Valuation of such Lands, Tenements, or Hereditaments, as are prescribed for the Valuation of Lands, Tenements, or Hereditaments taken for the Scites of Gaols, by virtue of an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing the several Laws relating to Prisons in* Ireland, *and for re-enacting such of the Provisions thereof as have been found useful, with Amendments*, or of any Act or Acts for amending the same.

do in Cases of Valuation of Scites of Gaols under 50 G.3. c.103.

X. And be it further enacted, That all the Powers vested in the Commissioners for building Gaols in the said recited Act of the Fiftieth Year of His late Majesty's Reign, or of any Act for amending the same, shall be and are hereby vested in the Commissioners of General Controul and Correspondence for the District Lunatic Asylums of *Ireland*, or any Three of them, so far as the same relate to the holding a Court, and proceeding to the Valuation of the Lands, Tenements, and Hereditaments, on the Scite of which any District Lunatic Asylum shall or may have been, or may be erected, under and by virtue of this Act, or the said recited Acts.

Powers vested in Commissioners for building Gaols, to extend to Commissioners for building Lunatic Asylums.

XI. And be it further enacted, That all and every of the Provisions of the said recited Act of the Fiftieth Year of His said late Majesty's Reign, or any Act for amending the same, which affect or relate to the Purchase and Valuation of Lands, Tenements, or Hereditaments for the Scites of Gaols or Prisons, or to any Notices, Proceedings, Summonses, Verdicts, and Judgments, or to any Conveyances or Enrolments, or to the Lodgments of Consideration Money, or to Petitions to the High Court of Chancery in *Ireland*, or to any Payments of Purchase Money, or to any Rights and Titles of Parties interested, shall be held to apply to the Valuation of Lands, Tenements, or Hereditaments rented or taken for the Scites of Lunatic Asylums under this Act, or the said herein-before recited Acts; and such Verdicts, Judgments, and Conveyances shall be binding and conclusive to all Intents and Purposes whatsoever.

Provisions of recited Act, 50 G.3. c.103. affecting Purchase and Valuation of Scites, to extend to this Act.

XII. Provided always, and be it further enacted, That in every Case, when a Jury shall be impannelled and sworn for the Valuation of any Lands, Tenements, or Hereditaments rented or taken for the Scite of any Lunatic Asylum as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Three of them, to appoint, by an Instrument in Writing under their Hands and Seals, by and with the Approbation of the Lord Lieutenant, or other Chief Governor or Governors in Council, not less than Six Persons, nor more than Twelve, Three of whom shall be competent to act on Behalf of the said Commissioners, in presiding at such Court, and receiving the Verdicts of such Jury as shall be held and impannelled for such Valuation, such Persons so appointed and approved of being Magistrates for One or more of the Counties, Counties of Cities, or Counties of Towns, comprehended within the District for which such Asylums

Persons to be appointed by Commissioners, with Consent of the Lord Lieutenant, to preside in Court, to receive Verdicts of Juries in Cases where Questions of Valuation are so referred,

 respectively

respectively have been or shall be erected, or of the County, County of a City, or County of a Town, of which such District shall consist; and the Acts of such Magistrates, or any Three of them, shall be of equal Force and Validity with those of the Commissioners themselves, so far as relates to holding a Court for such Valuation, and performing the Duties necessary for such Valuation, as prescribed by the said recited Act of the Fiftieth Year of His late Majesty's Reign, or any Act or Acts for amending the same.

Rent or Purchase Money to be paid out of the general Funds.

XIII. And be it further enacted, That the Rent or Purchase Money, so fixed and ascertained as aforesaid, shall be provided for out of the general Funds for the Erection of and Maintenance of Lunatic Asylums by virtue of this Act.

A yearly Account of the Funds and Expenditure of every such Asylum, shall be laid before Commissioners of Accounts.

XIV. And be it further enacted, That before the Twenty-fifth Day of *March* One thousand eight hundred and twenty-two, and so in every succeeding Year before the Twenty-fifth Day of *March* in each Year, the Governors or Directors of the several Lunatic Asylums in *Ireland*, which have been or shall be established under the said recited Acts hereby repealed, or under this Act, or the Treasurer or other proper Officer of such Lunatic Asylum respectively, shall yearly and every Year make out and deliver and transmit to the Commissioners for auditing the Public Accounts of *Ireland*, a Return containing a Statement and Accounts of all the Funds intrusted to the Governors or Directors of every such Lunatic Asylum respectively, for the Benefit of every such Asylum, and of the Application of such Funds, for the Year ending on the Twenty-fifth Day of *December* preceding such Twenty-fifth Day of *March*, with the Balances of the Debts and Credits, and of the whole Funds of every such Asylum respectively, on such Twenty-fifth Day of *December*; and also the Number of Patients or Persons received into and sent out of every such Asylum respectively during such preceding Year, and the Number of Patients remaining therein at the Time of such Return, and the Number and Names of the Physicians, Surgeons, Officers, Servants, and other Persons employed in or about the Management of every such Asylum respectively, and all such other Matters and Things relating to the Management, Revenue, and Expenditure of every such Asylum respectively, as shall from Time to Time be required by the said Commissioners of Accounts, for the full Disclosure of the State of every such Asylum respectively; and all the said Returns, Statements, and Accounts, shall be signed by the Secretary, Treasurer, or Chief Officer for the Time being of every such Asylum respectively, and shall be confirmed as just and true Statements by the Signature of Three Governors or Directors of every such Asylum respectively.

Commissioners for auditing Accounts under this Act shall exercise all the Powers of 52 G. 3. c. 52.

XV. And be it further enacted, That the said Commissioners of Accounts shall have and they are hereby authorized and empowered to use and exercise all such Powers, for the obtaining of the Accounts, Statements, and Returns by this Act required to be made relating to the said Lunatic Asylums, and in the exercising and stating of the Accounts of the Receipt and Expenditure, and of the Debts and Credits of every such Asylum respectively, as are given to or vested

in the said Commissioners of Accounts under and by virtue of an Act made in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the speedy and regular Examination and Audit of the Public Accounts of* Ireland, with respect to the Matters and Things required to be done by the said Commissioners of Accounts under the said recited Act; and all and every Persons and Person shall be subject and liable to such Pains and Penalties for any Disobedience to any Orders of the said Commissioners of Accounts in the Execution of this Act, as are inflicted or imposed by the said recited Act on Persons disobeying the Orders of the said Commissioners under the said recited Act.

Persons indicted and acquitted on the Ground of Insanity at the Time of Commission of the Crime, may be detained in Custody.

XVI. And whereas Persons charged with Offences in *Ireland* may have been or may be of unsound Mind at the Time of committing the Offence wherewith they may have been or shall be charged, and by reason of such Insanity may have been or may be found not guilty of such Offences; and it may be dangerous to permit Persons in such Cases to go at large; be it therefore enacted, That in all Cases where it shall be given in Evidence on the Trial of any Person in *Ireland*, charged with Treason, Murder, or any other Offence, that such Person was insane at the Time of the Commission of such Offence, and such Person shall be acquitted, the Jury shall be required to find specially whether such Person was insane at the Time of the Commission of such Offence, and to declare whether such Person was acquitted by them on account of such Insanity; and if they shall find that such Person was insane at the Time of the committing such Offence, the Court before whom the Trial shall be had, shall, if it shall be thought necessary or proper, order such Person to be kept in strict Custody, in such Place and in such Manner as to the Court shall seem fit, until the Pleasure of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, shall be known; and it shall thereupon be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to give such Order for the safe Custody and Care of such Person, during the Pleasure of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, in such Place and in such Manner as shall seem fit; and in all Cases where any Person before the passing of this Act has been acquitted of any such Offences, on the Ground of Insanity at the Time of the Commission thereof, and has been detained in Custody as a dangerous Person by Order of the Court before whom such Person has been tried or otherwise, and shall remain in Custody at the Time of the passing of this Act, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to give the like Order for the safe Custody and Care of such Person, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* is or are by this Act enabled to give in the Cases of Persons who shall hereafter be acquitted on the Ground of Insanity.

Criminals found insane at the Time of their Indictment,

XVII. And be it further enacted, That if any Person indicted in *Ireland* for any Offence shall be found to be insane, by a Jury lawfully impanelled for that Purpose, so that such Person cannot be tried upon such

may be detained under Order of Courts, and Direction of Lord Lieutenant.

such Indictment; or if upon the Trial of any Person so indicted, such Person shall appear to the Jury charged with such Indictment to be insane, it shall be lawful for the Court before whom such Person shall be brought to be tried as aforesaid, to direct such Finding to be recorded, and thereupon to order such Person to be kept in strict Custody, and to be taken care of, until the Pleasure of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, shall be known; and if any Person charged with any Offence shall be brought before any Court to be discharged for want of Prosecution, and such Person shall appear to be insane, it shall be lawful for such Court to order a Jury to be impanelled, to try the Sanity of such Person; and if the Jury so impanelled shall find such Person to be insane, it shall be lawful for such Court to order such Person to be kept in strict Custody, in such Place and in such Manner as to such Court shall seem fit, until the Pleasure of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, shall be known; and in all Cases of Insanity so found, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to give the like Order for the safe Custody and Care of such Person so found to be insane, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* is or are by this Act enabled to give in the Cases of Persons acquitted on the Ground of Insanity.

Such insane Criminals shall be detained in Lunatic Asylums, when they are provided.

XVIII. Provided always, and be it enacted, That whenever and as soon as there shall be a Lunatic Asylum built or maintained, either wholly or in part, in any County, County of a City or County of a Town, wherein such Prisoner, in any of the Cases aforesaid, shall be tried or found insane as aforesaid, then and from thenceforth such insane Person shall without Delay be removed to such Asylum, and shall be kept therein so long as such Prisoner shall be detained in Custody.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1821.