

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. CXVIII.

An Act to provide for the Appointment of the Officers and Servants of District Lunatic Asylums in *Ireland*, and to alter and amend the Law relating to the Custody of dangerous Lunatics and dangerous Idiots in *Ireland*.

[20th *August* 1867.]

WHEREAS under the Provisions of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *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, and of the several Acts amending the same, District Lunatic Asylums have been established in *Ireland:* 1 & 2 G. 4. c. 33.

And whereas Doubts have arisen as to the Person or Persons by whom the Officers and Servants of such District Lunatic Asylums should be appointed:

And whereas it is expedient to remove the same, and to provide for the Appointment of the said Officers and Servants:

 And

And whereas an Act was passed in the First Year of the Reign
1 Vict. c. 27. of Her present Majesty, intituled *An Act to make more effectual Provision for the Prevention of Offences by Insane Persons in* Ireland, by which it is, amongst other things, enacted, that if any Person should be discovered and apprehended in *Ireland* under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime for which, if committed, such Person would be liable to be indicted, it should be lawful for any Two Justices of the Peace of the County, County of a City, County of a Town, City or Town, and Liberties, before whom such Person might be brought, to call to their Assistance any legally qualified Physician, Surgeon, or Apothecary; and if upon View and Examination of the said Person so apprehended, or from other Proof, the said Justices should be satisfied that such Person was a dangerous Lunatic or a dangerous Idiot, it should be lawful for the said Justices, by Warrant under their Hands and Seals, to commit such Person to the Gaol of such County, County of a Town, City or Town, and Liberties, there to be kept in strict Custody until or unless such Person should be discharged in manner by the said Act provided:

And whereas the said Act was amended by another Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty,
8 & 9 Vict. c. 107. intituled *An Act for the Establishment of a Central Asylum for Insane Persons charged with Offences in* Ireland; *and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor in* Ireland; *and for appropriating the Lunatic Asylum in the City of* Cork *to the Purposes of a District Lunatic Asylum:*

And whereas it is expedient further to amend the same, and to make other and better Provision for the safe Custody of dangerous Lunatics and dangerous Idiots in *Ireland:*

Be it therefore 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:

Interpretation of Terms.

1. In this Act the Words following shall have the Meanings herein-after assigned to them:

"Lord Lieutenant" shall mean Lord Lieutenant of *Ireland* and the Lords Justices or other Chief Governors or Governor of *Ireland* for the Time being:

"Officer" shall include Resident Medical Superintendent, Consulting and Visiting Physician, Chaplains, Matron, Apothecary, Clerk

Clerk and Storekeeper, Schoolmaster and Schoolmistress of any District Lunatic Asylum, and any Person discharging any Duties in any such Asylum whom the Lord Lieutenant by Order in Council shall so designate.

Power to Lord Lieutenant in Council to determine Staff of Officers and Servants of District Lunatic Asylum.

2. It shall be lawful for the Lord Lieutenant from Time to Time, by Order in Council, to determine the Staff of Male and Female Officers and Servants of any District Lunatic Asylum, and to direct that the same shall be increased, diminished, or altered, as he shall think fit, and to appoint the Salaries and define the Duties of the said Officers and Servants, and to make Rules and Regulations for the Control and Guidance of the said Officers and Servants.

Appointment of Resident Medical Superintendent and Visiting Physician and other Officers and Servants.

3. When any Vacancy happens in the Office of Resident Medical Superintendent of any District Lunatic Asylum in *Ireland* it shall be lawful for the Lord Lieutenant to appoint a Person to fill such Vacancy; and when any Vacancy happens in any other Office in any such Asylum the Governors of the same shall, with the Approval of the Lord Lieutenant, appoint a fit Person to fill the same: Provided that no Person shall be appointed Resident Medical Superintendent or Visiting Physician who is not duly qualified to practise both Medicine and Surgery, and registered as such under the Medical Act, 1858, or any Act amending the same; and the said Governors shall appoint all the Servants necessary for such Asylum; and when any District Lunatic Asylum shall hereafter be established the Officers and Servants of the same shall respectively be appointed in like Manner.

Appointment of certain Officers to be in the first instance probationary only.

4. The Appointment of any Officer by the Governors of any District Lunatic Asylum shall in the first instance be probationary only; and the same shall require to be confirmed by the Governors at a Meeting to be held not sooner than Three nor later than Six Calendar Months from the Date of the probationary Appointment; and every Appointment confirmed by the Governors shall be laid before the Lord Lieutenant for his Approval; and if the Governors shall not, at a Meeting held within the Period of Six Months herein provided, confirm such probationary Appointment, or if they shall at such Meeting refuse to confirm the same, or if the Lord Lieutenant shall refuse to approve of any Appointment so confirmed, and shall notify such Refusal to the Governors, the Officer so appointed shall cease to hold his Office, and the same shall become vacant from the Expiration

Expiration of such Period of Six Months, or from the Date of the Meeting at which the Governors shall so refuse to confirm the Appointment, or from such Notification by the Lord Lieutenant, as the Case may be.

Lord Lieutenant shall appoint Officers in default of Governors.

5. If the Governors of any District Lunatic Asylum shall neglect to appoint any Officer or Servant whom they are empowered to appoint, and who shall be required to complete the Staff for the Time being determined on for any such Asylum, for the Space of Two Calendar Months after they shall have been called upon to make such Appointment by Writing under the Hand of One of the Inspectors of Lunatic Asylums, the Lord Lieutenant shall appoint such Officer.

Tenure of Office of Officers and Servants.

Power to remove Officers.

6. The Resident Medical Superintendent of any District Lunatic Asylum now or hereafter to be appointed shall hold Office during the Pleasure of the Lord Lieutenant; and all other Officers of any District Lunatic Asylum now or hereafter to be appointed may be removed by the Governors of such Asylum with the Approbation of the Lord Lieutenant, and any Servant in any such Asylum may be dismissed by the Governors thereof.

Confirmation of Appointments hitherto made.

7. All Appointments made by the Lord Lieutenant to any Office or Situation in any District Lunatic Asylum in *Ireland* before the passing of this Act shall be valid and effectual.

Superannuation.

8. From and after the passing of this Act it shall be lawful for the Governors of any District Lunatic Asylum, with the Approval of the Inspectors of Lunatics, or One of them, on the Retirement of any Officer or Servant whose whole Time has been devoted to the Service of such Asylum, to direct that any Officer or Servant shall receive such Superannuation Allowances as they shall think proper; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Governors shall proceed according to the Principles laid down by "The Superannuation Act, 1859;" and every such Superannuation Allowance shall be advanced, paid, presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such District Lunatic Asylum: Provided always, that nothing herein contained shall prejudice or affect the Right to Superannuation of any Person employed in any District Lunatic Asylum previous to the passing of this Act.

9. From

9. From and after the First Day of *January* One thousand eight hundred and sixty-eight it shall not be lawful for Two or more Justices to commit to any Gaol in *Ireland* any Person proved to their Satisfaction to be a dangerous Lunatic or dangerous Idiot, anything in the recited Acts to the contrary notwithstanding. No dangerous Lunatic or dangerous Idiot to be committed to any Gaol in Ireland.

10. From and after the First Day of *January* One thousand eight hundred and sixty-eight whenever any Person shall be brought before any Two Justices of any County, County of a City, County of a Town, City or Town, and it shall be proved to their Satisfaction that such Person was discovered and apprehended under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime for which, if committed, such Person would be liable to be indicted, the said Justices shall call to their Assistance the Medical Officer, or, if there be more than One, the nearest available Medical Officer of the Dispensary District in which they shall be at the Time, and if there shall not be any such Medical Officer available, then the nearest available Medical Officer of any neighbouring Dispensary District, who shall examine such Person without Fee or Reward; and if such Medical Officer shall certify that such Person is a dangerous Lunatic or a dangerous Idiot, it shall be lawful for the said Justices, by Warrant under their Hands and Seals, to direct that such Person shall be taken to the Lunatic Asylum established either wholly or in part for the County, County of a City, or County of a Town in which he shall have been apprehended; and every such Person shall remain under Confinement in such Asylum, and be there maintained, in like Manner and subject to the same Conditions as if such Person had been removed from any Gaol to such Asylum by virtue of the Warrant of the Lord Lieutenant under the Provisions of the recited Act of the First Year of Her present Majesty, Chapter Twenty-seven: Provided always, that nothing herein contained shall be construed to restrain or prevent any Relation or Friend from taking such Person under his own Care and Protection if he shall enter into sufficient Recognizance for his or her peaceable Behaviour or safe Custody before Two Justices of the Peace, or the Chairman of the Court of Quarter Sessions of the County in which such Person shall be confined, or One of the Judges of Her Majesty's Superior Courts at *Dublin*. Dangerous Lunatics and dangerous Idiots to be sent to Asylums.

11. Whenever it shall be duly certified by the Resident Medical Superintendent or Visiting Physician of any District Lunatic Asylum that any Person removed to such Lunatic Asylum as aforesaid has become Persons removed to Lunatic Asylums may be dis-

charged on Medical Certificate. 9 & 10 Vict. c. 115. s. 3.

become of sound Mind, or has ceased to be or is not a dangerous Lunatic, or is not a dangerous Idiot, such Person may lawfully be discharged from such Lunatic Asylum without the Order of the Lord Lieutenant, as in the Case of other Lunatic Poor.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.